

# LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth, on Wednesday 26 September 2007 at 10.00am.

Present: Councillors P Mulheron, J Flynn and D Melloy.

In Attendance: Sergeant R Forbes (Tayside Police) (up to and including Art. 583); M Baker and C White (Corporate Services); Y Oliver (Chief Executive's Service).

Apologies for Absence: Councillors J Coburn, W Robertson, H Stewart and D Scott.

Councillor P Mulheron, Convener, Presiding.

## 564. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

## 565. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Licensing Committee of 15 August 2007 (Arts. 452-460) was submitted, approved as a correct record and authorised for signature.

## 566. CONSIDERATION OF APPLICATION FOR VARIATION OF CONDITION 7 OF STREET TRADER'S LICENCE – ST130

There was submitted a report by the Head of Legal Services (07/633) together with (i) letter of representation from the Chief Constable, Tayside Police, dated 27 April 2007; and (ii) e-mail dated 3 April 2007 and e-mail dated 18 September 2007 which was tabled at the meeting from The Environment Service, regarding consideration of application for variation of Condition 7 of Street Trader's Licence ST130.

The applicant was in attendance, addressed the Committee and answered Members' questions. The representative of the Chief Constable also answered Members' questions.

### **Resolved:**

Application for consideration of variation of Condition 7 of Street Trader's Licence ST130 be granted with immediate effect.

## 567. CONSIDERATION OF APPLICATION FOR GRANT OF LATE HOURS CATERING LICENCE – LH8

There was submitted a report by the Head of Legal Services (07/634) together with (i) letter of objection from the Chief Constable, Tayside Police, dated 16 May 2007; and (ii) letter of objection from Ms J H E McEwen, dated 25 May 2006, regarding consideration of application for grant of Late Hours Catering Licence LH8.

The applicant was in attendance, addressed the Committee and answered Members' questions. Ms J H E McEwen, objector to the application, addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

THE COMMITTEE ADJOURNED TO DISCUSS THE REPRESENTATIONS RECEIVED.

THE COMMITTEE RECONVENED.

### **Resolved:**

Application for the grant of Late Hours Catering Licence LH8 be refused to 2 am but be granted within the hours according to the Perth and Kinross Council Policy i.e. 1 am, with effect from 26 September 2007.

**568. CONSIDERATION OF APPLICATION FOR GRANT OF WINDOW CLEANER'S LICENCE – WC142**

There was submitted a report by the Head of Legal Services (07/635) together with letter from the Chief Constable, Tayside Police, dated 3 September 2007, regarding consideration of application for grant of Window Cleaner's Licence WC142.

The applicant was in attendance, addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

**Resolved:**

- (i) Application for the grant of Window Cleaner's Licence WC142 be granted for one year with effect from 26 September 2007.
- (ii) It be noted that the applicant had undertaken to attend interview with Tayside Police either by telephone or in person at Tayside Police Western Divisional Headquarters, Perth no later than Friday 5 October 2007.

**569. CONSIDERATION OF APPLICATION FOR GRANT OF WINDOW CLEANER'S LICENCE – WC139**

There was submitted a report by the Head of Legal Services (07/636) together with letter from the Chief Constable, Tayside Police, dated 21 June 2007, regarding consideration of application for grant of Window Cleaner's Licence WC139.

The applicant was in attendance, addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

**Resolved:**

- (i) Application for the grant of Window Cleaner's Licence WC139 be granted for one year with effect from 26 September 2007.
- (ii) It be noted that the applicant had undertaken to attend interview with Tayside Police either by telephone or in person at Tayside Police Western Divisional Headquarters, Perth no later than Friday 5 October 2007.

**IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

**570. CONSIDERATION OF SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD99**

There was submitted a report by the Head of Legal Services (07/637) together with (i) letter from the Chief Constable, Tayside Police, dated 21 August 2007; and (ii) letter from the applicant, dated 11 September 2007 (tabled at the meeting), regarding consideration of suspension of Taxi/Private Hire Car Driver's Licence TD99. The Committee was advised that the applicant had returned his Taxi/Private Hire Car Driver's Badge to the Licensing Section.

The applicant was not in attendance.

A representative of the Chief Constable answered Members' questions.

**Resolved:**

Suspension of Taxi/Private Hire Car Driver's Licence TD99 be continued for the duration of the licence (to 15 June 2008) on the basis that the applicant is not a fit and proper person to hold a licence.

**571. CONSIDERATION OF SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD629**

There was submitted a report by the Head of Legal Services (07/638) together with letter from the Chief Constable, Tayside Police, dated 3 September 2007, regarding consideration of suspension of Taxi/Private Hire Car Driver's Licence TD629.

The applicant was in attendance, addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD629 be not suspended, and an additional condition be imposed on the applicant's licence that the applicant attends the Vernon Manfield Driver Awareness Course.

**572. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD169**

There was submitted a report by the Head of Legal Services (07/639) together with letter of representation from the Chief Constable, Tayside Police, dated 27 August 2007, regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence TD169.

The applicant was in attendance, addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

**Resolved:**

Application for grant of Taxi/Private Hire Car Driver's Licence TD169 be granted for one year, with effect from 26 September 2007, with the additional licence condition that the applicant attend the Vernon Manfield Driver Awareness Course.

**573. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD853**

There was submitted a report by the Head of Legal Services (07/640) together with letter of representation from the Chief Constable, Tayside Police, dated 27 August 2007, regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence TD853.

