

Council Chamber, Fife House, Glenrothes
Tuesday, 10th November, 2020 - 9.30 a.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE.**
2. **DECLARATIONS OF INTEREST.**
3. **MINUTE** - Minute of Meeting of the Regulation and Licensing Committee of 15th September, 2020. 5 - 11

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

4. **APPLICATIONS IN RESPECT OF WHICH COMMENTS HAVE BEEN MADE** – Consideration of applications for licences by the undernoted in respect of which comment has been made, and, in terms of Schedule 1 to the above Act, to hear the applicants, or their representatives, in support of the applications:

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(i)	Mr. Aaron Anderson, 155 Blackcraigs, Kirkcaldy.	Taxi Driver (new application)	1 year
(ii)	Mr. Sean Canning, 388 Megginch Place, Glenrothes.	Taxi Driver (new application)	1 year
(iii)	Mrs. Monica Connor, 35 Torbeith Gardens, Hill of Beath.	Taxi Driver (new application)	1 year
(iv)	Mr. Tapan Das, 55 Gilfillan Road, Dunfermline.	Taxi Driver (renewal)	3 year
(v)	Mr. Shaun Duncan, 10 Daisy Grove, Methilhill.	Taxi Driver (temp. application)	6 weeks
(vi)/			

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(vi)	Mr. Bakhteyar Fatah, 8 Lorimer Street, Dundee.	Taxi Driver (renewal)	3 year
(vii)	Dr. Saleh Gadalla, G/1 102 Dunholm Road, Dundee.	Taxi Driver (new application)	1 year
(viii)	Mr. Robert McKay, 1 Dyke Neuk, Leven.	Taxi Driver (renewal)	1 year
(ix)	Mr. Sirdar Mohammed, 67 Braemar Gardens, Glenrothes.	Taxi Driver (renewal)	3 year
(x)	Mr. Craig Nicoll, 7 Anderson Drive, Balmullo.	Taxi Driver (renewal)	3 year
(xi)	Mr. Tony Pirouet, 29 Robertson Road, Dunfermline.	Taxi Driver (new application)	1 year
(xii)	Mr. Alexander Rattray, 3 Mid Road, Kinghorn.	Taxi Driver (new application)	1 year
(xiii)	Mr. Hameed Uddin, 106 Middlebank Street, Rosyth.	Taxi Driver (new application)	1 year
(xiv)	Mr. Kevin White, 12 Ashgrove Terrace, Kinglassie.	Taxi Driver (new application)	1 year

N.B. The applicants and those making representation have been invited to attend and be represented at the meeting.

- 5. OPPOSED APPLICATIONS** - Consideration of applications for licences by the undernoted in respect of which police objections have been lodged, and, in terms of Schedule 1, paragraph 4(2) to the above Act, to hear the objector and the applicants thereon:

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(i)	Mr. Nazim Ali, Marve Cottage, Jordan Lane, Kennoway.	Second Hand Dealer selling used vehicles from Arc car wash, Glenlyon Road/Hawkslaw Road, Leven Monday – Saturday 9.00 am – 6.00 pm (new application)	3 year

(ii)/

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(ii)	Mrs. Jacqueline Farrell, 97 Cairns Street East, Kirkcaldy.	Taxi Driver (new application)	1 year

N.B. The applicants have been invited to attend and be represented at the meeting.

- 6. CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE** - The Committee is asked to consider exercising power of suspension under paragraph 11 of Schedule 1 to the above Act in respect of the undernoted licence, and, in terms of sub-paragraph (7) of said paragraph 11 to afford the licenceholder an opportunity to be heard. The Council's Civic Government Licensing Enforcement Officer will report.

