

**THE FIFE COUNCIL – REGULATION AND LICENSING COMMITTEE - GLENROTHES**

**10th September, 2024**

**9.30 a.m. – 4.20 p.m.**

**PRESENT:** Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Gavin Ellis, Alycia Hayes, Donald Lothian, Lea McLelland, David MacDiarmid, Nicola Patrick, Gordon Pryde and Jonny Tepp.

**ATTENDING:** Kimberley Langley, Solicitor, Gillian Love, Lead Officer, Miscellaneous Licensing and Craig Ritchie, Civic Government Licensing Enforcement Officer all in Finance and Corporate Services; and Sergeant Neil Ewing, Police Scotland (Fife Division).

**APOLOGIES:** Councillors Sean Dillon, Carol Lindsay and Darren Watt.

**137. MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 13th August, 2024.

**Decision**

The Committee approved the Minute.

**138. URGENT BUSINESS**

The Convener advised that in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, he had agreed that the item of business at 139 below be considered as a matter of urgency.

**139. CINEMAS ACT 1985 – VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS – BETWEEN SEPTEMBER AND NOVEMBER 2024**

The Committee considered a report by the Lead Officer, Miscellaneous Licensing on a request to vary licence conditions to allow the theatre to screen non-BBFC certificated films.

**Decision**

The Committee agreed to grant permission to allow the non-BBFC certificated films, as circulated to the Committee, to be shown at the Byre Theatre between September and November 2024.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

140. **APPLICATIONS IN RESPECT OF WHICH COMMENTS HAD BEEN MADE**

The Committee considered applications for licences by the undernoted and, having heard the representative for Police Scotland (Fife Division), the Council's Lead Officer, Miscellaneous Licensing and the Civic Government Licensing Enforcement Officer as well as the applicants and the representative for the applicant at (h) and (i) thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
(a)	Ryan Blaney	Taxi Driver (renewal) 1 year

**Decision**

The Committee agreed to grant the licence with a warning.

(b)	Peter Christensen	Taxi Driver (renewal) 3 year
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**Decision**

The Committee agreed to grant the licence with a warning and requested that the licenceholder re-attend the first available taxi drivers' training course in Fife House, Glenrothes.

(c)	John Deas	Taxi Driver (new application) 1 year
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**Decision**

The Committee agreed to refuse the licence.

(d)	Raymond Galloway	Taxi Driver (new application) 1 year
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**Decision**

The Committee agreed to grant the licence with a warning.

(e)	Gary Gilchrist	Taxi Driver (new application) 1 year
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## 2024.R.L.113

### Decision

The Committee agreed to refuse the licence.

- (f) Shamshad Hussain                      Taxi Driver  
(new application)  
1 year

### Decision

The Committee agreed to grant the licence with a warning.

- (g) Lee Mahady                              Taxi Driver  
(renewal)  
1 year

### Motion

Councillor McLelland, seconded by Councillor Hayes, moved that the licence be granted.

### Amendment

Councillor MacDiarmid, seconded by Councillor Browne, moved, as an amendment, that the licence be granted with a warning.

### Vote

Amendment – 3  
Motion – 7

### Decision

The Committee agreed to grant the licence.

- (h) Mehmet Tarkocin                      Taxi Driver  
(renewal)  
3 year

### Motion

Councillor MacDiarmid, seconded by Councillor Pryde, moved that the licence be refused.

### Amendment

Councillor Hayes, seconded by Councillor Tepp, moved, as an amendment, that the licence be granted with a warning.

### Vote

Amendment – 4  
Motion – 6

**Decision**

The Committee agreed to refuse the licence.

- (i) Peter & Patricia Christensen and Mehmet Tarkocin      Taxi Operator's Licence  
No. T020 – Kirkcaldy Zone  
(renewal)  
3 year

**Motion**

Councillor MacDiarmid, seconded by Councillor Ballantyne-Wardlaw, moved that the licence be refused.

**Amendment**

Councillor Tepp, seconded by Councillor Lothian, moved, as an amendment, that the licence be granted for 1 year with a warning.

**Vote**

Amendment – 3  
Motion – 7

**Decision**

The Committee agreed to refuse the licence.

The applicants had been invited to attend and be represented at the meeting and with the exception of the applicant at (e) above, were all present and heard. Mehmet Tarkocin was represented by his solicitor, Asif Hussain, Glasgow.

Consideration of the applications at (c) and (e) above was continued from the meeting held on 13th August 2024.

The warning given to the applicants at (a), (b), (d) and (f) above was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

The reason for refusal of the applications at (c), (e), (h) and (i) above was that the applicants were not considered to be fit and proper persons to hold the licences applied for in view of the nature and extent of previous convictions/offences recorded against them or due to previous incidents they had been involved in.

