

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
10 September 2008

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Wednesday 10 September 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; S Rodger, C Robb, K Campbell and J Eodanable (all Corporate Services); Y Oliver (Chief Executive's Service).

Councillor P Mulheron, Convener, Presiding.

481. DECLARATIONS OF INTEREST

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

482. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Licensing Committee of 23 July 2008 (Arts. 420-429) 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.

483. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – TAXI FARE REVIEW

There was submitted a report by the Head of Legal Services (08/452) outlining the findings of the most recent taxi fare review and proposing an increase in fares.

Resolved:

- (i) The undernoted amendments to the scale of taxi fares be approved in principle and, in accordance with legislation, be advertised with an invitation to lodge representations to the proposals; and
- (ii) subject to no unfavourable representations being received, the undernoted charges be implemented with immediate effect:
 - (a) The initial charge be:

Tariff 1	£2.80 for 880 yards
Tariff 2	£3.50 for 880 yards
Tariff 3	£4.20 for 880 yards
 - (b) The mileage rate be:

Tariff 1	10p for 117 yards
Tariff 2	10p for 94 yards
Tariff 3	10p for 78 yards

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484. CONSIDERATION OF GRANT OF LICENCE FOR HOUSE IN MULTIPLE OCCUPATION – FLAT 6, 44 TAY STREET, PERTH – HMO118

There was submitted a report by the Head of Legal Services (08/468), together with letter (1) letter from Tayside Fire and Rescue, dated 28 February 2008; and (2) letter of objection from neighbouring proprietors, dated 22 November 2007, regarding consideration of grant of licence for House in Multiple Occupation HMO118.

Mr A Frame, applicant, was in attendance, addressed the Committee and answered Members' questions. Mr C Robb, Licensing Officer, also answered Members' questions.

Resolved:

House in Multiple Occupation Licence (HMO118) be granted for three years with effect from 10 September 2008, subject to the additional licence condition that the fire recommendations, as detailed in the letter from Tayside Fire and Rescue dated 28 February 2008, being implemented timeously and the Council's Enforcement Officer reporting back to the Head of Legal Services that the works have been carried out.

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

485. CONTINUED SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD433

There was submitted a report by the Head of Legal Services (08/453), together with letter dated 12 August 2008 from the Chief Constable, Tayside Police, regarding consideration of continuation of suspension of Taxi/Private Hire Car Driver's Licence TD433.

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

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

Resolved:

Suspension of Taxi/Private Hire Car Driver's Licence TD433 be continued with immediate effect for the duration of the licence (to 4 September 2008) on the basis that the applicant is not a fit and proper person to hold a licence.

486. GRANT OF SECOND-HAND MOTOR DEALER'S LICENCE – MD137

There was submitted a report by the Head of Legal Services (08/455), together with letter of objection from the Chief Constable, Tayside Police, dated 23 June 2008, regarding an application for grant of Second Hand Motor Dealer's Licence MD137.

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The applicant was in attendance, accompanied by his agent, Mr J Muir, Solicitor, who addressed the Committee and answered Members' questions. A representative of the Chief Constable, Tayside Police, also answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

Motion (Councillors D Scott and W Robertson)

Second-Hand Motor Dealer's Licence MD137 be granted for one year with effect from 10 September 2008, subject to the additional licence condition that the applicant appear before the Licensing Committee prior to renewal of the licence.

Amendment (Councillors D Melloy and H Stewart)

Second-Hand Motor Dealer's Licence MD137 be refused, on the basis that the applicant is not a fit and proper person to be the holder of a licence.

Amendment – 4 votes

Motion – 3 votes

Resolved:

Second-Hand Motor Dealer's Licence MD137 be refused, on the basis that the applicant is not a fit and proper person to be the holder of a licence.

487. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD174

There was submitted a report by the Head of Legal Services (08/456), together with letter of representation from the Chief Constable, Tayside Police, dated 26 August 2008, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD174.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD174 be granted for three years with effect from 10 September 2008, subject to the additional licence condition that the applicant attends the Vernon Manfield Driver Awareness Course.

488. GRANT OF STREET TRADER'S LICENCE – ST167

There was submitted a report by the Head of Legal Services (08/457), together with letter of representation from the Chief Constable, Tayside Police, dated 5 June 2008, regarding an application for grant of Street Trader's Licence ST167.

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

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INSPECTOR E KNOX LEFT THE MEETING AT THIS POINT.

Resolved:

Street Trader's Licence ST167 be granted for one year with effect from 10 September 2008, subject to the additional licence condition that the applicant submits information with regard to his Council Tax position to the Head of Legal Services.

INSPECTOR E KNOX RETURNED TO THE MEETING.

COUNCILLOR H STEWART LEFT THE MEETING.

489. CONTINUATION OF SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD623

There was submitted a report by the Head of Legal Services (08/454), together with letter from the Chief Constable, Tayside Police, dated 1 August 2008, regarding consideration of continuation of suspension of Taxi/Private Hire Car Driver's Licence TD623.

The applicant was not in attendance. A representative of the Chief Constable, Tayside Police, answered Members' questions.