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
Mr. Scott Buchan, 101 Parkside Street, Rosyth.	Taxi Driver 2460/0041105 Expiry Date: 20 December, 2022

THE FOLLOWING APPLICATIONS ARE LIKELY TO BE CONSIDERED IN PRIVATE – IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

- 7. APPLICATIONS IN RESPECT OF WHICH POLICE COMMENTS HAVE BEEN MADE** - Consideration of applications for licences by the undernoted in respect of which Police Scotland (Fife Division) has made comment, and, in terms of Schedule 1 to the Civic Government (Scotland) Act 1982, to hear the applicants or their representatives in support of the applications:

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(i)	Mr. Allan Cunningham, 2A Smallholding, Standing Stane Road, Kirkcaldy.	Street Trader selling fast food from North Lodge Caravan Park, Kirkcaldy 7 days from 8.00 am – 2.00 pm (renewal)	3 year
(ii)	Mr. William Lawson, 63 Eagle Road, Buckhaven.	Taxi Driver (renewal)	3 year
(iii)	Mr Scott Connelly, 66 Balgowan Avenue, Dundee.	Window Cleaner (renewal)	3 year

N.B. The applicants and those making representation have been invited to attend and be represented at the meeting.

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8. **OPPOSED APPLICATION** - Consideration of application for licence by the undernoted in respect of which a police objection has been lodged, and, in terms of Schedule 1, paragraph 4(2) to the Civic Government (Scotland) Act 1982, to hear the objector and the applicant thereon:

<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
Mr. Alexander Forootan, 32E Constitution Street, Dundee.	Taxi Driver (new application)	1 year

N.B. The applicant has been invited to attend and be represented at the meeting.

9. **URGENT BUSINESS** - Any other items which the Chair decides are urgent.

Eileen Rowand,
Executive Director,
Finance and Corporate Services,
Fife House,
North Street,
Glenrothes,
Fife, KY7 5LT

4th November, 2020

If telephoning please ask for:-

Gillian Love, Committee Administrator, Fife House, Glenrothes

Telephone: 03451 555555; Ext. 442170 or E-mail - gillian.love@fife.gov.uk

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THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

15th September, 2020

9.30 a.m. – 12.45 p.m.

PRESENT: Councillors Carol Lindsay (Convener), Alistair Cameron, Bill Connor, John Docherty, Mick Green, Garry Haldane, Gordon Langlands, Lea McLelland, David MacDiarmid, Dominic Nolan, Graham Ritchie and Ryan Smart.

ATTENDING: Kimberley Langley, Solicitor, Gillian Love, Committee Administrator and Craig Ritchie, Licensing Enforcement Officer all in Finance and Corporate Services; and Sergeant Gordon Hood, Police Scotland (Fife Division).

APOLOGIES: Councillors David Graham and Jane Ann Liston.

348. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 18th August, 2020.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

349. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

The Council's Committee Administrator reported to the Committee that a decision was taken by the Executive Director, Finance & Corporate Services using the powers given to her under Section 2 of the Council's List of Officer Powers 'Emergencies and Cases of Urgency' to suspend a taxi/private hire car driver's licence with immediate effect under paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982 having advised the Convener and Vice-Convener of the Committee of this decision. The decision was taken as information had been received which had to be considered prior to this meeting of the Committee.

Decision

The Committee noted that a taxi/private hire car driver's licence had been suspended with immediate effect.

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350. **APPEAL TO SHERIFF – HOUSE IN MULTIPLE OCCUPATION LICENCE**

(Previous Minute Reference: para. 312(ii) of 2019.R.L.298 refers)

Decision

The Committee, after hearing the Council's Committee Administrator thereon, noted that the appeal lodged with the Sheriff by Giovanni Valente, against the decision on 30th September, 2019 to refuse the grant of a House in Multiple Occupation licence for 2 Livingstone Crescent, St. Andrews, had been unsuccessful, the Committee's decision upheld and the licence had been refused.

351. **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) or the Council's Committee Administrator as well as the applicants thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(a)	Mr. Craig Daly, 120 Station Road, Thornton.	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence with a warning.

(b)	Mr. John Hancock, 12 Kinnarchie Crescent, Methil.	Taxi Driver (renewal) 1 year
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Decision

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

(c)	Mr. Luke Lindsay, 91 Small Street, Lochgelly.	Taxi Driver (new application) 1 year
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Motion

Councillor Ryan Smart, seconded by Councillor Mick Green, moved that the licence be granted with a warning.