The applicant was in attendance, addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

**Resolved:**

Application for grant of Taxi/Private Hire Car Driver's Licence TD853 be granted for one year with effect from 26 September 2007, with the additional licence condition that the applicant attend the Vernon Manfield Driver Awareness Course.

**574. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD852**

There was submitted a report by the Head of Legal Services (07/641) together with letter of representation from the Chief Constable, Tayside Police, dated 27 August 2007, regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence TD852.

The applicant was in attendance, addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

**Resolved:**

Application for grant of Taxi/Private Hire Car Driver's Licence TD852 be granted for three years with effect from 26 September 2007, with the additional licence condition that the applicant attend the Vernon Mansfield Driver Awareness Course.

**575. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD75**

There was submitted a report by the Head of Legal Services (07/642) together with letter of objection from the Chief Constable, Tayside Police, dated 3 September 2007, regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence TD75.

The Committee was advised that the applicant was unable to attend and had requested deferral of the application.

**Resolved:**

Application for consideration of Taxi/Private Hire Car Driver's Licence TD75 be deferred to the next meeting of the Licensing Committee, being held on 7 November 2007, to allow the applicant the opportunity to attend in person.

**576. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD822**

There was submitted a report by the Head of Legal Services (07/643) together with letter of objection from the Chief Constable, Tayside Police, dated 11 June 2007, regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence TD822.

The applicant was in attendance, accompanied by his agent. The applicant and his agent addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

THE COMMITTEE ADJOURNED TO DISCUSS THE REPRESENTATIONS RECEIVED.

THE COMMITTEE RECONVENED.

**Resolved:**

Application for the grant of Taxi/Private Hire Car Driver's Licence TD822 be granted for one year with effect from 26 September 2007, with the additional licence condition that the applicant **must** attend the Vernon Manfield Driver Awareness Course taking place on 12 and 19 November 2007. The applicant confirmed that he would be able to attend this course on these dates.

**577. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD838**

There was submitted a report by the Head of Legal Services (07/644) together with letter of objection from the Chief Constable, Tayside Police, dated 6 June 2007, regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence TD838.

The Committee was advised that the applicant had withdrawn his application.

**578. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD161**

There was submitted a report by the Head of Legal Services (07/645) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence TD161.

The applicant was in attendance, addressed the Committee and answered Members' questions.

**Resolved:**

Consideration of application for renewal of Taxi/Private Hire Car Driver's Licence TD161 be deferred to the next meeting of the Licensing Committee, being held on Wednesday 7 November 2007, to allow the applicant to produce evidence of his Council Tax position.

**579. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD158**

There was submitted a report by the Head of Legal Services (07/646) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence TD158.

The Committee was advised that the relevant financial information required to process the application had been received from the applicant and this item was subsequently withdrawn from the agenda.

**580. CONSIDERATION OF APPLICATION FOR RENEWAL OF WINDOW CLEANER'S LICENCE – WC57**

There was submitted a report by the Head of Legal Services (07/647) regarding consideration of application for renewal of Window Cleaner's Licence WC57.

The applicant was in attendance, addressed the Committee and answered Members' questions.

**Resolved:**

Application for renewal of Window Cleaner's Licence WC57 be deferred to the next meeting of the Licensing Committee, being held on 7 November 2007, to allow the applicant to produce evidence of his Council Tax position.

**581. CONSIDERATION OF APPLICATION FOR GRANT OF WINDOW CLEANER'S LICENCE – WC141**

There was submitted a report by the Head of Legal Services (07/648) regarding consideration of application for grant of Window Cleaner's Licence WC141.

The applicant was in attendance, addressed the Committee and answered Members' questions.

**Resolved:**

Application for grant of Window Cleaner's Licence WC141 be refused, on the basis that the applicant is not a fit and proper person to hold a licence.

**582. CONSIDERATION OF APPLICATION FOR GRANT OF WINDOW CLEANER'S LICENCE – WC138**

There was submitted a report by the Head of Legal Services (07/649) regarding consideration of application for grant of Window Cleaner's Licence WC138.

**Resolved:**

Application for grant of Window Cleaner's Licence WC138 be deferred to the next meeting of the Licensing Committee, being held on Wednesday 7 November 2007, to allow the applicant the opportunity to appear in person.

**583. CONSIDERATION OF APPLICATION FOR GRANT OF WINDOW CLEANER'S LICENCE – WC145**

There was submitted a report by the Head of Legal Services (07/650) regarding consideration of application for grant of Window Cleaner's Licence WC145.

The Committee was advised that the applicant had withdrawn his application.

**584. CONSIDERATION OF APPLICATION FOR RENEWAL OF WINDOW CLEANER'S LICENCE – WC97**

There was submitted a report by the Head of Legal Services (07/651) regarding consideration of application for renewal of Window Cleaner's Licence WC97.

The Committee was advised that the relevant financial information required to process the application had been received from the applicant and this item was subsequently withdrawn from the agenda.

**585. CONSIDERATION OF APPLICATION FOR RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE – PH195**

There was submitted a report by the Head of Legal Services (07/652) regarding consideration of application for renewal of Private Hire Operator's Licence PH195.

The applicant failed to attend.

**Resolved:**

Application for renewal of Private Hire Operator's Licence PH195 be deferred to the next meeting of the Licensing Committee, being held on Wednesday 7 November 2007, to allow the applicant the opportunity to appear in person.