

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth, on Wednesday 13 February 2008 at 10.00am.

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

In Attendance: Councillor B Band (up to and including Art. 76 and for Art. 88); Chief Superintendent M Hamilton and Inspector P Scobbie (both up to and including Art. 76) and Chief Inspector H Macpherson (up to and including Art. 90) (all Tayside Police); B McLintock, Tayside Fire and Rescue Service (up to and including Art. 76); R McGregor, Scottish Ambulance Service (up to and including Art. 76); Councillor R Band (Arts. 76 and 88 only); C White, C Robb and M Baker (all Corporate Services); D Stewart (up to and including Art. 76); A Wilson and M Underwood (up to and including Art. 83) and Y Oliver (both Chief Executive's Service).

Apologies for Absence: Councillors W Robertson and D Scott.

Councillor P Mulheron, Convener, Presiding.

74. DECLARATIONS OF INTEREST

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

75. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Licensing Committee of 9 January 2008 (Arts. 1-15) 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.

76. VARIATION OF PUBLIC ENTERTAINMENT LICENCE – PE150

There was submitted a report by the Chief Executive (08/74), (1) advising of an application by Big Day Out for a variation to the public entertainment licence issued on 7 July 2007 and valid until 6 July 2010, allowing early entry to the T In The Park festival on Thursday 10 July 2008, following consultation with local communities which were keen to see an improvement in the traffic management arrangements for the event following difficulties experienced in 2007, and otherwise detailing the various proposed opening times set out in Paragraph 3.6 of Report 08/74; (2) noting that this determination was subject to a written assurance from the applicant that there will be put in place a robust programme of structures erection with adequately resourced controls to ensure that the build would be complete in advance of the relevant opening times; and (3) advising that should the application be approved, a further report on the licensing conditions would be brought before a special meeting of the Licensing Committee, the date of which was still to be determined, following recommendations by the Multi-Agency Working Group.

The applicant and current licence holder were in attendance, addressed the Committee and answered Members' questions. Representatives of the Chief Constable, the Chief Fire Officer, the Scottish Ambulance Service, Perth and Kinross Council's Environment Service and the Chief Executive's Service also answered Members' questions.

Resolved:

- (i) The application by Big Day Out for variation to Public Entertainment Licence PE150, allowing early entry to the event on Thursday 10 July 2008, be approved.
- (ii) Written assurance be required from the applicant that there will be put in place a robust programme of structures erection with adequately resourced controls to ensure that the build is complete in advance of the relevant opening times.
- (iii) It be noted that a further report on the licensing conditions would be brought before a special meeting of the Licensing Committee, following the recommendations by the Multi-Agency Working Group.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
13 February 2008

- (iv) The various proposed opening times set out in Paragraph 3.6, with the exception of the musical entertainment finishing no later than 2.00am on Friday 11 July 2008, be approved; the Committee unanimously agreed that the musical entertainment should finish no later than 12 midnight on Thursday 10 July 2008.

CHIEF SUPERINTENDENT M HAMILTON, INSPECTOR P SCOBIE, B McLINTOCK, R MacGREGOR, D STEWART, A WILSON AND COUNCILLOR R BAND LEFT THE MEETING AT THIS POINT.

77. APPLICATION FOR VARIATION OF SKIN PIERCING AND TATTOOING LICENCE – SP5

There was submitted a report by the Head of Legal Services (08/75) regarding application for Variation of Skin Piercing and Tattooing Licence SP5.

Resolved:

Variation of Skin Piercing and Tattooing Licence SP5 be granted with effect from 13 February 2008.

78. APPLICATION FOR VARIATION OF SKIN PIERCING AND TATTOOING LICENCE – SP17

There was submitted a report by the Head of Legal Services (08/76) regarding application for Variation of Skin Piercing and Tattooing Licence SP17.

Resolved:

Variation of Skin Piercing and Tattooing Licence SP17 be granted with effect from 13 February 2008.

79. APPLICATION FOR VARIATION OF SKIN PIERCING AND TATTOOING LICENCE – SP21

There was submitted a report by the Head of Legal Services (08/77) regarding application for Variation of Skin Piercing and Tattooing Licence SP21.

Resolved:

Variation of Skin Piercing and Tattooing Licence SP21 be granted with effect from 13 February 2008.

