

**THE FIFE COUNCIL – REGULATION AND LICENSING COMMITTEE - GLENROTHES**

**3 June 2025**

**9.50 a.m. – 4.05 p.m.**

**PRESENT:** Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Alistair Cameron, Eugene Clarke, Louise Kennedy-Dalby, Gavin Ellis, Carol Lindsay, Donald Lothian, David MacDiarmid, John O'Brien, Nicola Patrick, Gordon Pryde and Jonny Tepp.

**ATTENDING:** Kimberley Langley, Solicitor, Gillian Love, Lead Officer, Miscellaneous Licensing, Helena Couperwhite, Service Manager, Committee Services and Craig Ritchie, Civic Government Licensing Enforcement Officer, Finance and Corporate Services; Sergeant Neil Ewing, Police Scotland (Fife Division); Steven Duffy, Workshop Manager and Billy Ferguson, Service Manager, Fleet Services (Item 202 only).

**APOLOGIES:** Councillor Darren Watt.

The Convener and members of the committee paid tribute to and thanked Gillian Love, Lead Officer, Miscellaneous Licensing for her commitment and support to the committee as she was retiring from Fife Council after 42 years. The committee wished her well in her retirement.

**200. MINUTE**

The committee considered the minute of meeting of the Regulation and Licensing Committee of 6 May 2025.

**Decision**

The committee approved the Minute.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**201. CIVIC GOVERNMENT LICENSING ENFORCEMENT OFFICER'S REPORT**

The committee considered a report by the Executive Director, Finance and Corporate Services on the activities of the Civic Government Licensing Enforcement Officer from January to April 2025.

**Decision**

The committee noted:-

- (1) the extensive and varied amount of work carried out by the Enforcement Officer during the 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.

**202. TAXI AND PRIVATE HIRE CAR INSPECTION TESTS FAILURES – EAST AND WEST FIFE AREAS AND LEVENMOUTH ZONE**

The committee considered a report by the Service Manager – Fleet Services which provided details on what measures could be implemented for those failing the annual inspection tests.

### **Decision**

The committee agreed that the following measures should be implemented for those operators whose vehicles failed the annual inspection tests this time around (specifically in relation to East and West Fife Areas and the Levenmouth Zone) and that these measures be taken against those operators whose vehicles fail any future inspection tests:-

- (1) All operators failing the test be called to a meeting with relevant Councillors and officers to discuss failure rates in all three areas as well as the measures to be taken against them;
- (2) All taxi and private hire operators licensed in Fife will be advised that they will have to complete and sign a declaration prior to their annual inspection tests confirming they have checked all items that are listed on the inspection test sheets issued by Fleet Services. If the declaration is not completed and returned prior to their annual test, their test will be cancelled and the operator will be instructed to return the licence plates to the appropriate garage until the declaration has been received by the garages and the vehicle has passed the annual inspection test;
- (3) Any operators with vehicles failing the annual test in future may have to wait for a re-test for their vehicle;
- (4) All vehicles failing the annual inspection test will have to undertake and pass an additional MOT test 6 months after the annual inspection test. The cost of the additional MOT test will be at the operator's expense. The details of the additional MOT certificate belonging to the vehicle that failed the annual inspection must be provided to the appropriate test centre within one week of its new MOT test. Failure to do so will result in the operator being instructed to return the licence plates to the test centre until the additional MOT certificate is received;
- (5) Spot checks would continue to be carried out on a regular basis throughout Fife; and
- (6) Any operator failing the annual inspection test in the future would be called before a hearing of the Regulation and Licensing Committee for possible suspension of their licence.

### **203. 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:-

Applicant

Activity and period of licence applied for

## **2025.R.L.160**

- (a) Anthony Foulds (In attendance) Short Term Let in relation to Forth Bay Guest House, Promenade, Leven  
(new application)  
3 year

### Motion

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

### Amendment

Councillor Ballantyne-Wardlaw, seconded by Councillor MacDiarmid, moved, as an amendment, that the licence be refused.

### Vote

Amendment - 2  
Motion - 12

### Decision

The committee agreed to grant the licence.

- (b) Jamie Drysdale (Not in attendance) Taxi Driver  
(new application)  
1 year

### Decision

The committee agreed to grant the licence with a warning.

- (c) James Gilmour (In attendance) Taxi Driver  
(renewal)  
1 year

### Motion

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

### Amendment

Councillor Lothian, seconded by Councillor Tepp, moved, as an amendment, that the licence be granted with no warning.

### Vote

Amendment – 6  
Motion – 8

**Decision**

The committee agreed to grant the licence with a warning that any future misdemeanours brought to the attention of the committee could result in suspension of the licence.

- |     |                                |  |
|-----|--------------------------------|--|
| (d) | Steffan Hunter (In attendance) | Taxi Driver<br>(new application)<br>1 year |
|-----|--------------------------------|--|

**Motion**

Councillor MacDiarmid, seconded by Councillor Lothian, moved that the licence be granted.

