

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
14 May 2008

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Wednesday 14 May 2008 at 10.00am.

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

In Attendance: Inspector E Knox, Tayside Police; C White and D Baykal (both Corporate Services); L Brown (Chief Executive's Service).

Councillor P Mulheron, Convener, Presiding.

291. DECLARATIONS OF INTEREST

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

292. MINUTES OF PREVIOUS MEETINGS

(i) Licensing Committee

The Minute of Meeting of the Licensing Committee of 23 April 2008 (Arts. 234-242) was submitted, approved as a correct record and authorised for signature.

(i) Special Meeting of the Licensing Committee

The Minute of Special Meeting of the Licensing Committee of 24 April 2008 (Arts. 249-250) was submitted, approved as a correct record and authorised for signature.

293. REVIEW OF LICENCE FEES

There was submitted a report by the Head of Legal Service (08/253) recommending an average increase in fees of 10% for licences issued under the Civic Government (Scotland) Act 1982, with the exception of licences for taxi and private hire operators.

Resolved:

The Civic Government and miscellaneous licensing fees detailed in the appendix to Report 08/253 be increased by an average of 10% with effect from 14 May 2008, with the further agreement that the fee for a Sex Shop Licence shall be £165 and not £140.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
14 May 2008

294. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – NEW FEES FOR SECOND HAND DEALERS

There was submitted a report by the Head of Legal Services (08/254) recommending the adoption of a reduced licence fee for second-hand dealers who operated a single cabinet at recognised antique centres.

Resolved:

The licence fee for second-hand dealers operating a single cabinet at antique centres be set at £50 per annum and £130 for the three year licence; the single cabinet shall not exceed 2 metres in height, 1 metre in width and 0.5 metres in depth.

295. GRANT OF LATE HOURS CATERING LICENCE - LH13

There was submitted a report by the Head of Legal Services (08/255) regarding an application for variation of Late Hours Catering Licence LH13.

Resolved:

The variation of Late Hours Catering Licence LH13, to attach the standard conditions applicable to a late hours catering licence, be granted with effect from 14 May 2008.

296. VARIATION OF CONDITION 7 OF STREET TRADER'S LICENCE - ST135

There was submitted a report by the Head of Legal Services (08/256), together with a letter of objection from the Chief Constable, Tayside Police, dated 21 April 2008 regarding an application for variation of Condition 7 of Street Trader's Licence ST135.

The Committee noted the item was withdrawn from the agenda at request of the licence holder.

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

IN TERMS OF STANDING ORDER 18, COUNCILLORS D SCOTT, J COBURN, J FLYNN AND W ROBERTSON LEFT THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

297. SUSPENSION OF SECOND-HAND DEALER'S LICENCE - SD260

There was submitted a report by the Head of Legal Services (08/257) together with a letter from the Chief Constable, Tayside Police, dated 3 December 2008, requesting the suspension of Second-Hand Dealer's Licence SD260.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
14 May 2008

A letter from the licence holder's legal representative, dated 13 May 2008, seeking a deferral was tabled at the meeting. The licence holder was in attendance and answered Members' questions.

THE COMMITTEE ADJOURNED TO CONSIDER THE REPRESENTATION RECEIVED.

THE LICENCE HOLDER AND THE REPRESENTATIVE OF THE CHIEF CONSTABLE, TAYSIDE POLICE, WITHDREW FROM THE MEETING AT THIS POINT.

THE COMMITTEE RECONVENED.

THE LICENCE HOLDER AND THE REPRESENTATIVE OF THE CHIEF CONSTABLE, TAYSIDE POLICE, RETURNED TO THE MEETING AT THIS POINT.

Having considered the written request from the licence holder's legal representative the Committee declined to defer consideration of the suspension of the licence.

Resolved:

Second-Hand Dealer's Licence ST260 be not suspended.

Councillor D Melloy moved to defer consideration of the request by the Chief Constable to suspend Second-Hand Dealer's Licence SD260, but failed to find a seconder and the motion fell.

COUNCILLORS D SCOTT, J COBURN, J FLYNN AND W ROBERTSON RETURNED TO THE MEETING AT THIS POINT.

298. CONTINUED SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD727

There was submitted a report by the Head of Legal Services (08/258) together with a letter from the Chief Constable, Tayside Police, dated 22 April 2008, requesting suspension of Taxi/Private Hire Car Driver's Licence TD727.

The licence holder had intimated he was unable to attend.

Resolved:

Suspension of Taxi/Private Hire Car Driver's Licence TD727 be continued with immediate effect for the duration of the licence period on the basis that the licence holder is not a fit and proper person to be the holder of the licence.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
14 May 2008

299. CONTINUED SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD629

There was submitted a report by the Head of Legal Services (08/259) together with a letter from the Chief Constable, Tayside Police, dated 22 April 2008, requesting suspension of Taxi/Private Hire Car Driver's Licence TD629.

The licence holder failed to attend.

Resolved:

Suspension of Taxi/Private Hire Car Driver's Licence TD629 be continued with immediate effect for the duration of the licence period on the basis that the licence holder is not a fit and proper person to be the holder of the licence.

300. GRANT OF SECOND-HAND MOTOR VEHICLE DEALER'S LICENCE - MD118

There was submitted a report by the Head of Legal Services (08/260) together with a letter of representation from the Chief Constable, Tayside Police, dated 11 April 2008, regarding application for grant of Second-Hand Motor Vehicle Dealer's Licence MD118.

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

Resolved:

Application for grant of Second-Hand Motor Vehicle Dealer's Licence MD118 be granted with effect from 14 May 2008.

301. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD86

There was submitted a report by the Head of Legal Services (08/261) together with a letter of representation from the Chief Constable, Tayside Police, date 8 April 2008 regarding application for grant of Taxi/Private Hire Car Driver's Licence TD86.

The applicant had intimated he was unable to attend.

Resolved:

Consideration of Taxi/Private Hire Car Driver's Licence TD86 be deferred to the next meeting of the Licensing Committee in order that the applicant might appear before the Committee in person.

302. GRANT OF WINDOW CLEANER'S LICENCE - WC159

There was submitted a report by the Head of Legal Services (08/262) together with a letter of representation from the Chief Constable, Tayside Police, dated 16 April 2008, regarding application for grant of Window Cleaner's Licence WC159.

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

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
14 May 2008

Resolved:

Application for grant of Window Cleaner's Licence WC159 be granted for a period of three years with effect from 14 May 2008.

303. GRANT OF WINDOW CLEANER'S LICENCE - WC155

There was submitted a report by the Head of Legal Services (08/263) regarding application for grant of Window Cleaner's Licence WC155.

The Committee noted the item was withdrawn from the agenda.

304. GRANT OF WINDOW CLEANER'S LICENCE - WC154

There was submitted a report by the Head of Legal Services (08/264) regarding application for grant of Window Cleaner's Licence WC154.

The Committee noted the item was withdrawn from the agenda.

305. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD4

There was submitted a report by the Head of Legal Services (08/265) regarding application for grant of Taxi/Private Hire Car Driver's Licence TD4.

Resolved:

Application for grant of Taxi/Private Hire Car Driver's Licence TD4 be refused on the grounds that the applicant is not a fit and proper person to be the holder of the licence.

306. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD591

There was submitted a report by the Head of Legal Services (08/266) regarding application for renewal of Taxi/Private Hire Car Driver's Licence TD591.

The applicant had intimated he was unable to attend.

Resolved:

Consideration of renewal of Taxi/Private Hire Car Driver's Licence TD591 be deferred to the next meeting of the Licensing Committee to enable the licence holder to appear before the Committee in person.

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