

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

5th December, 2023

9.30 a.m. – 5.30 p.m.

PRESENT: Councillors Tom Adams (Convener), Patrick Browne, Alycia Hayes, Carol Lindsay, Donald Lothian, David MacDiarmid, Julie MacDougall, John O'Brien, Nicola Patrick, Gordon Pryde, Jonny Tepp and Darren Watt.

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 and Gavin Ellis.

67. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 3rd October, 2023.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

68. CINEMAS ACT 1985 - VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS - 31 JANUARY 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 a non-BBFC certificated film.

Decision

The Committee agreed to grant permission to allow a non-BBFC certificated film to be shown in the Byre Theatre on 31 January 2024.

69. APPEAL TO SHERIFF - TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE
(Previous Minute Reference: para. 3 of 2023.R.L.1 refers)

Decision

The Committee, after hearing the Council's Lead Officer, Miscellaneous Licensing thereon, noted that the Appeal lodged with the Sheriff by Sam Green, against the decision on 1st November, 2022 to refuse his application for renewal of his taxi/private hire car driver's licence had been successful, the Committee's decision was not upheld and the licence had now been granted.

70. **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 applicants thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(a)	Arfhan Arshed	Taxi Driver (new application) 1 year

Motion

Councillor MacDiarmid, seconded by Councillor Lindsay, moved that the licence be granted with a warning and requested that further information be submitted prior to the granting of the licence.

First Amendment

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

Second Amendment

Councillor Lothian, seconded by Councillor Tepp, moved, as a further amendment, that the application be refused.

Vote

Second Amendment – 2
First Amendment – 2
Motion - 7

The First and Second Amendments fell.

Decision

The Committee agreed to grant the licence with a warning and requested that further information be submitted prior to the granting of the licence.

(b)	George Campbell	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.

2023.R.L.56

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(c)	William Campbell	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence.

(d)	Stuart Dalgarno	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

(e)	Yakup Emre	Taxi Driver (new application) 3 year
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Motion

Councillor O'Brien, seconded by Councillor MacDougall, moved that the licence be granted.

Amendment

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

Vote

Amendment – 5

Motion – 7

Decision

The Committee agreed to grant the licence.

(f)	Hamid Khan	Taxi Driver (new application) 1 year
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Motion

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

2023.R.L.57

Amendment

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

Vote

Amendment – 7

Motion – 4

Decision

The Committee agreed to grant the licence with a warning.

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| (g) | James Lyle | Taxi Driver
(renewal)
3 year |
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Motion

Councillor Watt, seconded by Councillor MacDougall, moved that the licence be granted.

Amendment

Councillor Patrick, seconded by Councillor Lindsay, 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 in Fife House, Glenrothes.

Vote

Amendment – 8

Motion – 4

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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| (h) | Robbie McPhail | Taxi Driver
(new application)
1 year |
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Decision

The Committee agreed to refuse the licence.

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| (i) | Hashim Mohyidin | Taxi Driver
(renewal)
3 year |
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2023.R.L.58

Motion

Councillor MacDiarmid, seconded by Councillor Hayes, moved that the licence be granted with a warning and requested that the applicant attend and pass a driving assessment prior to the issue of the licence.

Amendment

Councillor Lindsay, seconded by Councillor O'Brien, moved, as an amendment, that the application be refused.

Vote

Amendment – 2
Motion – 9

Decision

The Committee agreed to grant the licence with a warning and requested that the applicant attend and pass a driving assessment prior to the issue of the licence.

- (j) Seremaia Sovinasalevu Taxi Driver
(new application)
1 year

Decision

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

- (k) Robert Starkie Taxi Driver
(new application)
1 year

Decision

The Committee agreed to grant the licence with a warning.

- (l) Ahmad Tauseef Taxi Driver
(new application)
3 year

Decision

The Committee agreed to grant the licence with a warning.

- (m) Iwona Wlodarczyk Taxi Driver
(new application)
1 year

2023.R.L.59

Motion

Councillor MacDiarmid, seconded by Councillor Patrick, moved that the licence be granted with a warning.

Amendment

Councillor Lindsay, seconded by Councillor O'Brien, moved, as an amendment, that the licence be refused.

Vote

Amendment – 2

Motion – 10

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 applicants at (b), (h) and (j) were all present and heard. The applicant at (i) was supported by his wife, Natasha.

Consideration of the application at (h) above was continued from the meeting held on 3rd October, 2023.

The warning given to the applicants at (a), (d), (f), (g), (i), (k), (l) and (m) 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 (h) 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 conviction recorded against him.

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

71. **OPPOSED APPLICATIONS**

The Committee considered applications for licences by the undernoted in respect of which police objections had been intimated and, having heard the representative for Police Scotland (Fife Division), the Council's Lead Officer, Miscellaneous Licensing and the applicant at (a) thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(a)	Brogan Paterson	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence with a warning.

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| (b) | Paddy Queen | 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 at his request.

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

Consideration of the application at (b) above was continued from the meeting held on 3rd October, 2023.

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.

72. 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 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.

73. 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 & Period of Licence Applied For</u> |
|-----|-----------------------|---|
| (a) | Christopher Henderson | Taxi Driver
(renewal)
1 year |

Decision

The Committee agreed to grant the licence.

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| (b) | Darren Lewis | Taxi Driver
(new application)
1 year |
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2023.R.L.61

Decision

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

- (c) Thomas McIntyre Taxi Driver
(new application)
1 year

Decision

The Committee agreed to grant the licence with a warning.

- (d) Michael Minick Taxi Driver
(new application)
1 year

Decision

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

- (e) Muhammad Mohsin Taxi Driver
(renewal)
1 year

Decision

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

- (f) Edward Rutherford Taxi Driver
(new application)
1 year

Decision

The Committee agreed to grant the licence with a warning.

- (g) Scott Smith Taxi Driver
(new application)
1 year

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 applicants at (b), (d) and (e) were all present and heard.

2023.R.L.62

Consideration of the application at (d) above was continued from the meeting held on 3rd October, 2023.

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

74. **OPPOSED APPLICATIONS**

The Committee considered applications for licences by the undernoted in respect of which police objections had been intimated and, having heard the representative for Police Scotland (Fife Division), the Council's Lead Officer, Miscellaneous Licensing and the applicants at (a), (c), (d), (e) and (f) thereon, dealt with the applications as shown:-

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(a)	D&S Car Sales Ltd	Second Hand Dealer for premises at Units B3-4 West Burnmill Industrial Estate, Burnmill Road, Leven. Selling second hand cars, Monday – Saturday 9 am- 5 pm (new application) 3 year

Decision

The Committee agreed to grant the licence.

(b)	Alana Byers	Skin Piercing & Tattooing for premises at The Lodge House, Priory Lane, Dunfermline. Carrying on the business of tattooing, 7 days a week from 9 am – 9 pm (new application) 3 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, at her request.

(c)	Jenel Reid	Skin Piercing & Tattooing for premises at The Old Fire Station, Castle Road, Rosyth. Carrying on the business of tattooing on Saturdays only (new application) 3 year
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2023.R.L.64

The applicants and objector 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.

The warning given to the applicants at (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 application at (e) 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 him as well as an incident he had been involved in.

(Councillor O'Brien left the meeting prior to discussion of the application at (b) above).

(Councillor Hayes left the meeting prior to discussion of the application at (e) above).
