

# LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Committee Room, Council Building, 2 High Street, Perth, on Wednesday 25 January 2006 at 10.00am.

Present: Councillors Dow, Flynn (until Art 61), A Grant, E Grant (until Art 61), Mulheron and Wilson.

In Attendance: Councillors Hunter and McEwen (until Art 46); D Braidwood, L Brown, N Campbell (until Art 46) and G Sutherland (all Corporate Services); Chief Inspector G Robertson (Tayside Police).

Councillor A Grant, Presiding.

## 43. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct Councillor Flynn declared a non-financial interest as a Director of the Churches Action for the Homeless (CATH), in Articles 45 and 46.

## 44. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Licensing Committee of 6 December 2005 (Arts. 908-921) was submitted, approved as a correct record and authorised for signature.

COUNCILLOR FLYNN, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, WITHDREW TO THE PUBLIC GALLERY AND TOOK NO PART IN THE DECISION THEREON.

## 45. HOUSE IN MULTIPLE OCCUPATION LICENCE NO 45 – HILLCREST HOUSING ASSOCIATION/CATH, 47 YORK PLACE, PERTH – PROGRESS REPORT (Art. 324/05)

There was submitted and noted a report by the Head of Legal Services (06/42) advising of the new procedures put in place by the licence holder, Hillcrest Housing Association, in respect of House in Multiple Occupation Licence No 45, as detailed in Appendix C to the Report.

COUNCILLOR FLYNN REMAINED IN THE PUBLIC GALLERY, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, AND TOOK NO PART IN THE DECISION THEREON.

## 46. CONSIDERATION OF APPLICATION FOR GRANT OF LICENCE FOR HOUSE IN MULTIPLE OCCUPATION NO. HMO83

There was submitted a report by the Head of Legal Services (06/43) together with letters of objection from (1) Ms Grace Sharkey, Acting Secretary, North Inch and Muirton Community Council; (2) P Merron, Mrs A Brennan and A and E Nicolson, all Balhousie Street, Perth, Kylie Johnston and Mr A and Mrs J Johnston, all Florence Place, Perth, Mrs Marnoch, H and S Hutchison and A Sneddon, all Muirton Place, Perth; (3) letters of representation from Mr Ian Thomson, Muirton Bank, Perth and Mr E and Mrs I Knott, Balhousie Street, Perth, regarding consideration of application for grant of House in Multiple Occupation Licence HMO83. Letters of support were submitted from Mrs Brierton, Balhousie Street, Perth, R S & C Stewart, Florence Place, Perth and Ms Isobel Traill, Muirton Place, Perth. There was also submitted a letter on behalf of the Chief Constable dated 11 January 2006, commenting upon the application.

The applicant, Mrs M Fair, and two representatives from CATH, the managing agents, were in attendance, addressed the Committee and answered members' questions. Mrs Marnoch, Mr Sneddon, Mr Thomson and Ms Sharkey, Acting Secretary, North Inch and Muirton Community Council addressed the Committee and answered members' questions. Mrs Brierton and Ms Isobel Traill addressed the Committee in support of the application.

The representative of the Chief Constable also answered members' questions.

THE COMMITTEE ADJOURNED TO DISCUSS THE REPRESENTATIONS RECEIVED.

THE COMMITTEE RECONVENED.

**Resolved:**

- (i) The application for grant of House in Multiple Occupation Licence (HMO83) be granted with effect from 25 January 2006 to 17 November 2006, that being one year from the date upon which the licence application was lodged, and any application for renewal of the Licence be submitted to the Licensing Committee for consideration.
- (ii) The Housing in Multiple Occupation Officer be instructed to submit a monitoring report to the Licensing Committee on 19 April 2006.

COUNCILLOR FLYNN RETURNED TO THE MEETING AT THIS POINT.

COUNCILLORS HUNTER AND MCEWEN LEFT THE MEETING AT THIS POINT.