**Amendment**

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

**Vote**

Amendment	–	6
Motion	–	8

**Decision**

The committee agreed to grant the licence.

**204. 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) | Imam Kilinc (Not in attendance) | Late Hours Catering Licence for premises at 59 High Street, Kirkcaldy. Hours of operation are 11.00pm – 1.00am on Sunday to Thursday and 11.00pm-4.00am on Friday and Saturday.<br>(new application)<br>3 year |

**Decision**

The committee noted that the application had been withdrawn by the applicant and that the 3am licence would remain in place.

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| (b) | Bea Burgyan (Not in attendance) | Taxi Driver<br>(new application)<br>1 year |
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**Decision**

The committee agreed to continue consideration of the above matter to its next meeting to afford the applicant an opportunity to appear.

*Councillor Ellis left the meeting following consideration of the above item.*

205. **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 Lead Officer (Miscellaneous Licensing) thereon, dealt with the licence as shown:-

	<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
(a)	Adam Green (Not in attendance)	Taxi Driver's Licence No 3426/0050569 Expiry Date: 16 July 2025

**Decision**

The committee agreed to suspend the licence until 16 July 2025, as the licenceholder was not considered to be a fit and proper person due to information received.

**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.

206. **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)	Michael Berturelli (Not in attendance)	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 an opportunity to appear.

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| (b) | Terry Porter (In attendance) | Taxi Driver<br>(new application)<br>1 year |
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**Decision**

The committee agreed to grant the licence with a warning that any future misdemeanours brought to the attention of the committee could result in suspension of the licence.

**207. 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) | Joseph Bruce (Not in attendance) | Taxi Driver<br>(new application)<br>1 year        |

**Decision**

The committee agreed to refuse the licence as the applicant was not considered to be a fit and proper person due to information received from Police Scotland.

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|-----|---|--|
| (b) | Amanat Shah (In attendance with his daughter Ms Muqaddas Shahzad) | Taxi Driver<br>(new application)<br>3 year |
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**Motion**

Councillor MacDiarmid, seconded by Councillor Lindsay, moved that the licence be granted for three years with a warning.

**Amendment**

Councillor Adams, seconded by Councillor Browne, moved, as an amendment, that the licence be granted for one year with a warning.

**Vote**

Amendment	–	4
Motion	–	7

**Decision**

The committee agreed to grant the licence for three years with a warning that any future misdemeanours brought to the attention of the committee could result in suspension of the licence.

**208. CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE**

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 licence and having heard the representative for Police Scotland (Fife Division) dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
Edward Harris (Not in attendance)	Taxi Driver's Licence No 8803/0046776 Expiry Date: 05 December 2025

Following the committee decision to suspend the licence the committee then discussed the length of the suspension to be imposed.

**Decision**

The committee agreed to:-

- (1) suspend the licence on the grounds that the licenceholder was not considered to be a fit and proper person due to information received; and
- (2) suspend the licence until its expiry, being 5 December 2025.

*Councillor Alistair Cameron left the meeting during consideration of the above item.*

*The meeting adjourned at 12.45pm and reconvened at 1.50pm.*

**209. APPLICATION IN RESPECT OF WHICH AN OBJECTION AND REPRESENTATION HAD BEEN MADE**

The committee considered an application for a licence by the undernoted in respect of which an objection and representation had been made, and, in terms of Schedule 1, paragraph 4(2) to the Civic Government (Scotland) Act 1982 to hear the objector, the person making representation and the applicants thereon:-

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
Sadeq & Kerar Alsafar (Both in attendance) and Mr Alsafar was represented by Mr James McPhie, Bruce Short Solicitors	Taxi Operator's Licence T043 – East Fife (renewal) 3 year

Motion

Councillor MacDiarmid, seconded by Councillor Kennedy-Dalby, moved that the licence be refused.

Amendment

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

Vote

Amendment - 6  
Motion - 6

**Decision**

The Convener used their casting vote in favour of the motion to refuse the licence on the basis that the applicant, Sadeq Alsafar, was not considered to be a fit and proper person to hold the licence applied for due to information received.

210. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE**

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 licence, and, having heard the licence holder thereon, dealt with the licence as shown:-

<u>Licence holder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
Sadeq Alsafar (In attendance; Mr Alsafar was represented by Mr James McPhie, Bruce Short, Solicitors)	Taxi Driver's Licence No 1859/0050650

Motion

Councillor MacDiarmid, seconded by Councillor Kennedy-Dalby, moved that the licence be suspended.

Amendment

Councillor Clarke, seconded by Councillor Tepp, moved, as an amendment, that the licence not be suspended.

Vote

Amendment - 6  
Motion - 6

**Decision**

The Convener used their casting vote in favour of the motion to suspend the licence on the basis that the applicant was not considered to be a fit and proper person to hold the licence due to information received.



Following the committee decision to suspend the licence for the applicant the committee then discussed the length of the suspension to be imposed.

The committee agreed to:-

- (1) suspend the licence on the grounds that the licenceholder was not considered to be a fit and proper person due to information received; and
- (2) suspend the licence for a period of one month.