

Council Chamber, Fife House, Glenrothes
Tuesday, 21st September 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 17th August, 2021. 5 - 14

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. Gordon Adams	Taxi Driver (new application)	1 year
(D)	(ii) Mr. Muhammad Arif	Taxi Driver (new application)	1 year
	(iii) Mr. Alan Folland	Taxi Driver (new application)	1 year
(D)	(iv) Mr. Gary Foy	Taxi Driver (new application)	1 year
	(v) Mr. Wayne Hutchison	Taxi Driver (new application)	1 year

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(D)	(vi) Mr. Shaun McLaren	Taxi Driver (new application)	1 year
	(vii) Mr. Fraser Macdonald	Taxi Driver (renewal)	3 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 (ii), (iv) and (vi) above is continued from the meeting held on 17th August, 2021.

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

5. APPLICATIONS IN RESPECT OF WHICH POLICE COMMENTS HAVE BEEN MADE -

Consideration of applications for licences by the undernoted in respect of which police 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. Savas Cecen	Late Hours Catering for premises at 12 North Street, Glenrothes Sunday – Thursday until 1.00 am & Friday & Saturday until 2.00 am (new application)	3 year
(ii)	Mr. David Cameron, trading as The Kirkcaldy Motor Company Ltd.	Second Hand Dealer selling second hand cars from premises at Orchard Place, Thornton Monday – Saturday 9.00 am – 6.00 pm (new application)	Until 18th February, 2022
(iii)	Mr. William McKenzie	Taxi Driver (renewal)	3 year
(iv)	Mrs. Blair Staples	Taxi Driver (renewal)	1 year
(v)	Mr. Dobromir Stoyanov	Taxi Driver (new application)	3 year
(vi)	Mr. Michael Williamson	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.

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 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 & Expiry Date</u>
Mr. Jason Clarke	Taxi Driver 1829/0038826 Expiry Date: 25 March, 2022

7. **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 Civic Government (Scotland) Act 1982, to hear the objector and the applicants thereon:

	<u>Applicant</u>	<u>Activity</u>	<u>Period of Licence Applied For</u>
(D)	(i) Mr John Kay	Taxi Driver (new application)	1 year
	(ii) Mr. Liam Mahady	Taxi Driver (new application)	3 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 (i) above is continued from the meeting held on 17th August, 2021.**

8. **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

15th September, 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

17th August, 2021

9.30 a.m. – 4.40 p.m.

PRESENT: Councillors Carol Lindsay (Convener), Alistair Cameron, Bill Connor, John Docherty, Gavin Ellis, Garry Haldane, Zoe Hisbent, Gordon Langlands, Lea McLelland, 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; Sergeant Neil Ewing, Police Scotland (Fife Division); Finlay Ross, Lead Officer and Erin Richardson, Housing Management Officer (both Private Sector Regulation); and Robert Brown, Technical Officer (Private Housing Standards) last three officers for item 386 only.

APOLOGIES: Councillors David Graham, Mick Green and Jane Ann Liston.

378. URGENT BUSINESS

The Convener advised that in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, she had agreed that the item of business at 381(l) below be considered as a matter of urgency.

379. CHANGE OF MEMBERSHIP

Councillor Carol Lindsay welcomed Councillor Gavin Ellis to his first meeting of the Regulation & Licensing Committee and Members noted that Councillor Ellis had replaced Councillor Dominic Nolan as a Member of the Committee.

380. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 22nd June, 2021.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

381. 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:-

Applicant/

2021.R.L.364

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(a)	Mr. Muhammad Arif	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. David Blyth	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

(c)	Mr. Stewart George Couper	Taxi Driver (new application) 1 year
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Motion

Councillor Garry Haldane, seconded by Councillor Bill Connor, moved that the licence be granted.

Amendment

Councillor Ryan Smart, seconded by Councillor Graham Ritchie, moved, as an Amendment that the licence be granted with a warning.

Vote

Amendment	-	4
Motion	-	7

Decision

The Committee agreed to grant the licence.

(d)	Mr. Michael Cunningham	Taxi Driver (renewal) 3 year
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Motion/

Motion

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

Amendment

Councillor David MacDiarmid, seconded by Councillor Garry Haldane, moved, as an Amendment, that the licence be granted and requested that the Applicant re-attend the first available taxi driver's training course at Fife House in Glenrothes.

Vote

Amendment	-	5
Motion	-	7

Decision

The Committee agreed to grant the licence with a warning.

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| (e) | Mr. Gary Foy | 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.

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| (f) | Mr. Arturas Iesmantas | Taxi Driver
(new application)
1 year |
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Decision

The Committee agreed to refuse the licence.

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| (g) | Mr. Michael Lundon | Taxi Driver
(renewal)
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/

Amendment

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

Vote

Amendment - 4
Motion - 7

Decision

The Committee agreed to grant the licence with a warning.

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| (h) | Mr. Shaun McLaren | 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.

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| (i) | Mr. Kevin McNicoll | 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 Driver's training course at Fife House, Glenrothes.

