

**Council Chamber, Fife House, Glenrothes  
Tuesday, 18th May, 2021 - 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 10th November, 2020. 5 -13

## CIVIC GOVERNMENT (SCOTLAND) ACT 1982

4. **SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE** - To report to the Committee that a decision was taken by the Executive Director, Finance and Corporate Services using the powers given to her under Section 2 of the Council's List of Officer Powers 'Emergencies and Cases of Urgency' in consultation with the Convener of the Committee, to suspend a taxi driver's licence with immediate effect under paragraph 12 of Schedule 1 to the above Act. This decision was taken as information had been received and had to be considered prior to this meeting of the Committee.
5. **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. Robert Byers, 36 Laurel Crescent, Kirkcaldy.	Taxi Driver <b>(renewal)</b>	1 year
(ii)	Mr. Alister Cumming, Sherwood Cottage, Farnell, Brechin.	Taxi Driver <b>(new application)</b>	1 year
(iii)	Mr. Travis Davidson, 21 Colton Court, Dunfermline.	Taxi Driver <b>(new application)</b>	1 year
(iv)/			

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(iv)	Mr. Ryan Dickson, 75 Mellerstain Road, Kirkcaldy.	Taxi Driver <b>(renewal)</b>	1 year
(v)	Mr. Mark Gorgon, 21 Henderson Terrace, Leuchars.	Taxi Driver <b>(new application)</b>	1 year
(vi)	Mr. Steffan Hunter, 5 Ardgowan Place, Leven.	Taxi Driver <b>(new application)</b>	1 year
(vii)	Mr. Arturas Iesmantas, 26 Clay Acres Court, Dunfermline.	Taxi Driver <b>(new application)</b>	1 year
(viii)	Mr. Evelin Kunchev, 92 Pittencrieff Street, Dunfermline.	Taxi Driver <b>(new application)</b>	1 year
(ix)	Mr. Craig Morris, 5 Birrell Drive, Dunfermline.	Taxi Driver <b>(new application)</b>	1 year
(x)	Mr. Arshdeep Singh, 16 Rothes Park, Leslie.	Taxi Driver <b>(new application)</b>	1 year
(xi)	Mr. Michael Winston, 52 Lomond Crescent, Dunfermline.	Taxi Driver <b>(renewal)</b>	1 year

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

- 6. 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 above Act, to hear the objector and the applicant thereon:

<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
Mr. John Duncan, 49 Meadowfield, Dalgety Bay.	Window Cleaner <b>(new application)</b>	1 year

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

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

7. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE** - The Committee is asked to consider exercising power of suspension under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 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 representative for Police Scotland (Fife Division) will report.

<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
Mr. Sirfraz Mohammad, 67 Braemar Gardens, Glenrothes.	Taxi Driver 8853/0040981 <b>Expiry Date: 10 December, 2022</b>

8. **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. Barry Arnot, 32 Thomson Place, Rosyth.	Taxi Driver <b>(renewal)</b>	3 year
(ii)	Mr. Ethelbert Cowe, The Flat, 6 Woodburn Road, Ceres.	Taxi Driver <b>(renewal)</b>	1 year
(iii)	Miss Danielle Martin, 56 School Drive, Glenrothes.	Taxi Driver <b>(new application)</b>	1 year
(iv)	Mr. Robert Sim, 23 Aitken Court, Leven.	Taxi Driver <b>(renewal)</b>	1 year
(v)	Miss Shona Stewart, 17 Skye Road, Dunfermline.	Taxi Driver <b>(renewal)</b>	1 year

**N.B. The applicants and those making representation have 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

12th May, 2021

If telephoning please ask for:-

Gillian Love, Lead Officer, Miscellaneous Licensing, Fife House, Glenrothes

Telephone: 03451 555555; Ext. 442170 or E-mail - [gillian.love@fife.gov.uk](mailto:gillian.love@fife.gov.uk)

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**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 &amp; 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 &amp; 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)/

	<u>Applicant</u>	<u>Activity &amp; 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,<br>67 Braemar Gardens,<br>Glenrothes. | Taxi Driver<br>(renewal)<br>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,<br>7 Anderson Drive,<br>Balmullo. | Taxi Driver<br>(renewal)<br>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,<br>29 Robertson Road,<br>Dunfermline. | Taxi Driver<br>(new application)<br>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,<br>3 Mid Road,<br>Kinghorn. | Taxi Driver<br>(new application)<br>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,<br>106 Middlebank Street,<br>Rosyth. | Taxi Driver<br>(new application)<br>1 year |
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**Decision**

The Committee agreed to grant the licence.

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| (n) | Mr. Kevin White,<br>12 Ashgrove Terrace,<br>Kinglassie. | Taxi Driver<br>(new application)<br>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 &amp; 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./

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.

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