

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 2 June 2011 at 11.30am.

Present: Councillors P Mulheron, D Scott, J Coburn, B Ellis and J Flynn.

In Attendance: Inspector P Buckley-Jones and S Michie, Licensing Supervisor (both Tayside Police); B McGregor and J Stevenson (both Scottish Ambulance Service) (up to and including Art. 297); J Dixon (The Environment Service) (up to and including Art. 297); C Elliott, W Gibson, L Cormack and Y Oliver (all Chief Executive's Service).

Councillor P Mulheron, Presiding.

295. DECLARATIONS OF INTEREST

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

296. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 21 April 2011 (Arts. 212-234) was submitted, approved as a correct record and authorised for signature.

In terms of Standing Order 19, the Committee unanimously agreed to vary the order of business.

297. GRANT OF PUBLIC ENTERTAINMENT LICENCE: REWIND FESTIVAL, SCONE PALACE

There was submitted a report by the Head of Legal Services (11/259) setting out the position in relation to the application for a public entertainment licence by the Rival Organisation Limited for the Rewind Festival at Scone Place, Perth for 2011-2013.

David Hartfield, the applicant, was in attendance, addressed the Committee, and answered members' questions. Mr J Dixon, Food/Health & Safety Manager, The Environment Service, Perth and Kinross Council; and Mr B McGregor, Scottish Ambulance Service, also answered members' questions.

Resolved:

- (i) The application for a public entertainment licence by the Rival Organisation Limited for the Rewind Festival at Scone Palace, Perth, with conditions as set out in Appendix 1 to Report 11/259, for 2011- 2013, be approved.
- (ii) Delegation to the Head of Legal Services, in consultation with the Convener of the Licensing Committee, to finalise any necessary adjustment to the conditions of the licence for the event for 2011, be agreed.

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J DIXON, B MCGREGOR AND J STEVENSON ALL LEFT THE MEETING AT THIS POINT.

298. GRANT OF TAXI OPERATOR'S LICENCE X10

There was submitted a report by the Head of Legal Services (11/260) regarding consideration of grant of Taxi Operator's Licence X10.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi Operator's Licence X10 be refused on the grounds that there is no significant demand for taxis in the area which is unmet and that there are no special circumstances justifying a departure from the Committee's policy on the number of Taxi Operators for the Perth area.

299. VARIATION OF TAXI OPERATOR'S LICENCE TO1

There was submitted a report by the Head of Legal Services (11/261), together with letter dated 12 May 2011 from the licence holder, regarding consideration of variation of Taxi Operator's Licence TO1.

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

Resolved:

Taxi Operator's Licence TO1 be varied for one year, to extend the age limit for replacement of the vehicle, with effect from 2 June 2011.

300. GRANT AND VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE PH411

There was submitted a report by the Head of Legal Services (11/262), together with letter dated 28 March 2011 from the applicant, regarding consideration of grant and variation of Private Hire Operator's Licence PH411.

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

Resolved:

- (i) Private Hire Operator's Licence PH411 be granted for a period of one year with effect from 2 June 2011, subject to the usual terms and conditions of a Private Hire Operator's Licence.
- (ii) Variation of Private Hire Operator's Licence PH411, to permit a vehicle more than 5 years old and extend the age limit for replacement of the vehicle, be granted for a period of one year, with effect from 2 June 2011.

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.

301. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD612

There was submitted a report by the Head of Legal Services (11/263) together with (i) letter, dated 21 March 2011, from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, to licence holder; (ii) letter of representation, dated 28 April 2011, from the Chief Constable, Tayside Police; and (iii) letter of information, dated 10 May 2011, from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, regarding consideration of Suspension of Taxi/Private Hire Car Driver's Licence TD612.

The licence holder was in attendance, addressed the Committee, and answered members' questions. Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council and the representative from Tayside Police also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Motion (Councillors B Ellis and P Mulheron)

Taxi/Private Hire Car Driver's Licence TD612 be suspended, on the grounds that the licence holder is no longer a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

Amendment (Councillors D Scott and J Coburn)

Taxi/Private Hire Car Driver's Licence TD612 be not suspended.

