

**Council Chamber, Fife House, Glenrothes
Tuesday, 17th August 2021 - 9.30 a.m.**

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE.**
2. **DECLARATIONS OF INTEREST.**
3. **CHANGE OF MEMBERSHIP** – Members are asked to note that Councillor Gavin Ellis has replaced Councillor Dominic Nolan as a member of the Committee.
4. **MINUTE** - Minute of Meeting of the Regulation and Licensing Committee of 22nd June, 2021. 5 - 10

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

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>
(D)	(i) Mr. Muhammad Arif	Taxi Driver (new application)	1 year
	(ii) Mr. David Blyth	Taxi Driver (new application)	1 year
(D)	(iii) Mr. Stewart George Couper	Taxi Driver (new application)	1 year
	(iv) Mr. Michael Cunningham	Taxi Driver (renewal)	3 year
	(v) Mr. Gary Foy	Taxi Driver (new application)	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(D)	(vi) Mr. Arturas Iesmantas	Taxi Driver (new application)	1 year
	(vii) Mr. Michael Lundon	Taxi Driver (renewal)	1 year
	(viii) Mr. Shaun McLaren	Taxi Driver (new application)	1 year
	(ix) Mr. Kevin McNicoll	Taxi Driver (renewal)	3 year
	(x) Mr. Arkadiusz Rogulski	Taxi Driver (new application)	1 year
(D)	(xi) Mr. Arshdeep Singh	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.

(D) Deferral - Consideration of the applications at (i), (iii), (vi) and (xi) above is continued from the meeting held on 22nd June, 2021.

THE FOLLOWING APPLICATIONS AT ITEMS 6 – 8 ARE LIKELY TO BE CONSIDERED IN PRIVATE – IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

6. 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 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. James Campbell	Taxi Driver (new application)	1 year
(ii)	Mr. Bradley Ovenstone	Taxi Driver (new application)	1 year
(iii)	Mr. Mehmet Tarkocin	Private Hire Operator – Kirkcaldy Zone (new application)	1 year

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

7. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCES** - 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 licences, and, in terms of sub-paragraph (7) of said paragraph 11 to afford the licenceholders an opportunity to be heard. The representative for Police Scotland (Fife Division) or the Council's Civic Government Licensing Enforcement Officer will report.

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
Mr. Jason Clarke	Taxi Driver 1829/0038826 Expiry Date: 25 March, 2022
Mr Mehmet Tarcokin	Taxi Driver 9174/0043215 Expiry Date: 16 February, 2024

8. **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. Dillon McEwen	Street Trader trading in hot & cold food & drinks at King George V Playing Fields Car Park, Leven Thursday & Friday 5.00pm – 10.00 pm & Saturday & Sunday from 12.00 pm – 10.00 pm (new application)	1 year
(D)	(ii) Mr John Kay	Taxi Driver (new application)	1 year

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

(D) Deferral - Consideration of the application at (ii) above is continued from the meeting held on 22nd June, 2021.

9. **APPLICATION IN RESPECT OF WHICH A REPRESENTATION HAS BEEN MADE** - Consideration of application for licence by the undernoted in respect of which representations have been received, and, in terms of Schedule 4, paragraph 7 to the Housing (Scotland) Act 2006 to hear the applicants, or their representatives, in support of the application as well as those making representation to the application:

Applicants/

<u>Applicants</u>	<u>Activity and period of licence applied for</u>	<u>Representation</u>
Roy McLachlan & Eliza McLachlan	House in Multiple Occupation for 42 Market Street, St. Andrews (renewal) 3 year	Jeffrey & Isla Ashcroft Alan & Pauline Barclay Jane & David Bird Maries Cassells Pat Docherty Iain & Catherine Ferguson Kirsten MacGlennon Wilma Rutherford Anna & Stephen Spackman

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

10. 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

11th August, 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

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THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

22nd June, 2021

9.30 a.m. – 12.45 p.m.

PRESENT: Councillors Carol Lindsay (Convener), Alistair Cameron, Bill Connor, John Docherty, Zoe Hisbent, Gordon Langlands, David MacDiarmid, Graham Ritchie and Ryan Smart.