80. APPLICATION FOR VARIATION OF SKIN PIERCING AND TATTOOING LICENCE – SP22

There was submitted a report by the Head of Legal Services (08/78) regarding application for Variation of Skin Piercing and Tattooing Licence SP22.

Resolved:

Variation of Skin Piercing and Tattooing Licence SP22 be granted with effect from 13 February 2008.

81. APPLICATION FOR VARIATION OF SKIN PIERCING AND TATTOOING LICENCE – SP24

There was submitted a report by the Head of Legal Services (08/79) regarding application for Variation of Skin Piercing and Tattooing Licence SP24.

Resolved:

Variation of Skin Piercing and Tattooing Licence SP24 be granted with effect from 13 February 2008.

82. APPLICATION FOR VARIATION OF SKIN PIERCING AND TATTOOING LICENCE – SP25

There was submitted a report by the Head of Legal Services (08/80) regarding application for Variation of Skin Piercing and Tattooing Licence SP25.

Resolved:

Variation of Skin Piercing and Tattooing Licence SP25 be granted with effect from 13 February 2008.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
13 February 2008

83. APPLICATION FOR VARIATION OF METAL DEALER'S LICENCE – ME5

There was submitted a report by the Head of Legal Services (08/81) regarding application for Variation of Metal Dealer's Licence ME5.

Resolved:

Variation of Metal Dealer's Licence ME5 be granted with effect from 13 February 2008.

M UNDERWOOD LEFT THE MEETING AT THIS POINT.

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

84. APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR'S LICENCE – PH154 AND TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD553

There was submitted a report by the Head of Legal Services (08/86) together with letter of representation from the Chief Constable, Tayside Police, dated 28 November 2007, regarding application for grant of Private Hire Car Operator's Licence PH154 and Taxi/Private Hire Car Driver's Licence TD553.

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 Private Hire Car Operator's Licence PH154 be granted for one year, and application for grant of Taxi/Private Hire Car Driver's Licence TD553 be granted for three years with the additional condition that the applicant attend the Vernon Manfield Drivers Awareness Course, both with effect from 13 February 2008.

85. SUSPENSION OF SECOND-HAND DEALER'S LICENCE – SD260

There was submitted a report by the Head of Legal Services (08/82) together with letter from the Chief Constable, Tayside Police, dated 3 December 2007, requesting suspension of Second-Hand Dealer's Licence SD260.

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

CHIEF INSPECTOR H MACPHERSON LEFT THE MEETING AT THIS POINT.

FOLLOWING A SHORT ADJOURNMENT TO CONSIDER REPRESENTATIONS THE COMMITTEE RE-CONVENED.

CHIEF INSPECTOR H MACPHERSON REJOINED THE MEETING AT THIS POINT.

Resolved:

Suspension of Second Hand Dealer's Licence SD260 be deferred to the next meeting of the Licensing Committee, being held on 19 March 2008, in order to (i) enable the Committee to have the licence holder to appear before them in person and address them on the report and the letter from the Chief Constable; and (ii) enable the licence holder or his agent to address the Committee regarding the impact, if any, of the licence holder's other businesses on his fitness to be a licence holder.

86. APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD409

There was submitted a report by the Head of Legal Services (08/84) together with letter of objection from the Chief Constable, Tayside Police, dated 11 January 2008, and letter of representation from the Chief Constable, Tayside Police, dated 16 December 2003, regarding application for renewal of Taxi/Private Hire Car Driver's Licence TD409.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
13 February 2008

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

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence TD409 be granted for one year, with effect from 21 December 2007, with the additional licence condition that the applicant attend the Vernon Manfield Driver Awareness Course.

87. APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD633

There was submitted a report by the Head of Legal Services (08/85) together with letter of objection from the Chief Constable, Tayside Police, dated 29 January 2008 and letter of representation from the Chief Constable, Tayside Police, dated 29 September 2003 regarding application for grant of Taxi/Private Hire Car Driver's Licence TD633.

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

CHIEF INSPECTOR H MACPHERSON LEFT THE MEETING AT THIS POINT.

FOLLOWING A SHORT ADJOURNMENT TO CONSIDER REPRESENTATIONS THE COMMITTEE RE-CONVENED.