Amendment – 3 votes

Motion – 2 votes

Resolved:

In accordance with the Amendment.

302. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD1148

There was submitted a report by the Head of Legal Services (11/265) together with letter of representation, dated 21 March 2011, from the Chief Constable, Tayside Police, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1148.

The applicant, who was in attendance and was accompanied by Mr W Gilruth, addressed the Committee, and answered members' questions. The representative from Tayside Police also answered members' questions.

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Resolved:

Taxi/Private Hire Car Driver's Licence TD1148 be granted for a period of three years, with effect from 2 June 2011, subject to the usual terms and conditions of a Taxi/Private Hire Car Driver's Licence.

303. RENEWAL OF WINDOW CLEANER'S LICENCE WC78

There was submitted a report by the Head of Legal Services (11/267) together with (i) letter requesting immediate suspension, dated 7 June 2010 and (ii) letter of information, dated 21 February 2011, both from the Chief Constable Tayside Police, regarding consideration of renewal of Window Cleaner's Licence WC78.

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

Resolved:

Window Cleaner's Licence WC78 be renewed for a period of three years, with effect from 19 March 2011.

304. GRANT OF TAXI OPERATOR'S LICENCE X11

There was submitted a report by the Head of Legal Services (11/266) together with letters of information dated 21 August 2009, 16 November 2009 and 18 February 2011 from the Chief Constable, Tayside Police, regarding consideration of grant of Taxi Operator's Licence X11.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi Operator's Licence X11 be refused on the grounds that there is no significant demand for taxis in the area which is unmet and that there are no special circumstances for a departure from the Committee's policy on the number of Taxi Operators for the Perth area.

THE REPRESENTATIVES OF TAYSIDE POLICE LEFT THE MEETING AT THIS POINT.

305. GRANT OF WINDOW CLEANER'S LICENCE WC198

There was submitted a report by the Head of Legal Services (11/268), together with letter of information, dated 28 April 2011, from the Chief Constable, Tayside Police regarding consideration of grant of Window Cleaner's Licence WC198.

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

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Resolved:

Consideration of grant of Window Cleaner's Licence WC198 be deferred to the next meeting of the Licensing Committee, being held on Thursday 14 July 2011, to allow the applicant to produce evidence of his Council Tax payments to the Licensing Section.

THE COMMITTEE UNANIMOUSLY DECIDED TO CONJOIN CONSIDERATION OF ITEMS P7, P8, P9 AND P10 ON THE AGENDA. THE APPLICANT AGREED TO THIS COURSE OF ACTION.

306. SUSPENSION OF TAXI OPERATOR'S LICENCE TO104

There was submitted a report by the Head of Legal Services (11/269), together with letter of representation, dated 11 May 2011, from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, regarding consideration of Suspension of Taxi Operator's Licence TO104.

The licence holder was in attendance, accompanied by his solicitor, Mr S Cumming, both of whom addressed the Committee, and answered members' questions. Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi Operator's Licence TO104 be not suspended.

307. SUSPENSION OF TAXI OPERATOR'S LICENCE TO108

There was submitted a report by the Head of Legal Services (11/270), together with letter of representation, dated 11 May 2011, from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, regarding consideration of Suspension of Taxi Operator's Licence TO104.

The licence holder was in attendance, accompanied by his solicitor, Mr S Cumming, both of whom addressed the Committee, and answered members' questions. Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi Operator's Licence TO108 be not suspended.

308. SUSPENSION OF TAXI OPERATOR'S LICENCE TO110

There was submitted a report by the Head of Legal Services (11/271), together with letter of representation, dated 11 May 2011, from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, regarding consideration of Suspension of Taxi Operator's Licence TO110.

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The licence holder was in attendance, accompanied by his solicitor, Mr S Cumming, both of whom addressed the Committee, and answered members' questions. Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Suspension of Taxi Operator's Licence TO110 be not suspended.

309. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE PH216

There was submitted a report by the Head of Legal Services (11/272), together with letter of representation, dated 11 May 2011, from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, regarding consideration of Suspension of Private Hire Operator's Licence PH216.

