

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Wednesday 1 July 2009 at 10.00am.

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

In Attendance: Inspector E Knox and Sergeant D Hunter (both Tayside Police) (up to and including Art. 375); J Eodanable, M Baker and C Robb (all Corporate Services); Y Oliver (Chief Executive's Service).

Apologies for Absence: Councillors D Melloy and H Stewart.

Councillor P Mulheron, Convener, Presiding.

364. DECLARATIONS OF INTEREST

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

365. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 20 May 2009 (Arts. 249-258) was submitted, approved as a correct record and authorised for signature.

366. VARIATION OF TAXI OPERATOR'S LICENCE – TO101

There was submitted a report by the Head of Legal Services (09/328) regarding an application for variation of Taxi Operator's Licence TO101.

The Committee was advised that this application had been withdrawn at the request of the applicant.

367. GRANT OF TAXI OPERATOR'S LICENCE – X1

There was submitted a report by the Head of Legal Services (09/329) regarding an application for grant of Taxi Operator's Licence X1.

The Committee was advised that this application had been withdrawn at the request of the applicant.

368. GRANT OF TAXI OPERATOR'S LICENCE – X2

There was submitted a report by the Head of Legal Services (09/330) regarding an application for grant of Taxi Operator's Licence X2.

The applicant was in attendance, accompanied by Mr G Sutherland, his legal representative who both addressed the Committee and answered Members' questions.

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FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

Resolved:

Taxi Operator's Licence X2 be refused on the grounds that, after hearing representations from the applicant and his agent, the Committee had heard no good grounds for departing from Council Policy.

369. GRANT OF TAXI OPERATOR'S LICENCE – X3

There was submitted a report by the Head of Legal Services (09/331) regarding an application for grant of Taxi Operator's Licence X3.

The applicant was in attendance, accompanied by Mr G Sutherland, his legal representative, who both addressed the Committee and answered Members' questions.

Resolved:

Taxi Operator's Licence X3 be refused on the grounds that, after hearing representations from the applicant and his agent, the Committee had heard no good grounds for departing from Council Policy.

370. GRANT OF TAXI OPERATOR'S LICENCE – X4

There was submitted a report by the Head of Legal Services (09/332) regarding an application for grant of Taxi Operator's Licence X4.

The applicant was in attendance, accompanied by Mr G Sutherland, his legal representative, who both addressed the Committee and answered Members' questions.

Resolved:

Taxi Operator's Licence X4 be refused on the grounds that, after hearing representations from the applicant and his agent, the Committee had heard no good grounds for departing from Council Policy.

371. GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – PE213

There was submitted a report by the Head of Legal Services (09/333) together with letter of representation from the Chief Constable, Tayside Police, dated 25 May 2009, regarding an application for grant of Temporary Public Entertainment Licence PE213.

The Committee was advised by a representative of the Chief Constable, Tayside Police that the relevant information to process this application had been received from the licence holder. Consequently, this item had been withdrawn from the agenda.

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.**

**372. REQUEST TO RECALL ORDER OF SUSPENSION FOR LATE HOURS
CATERING LICENCE – LH15**

There was submitted a report by the Head of Legal Services (09/334) together with (1) letters from applicant's agent, dated 24 March and 25 March 2009; and (2) letter from Tayside Police, dated 26 May 2009, regarding a request to recall Order of Suspension for Late Hours Catering Licence LH15.

The applicant was in attendance, accompanied by Mr G Harper, his legal representative, who both 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:

Request to recall Order of Suspension for Late Hours Catering Licence LH15 be granted, with effect from 1 July 2009.

**373. GRANT OF SECOND-HAND MOTOR VEHICLE DEALER'S LICENCE –
MD169**

There was submitted a report by the Head of Legal Services (09/335) together with copy letter from the Chief Constable, Tayside Police, dated 13 May 2009, regarding an application for grant of Second-Hand Motor Vehicle Dealer's Licence MD169.

The applicant was in attendance, accompanied by Mr Muir, his legal representative, who both addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

Motion (Councillors D Scott and B Ellis)

Second-Hand Motor Vehicle Dealer's Licence MD169 be granted for one year with effect from 1 July 2009.

Amendment (Councillors J Flynn and J Coburn)

Second-Hand Motor Vehicle Dealer's Licence MD169 be refused, on the grounds that the activity to which the licence relates is being managed by, or carried on for, the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself.

Amendment – 2 votes

Motion – 3 votes

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Resolved:

In accordance with the Motion.

374. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD977

There was submitted a report by the Head of Legal Services (09/336) together with letter of representation from the Chief Constable, Tayside Police, dated 7 May 2009.

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:

Taxi/Private Hire Car Driver's Licence TD977 be deferred to the next meeting of the Licensing Committee, being held on 12 August 2009, at the applicant's request, to allow him to obtain legal representation.

375. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD398

There was submitted a report by the Head of Legal Services (09/337) together with letter of representation from the Chief Constable, Tayside Police, dated 21 May 2009.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD398 be deferred to the next meeting of the Licensing Committee, being held on 12 August 2009, to allow clarification of the applicant's convictions.

INSPECTOR E KNOX AND SERGEANT D HUNTER LEFT THE MEETING AT THIS POINT.

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

There was submitted a report by the Head of Legal Services (09/338) regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD184.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD194 be deferred to the next meeting of the Licensing Committee, being held on 12 August 2009, to allow the licensee to produce evidence of his Council Tax payments to the Licensing Section.

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377. RENEWAL OF SECOND-HAND DEALER'S LICENCE – SD148

There was submitted a report by the Head of Legal Services (09/339) regarding an application for renewal of Second-Hand Dealer's Licence SD148.

The applicant was not in attendance.

Resolved:

Renewal of Second-Hand Dealer's Licence SD148 be deferred to the next meeting of the Licensing Committee, being held on 12 August 2009, to allow the licensee to attend in person.

378. GRANT OF SECOND-HAND DEALER'S LICENCE – SD96

There was submitted a report by the Head of Legal Services (09/340) regarding an application for renewal of Second-Hand Dealer's Licence SD96.

The applicant was not in attendance.

Resolved:

Renewal of Second-Hand Dealer's Licence SD96 be deferred to the next meeting of the Licensing Committee, being held on 12 August 2009, to allow the licensee to attend in person.

379. GRANT OF SECOND-HAND DEALER'S LICENCE – SD324

There was submitted a report by the Head of Legal Services (09/341) regarding an application for renewal of Second-Hand Dealer's Licence SD324.

The applicant was not in attendance.

Resolved:

Renewal of Second-Hand Dealer's Licence SD324 be deferred to the next meeting of the Licensing Committee, being held on 12 August 2009, to allow the licensee to attend in person.

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