

Conference Room 2, Ground Floor, Fife House, Glenrothes  
 Tuesday, 13th August, 2024 - 9.30 a.m.

AGENDA

Page Nos.

- 1. **APOLOGIES FOR ABSENCE.**
- 2. **DECLARATIONS OF INTEREST** - Members of the Committee are asked to declare any interest(s) in particular items on the agenda and the nature of the interest(s) at this stage.
- 3. **MINUTES -** 5 - 17
  - (i) Minute of Meeting of the Regulation and Licensing Committee of 11th June, 2024; and
  - (ii) Minute of Special Meeting of the Regulation and Licensing Committee of 9th July, 2024.

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)	John Deas	Taxi Driver <b>(new application)</b>	1 year
(ii)	Qasim Choudhary	Taxi Driver <b>(new application)</b>	3 year
(iii)	Gary Gilchrist	Taxi Driver <b>(new application)</b>	1 year
(iv)	Thomas Simpson	Taxi Driver <b>(new application)</b>	1 year

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

5. **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) Lucas Cudworth	Taxi Driver <b>(new application)</b>	1 year
<b>(D)</b>	(ii) Edward Miller	Taxi Driver <b>(new application)</b>	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 11th June, 2024.**

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

6. **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 subparagraph (7) of said paragraph 11 to afford the licenceholders an opportunity to be heard. The representative for Police Scotland (Fife Division) will report.

	<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
(i)	Fife Vans & Trucks Ltd.	Second Hand Dealer 363/0049385 Expiry Date: 13 October 2026
(ii)	Scrap a Car Scotland.com Ltd.	Second Hand Dealer 993/0048184 Expiry Date: 20 August 2026
(iii)	Scrap a Car Scotland.com Ltd.	Metal Dealer 53/0048340 Expiry Date: 20 August 2026

7. **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)	Patrick Doyle	Taxi Driver <b>(new application)</b>	1 year
(ii)	Ajmal Maroofkhail	Taxi Driver <b>(new application)</b>	1 year
(iii)	Shaun Wilson	Taxi Driver <b>(new application)</b>	1 year

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

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 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>
	(i) Macaulay Hutchison	Street Trader selling hot food from Banbeath Place, Leven Monday – Friday 8.00 am – 2.00 pm <b>(new application)</b>	1 year
	(ii) Thomas Kerr	Taxi Driver <b>(new application)</b>	1 year
<b>(D)</b>	(iii) Drew McIntosh	Taxi Driver <b>(new application)</b>	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 (iii) above is continued from the meeting held on 11th June, 2024.**

9. **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

7th August 2024

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](mailto:gillian.love@fife.gov.uk)  
Agendas and papers for all Committee meetings can be accessed on [www.fife.gov.uk](http://www.fife.gov.uk)



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

11th June, 2024

9.30 a.m. – 4.51 p.m.

**PRESENT:** Councillors Tom Adams (Convener), Lynn Ballantyne-Wardlaw, Patrick Browne, Alycia Hayes, Carol Lindsay, Lea McLelland, David MacDiarmid, Nicola Patrick, Gordon Pryde and Jonny Tepp.

**ATTENDING:** Kimberley Langley, Solicitor, Gillian Love, Lead Officer, Miscellaneous Licensing and Craig Ritchie, Civic Government Licensing Enforcement Officer all in Finance and Corporate Services; Sergeant Neil Ewing, Police Scotland (Fife Division); and Steven Duffy, Workshop Team Manager, Fleet Operations (for items 114, 115 and 116 only).

**APOLOGIES:** Councillors Sean Dillon, Gavin Ellis, Donald Lothian, John O'Brien and Darren Watt.

**OBSERVER:** Ian Duthie, Workshop Controller, Fleet Operations (for items 114, 115 and 116 only).

112. **MINUTE**

The Committee considered the Minute of Meeting of the Regulation and Licensing Committee of 9th April, 2024.

**Decision**

The Committee approved the Minute.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

113. **CINEMAS ACT 1985 – VARIATION OF LICENSING CONDITIONS - THE BYRE THEATRE, ABBEY STREET, ST. ANDREWS – 19 JUNE 2024**

The Committee considered a report by the Lead Officer, Miscellaneous Licensing on a request to vary licence conditions to allow the theatre to screen a non-BBFC certificated film.

**Decision**

The Committee agreed to grant permission to allow the non-BBFC certificated film, as circulated to the Committee, to be shown at the Byre Theatre on 19 June 2024.

114. **TAXI AND PRIVATE HIRE CAR INSPECTION TESTS - EAST FIFE AREA**

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the East Fife area in February to May, 2024.

**Decision**

The Committee, having heard the Workshop Team Manager, Fleet Operations on the report and, following discussion:

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that Fleet Operations and Miscellaneous Licensing officers as well as the Convener and Vice-Convener would meet to discuss a range of options on measures to be taken in relation to those operators failing tests then report back to the Committee with their findings.

*(Cllr. Tepp entered the meeting during consideration of the above item).*

**115. TAXI AND PRIVATE HIRE CAR INSPECTION TESTS – LEVENMOUTH ZONE**

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the Levenmouth Zone in March, 2024.