Amendment

Councillor Alistair Cameron, seconded by Councillor Graham Ritchie, moved, as an amendment, that the licence be refused.

Vote

Amendment - 6
Motion - 6

The Convener exercised her casting vote in favour of the Motion.

Decision

The Committee agreed to grant the licence with a warning.

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| (d) | Mr. Muhammad Rafique,
49 Queen Margaret Drive,
Glenrothes. | Taxi Driver
(renewal)
3 year |
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Decision

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

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| (e) | Mr. Ryan Skinner,
5 Charles Way,
Limekilns. | 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 and with the exception of the applicant at (c) above were all present and heard.

Consideration of the applications at (a), (c) and (e) above was continued from the meeting held on 18th August, 2020.

The warning given to all of the above applicants was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

352. 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 following items of business 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.

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353. **CONSIDERATION OF POSSIBLE SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVERS' LICENCES**

The Committee considered exercising its 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), the licenceholders and/or their representative thereon, dealt with the licences as shown:

	<u>Licenceholder</u>	<u>No. of Licence & Expiry Date</u>
(a)	Mr James Cunningham, 73 Headwell Avenue, Dunfermline.	2636/0039228 Expiry Date: 20 March, 2022

Motion

Councillor Ryan Smart, seconded by Councillor Garry Haldane, moved that the licence should not be suspended.

Amendment

Councillor Graham Ritchie, seconded by Councillor Lea McLelland, moved, as an Amendment, that the licence be suspended.

Vote

Amendment	-	5
Motion	-	6

Decision

The Committee agreed not to suspend the licence.

(b)	Mr Gurmit Singh, 18 Haig Crescent, Dunfermline.	2537/0037148 Expiry Date: 5 July, 2021
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Decision

The Committee agreed to suspend the licence until 5th July, 2021. This being the unexpired portion of the duration of the licence. Thereafter, the Committee also decided that the licence should be suspended with immediate effect.

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The licenceholders had both been invited to attend and be represented at the meeting and both were all present and heard.

Consideration of the matter at (a) above was continued from the meeting held on 18th August, 2020.

The grounds for suspension of the licence at (b) above were that (i) the licenceholder was no longer considered to be a fit and proper person to hold the licence; and (ii) the carrying on of the activity to which the licence related was likely to cause a threat to public safety.

354. **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)	Mr Mohammad Chowdhury, 136 High Street, Kinross.	Taxi Driver (renewal) 1 year

Decision

The Committee agreed to refuse the licence.

(b)	Mr Callum Henson, 32 Kelso Place, Kirkcaldy.	Taxi Driver (new application) 1 year
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Motion

Councillor Ryan Smart, seconded by Councillor Graham Ritchie, moved that the licence be refused.

Amendment

Councillor Dominic Nolan, seconded by Councillor Lea McLelland, moved, as an amendment, that the licence be granted with a warning.

Vote/

Vote

Amendment - 7
Motion - 5

Decision

The Committee agreed to grant the licence with a warning.

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| (c) | Mr Alan Mowbray,
45 Nethergate North,
Crail. | Taxi Driver
(new application)
1 year |
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Motion

Councillor Garry Haldane, seconded by Councillor Dominic Nolan, moved that the licence be granted.

Amendment

Councillor Lea McLelland, seconded by Councillor Carol Lindsay, moved, as an amendment that the licence be granted with a warning.

Vote

Amendment - 6
Motion - 6

The Convener exercised her casting vote in favour of the Amendment.

Decision

The Committee agreed to grant the licence with a warning.

The applicants had been invited to attend and be represented at the meeting and with the exception of the applicant at (a) above were all present and heard.

Consideration of all the above applications was continued from the meeting held on 18th August, 2020.

The warning given to the applicants at (b) and (c) 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 application at (a) above was that the applicant was no longer considered a fit and proper person to hold the licence applied for due to an incident he had been involved in.

355. **OPPOSED APPLICATION**

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

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
Mr. Kevin Braid, 11 The Barony, East Wemyss.	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

The 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 18th August, 2020.

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 and due to incidents he had been involved in.