**47. CONSIDERATION OF APPLICATION FOR VARIATION OF CONDITION 7 OF STREET TRADER'S LICENCE NO. ST155**

There was submitted a report by the Head of Legal Services (06/44) regarding consideration of application for variation of Condition 7 of Street Trader's Licence No. ST155.

The Committee noted that following the withdrawal of the objection from the Executive Director (Planning & Transportation) the Licence had been granted under delegated powers in terms of the Council's Scheme of Administration, and the item had been withdrawn from the agenda.

**48. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD150**

There was submitted a report by the Head of Legal Services (06/45) together with a letter of representation from the Chief Constable, Tayside Police dated 29 November 2005, regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD150.

The applicant, Mr George Moffat, was in attendance, addressed the Committee and answered members' questions. The representative of the Chief Constable also answered members' questions.

**Resolved:**

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD150 be granted for a period of one year, with effect from 20 November 2005.

**49. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI OPERATOR'S LICENCE NO. TO33**

There was submitted a report by the Head of Legal Services (06/46) together with a letter of representation from the Chief Constable, Tayside Police dated 29 November 2005, regarding consideration of application for renewal of Taxi Operator's Licence No. TO33.

The applicant, Mr Raymond W Dare, was in attendance, addressed the Committee and answered members' questions. The representative of the Chief Constable also answered members' questions.

**Resolved:**

Application for renewal of Taxi Operator's Licence No. TO33 be granted for a period of one year, with effect from 3 December 2005.

**50. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD442**

There was submitted a report by the Head of Legal Services (06/47) together with a letter of representation from the Chief Constable, Tayside Police dated 8 December 2005, regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD442.

The applicant, Mr Frederick Cannon, was in attendance, addressed the Committee and answered members' questions. The representative of the Chief Constable also answered members' questions.

**Resolved:**

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD442 be granted for a period of three years, with effect from 9 December 2005.

**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**

**51. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD665**

There was submitted a report by the Head of Legal Services (06/48) together with a letter of objection from the Chief Constable, Tayside Police dated 9 January 2006, regarding consideration of application for Renewal of Taxi/Private Hire Car Driver's Licence No. TD665.

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

**Resolved:**

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD665 be refused on the grounds that the applicant is not a fit and proper person to be the holder of the licence.

**52. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD4**

There was submitted a report by the Head of Legal Services (06/49) together with letter of objection from the Chief Constable, Tayside Police dated 9 January 2006, regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD4.

Two testimonials dated 27 February 1998 and 24 January 2006 were tabled in support of the applicant by a former employer and the proprietor of the Glendevon Hotel. A letter from the applicant's medical practitioner dated 17 January 2006 was also tabled.

The applicant and his wife addressed the Committee and answered members' questions. The representative of the Chief Constable also answered members' questions.

THE COMMITTEE ADJOURNED TO DISCUSS THE REPRESENTATIONS RECEIVED.

THE COMMITTEE RECONVENED.

**Resolved:**

Application for grant of Taxi/Private Hire Car Driver's Licence No. TD4 be refused on the grounds that the applicant is not a fit and proper person to be the holder of the licence.

**53. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD1**

There was submitted a report by the Head of Legal Services (06/53) together with a letter of objection from the Chief Constable, Tayside Police dated 19 December 2005 regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD1.

The Committee noted that the applicant had submitted a letter dated 24 January 2006 withdrawing his application.

**54. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD454**

There was submitted a report by the Head of Legal Services (06/54) together with a letter of representation from the Chief Constable, Tayside Police dated 26 October 2005 regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD454. The licence holder was in attendance.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE LEFT THE MEETING ROOM DURING DISCUSSION OF FINANCIAL MATTERS RELATING TO THE LICENCE HOLDER.

The licence holder addressed the Committee and answered members' questions.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE RETURNED TO THE MEETING.

The representative of the Chief Constable answered members' questions.

