

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

21st September, 2021

9.30 a.m. – 1.43 p.m.

PRESENT: Councillors Carol Lindsay (Convener), Alistair Cameron, John Docherty, Garry Haldane, Gordon Langlands, Lea McLelland, David MacDiarmid, Graham Ritchie and Ryan Smart.

ATTENDING: Steven Paterson, 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 Bill Connor, Gavin Ellis, David Graham, Zoe Hisbent and Jane Ann Liston.

387. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 17th August, 2021.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

388. 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. Gordon Adams	Taxi Driver (new application) 1 year

Decision

The Committee agreed to grant the licence with a warning.

(b)/

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

Decision

The Committee agreed to refuse the licence.

(c)	Mr. Alan Folland	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to refuse the licence.

(d)	Mr. Gary Foy	Taxi Driver (new application) 1 year
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Motion

Councillor John Docherty, seconded by Councillor Garry Haldane, moved, that the licence be granted with a warning.

Amendment

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

Vote

Amendment	-	2
Motion	-	7

Decision

The Committee agreed to grant the licence with a warning.

(e)	Mr. Wayne Hutchison	Taxi Driver (new application) 1 year
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Decision

The Committee noted that the above application had been withdrawn.

(f)/

<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(f) Mr. Shaun McLaren	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. Fraser Macdonald	Taxi Driver (renewal) 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.

The applicants had been invited to attend and be represented at the meeting and with the exception of the applicants at (b), (e), (f) and (g) above were all present and heard.

Consideration of the applications at (b), (d) and (f) above was continued from the meeting held on 17th August, 2021.

The warning given to the applicants at (a) and (d) 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 (c) 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.

389. 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.

390. 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/

<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(a) 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

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 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
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Motion

Councillor Garry Haldane, seconded by Councillor Lea McLelland, moved that the licence be granted.

Amendment

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

Vote

Amendment	-	3
Motion	-	6

Decision

The Committee agreed to grant the licence.

(c) Mr. William McKenzie	Taxi Driver (renewal) 3 year
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Decision

The Committee agreed to grant the licence.

(d)/

2021.R.L.377

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(d)	Mrs. Blair Staples	Taxi Driver (renewal) 1 year

Decision

The Committee agreed to grant the licence with a warning.

(e)	Mr. Dobromir Stoyanov	Taxi Driver (new application) 3 year
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Decision

The Committee agreed to grant the licence.

(f)	Mr. Michael Williamson	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 applicant at (a) above were all present and heard. The applicant at (c) above was supported by Peter Robertson, Taxi Operator, West Fife and the applicant at (d) above was supported by Sharna Staples.

The warning given to the applicant at (d) above was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.

391. **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 Council's Lead Officer, Miscellaneous Licensing thereon, dealt with the licence as shown:-

Licenceholder/

<u>Licenceholder</u>	<u>Type, No. of Licence & Expiry Date</u>
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 a further opportunity to appear and be represented by a Solicitor.

The licenceholder had been invited to attend and be represented at the meeting but was not present.

392. 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 John Kay	Taxi Driver (new application) 1 year

Prior to full consideration of the above application a vote was taken on whether justice could not be done other than by hearing a second Police report which included further information. This led to a vote as follows:-

Motion

Councillor Ryan Smart, seconded by Councillor John Docherty, moved, that justice could not be done other than by considering the second Police report with further information.

Amendment

Councillor David MacDiarmid, seconded by Councillor Garry Haldane, moved, as an Amendment, that the second Police report with further information need not be considered.

Vote

Amendment	-	4
Motion	-	5

The/

The decision was taken to release the second Police report, for consideration, which included further information.

Decision

The Committee agreed to grant the licence with a warning.

- (b) Mr. Liam Mahady Taxi Driver
 (new application)
 3 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 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 (a) above was continued from the meeting held on 17th August, 2021.

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.

Following consideration of the last item the Lead Officer, Miscellaneous Licensing, asked the Committee to consider whether or not an application should be granted under delegated powers and, following a lengthy discussion, there was a vote taken on the application, as follows:

Motion

Councillor Ryan Smart, seconded by Councillor Graham Ritchie, moved that the applicant be brought in to a hearing for possible suspension of his licence.

Amendment

Councillor Garry Haldane, seconded by Councillor Alistair Cameron, moved, as an Amendment, that the licence be granted with a warning.

Vote

Amendment - 7
Motion - 2

Decision/

Decision

The Committee agreed to grant the licence with a warning.

The warning given to the above applicant was that any future misdemeanours brought to the attention of the Committee could result in suspension of the licence.