Resolved:

Suspension of Taxi/Private Hire Car Driver's Licence TD623 be continued with immediate effect, for the duration of the licence (to 10 January 2011), on the basis that the applicant is not a fit and proper person to hold a licence.

490. GRANT OF WINDOW CLEANER'S LICENCE – WC163

There was submitted a report by the Head of Legal Services (08/458), together with letter of representation from the Chief Constable, Tayside Police, dated 9 June 2008, regarding an application for grant of Window Cleaner's Licence WC163.

The applicant was not in attendance. A representative of the Chief Constable, Tayside Police, answered Member's questions.

Resolved:

Window Cleaner's Licence WC163 be refused, on the basis that the applicant is not a fit and proper person to hold a licence.

491. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD895

There was submitted a report by the Head of Legal Services (08/459), together with letter of objection from the Chief Constable, Tayside Police, dated 28 July 2008, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD895.

The applicant was not in attendance. A representative of the Chief Constable, Tayside Police, answered Member's questions.

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Resolved:

Taxi/Private Hire Car Driver's Licence TD895 be refused, on the basis that the applicant is not a fit and proper person to hold a licence.

492. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD836

There was submitted a report by the Head of Legal Services (08/460), together with letter of objection from the Chief Constable, Tayside Police, dated 9 June 2008, regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD836.

Resolved:

The Committee agreed to defer consideration of renewal of Taxi/Private Hire Car Driver's Licence TD836 to the next meeting of the Licensing Committee, being held on 15 October 2008, as the applicant had intimated that he was unable to attend the meeting of this Committee on 10 September 2008.

INSPECTOR E KNOX LEFT THE MEETING AT THIS POINT.

493. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD657

There was submitted a report by the Head of Legal Services (08/461) together with letter of representation from Messrs Macnabs, agents for the applicant, dated 7 August 2008, regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD657.

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

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence TD657 be granted for one year, with effect from 14 March 2008.

494. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD788

There was submitted a report by the Head of Legal Services (08/462) regarding consideration of renewal of Taxi/Private Hire Car Driver's Licence TD788.

The applicant was not in attendance.

Resolved:

Consideration of renewal of Taxi/Private Hire Car Driver's Licence TD788 be deferred to the next meeting of the Licensing Committee, being held on 15 October 2008, to allow the applicant to produce information relating to his Council Tax position.

495. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD314

There was submitted a report by the Head of Legal Services (08/463) regarding consideration of renewal of Taxi/Private Hire Car Driver's Licence TD314.

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

Motion (Councillors D Scott and W Robertson)

Renewal of Taxi/Private Hire Car Driver's Licence TD314 be granted, subject to the additional licence condition that financial information be provided by the applicant confirming that a Council Tax payment arrangement is in place, prior to the next Committee meeting on 15 October 2008.

Amendment (Councillors J Coburn and J Flynn)

Renewal of Taxi/Private Hire Car Driver's Licence TD314 be deferred to the next meeting of the Licensing Committee, being held on 15 October 2008, to allow the applicant to provide confirmation that a payment arrangement is in place with regard to his Council Tax.

Amendment – 4 votes

Motion – 2 votes

Resolved:

Renewal of Taxi/Private Hire Car Driver's Licence TD314 be deferred to the next meeting of the Licensing Committee, being held on 15 October 2008, to allow the applicant to provide confirmation that a payment arrangement is in place with regard to his Council Tax.

496. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD184

There was submitted a report by the Head of Legal Services (08/465) regarding consideration of renewal of Taxi/Private Hire Car Driver's Licence TD184.

The applicant was in attendance, accompanied by Ms K Mitchell, both of whom addressed the Committee and answered Members' questions.

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence be granted for one year, with effect from 12 March 2008.

497. GRANT OF SECOND-HAND DEALER'S LICENCE – SD157

There was submitted a report by the Head of Legal Services (08/466) regarding consideration of grant of Second Hand Dealer's Licence SD157.

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

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

Motion (Councillors D Scott and D Melloy)

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Second Hand Dealer's Licence SD157 be granted for three years with effect from 10 September 2008.

Amendment (Councillors J Flynn and W Robertson)

Second Hand Dealer's Licence SD157 be refused, on the basis that the applicant is not a fit and proper person to hold a licence.

Amendment – 3 votes

Motion – 3 votes

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Amendment.

Resolved:

Second Hand Dealer's Licence SD157 be refused, on the basis that the applicant is not a fit and proper person to hold a licence.

COUNCILLOR W ROBERTSON LEFT THE MEETING AT THIS POINT.

498. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD181

There was submitted a report by the Head of Legal Services (08/464) regarding consideration of renewal of Taxi/Private Hire Car Driver's Licence TD181.

The Committee was advised that the relevant financial information required to process the application had been received from the licence holder consequently this item had been withdrawn from the agenda.

499. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD432

There was submitted a report by the Head of Legal Services (08/467) regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD432.

The applicant was not in attendance.

Resolved:

Application for grant of Taxi/Private Hire Car Driver's Licence TD432 be deferred to the next meeting of the Licensing Committee, being held on 15 October 2008, to allow the applicant to produce information relating to his Council Tax Position.

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