**Decision**

The Committee, having heard the Workshop Team Manager, Fleet Operations on the report and, following discussion:

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that Fleet Operations and Miscellaneous Licensing officers as well as the Convener and Vice-Convener would meet to discuss a range of options on measures to be taken in relation to those operators failing tests then report back to the Committee with their findings.

**116. TAXI AND PRIVATE HIRE CAR INSPECTION TESTS - WEST FIFE AREA**

The Committee considered a report by Service Manager, Fleet Operations on annual inspection tests carried out on vehicles in the West Fife area in February to May, 2024.

**Decision**

The Committee, having heard the Workshop Team Manager, Fleet Operations on the report and, following discussion:

- (1) congratulated those operators whose vehicles passed the test first time; and
- (2) agreed that Fleet Operations and Miscellaneous Licensing officers as well as the Convener and Vice-Convener would meet to discuss a range of options on measures to be taken in relation to those operators failing tests then report back to the Committee with their findings.

**117. 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 &amp; Period of Licence Applied For</u>
(a)	Ross Hopgood	Taxi Driver (new application) 1 year

**Decision**

The Committee agreed to grant the licence with a warning.

(b)	Nathan Hutchison	Taxi Driver (new application) 1 year
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**Motion**

Councillor Browne seconded by Councillor Hayes, moved that the licence be granted with a warning.

**Amendment**

Councillor Patrick, seconded by Councillor Lindsay, moved, as an amendment, that the licence be refused.

**Vote**

Amendment – 2  
Motion – 8

**Decision**

The Committee agreed to grant the licence with a warning subject to satisfactory information being received before licence was issued.

(c)	George Matthewson	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 next available taxi drivers' training course at Fife House in Glenrothes.

(d)	Euan Paul	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 attend the next available taxi drivers' training course at Fife House in Glenrothes.

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| (e) | Calum Robertson | Taxi Driver<br>(new application)<br>1 year |
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**Decision**

The Committee agreed to grant the licence with a warning.

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| (f) | Angel Tiklarov | Taxi Driver<br>(new application)<br>3 year |
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**Decision**

The Committee agreed to grant the licence with a warning satisfactory information being received before licence was issued.

The applicants had been invited to attend and be represented at the meeting. All applicants were present and heard. The applicant at (c) was represented by his Solicitor, Kerr Sneddon, Kirkcaldy.

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

*(Councillor Lindsay left the meeting prior to discussion of item (c) above, as she was known to the applicant, and re-entered the meeting prior to discussion of the item at (d) above).*

**118. 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) | Thomas Innes     | Taxi Driver<br>(new application)<br>1 year        |

**Decision**

The Committee agreed to refuse the licence.



## 2024.R.L.96

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(b)	Ionut Mihai	Taxi Driver (new application) 1 year

### Motion

Councillor MacDiarmid, seconded by Councillor Lindsay, moved that the licence be refused.

### Amendment

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

### Vote

Amendment – 3

Motion – 7

### Decision

The Committee agreed to refuse the licence.

(c)	Edward Miller	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 applicants at (a) and (b) were present and heard. The applicant at (c) was not in attendance.

The reason for refusal of the applications at (a) and (b) 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 recorded against them.

## 119. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCE**

The Committee considered exercising 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 Civic Government Licensing Enforcement Officer and the licenceholder on the report, dealt with the licence as shown:-

<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
Stephen Windsor	Street Trader 4704/0046482 Expiry Date: 11 July 2024

**Decision**

The Committee agreed to suspend the licence until its expiry being 11 July 2024.

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

The ground for suspension of the above licence was that a condition of the licence had been contravened.

*(Councillor Hayes left the meeting following consideration of the above matter).*

**120. 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 below 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.

**121. 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)	Alan Gore	Taxi Driver (new application) 1 year

**Decision**

The Committee agreed to grant the licence with a warning.

(b)	Patryk Libiszewski	Taxi Driver (renewal) 1 year
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## 2024.R.L.99

	<u>Applicant</u>	<u>Activity and period of licence applied for</u>
(a)	Daniel Frame	Taxi Driver (new application) 1 year

### Decision

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

(b)	Naim Hasan	Taxi Driver (new application) 1 year
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### Decision

The Committee agreed to grant the licence.

(c)	Muhammad Junaid	Taxi Driver (new application) 1 year
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### Decision

The Committee agreed to refuse the licence.

(d)	Drew McIntosh	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.

(e)	Jamie Thomson	Taxi Driver (new application) 1 year
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### Decision

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

The applicants and objector had been invited to attend and be represented at the meeting. The applicants at (a), (b) and (c) above were present and heard. The applicants at (d) and (e) were not in attendance. The applicant at (b) was supported by Mohammed Hashmi and the applicant at (c) was supported by RMT Taxi Drivers Association in Dundee.

Consideration of the applications at (c) and (e) above was continued from the meeting held on 9th April, 2024.

## 2024.R.L.100

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.