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| (j) | Mr. Arkadiusz Rogulski | Taxi Driver
(new application)
1 year |
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Decision

The Committee agreed to grant the licence.

- (k)/

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(k)	Mr. Arshdeep Singh	Taxi Driver (new application) 1 year

Decision

The Committee agreed to refuse the licence.

(l)	Miss Lleona McLean	Taxi Driver (new application) 1 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 applicants at (a), (e), (f), (h) and (k) above were all present and heard. The applicant at (b) was supported by his partner, Jane Easton Mitchell and the applicant at (j) was supported by his son, Mateusz Rogulski.

Consideration of the applications at (a), (c), (f) and (k) above was continued from the meeting held on 22nd June, 2021.

The warning given to the applicants at (b), (d), (g) and (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 (f) and (k) 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 convictions/offences recorded against them.

382. 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 at 383 to 385 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.

383./

383. **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. James Campbell	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence with a warning and requested that the Applicant attend the first available Taxi Driver's training course at Fife House, Glenrothes.

(b) Mr. Bradley Ovenstone	Taxi Driver (new application) 1 year
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Motion

Councillor David MacDiarmid, seconded by Councillor Garry Haldane, moved that the licence be granted with a warning subject to satisfactory documentation being submitted to the Licensing Team prior to the licence being issued.

Amendment

Councillor Lea McLelland, seconded by Councillor Gavin Ellis, moved, as an Amendment, that the licence be refused.

Vote

Amendment - 5
Motion - 6

Decision

The Committee agreed to grant the licence with a warning which was subject to the Applicant submitting satisfactory documentation to the Licensing Team prior to the licence being issued.

(c)

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(c)	Mr. Mehmet Tarkocin	Private Hire Operator – Kirkcaldy Zone (new application) 1 year

Motion

Councillor Ryan Smart, seconded by Councillor Gavin Ellis, moved that the licence be refused.

Amendment

Councillor Garry Haldane, seconded by Councillor Bill Connor, moved, as an amendment, that the licence be granted.

Vote

Amendment	-	4
Motion	-	8

Decision

The Committee agreed to refuse the licence.

The applicants had been invited to attend and be represented at the meeting and were all present and heard. The applicant at (c) was supported by Sirfraz Mohammed, Private Hire Operator, Glenrothes.

The warning given to the applicants at (a) and (b) 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 (c) 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 incidents he had been involved in.

(Prior to consideration of the application at (b) above, Councillor Ryan Smart declared an interest in this item, as he was known to the Applicant, and left the meeting for this item only).

(Councillor Gavin Ellis left the meeting following consideration of Item (c) above and re-entered the meeting prior to consideration of item 385(a) below).

384. **CONSIDERATION OF POSSIBLE SUSPENSION OF 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) or the Council's Civic Government Licensing Enforcement Officer and the Licenceholders thereon, dealt with the licences as shown:-

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
(a) Mr. Jason Clarke	Taxi Driver 1829/0038826 Expiry Date: 25 March, 2022

Decision

The Committee agreed to continue consideration of the above matter to its next meeting to afford the Applicant an opportunity to appear with a representative.

(b) Mr Mehmet Tarcokin	Taxi Driver 9174/0043215 Expiry Date: 16 February, 2024
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Decision

The Committee agreed not to suspend the licence.

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

385. **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. 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

Motion/

Motion

Councillor Ryan Smart, seconded by Councillor Gavin Ellis, moved that the licence be granted.

Amendment

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

Vote

Amendment	-	4
Motion	-	8

Decision

The Committee agreed to grant the licence.

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| (b) | Mr John Kay | 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 and objector had been invited to attend and be represented at the meeting. The applicant at (a) was present, heard and represented by his Solicitor, Paul Mullen, Glasgow. Detective Inspector Kieron Marsh was present and heard as representative for Police Scotland (Fife Division) for the application at (a) above. The applicant at (b) was not in attendance.

Consideration of the application at (b) above was continued from the meeting held on 22nd June, 2021.

386. **APPLICATION IN RESPECT OF WHICH REPRESENTATIONS HAD BEEN MADE**

The Committee considered application for licence by the undernoted and, having heard the applicant's representative thereon, dealt with the application as shown:-

Applicant/

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
Roy McLachlan & Eliza McLachlan	House in Multiple Occupation for 42 Market Street, St. Andrews. (renewal) 3 year

Decision

The Committee considered the application and representations received and agreed that:-

- the applicants were fit and proper persons to be authorised to permit persons to occupy any living accommodation as an HMO;
- the agents were fit and proper to be authorised to permit persons to occupy any living accommodation as an HMO;
- the property was suitable for use as an HMO or could be made suitable with conditions; and
- granting the licence would NOT result in the overprovision of HMOs in the locality in which the living accommodation concerned was situated.

The Committee, thereafter, made the following decision on the application.

Decision

The Committee agreed to grant the licence.

The applicants and respondents were invited to attend and be represented at the meeting. The applicants were not in attendance but were represented by their agent, Ellen Davidson. No respondents were in attendance.

(Councillors Gavin Ellis and Lea McLelland left the meeting during consideration of the above item).