

## LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 7 October 2010 at 11.30am.

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

In Attendance: Inspector D Hunter and S Michie, Licensing Supervisor (both Tayside Police); W Gibson (up to and including Art. 572), L Clark, M Baker, C Elliott and Y Oliver (all Chief Executive's Service).

Apologies for Absence: Councillors B Ellis and D Melloy.

Councillor P Mulheron, Convener, Presiding.

### 565. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors' Code of Conduct.

### 566. MINUTES OF PREVIOUS MEETINGS

#### (i) Licensing Committee

The Minute of the Licensing Committee of 26 August 2010 (Arts. 455-480) was submitted, approved as a correct record and authorised for signature.

#### (ii) Special Meeting of the Licensing Committee

The Minute of the Special Meeting of the Licensing Committee of 31 August 2010 (Arts. 484-485) was submitted, approved as a correct record and authorised for signature.

### 567. ADVERTISING ON TAXI AND PRIVATE HIRE CARS

There was submitted a report by the Head of Legal Services (10/530) setting out the current framework which permits advertising on taxis and private hire cars and recommending that the Committee consider whether to change some aspects of that policy.

#### **Resolved:**

It be agreed that:

- (i) the present form of notice for private hire cars wishing to display advertising remain the same shape and size as it is at present;
- (ii) the notice may be located either (a) on the front driver and passenger doors, or (b) on the rear passenger doors (but not a mixture of each). Licence conditions will be amended accordingly to reflect this change;
- (iii) taxi and private hire operators with advertising approval be required to ensure their approval letter is held in the vehicle and produce this to the Licensing

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
7 October 2010

- Enforcement Officer when requested to do so. Licence conditions will be amended accordingly to reflect this change; and
- (iv) advertising be allowed on the rear window of a vehicle, subject to compliance with the policy in other respects in terms of suitability.

**568. VARIATION OF CONDITION 7 OF STREET TRADER'S LICENCE – ST206**

There was submitted a report by the Head of Legal Services (10/531) together with letter of objection dated 28 April 2010, from the Chief Constable, Tayside Police, regarding an application for variation of Condition 7 of Street Trader's Licence ST206.

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

**Resolved:**

Variation of Condition 7 of Street Trader's Licence ST206 be refused, on the basis of it having a possible adverse effect on road safety.

**569. CONTINUED SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1089**

There was submitted a report by the Head of Legal Services (10/532) together with letter dated 13 September 2010 from W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, regarding the continued suspension of Taxi/Private Hire Car Driver's Licence TD1089.

The licence holder was in attendance, tabled a statement to the Committee, addressed the Committee and answered members' questions. The representative of the Chief Constable, Tayside Police, also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1089 be further suspended for one month from 7 October 2010 on the basis the licence holder is no longer a fit and proper person to hold the licence and separately, suspend on the basis of a breach of Condition D31.1 of the licence.

Councillor J Flynn moved a Motion that no further period of suspension be incurred but, having failed to secure a seconder, the Motion accordingly fell.

**570. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE – PH281**

There was submitted a report by the Head of Legal Services (10/533) together with letter dated 13 September 2010 from W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, regarding the suspension of Private Hire Operator's Licence PH281.

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
7 October 2010

The licence holder was in attendance, tabled a statement to the Committee, addressed the Committee and answered members' questions. The representative of the Chief Constable, Tayside Police, also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

**Resolved:**

Private Hire Operator's Licence PH281 be not suspended.

REPRESENTATIVES OF TAYSIDE POLICE 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.**

**571. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1086**

There was submitted a report by the Head of Legal Services (10/534) regarding grant of Taxi/Private Hire Car Driver's Licence TD1086.

The applicant was not in attendance.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1086 be refused on the basis that the applicant is not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

**572. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1093**

There was submitted a report by the Head of Legal Services (10/535) together with letter dated 16 June 2010 from the Chief Constable, Tayside Police, regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD1093.

The applicant was not in attendance.

REPRESENTATIVES OF TAYSIDE POLICE RETURNED TO THE MEETING AT THIS POINT.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1093 be refused on the grounds that the applicant is not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

W GIBSON LEFT THE MEETING AT THIS POINT.

**573. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1108**

There was submitted a report by the Head of Legal Services (10/536) together with letter of representation dated 1 September 2010 from the Chief Constable,

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
7 October 2010

Tayside Police, regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD1108.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1108 be granted for one year, with effect from 7 October 2010.

**574. GRANT OF PRIVATE HIRE OPERATOR'S LICENCE – PH370**

There was submitted a report by the Head of Legal Services (10/537) together with letter of representation dated 23 September 2010 from the Chief Constable, Tayside Police, regarding consideration of grant of Private Hire Operator's Licence PH370.

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

**Resolved:**

Private Hire Operator's Licence PH370 be granted for a period of one year, with effect from 7 October 2010.

**575. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1113**

There was submitted a report by the Head of Legal Services (10/538) together with letter of representation dated 23 September 2010 from the Chief Constable, Tayside Police, regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD1113.

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

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1113 be granted for a period of one year, with effect from 7 October 2010.

**576. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1114**

There was submitted a report by the Head of Legal Services (10/539) together with letter dated 23 September 2010 from the Chief Constable, Tayside Police, regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD1114.

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
7 October 2010

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

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1114 be granted for a period of one year, with effect from 7 October 2010.

**577. RENEWAL OF WINDOW CLEANER'S LICENCE – WC97**

There was submitted a report by the Head of Legal Services (10/540) together with letter of representation dated 13 July 2010, from the Chief Constable, Tayside Police, regarding an application for renewal of Window Cleaner's Licence WC97.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Motion (Councillors D Scott and H Stewart) – Window Cleaner's Licence WC97 be renewed for a period of six months, with effect from 12 July 2010.

**Amendment (Councillors J Flynn and J Coburn) – Window Cleaner's Licence WC97 be renewed for a period of one year, with effect from 12 July 2010.**

Amendment – 3 votes

Motion – 2 votes

**Resolved:**

In accordance with the Amendment.

**578. SUSPENSION OF WINDOW CLEANER'S LICENCE – WC78**

There was submitted a report by the Head of Legal Services (10/541) together with letter requesting immediate suspension dated 7 June 2010, from the Chief Constable, Tayside Police.

The applicant was in attendance, accompanied by his agent, Mr J McLaughlin, both of whom addressed the Committee and answered members' questions. The representative of the Chief Constable, Tayside Police, also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

**Resolved:**

Window Cleaner's Licence WC78 be suspended for a period of six weeks, with effect from 7 October 2010, on the basis that the licence holder is no longer a fit and proper person to be the holder of a Window Cleaner's Licence.

Councillor D Scott moved that Window Cleaner's Licence WC78 be not suspended but, having failed to secure a seconder, the Motion accordingly fell.

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