

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

10th November, 2020

9.30 a.m. – 2.45 p.m.

PRESENT: Councillors Ryan Smart (Convener), Bill Connor, John Docherty, Mick Green, Garry Haldane, Zoe Hisbent, Lea McLelland, David MacDiarmid, Dominic Nolan and Graham Ritchie.

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 Alistair Cameron, David Graham, Gordon Langlands, Carol Lindsay and Jane Ann Liston.

356. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 15th September, 2020

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

357. 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. Aaron Anderson, 155 Blackcraigs, Kirkcaldy.	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence with a warning.

(b)/

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(b)	Mr. Sean Canning, 388 Megginch Place, Glenrothes.	Taxi Driver (new application) 1 year

Decision

The Committee agreed to continue consideration of the above application to afford the applicant an opportunity to withdraw his application for a taxi driver's licence.

(c)	Mrs. Monica Connor, 35 Torbeith Gardens, Hill of Beath.	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(d)	Mr. Tapan Das, 55 Gilfillan Road, Dunfermline.	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.

(e)	Mr. Shaun Duncan, 10 Daisy Grove, Methilhill.	Taxi Driver (temp. application) 6 weeks
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Decision

The Committee noted that the above application had now been withdrawn.

(f)	Mr. Bakhteyar Fatah, 8 Lorimer Street, Dundee.	Taxi Driver (renewal) 3 year
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Decision

The Committee agreed to grant the licence with a warning.

(g)/

2020.R.L.341

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(g)	Dr. Saleh Gadalla, G/1 102 Dunholm Road, Dundee.	Taxi Driver (new application) 1 year

Motion

Councillor David MacDiarmid, seconded by Councillor Mick Green, moved that the licence be granted with a warning subject to the applicant attending a driving assessment prior to the licence being granted.

Amendment

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

Vote

Amendment	-	8
Motion	-	2

Decision

The Committee agreed to grant the licence with a warning.

(h)	Mr. Robert McKay, 1 Dyke Neuk, Leven.	Taxi Driver (renewal) 1 year
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Motion

Councillor Mick Green, seconded by Councillor Graham Ritchie, moved that the licence be granted and requested that the applicant attend the first available taxi drivers' training course at Fife House, Glenrothes.

Amendment

Councillor Garry Haldane, seconded by Councillor Lea McLelland, moved, as an amendment, that the licence be granted with a warning and requested that the applicant attend the first available taxi drivers' training course at Fife House, Glenrothes.

Vote/

Vote

Amendment - 7
Motion - 3

Decision

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

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| (i) | Mr. Sirdar Mohammed,
67 Braemar Gardens,
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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| (j) | Mr. Craig Nicoll,
7 Anderson Drive,
Balmullo. | Taxi Driver
(renewal)
3 year |
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Decision

The Committee agreed to grant the licence with a warning.

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| (k) | Mr. Tony Pirouet,
29 Robertson Road,
Dunfermline. | Taxi Driver
(new application)
1 year |
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Motion

Councillor Lea McLelland, seconded by Councillor Garry Haldane, moved that the licence be granted with a warning.

Amendment

Councillor David MacDiarmid, seconded by Councillor Mick Green, moved, as an amendment, that the licence be granted.

Vote

Amendment - 5
Motion - 5

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

Decision/

Decision

The Committee agreed to grant the licence.

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| (l) | Mr. Alexander Rattray,
3 Mid Road,
Kinghorn. | Taxi Driver
(new application)
1 year |
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Decision

The Committee noted that the above application had now been withdrawn.

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| (m) | Mr. Hameed Uddin,
106 Middlebank Street,
Rosyth. | Taxi Driver
(new application)
1 year |
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Decision

The Committee agreed to grant the licence.

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| (n) | Mr. Kevin White,
12 Ashgrove Terrace,
Kinglassie. | Taxi Driver
(new application)
1 year |
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Decision

The Committee agreed to continue consideration of the above application to its next meeting to afford the applicant a further opportunity to appear.

The applicants had been invited to attend and be represented at the meeting and with the exception of the applicants at (b), (e), (l) and (n) above were all present and heard.

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

(Prior to consideration of the application at (c) above, Councillor Lea McLelland declared an interest in this item, as she was known to the applicant, and left the meeting for this item only).

358. **OPPOSED APPLICATIONS**

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

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
(a) 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

Motion

Councillor Garry Haldane, seconded by Councillor John Docherty, moved that the licence be granted with a warning.

Amendment

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

Vote

Amendment	- 2
Motion	- 8

Decision

The Committee agreed to grant the licence with a warning.

(b) Mrs. Jacqueline Farrell, 97 Cairns Street East, Kirkcaldy.	Taxi Driver (new application) 1 year
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Motion

Councillor Graham Ritchie, seconded by Councillor Dominic Nolan, moved, that the licence be refused.

Amendment

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

Vote/

Vote

Amendment - 5
Motion - 5

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

Decision

The Committee agreed to refuse the licence.

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

The warning given to the applicant at (a) 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 (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 previous convictions recorded against her.

359. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE**

The Committee considered exercising its 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 and the licenceholder's representative thereon, dealt with the licence as shown:

<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

Decision

The Committee agreed not to suspend the licence.

The licenceholder had been invited to attend and be represented at the meeting. He was present and represented by his Solicitor, Jonny Nisbet, Edinburgh.

William Myron, Jason Griffin and Joanne Ross, all taxi drivers, were present and heard in support of their statements given to the Enforcement Officer which was part of his report.

360. 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.

361. 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. 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

Decision

The Committee agreed to grant the licence.

(b) Mr. William Lawson, 63 Eagle Road, Buckhaven.	Taxi Driver (renewal) 3 year
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Decision

The Committee noted that the above licence was granted under delegated powers as the Police representation had been withdrawn.

(c) Mr Scott Connelly, 66 Balgowan Avenue, Dundee.	Window Cleaner (renewal) 3 year
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Decision

The Committee agreed to grant the licence.

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

362. **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. Alexander Forootan, 32E Constitution Street, Dundee.	Taxi Driver (new application) 1 year

Decision

The Committee noted that the above application had now been withdrawn.

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