CHIEF INSPECTOR H MACPHERSON REJOINED THE MEETING AT THIS POINT.

Resolved:

Application for grant of Taxi/Private Hire Car Diver's Licence TD633 be granted for six months, with effect from 13 February 2008, with the additional licence condition that the applicant attend the Vernon Manfield Driver Awareness Course.

CHIEF INSPECTOR H MACPHERSON LEFT THE MEETING AT THIS POINT.

COUNCILLOR R BAND RE-ENTERED THE MEETING AT THIS POINT.

88. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD191

There was submitted a report by the Head of Legal Services (08/88) together with (1) copy report by the Council Doctor dated 16 March 2007; (2) copy letter dated 29 March 2007 from the Council Doctor; (3) copy of ophthalmologist's report dated 20 March 2007; (4) copy letter dated 4 December 2007 to the Council Doctor from Perth and Kinross Council ; and (5) copy letter dated 11 December 2007 from the Council Doctor to Perth and Kinross Council's Licensing Department regarding suspension of Taxi/Private Hire Car Driver's Licence TD191.

The licence holder was in attendance, accompanied by Mr H Anderson. Mr Anderson addressed the Committee, requesting a deferral of the suspension to the next meeting of the Licensing Committee to enable the licence holder to seek legal representation.

AFTER A SHORT ADJOURNMENT TO DISCUSS THE REPRESENTATIONS RECEIVED THE COMMITTEE RECONVENED.

Resolved:

Suspension of Taxi/Private Hire Car Driver's Licence TD191 be deferred to the next meeting of the Licensing Committee, being held on 19 March 2008, on the undertaking of the licence holder not drive taxis/private hire cars during the period of deferment.

COUNCILLOR R BAND LEFT THE MEETING AT THIS POINT.

CHIEF INSPECTOR H MACPHERSON RE-ENTERED THE MEETING AT THIS POINT.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
13 February 2008

89. CONTINUATION OF SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD150

There was submitted a report by the Head of Legal Services (08/83) together with letter from the Chief Constable, Tayside Police, dated 3 January 2008, requesting suspension of Taxi/Private Hire Car Driver's Licence TD150. The applicant's licence was suspended with immediate effect on 7 January 2008 and now falls to be considered for continuation of suspension.

The licence holder was not in attendance. A representative of the Chief Constable answered Members' questions.

Resolved:

Suspension of Taxi/Private Hire Car Driver's Licence TD150 be continued for the duration of the licence to 20 November 2008 with immediate effect, on the basis that the licence holder is not a fit and proper person to hold a licence.

90. APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD883

There was submitted a report by the Head of Legal Services (08/87) together with letter of objection from the Chief Constable, Tayside Police, dated 11 January 2008 regarding application for grant of Taxi/Private Hire Car Driver's Licence TD883.

The applicant was not in attendance.

CHIEF INSPECTOR H MACPHERSON LEFT THE MEETING AT THIS POINT.

Resolved:

Application for grant of Taxi/Private Hire Car Driver's Licence TD883 be deferred to the next meeting of the Licensing Committee, being held on 19 March 2008, to allow the applicant (i) the opportunity to attend in person; and (ii) to produce information regarding his Council Tax position.

91. APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD774

There was submitted a report by the Head of Legal Services (08/90) together with report, dated 27 September 2007, from the Council Doctor, regarding application for Renewal of Taxi/Private Hire Car Driver's Licence TD774.

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

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence TD774 be refused, on the basis that the applicant is not a fit and proper person on medical grounds.

92. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD399

There was submitted a report by the Head of Legal Services (08/89) together with (1) copy report dated 18 January 2008 from the Council Doctor; (2) copy letter dated 9 January 2008 to the Council Doctor; and (3) copy letter dated 9 January 2008 to the licence holder regarding suspension of Taxi/Private Hire Car Driver's Licence TD399.

The Committee was advised that a further letter had been received from the Council Doctor advising that the applicant now met the criteria required to drive taxis/private hire cars. His attendance at the Licensing Committee was therefore no longer required.

Resolved:

Taxi/Private Hire Car Driver's Licence TD399 be not suspended, owing to the licence holder now meeting the criteria required to drive a taxi/private hire car.