

THE FIFE COUNCIL - REGULATION AND LICENSING COMMITTEE - GLENROTHES

18th May, 2021

9.30 a.m. – 2.15 p.m.

PRESENT: Councillors Carol Lindsay (Convener), Alistair Cameron, Bill Connor, John Docherty, Mick Green, Garry Haldane, Zoe Hisbent, Gordon Langlands, Lea McLelland, David MacDiarmid, Dominic Nolan and Graham Ritchie.

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, Jane Ann Liston and Ryan Smart.

363. MINUTE

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 10th November, 2020.

Decision

The Committee approved the Minute.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

364. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

The Council's Lead Officer, Miscellaneous Licensing reported to the Committee that a decision was taken by the Executive Director, Finance & Corporate Services using the powers given to her under Section 2 of the Council's List of Officer Powers 'Emergencies and Cases of Urgency' to suspend a taxi/private hire car driver's licence with immediate effect under paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982 having advised the Convener of the Committee of this decision. The decision was taken as information had been received which had to be considered prior to this meeting of the Committee.

Decision

The Committee noted that a taxi/private hire car driver's licence had been suspended with immediate effect.

365./

365. **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. Robert Byers, 36 Laurel Crescent, Kirkcaldy.	Taxi Driver (renewal) 1 year

Motion

Councillor Graham Ritchie, seconded by Councillor John Docherty, moved that consideration of the above application be continued to the Committee's next meeting to afford the applicant a further opportunity to appear.

Amendment

Councillor Lea McLelland, seconded by Councillor Mick Green, moved as an amendment, that the application should be considered at this meeting of the Committee.

Vote

Amendment -	6
Motion -	6

The Convener exercised her casting vote in favour of the motion.

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. Alister Cumming, Sherwood Cottage, Farnell, Brechtin.	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(c)/

2021.R.L.350

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(c)	Mr. Travis Davidson, 21 Colton 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.

(d)	Mr. Ryan Dickson, 75 Mellerstain Road, Kirkcaldy.	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to grant the licence.

(e)	Mr. Mark Gorgon, 21 Henderson Terrace, Leuchars.	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(f)	Mr. Steffan Hunter, 5 Ardgowan Place, Leven.	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(g)	Mr. Arturas Iesmantas, 26 Clay Acres Court, Dunfermline.	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.

(h)/

2021.R.L.351

	<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(h)	Mr. Evelin Kunchev, 92 Pittencrieff Street, Dunfermline.	Taxi Driver (new application) 1 year

Decision

The Committee noted that the above application had now been withdrawn.

(i)	Mr. Craig Morris, 5 Birrell Drive, Dunfermline.	Taxi Driver (new application) 1 year
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Motion

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

Amendment

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

Vote

Amendment	-	6
Motion	-	6

The Convener exercised her casting vote in favour of the Amendment.

Decision

The Committee agreed to refuse the licence.

(j)	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 with a representative.

(k)/

2021.R.L.352

<u>Applicant</u>	<u>Activity & Period of Licence Applied For</u>
(k) Mr. Michael Winston, 52 Lomond Crescent, Dunfermline.	Taxi Driver (renewal) 1 year

Motion

Councillor John Docherty, seconded by Councillor David MacDiarmid, moved that the licence be refused.

Amendment

Councillor Graham Ritchie, seconded by Councillor Garry Haldane, moved, as an amendment, that the licence be granted with a warning.

Vote

Amendment	-	7
Motion	-	5

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), (c) and (h) above were all present and heard.

The warning given to the applicant at (k) 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 (i) 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 him.

366. **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 Duncan, 49 Meadowfield, Dalgety Bay.	Window Cleaner (new application) 1 year

Motion

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

Amendment

Councillor David MacDiarmid, seconded by Councillor Gordon Langlands, moved, as an amendment, that the licence be refused.

Vote

Amendment	-	2
Motion	-	10

Decision

The Committee agreed to grant the licence with a warning.

The applicant had been invited to attend and be represented at the meeting and was present and represented by his Solicitor, Janet Hood, Angus.

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.

367. 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.

368. CONSIDERATION OF POSSIBLE SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S 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 taxi/private hire car driver's licence and, having heard the representative for Police Scotland (Fife Division) and the licenceholder's representative thereon, dealt with the licence as shown:-

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

Motion

Councillor Garry Haldane, seconded by Councillor John Docherty, moved that the licence should not be suspended.

2021.R.L.354

Amendment

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

Vote

Amendment	-	7
Motion	-	4

Decision

The Committee agreed to suspend the licence with immediate effect.

Thereafter the Committee took a decision on the length of suspension.

Motion

Councillor Graham Ritchie, seconded by Councillor David MacDiarmid, moved that the licence be suspended until 10th December 2022. This being the unexpired portion of the duration of the licence.

First Amendment

Councillor Garry Haldane, seconded by Councillor Dominic Nolan, moved, as an amendment, that the licence be suspended until midnight on 19th May 2021.

Second Amendment

Councillor Lea McLelland, seconded by Councillor John Docherty, moved, as a further amendment, that the licence be suspended for a period of 12 weeks.

Vote

First Amendment	-	3
Second Amendment	-	7
Motion	-	2

Decision

The Committee agreed to suspend the licence for a period of 12 weeks.

The licenceholder had been invited to attend and be represented at the meeting and was present and represented by his Solicitor, Sally McKenzie, Kirkcaldy.

The grounds for suspension of the above licence were that (i) the licenceholder was no longer considered to be a fit and proper person to hold the licence; and (ii) the carrying on of the activity to which the licence related was likely to cause a threat to public safety.

369. **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 or their representative thereon, dealt with the applications as shown:-

<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
(a) Mr. Barry Arnot, 32 Thomson Place, Rosyth.	Taxi Driver (renewal) 3 year

Decision

The Committee agreed to grant the licence with a warning.

(b) Mr. Ethelbert Cowe, The Flat, 6 Woodburn Road, Ceres.	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to grant the licence.

(c) Miss Danielle Martin, 56 School Drive, Glenrothes.	Taxi Driver (new application) 1 year
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Decision

The Committee agreed to grant the licence.

(d) Mr. Robert Sim, 23 Aitken Court, Leven.	Taxi Driver (renewal) 1 year
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Decision

The Committee agreed to grant the licence with a warning.

(e)/

2021.R.L.356

	<u>Applicant</u>	<u>Activity and Period of Licence Applied For</u>
(e)	Miss Shona Stewart, 17 Skye Road, Dunfermline.	Taxi Driver (renewal) 1 year

Decision

The Committee noted that the above application had now been withdrawn.

The applicants had been invited to attend and be represented at the meeting and with the exception with the applicant at (e) were all present and heard.

The applicant at (c) was represented by her Solicitor, Sally McKenzie, Kirkcaldy.

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.

(Councillor Garry Haldane left the meeting following consideration of the application at (a) above).