The licence holder was in attendance, accompanied by his solicitor, Mr S Cumming, both of whom addressed the Committee, and answered members' questions. Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Operator's Licence PH216 be not suspended.

310. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD496

There was submitted a report by the Head of Legal Services (11/273), together with letter of representation, dated 11 May 2011, from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, regarding consideration of Suspension of Taxi/Private Hire Car Driver's Licence TD496.

The licence holder was in attendance, accompanied by his solicitor, Mr S Cumming, both of whom addressed the Committee, and answered members' questions. Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Hire Car Driver's Licence TD496 be not suspended.

THE REPRESENTATIVES OF TAYSIDE POLICE REJOINED THE MEETING AT THIS POINT.

THE COMMITTEE UNANIMOUSLY DECIDED TO CONJOIN CONSIDERATION OF ITEMS P12, P13, P14, P15 AND P16 ON THE AGENDA. THE APPLICANT AGREED TO THIS COURSE OF ACTION.

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311. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE PH131

There was submitted a report by the Head of Legal Services (11/274), together with letter requesting suspension, dated 5 April 2011, from the Chief Constable, Tayside Police regarding consideration of Suspension of Private Hire Operator's Licence PH131.

The licence holder's representative, Mr John Dare was in attendance, addressed the Committee, and answered members' questions. The representative from Tayside Police also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Operator's Licence PH131 be not suspended.

312. RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE PH160

There was submitted a report by the Head of Legal Services (11/275), together with letter requesting suspension, dated 5 April 2011, from the Chief Constable, Tayside Police regarding consideration of Renewal of Private Hire Operator's Licence PH160.

The Depute Clerk advised this application should be treated as a renewal only and the Tayside Police letter taken to be an objection.

The applicant's representative, Mr John Dare, was in attendance, addressed the Committee, and answered members' questions. The representative from Tayside Police also answered members' questions.

THE REPRESENTATIVES OF TAYSIDE POLICE LEFT THE MEETING AT THIS POINT.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Consideration of Renewal of Private Hire Operator's Licence PH160 be deferred to the next meeting of the Licensing Committee, being held on Thursday 14 July 2011, to allow the applicant to produce evidence of Council Tax payments only.

THE REPRESENTATIVES OF TAYSIDE POLICE REJOINED THE MEETING AT THIS POINT.

313. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE PH199

There was submitted a report by the Head of Legal Services (11/276), together with letter requesting suspension, dated 5 April 2011, from the Chief Constable, Tayside Police regarding consideration of Suspension of Private Hire Operator's Licence PH160.

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The licence holder's representative, Mr John Dare, was in attendance, addressed the Committee, and answered members' questions. The representative from Tayside Police also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Operator's Licence PH199 be not suspended.

314. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE PH247

There was submitted a report by the Head of Legal Services (11/277), together with letter requesting suspension, dated 5 April 2011, from the Chief Constable, Tayside Police regarding consideration of Suspension of Private Hire Operator's Licence PH247.

The licence holder's representative, Mr John Dare, was in attendance, addressed the Committee, and answered members' questions. The representative from Tayside Police also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Operator's Licence PH247 be not suspended.

315. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD758

There was submitted a report by the Head of Legal Services (11/278), together with letter requesting suspension, dated 5 April 2011, from the Chief Constable, Tayside Police regarding consideration of Suspension of Taxi/Private Hire Car Driver's Licence TD758.

The licence holder's representative, Mr John Dare, was in attendance, addressed the Committee, and answered members' questions. The representative from Tayside Police also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Hire Car Driver's Licence TD758 be not suspended.

THE COMMITTEE UNANIMOUSLY DECIDED TO CONJOIN CONSIDERATION OF ITEMS P17, P18, P19, P20, P21 AND P22 ON THE AGENDA. THE APPLICANT AGREED TO THIS COURSE OF ACTION.

316. GRANT OF PRIVATE HIRE CAR LICENCE PH130

There was considered a report by the Head of Legal Services (11/279), together with letter of representation from the Chief Constable, Tayside Police, dated 21 April 2011, regarding consideration of grant of Private Hire Car Licence PH130.