### 123. CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCES

The Committee considered exercising 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) and the licenceholders thereon, dealt with the licences as shown:-

	<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
(a)	Jacqueline Fraser	Taxi Driver 7891/0044609 Expiry Date: 14 April 2025

#### **Decision**

The Committee agreed not to suspend the licence.

(b)	Mohammed Tariq	Taxi Driver 9389/0045827 Expiry Date: 20 June 2025
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#### **Decision**

The Committee agreed to suspend the licence.

The Committee thereafter took a decision on the length of the suspension as follows:

#### **Motion**

Councillor Lindsay, seconded by Councillor MacDiarmid, moved that the licence be suspended until 20 June 2025, this being the expiry date of the licence.

#### **Amendment**

Councillor Browne, seconded by Councillor Adams, moved, as an amendment, that the licence be suspended for a period of one month.

#### **Vote**

Amendment – 4  
Motion – 5

#### **Decision**

The Committee agreed to suspend the licence until its expiry being 20 June 2025.

## 2024.R.L.101

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

The grounds for suspension of the licence at (b) above were that (i) the licenceholder was no longer 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.

### 124. **OPPOSED APPLICATION**

The Committee considered application for a licence by the undernoted in respect of which objections had been intimated and dealt with the application as shown:-

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
Henry and Linda Fraser T/A Comfort Stays Ltd.	Short Term Let Licence for Whinstone, South Street West, Falkland (new application) 3 year

#### **Decision**

As the Committee became inquorate, it was agreed that consideration of the above application be continued to the Committee's next meeting.

Consideration of the above application was continued from the meeting held on 9th April, 2024.

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**THE FIFE COUNCIL – SPECIAL MEETING OF THE REGULATION AND LICENSING COMMITTEE - GLENROTHES**

9th July, 2024

9.30 a.m. – 2.00 p.m.

**PRESENT:** Councillors Tom Adams (Convener), Patrick Browne, Gavin Ellis, Alycia Hayes, Carol Lindsay, Donald Lothian, David MacDiarmid, John O'Brien, Jonny Tepp and Darren Watt.

**ATTENDING:** Kimberley Langley, Solicitor, Gillian Love, Lead Officer, Miscellaneous Licensing and Craig Ritchie, Civic Government Licensing Enforcement Officer all in Finance and Corporate Services; Sergeant Neil Ewing, Police Scotland (Fife Division); and Barry Smith, Lead Officer – Private Housing (for item 129 only).

**APOLOGIES:** Councillors Lynn Ballantyne-Wardlaw, Sean Dillon, Nicola Patrick and Gordon Pryde.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

**125. 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 and taxi operators licence with immediate effect under paragraph 12 of Schedule 1 to the above Act having advised the Convener and Depute Convener of the Committee of this decision. The decision was taken as information had been received from Police Scotland (Fife Division) which had to be considered prior to this special meeting of the Committee.

**Decision**

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

**126. APPLICATION IN RESPECT OF WHICH COMMENTS HAD BEEN MADE**

The Committee considered application for licence by the undernoted and, having heard the Council's Lead Officer, Miscellaneous Licensing and the applicant thereon, dealt with the application as shown:-

<u>Applicant</u>	<u>Activity &amp; Period of Licence Applied For</u>
Patrick Reilly	Taxi Driver (new application) 3 year

**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 heard.

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.

127. **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 items of business at 128 below 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.

128. **CONSIDERATION OF POSSIBLE SUSPENSION OF LICENCES**

The Committee considered exercising 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), the licenceholder and his representative on the matters, dealt with the licences as shown:-

	<u>Licenceholder</u>	<u>Type, No. of Licence &amp; Expiry Date</u>
(a)	Abas Algabery	Taxi Driver 1890/0048281 Expiry Date: 27 June 2026
	<b><u>Decision</u></b>	
	The Committee agreed to suspend the licence until its expiry being 27 June 2026, this being with immediate effect.	
(b)	Abas Algabery and Fatima Bakir	Taxi Licence No 583 – Plate No. T082 – East Fife Zone Expiry Date: 27 February 2027

**Decision**

The Committee noted that Abas Algabery wished to resign from the above licence.

The licenceholders had been invited to attend and be represented at the meeting and were present, heard and represented by Joe Myles, Solicitor, Dundee.

The grounds for suspension of the licence at (a) above was that (i) the licenceholder was no longer 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.



129. **OPPOSED APPLICATION**

The Committee considered application for licence by the undernoted in respect of which objections had been intimated and, having heard the applicants as well as objectors to the application, dealt with the application as shown:-

<u>Applicant</u>	<u>Activity and period of licence applied for</u>
Henry and Linda Fraser T/A Comfort Stays Ltd.	Short Term Let Licence for Whinstone, South Street West, Falkland (new application) 3 year

**Decision**

The Committee agreed not to uphold the objections and granted the licence.

The applicants and objectors had been invited to attend and be represented at the meeting. The applicants were present and heard. Jim Brown, JD McClymont and Robert & Allison Nellies were in attendance as objectors to the above application. Robert Nellies also represented the objectors John & Josephine Smith.

*(Prior to consideration of the above application Councillors Lothian and MacDiarmid declared an interest in this item, as they were known to the objectors, and left the meeting).*

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