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

APOLOGIES: Councillors David Graham, Mick Green, Garry Haldane, Jane Ann Liston and Dominic Nolan.

370. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 18th May, 2021.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

371. CIVIC GOVERNMENT LICENSING ENFORCEMENT OFFICER'S REPORT

The Committee considered a report by Executive Director, Finance and Corporate Services on the activities of the Civic Government Licensing Enforcement Officer from February to May, 2021.

Decision

The Committee, having heard the Civic Government Licensing Enforcement Officer on the report and following discussion, noted:-

- (1) the extensive and varied amount of work carried out by the Enforcement Officer during the four month period identified; and
- (2) that there would be further updates, on the activities of the Enforcement Officer, brought before the Committee on a regular basis.

372. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE

The Committee considered application for the grant of a Taxi Operator's Licence by the undernoted and dealt with the application as shown: -

Applicant/

2021.R.L.358

<u>Applicant</u>	<u>Area and Period of Licence Applied for</u>
Mr Seán F. Ó Dúláin-Osborne, 2 The Heathers Wynd, Dunfermline.	West Fife Area - 1 year

Decision

The Committee agreed to refuse the licence.

The applicant had been invited to attend and be represented at the meeting and was present and heard.

The reason for refusal of the above application was that the Committee was satisfied that there was no significant demand for the services of taxis in the West Fife Area that was unmet.

373. **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 Lead Officer, Miscellaneous Licensing 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. Muhammad Arif, 41 Kennedy Crescent, Kirkcaldy.	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.

(b) Mr. Robert Byers, 36 Laurel Crescent, Kirkcaldy.	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to refuse the licence.

(c)/

2021.R.L.359

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(c)	Mr. Stewart Couper, 27 Ewing Street, Cowdenbeath.	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.

(d)	Mr. Travis Davidson, 21 Colton Court, Dunfermline.	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to refuse the licence.

(e)	Mr. Darren Graham, 76 Woodstock Court, Waverly Drive, Glenrothes.	Taxi Driver (renewal) 3 year
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Motion

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

Amendment

Councillor Ryan Smart, seconded by Gordon Langlands, moved, as an amendment, that the licence be granted.

Vote

Amendment -	3
Motion -	6

Decision

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

2021.R.L.360

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(f)	Mr. Arturas Iesmantas, 26 Clay Acres Court, Dunfermline.	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.

(g)	Mr. Brian Rodger, 15 Kenmore Terrace, Kirkcaldy.	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.

(h)	Mr. Arshdeep Singh, 16 Rothes Park, Leslie.	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.

(i)	Mr. Douglas Watterston, 13 Willow Crescent, Glenrothes.	Taxi Driver (renewal) 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 applicants at (a), (b), (c), (d), (f) and (h) above were all present and heard.

Consideration of applications at (b), (d), (f) and (h) above was continued from the meeting held on 18th May, 2021.

The/

2021.R.L.361

The warning given to the applicant at (i) 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 (b) and (d) 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 offences recorded against them.

374. **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>
CR Gordon Sales Ltd., Tailabout Farm, Cupar	Second Hand Dealer selling cars from Tailabout Farm, Cupar between the hours of 9.00 am – 6.00pm 7 days a week (new application) 3 year

Decision

The Committee agreed to grant the licence.

The applicant had been invited to attend and be represented at the meeting and was present and supported by Tracy Miller. Annaline Barr and Ursula Webster were both present as objectors to the above application.

375. **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.

376. **APPLICATION IN RESPECT OF WHICH POLICE COMMENTS HAD BEEN MADE**

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

Applicant/

2021.R.L.362

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
Miss Chanel Stewart, 124 Golfdrum Street, Dunfermline.	Street Trader (new application) Selling hot & cold food & drinks Monday – Friday 7 am – 2 pm Saturday 8 am – 1pm 1 year

Decision

The Committee agreed to grant the licence.

The applicant had been invited to attend and be represented at the meeting and was present and heard.

377. 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. John Kay, 26 Cluny Park, Cardenden.	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.

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