*(Councillor Ellis left the meeting following consideration of the application at (d) above).*

141. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE**

The Committee considered exercising power of suspension under paragraph 11 of Schedule 1 to the above Act in respect of the undernoted licence, and, having heard the Council's Civic Government Licensing Enforcement Officer as well as the licenceholder and his representative thereon, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
Mehmet Tarkocin	Private Hire Operator's Licence No. P015 – Kirkcaldy Zone Expiry Date: 7 December 2024

Motion

Councillor MacDiarmid, seconded by Councillor Pryde, moved that the licence be suspended.

Amendment

Councillor Lothian, seconded by Councillor Tepp, moved, as an amendment, that the licence should not be suspended.

Vote

Amendment – 3  
Motion – 7

Decision

The Committee agreed to suspend the licence for a period of four weeks.

The licenceholder had been invited to attend and be represented at the meeting. He was present, heard and represented by his solicitor, Asif Hussain, Glasgow.

The grounds for suspension were that the licenceholder was no longer considered to be a fit and proper person to hold the licence and the carrying on of the licensed activity was causing, or was likely to cause, a threat to public safety.

*(Councillor McLelland left the meeting following consideration of the above matter).*

142. **OPPOSED APPLICATION**

The Committee considered application for licence by the undernoted in respect of which police objections had been intimated and dealt with the application as shown:-

## 2024.R.L.116

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
Lucas Cudworth	Taxi Driver (new application) 1 year

### Decision

The Committee agreed to refuse the licence.

The above applicant had been invited to attend and be represented at the meeting but was not in attendance.

Consideration of the above application was continued from the meeting held on 13th August 2024.

The reason for refusal of the above application was that the applicant was not considered to be a fit and proper person to hold the licence applied for in view of the nature and extent of previous convictions recorded against him.

### 143. **EXCLUSION OF PUBLIC AND PRESS**

The Committee resolved, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public and press from the meeting for the items of business below on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 7A to the Act.

### 144. **APPLICATIONS IN RESPECT OF WHICH POLICE COMMENTS HAD BEEN MADE**

The Committee considered applications for licences by the undernoted and, having heard the representative for Police Scotland (Fife Division) and the applicants thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(a)	Paul Irvine	Second Hand Dealer for premises at 259-261 High Street, Leslie selling miscellaneous items Monday – Saturday 9.00am – 5.00pm (new application) 3 year

### Decision

The Committee agreed to grant the licence and requested that the Council's Civic Government Licensing Enforcement Officer carry out a random inspection of the premises within the duration of the licence.

**2024.R.L.117**

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(b)	Ajmal Maroofkhail	Taxi Driver (new application) 1 year

**Decision**

The Committee agreed to refuse the licence.

(c)	Shaun Wilson	Taxi Driver (new application) 1 year
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**Decision**

The Committee agreed to grant the licence with a warning.

The applicants had been invited to attend and be represented at the meeting. The applicants at (a) and (c) were present and heard. The applicant at (b) was not in attendance.

The reason for refusal of the application at (b) above was that the applicant was not considered to be a fit and proper person to hold the licence applied for in view of the nature and extent of a previous incident he had been involved in.

**145. OPPOSED APPLICATION**

The Committee considered application for licence by the undernoted in respect of which police objections had been intimated and dealt with the application as shown:-

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
	Drew McIntosh	Taxi Driver (new application) 1 year

**Decision**

The Committee agreed to refuse the licence.

The above applicant and objector had been invited to attend and be represented at the meeting. The applicant was not in attendance.

Consideration of the above application was continued from the meeting held on 13th August 2024.

The reason for refusal of the above application was that the applicant was not considered to be a fit and proper person to hold the licence applied for in view of the nature and extent of previous convictions recorded against him.

**2024.R.L.118**

**146. CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCES**

The Committee considered exercising power of suspension under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 in respect of the undernoted licences, and, having heard the representative for Police Scotland (Fife Division) and the licenceholder and his representative thereon, dealt with the licences as shown:-

	<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
(a)	Scrap a Car Scotland.com Ltd	Second Hand Dealer 993/0048184 Expiry Date: 20 August 2026

**Decision**

The Committee agreed not to suspend the licence.

(b)	Scrap a Car Scotland.com Ltd	Metal Dealer 53/0048340 Expiry Date: 20 August 2026
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**Decision**

The Committee agreed not to suspend the licence.

The licenceholders at (a) and (b) above had been invited to attend and be represented at the meeting. Lindsay Craft was present, heard and represented by Dewar Spence, Solicitor, Leven.

Consideration of the matters at (a) and (b) above was continued from the meeting held on 13th August 2024.

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