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Mr Robertson, one of the applicants, was in attendance, addressed the Committee and answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Car Licence PH130 be granted for a period of 1 year, with effect from 2 June 2011, subject to the usual terms and conditions of a Private Hire Car Licence.

317. GRANT OF PRIVATE HIRE CAR LICENCE PH134

There was considered a report by the Head of Legal Services (11/280), together with letter of representation from the Chief Constable, Tayside Police, dated 21 April 2011, regarding consideration of grant of Private Hire Car Licence PH134.

Mr Robertson, one of the applicants, was in attendance, addressed the Committee and answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Car Licence PH134 be granted for a period of 1 year, with effect from 2 June 2011, subject to the usual terms and conditions of a Private Hire Car Licence.

318. RENEWAL OF PRIVATE HIRE CAR LICENCE PH207

There was considered a report by the Head of Legal Services (11/281), together with letter of representation from the Chief Constable, Tayside Police, dated 21 April 2011, regarding consideration of grant of Private Hire Car Licence PH207.

Mr Robertson, one of the applicants, was in attendance, addressed the Committee and answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Car Licence PH207 be renewed for a period of 1 year, with effect from 2 June 2011, subject to the usual terms and conditions of a Private Hire Car Licence.

319. GRANT OF PRIVATE HIRE CAR LICENCE PH337

There was considered a report by the Head of Legal Services (11/282), together with letter of representation from the Chief Constable, Tayside Police, dated 21 April 2011, regarding consideration of grant of Private Hire Car Licence PH337.

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Mr Robertson, one of the applicants, was in attendance, addressed the Committee and answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Car Licence PH337 be granted for a period of 1 year, with effect from 2 June 2011, subject to the usual terms and conditions of a Private Hire Car Licence.

320. GRANT OF PRIVATE HIRE CAR LICENCE PH369

There was considered a report by the Head of Legal Services (11/283), together with letter of representation from the Chief Constable, Tayside Police, dated 21 April 2011, regarding consideration of grant of Private Hire Car Licence PH369.

Mr Robertson, one of the applicants, was in attendance, addressed the Committee and answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Car Licence PH369 be granted for a period of 1 year, with effect from 2 June 2011, subject to the usual terms and conditions of a Private Hire Car Licence.

321. GRANT OF PRIVATE HIRE CAR LICENCE PH407

There was considered a report by the Head of Legal Services (11/284), together with letter of representation from the Chief Constable, Tayside Police, dated 21 April 2011, regarding consideration of grant of Private Hire Car Licence PH407.

Mr Robertson, one of the applicants, was in attendance, addressed the Committee and answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Car Licence PH407 be granted for a period of 1 year, with effect from 2 June 2011, subject to the usual terms and conditions of a Private Hire Car Licence.

322. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD876

There was submitted a report by the Head of Legal Services (11/264), together with (i) letter of representation, dated 11 April 2011, from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council; and (ii) letter of objection, dated 14 April 2011, from the Chief Constable, Tayside Police, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD876.

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The applicant was not in attendance.

Resolved:

Consideration of Grant of Taxi/Private Hire Car Driver's Licence TD876 be deferred to the next meeting of the Licensing Committee, being held on Thursday 14 July 2011, to allow the applicant to appear in person.

THE REPRESENTATIVES OF TAYSIDE POLICE LEFT THE MEETING AT THIS POINT.

323. TEMPORARY GRANT OF MARKET OPERATOR'S LICENCE MO103

There was submitted a report by the Head of Legal Services (11/285) regarding consideration of Temporary Grant of Market Operator's Licence MO103. There was tabled an e-mail from the applicant, dated 1 June 2011, advising that she was unable to attend the Licensing Committee meeting.

Resolved:

Temporary Grant of Market Operator's Licence MO103 be refused for other good reason, on the grounds that (i) Perth and Kinross Council's Roads Department had not consented to the event; and (ii) there was a lack of information available regarding details of the event.

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