**Resolved:**

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD454 be granted for a period of one year, with effect from 10 September 2005.

**55. CONSIDERATION OF APPLICATION FOR GRANT OF STREET TRADER'S LICENCE NO. ST84**

There was submitted a report by the Head of Legal Services (06/55) regarding consideration of application for grant of Street Trader's Licence No. ST84.

The Committee noted the application was withdrawn from the agenda.

**56. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD253**

There was submitted a report by the Head of Legal Services (06/56) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD253.

The Committee noted the application was withdrawn from the agenda.

**57. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD211**

There was submitted a report by the Head of Legal Services (06/57) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD211.

The Committee noted the application was withdrawn from the agenda.

**58. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD368**

There was submitted a report by the Head of Legal Services (06/58) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD368.

The Committee noted the application was withdrawn from the agenda.

**59. CONSIDERATION OF APPLICATION FOR RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE NO. PH214**

There was submitted a report by the Head of Legal Services (06/59) regarding consideration of application for renewal of Private Hire Operator's Licence No. PH214.

The Committee noted the application was withdrawn from the agenda.

**60. CONSIDERATION OF APPLICATION FOR GRANT OF SECOND-HAND MOTOR DEALER'S LICENCE NO. MD42**

There was submitted a report by the Head of Legal Services (06/60) regarding consideration of application for grant of Second-Hand Motor Dealer's Licence No. MD42.

The Committee noted the application was withdrawn from the agenda.

**61. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD14**

There was submitted a report by the Head of Legal Services (06/61) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD14.

The Committee noted the application was withdrawn from the agenda.

COUNCILLORS FLYNN AND E GRANT LEFT THE MEETING AT THIS POINT.

THE COMMITTEE ADJOURNED AT 1.30PM.

THE COMMITTEE RECONVENED AT 2.15PM IN THE COMMITTEE ROOM, COUNCIL BUILDING, 2 HIGH STREET, PERTH. COUNCILLOR WILSON JOINED THE RECONVENED MEETING FROM ARTICLE 65.

**62. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD39**

There was submitted a report by the Head of Legal Services (06/51) together with a letter of representation from the Chief Constable, Tayside Police dated 12 January 2006 regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD39.

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 grant of Taxi/Private Hire Car Driver's Licence No. TD39 be granted for a period of one year, with effect from 25 January 2006.

**63. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD38**

There was submitted a report by the Head of Legal Services (06/52) together with a letter of representation from the Chief Constable, Tayside Police dated 12 January 2006 regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD38.

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 grant of Taxi/Private Hire Car Driver's Licence No. TD38 be granted for a period of one year, with effect from 25 January 2006.

**64. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD403**

There was submitted a report by the Head of Legal Services (06/63) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD403. The licence holder was in attendance.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE LEFT THE MEETING ROOM DURING DISCUSSION OF FINANCIAL MATTERS RELATING TO THE LICENCE HOLDER.

The licence holder addressed the Committee and answered members' questions.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE RETURNED TO THE MEETING.

The representative of the Chief Constable also answered members' questions.

**Resolved:**

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD403 be granted for a period of three years, with effect from 18 November 2005.

COUNCILLOR WILSON ENTERED THE RECONVENED MEETING AT THIS POINT.

**65. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD789**

There was submitted a report by the Head of Legal Services (06/50) together with letter of representation from the Chief Constable, Tayside Police dated 9 November 2005 regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD789. The applicant was not in attendance.

The representative of the Chief Constable addressed the Committee and answered members' questions.

**Resolved:**

Application for grant of Taxi/Private Hire Car Driver's Licence No. TD789 be granted for a period of six months, with effect from 25 January 2006.

**66. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD561**

There was submitted a report by the Head of Legal Services (06/62) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD561.

The licence holder failed to attend.

**Resolved:**

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD561 be refused on the grounds that the applicant is not a fit and proper person to be the holder of the licence.