

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
3 NOVEMBER 2011

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 3 November 2011 at 11.30am.

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

In Attendance: Inspector D Winters and S Michie, Licensing Supervisor (both Tayside Police); C Elliott, W Gibson, M Baker and Y Oliver (all Chief Executive's Service).

Apologies: Councillors J Flynn, D Scott and H Stewart.

Councillor P Mulheron, Presiding.

598. DECLARATIONS OF INTEREST

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

599. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 29 September 2011 (Arts. 553-567) was submitted and approved as a correct record.

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.

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS.

600. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE – PH190

There was submitted a report by the Head of Legal Services (11/547), together with letter requesting suspension, dated 20 September 2011, from the Chief Constable, Tayside Police, regarding consideration of suspension of Private Hire Operator's Licence PH190.

Mr C Elliott, Solicitor, Perth and Kinross Council, advised members that the contravention referred to in the letter dated 20 September 2011 from Tayside Police should read D31.1 (as opposed to A31.1).

The applicant was in attendance, accompanied by his wife and his agent, Mr D Holmes, who addressed the Committee and requested deferral of consideration of suspension of Private Hire Operator's Licence PH190 to a future meeting of the Licensing Committee.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
3 NOVEMBER 2011

Resolved:

Consideration of suspension of Private Hire Operator's Licence PH190 be deferred to the next meeting of the Licensing Committee, being held on Thursday 8 December 2011, to allow a witness for the licence holder to attend, and for further investigation.

601. SUSPENSION OF TAXI/PRIVATE HIRE DRIVER'S LICENCE – TD634

There was submitted a report by the Head of Legal Services (11/548), together with letter requesting suspension, dated 20 September 2011, from the Chief Constable, Tayside Police, regarding consideration of suspension of Taxi/Private Hire Driver's Licence TD634.

Mr C Elliott, Solicitor, Perth and Kinross Council, advised members that the contravention referred to in the letter dated 20 September 2011 from Tayside Police should read D31.1 (as opposed to A31.1).

The applicant was in attendance, accompanied by his wife and his agent, Mr D Holmes, who addressed the Committee and requested deferral of consideration of suspension of Taxi/Private Hire Car Driver's Licence TD634 to a future meeting of the Licensing Committee.

Resolved:

Consideration of suspension of Private Hire Operator's Licence PH190 be deferred to the next meeting of the Licensing Committee, being held on Thursday 8 December 2011, to allow a witness for the licence holder to attend, and for further investigation.

602. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD800

There was submitted a report by the Head of Legal Services (11/550), together with (i) letter of objection, dated 21 July 2011 and (ii) letter for information, dated 6 August 2008, both from the Chief Constable, Tayside Police, regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD800.

The applicant was in attendance, accompanied by her agent, Mr D Holmes, 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:

Taxi/Private Hire Car Driver's Licence TD800 be granted for a period of 3 years with effect from 3 July 2011.

603. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD822

There was submitted a report by the Head of Legal Services (11/549), together with (i) letter of representation, dated 7 October 2011, (ii) letter of

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
3 NOVEMBER 2011

representation dated 27 October 2008, (iii) request for immediate suspension dated 18 August 2008, (iv) letter of objection dated 11 June 2007, and (v) letter of objection dated 9 January 2006, all from the Chief Constable, Tayside Police regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD822.

The applicant was in attendance, addressed the Committee and answered members' questions. He also tabled a handwritten letter from a Melissa Rodger which was passed to the Licensing Committee for information. 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 TD822 be refused, on the grounds that the licence holder is not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

Councillor P Mulheron moved a Motion that Renewal of Taxi/Private Hire Car Driver's Licence TD822 be granted for a period of one year, with effect from 26 September 2011. On failing to find a seconder, the Motion accordingly fell.

604. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD224

There was submitted a report by the Head of Legal Services (11/551), together with (i) letter of objection, dated 20 September 2011; and (ii) letter requesting immediate suspension, dated 31 August 2009, both from the Chief Constable, Tayside Police, regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD224.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD224 be renewed for a period of one year with effect from 25 September 2011.

605. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1180

There was submitted a report by the Head of Legal Services (11/552), together with letter of information, dated 25 August 2011 from the Chief Constable, Tayside Police regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1180.

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 TD1180 be granted for a period of 1 year, with effect from 3 November 2011.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
3 NOVEMBER 2011

606. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD674

There was submitted a report by the Head of Legal Services (11/553), together with letter of objection, dated 25 August 2011 from the Chief Constable, Tayside Police, regarding consideration of renewal of Taxi/Private Hire Car Driver's Licence TD674.

The licence holder was in attendance, addressed the Committee and answered members' questions. He also tabled a letter from his employer, Ms E Yule, copies of which were passed to the Licensing Committee for information.

Resolved:

Taxi/Private Hire Car Driver's Licence TD674 be granted for a period of three years, with effect from 8 September 2011.

607. RENEWAL OF LATE HOURS CATERING LICENCE – LH87

There was submitted a report by the Head of Legal Services (11/554), together with (i) letter dated 17 October 2011 from Housing and Community Care – Local Taxes and (ii) letter of objection dated 24 May 2011 and letter dated 18 March 2009, both from the Chief Constable, Tayside Police regarding consideration of Renewal of Late Hours Catering Licence LH87.

The applicant was not in attendance.

Resolved:

Late Hours Catering Licence LH87 be refused, on the grounds that the licence holder is not a fit and proper person to be the holder of a Late Hours Catering Licence.

608. RENEWAL OF STREET TRADER'S LICENCE – ST72

There was submitted a report by the Head of Legal Services (11/555) regarding consideration of the Renewal of Street Trader's Licence ST72.

The Committee noted that this item had been withdrawn from the agenda.

609. GRANT OF SECOND HAND DEALER'S LICENCE – SD363

There was submitted a report by the Head of Legal Services (11/556) regarding consideration of the Grant of Second Hand Dealer's Licence SD363.

The applicant was not in attendance.

Resolved:

Consideration of Second Hand Dealer's Licence SD363 be deferred to the next meeting of the Licensing Committee, taking place on Thursday 8 December 2011, to allow the applicant to provide the Council Tax information requested and to appear in person.

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
3 NOVEMBER 2011

610. GRANT OF PRIVATE HIRE CAR LICENCE – PH221

There was submitted a report by the Head of Legal Services (11/557) regarding consideration of Grant of Private Hire Car Licence PH221.

The Committee noted that this item had been withdrawn from the agenda.

611. CONTINUED SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD855

There was submitted a report by the Head of Legal Services (11/558) together with reports dated 30 September 2011 and 30 August 2011 from Dr D S Foster, regarding consideration of the continued suspension of Taxi/Private Hire Car Driver's Licence TD855.

The applicant was not in attendance.

Resolved:

Suspension of Taxi/Private Hire Car Driver's Licence TD855 be continued with immediate effect for the period the licence could continue to have effect were it not for the suspension.

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