

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
12 August 2009

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Wednesday 12 August 2009 at 10.00am and reconvened on Friday 28 August 2009 at 9.00am.

Present: Councillors P Mulheron (except for Art. 388), D Scott, J Coburn, J Flynn, D Melloy and H Stewart.

In Attendance: Councillor R Band (up to and including Art. 389); Inspector I Martin and Licensing Supervisor B Kerr (both Tayside Police) (up to and including Art. 392); C Robb (Art. 394), J Eodanable and M Baker (all Corporate Services); Y Oliver (Chief Executive's Service).

Apology for Absence: Councillor B Ellis.

Councillor P Mulheron, Convener, Presiding.

In terms of Standing Order 19, the Committee unanimously agreed to vary the order of business.

385. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor P Mulheron declared a non-financial interest in Art. 389.

386. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 1 July 2009 (Arts. 364-380) was submitted, approved as a correct record and authorised for signature.

387. GRANT OF TAXI OPERATOR'S LICENCE – X6

There was submitted a report by the Head of Legal Services (09/361) regarding an application for grant of Taxi Operator's Licence X6.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Consideration of application for grant of Taxi Operator's Licence X6 be deferred to the next meeting of the Licensing Committee, being held on 9 September 2009, to allow the applicant to produce further information.

COUNCILLOR P MULHERON, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, LEFT THE CHAMBERS AT THIS POINT.

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388. RENEWAL OF PUBLIC ENTERTAINMENT LICENCE – PE135

There was submitted a report by the Head of Legal Services (09/362) together with a letter of objection from a member of the public, dated 11 February 2009, regarding an application for renewal of Public Entertainment Licence PE135.

Mr S King, secretary of Bullionfield Recreation Club, was in attendance, addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

Resolved:

Renewal of Public Entertainment Licence PE135 be granted with effect from 20 June 2009.

COUNCILLOR P MULHERON RETURNED TO THE CHAMBERS 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

389. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD715

There was submitted a report by the Head of Legal Services (09/366) regarding suspension of Taxi/Private Hire Car Driver's Licence TD715.

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

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

There was submitted a report by the Head of Legal Services (09/364) together with letter from the Chief Constable, Tayside Police, dated 7 May 2009, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD977.

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.

Motion (Councillors D Scott and P Mulheron)

Taxi/Private Hire Car Driver's Licence TD977 be granted for one year, with effect from 12 August 2009.

Amendment (Councillors J Coburn and H Stewart)

Taxi/Private Hire Car Driver's Licence TD977 be refused, on the grounds that the applicant is not a fit and proper person to be the holder of a licence.

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Amendment – 3 votes

Motion – 3 votes

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD977 be granted for one year, with effect from 12 August 2009.

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

There was submitted a report by the Head of Legal Services (09/363) together with letter from the Chief Constable, Tayside Police, dated 21 May 2009, regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD398.

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 RE-CONVENED.

Motion (Councillors D Scott and H Stewart)

Taxi/Private Hire Car Driver's Licence TD398 be granted for one year, with effect from 16 June 2009.

Amendment (Councillors J Flynn and J Coburn)

Taxi/Private Hire Car Driver's Licence TD398 be granted for three years, with effect from 16 June 2009.

Amendment – 3 votes

Motion – 3 votes

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD398 be granted for three years, with effect from 16 June 2009.

392. RENEWAL OF TAXI OPERATOR'S LICENCE – TO34

There was submitted a report by the Head of Legal Services (09/365) together with copy of application form, regarding renewal of Taxi Operator's Licence TO34.

The applicant was not in attendance.

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Resolved:

Consideration of renewal of Taxi Operator's Licence TO34 be deferred to the next meeting of the Licensing Committee on 9 September 2009, at the request of the Licensee's legal representative.

INSPECTOR I MARTIN AND LICENSING SUPERVISOR B KERR (BOTH TAYSIDE POLICE) LEFT THE MEETING AT THIS POINT.

393. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD372

There was submitted a report by the Head of Legal Services (09/367) regarding suspension of Taxi/Private Hire Car Driver's Licence TD372.

The applicant was not in attendance.

Resolved:

Consideration of suspension of Taxi/Private Hire Car Driver's Licence TD372 be deferred to the next meeting of the Licensing Committee on 9 September 2009, at the request of the Licensee's agent.

C ROBB ENTERED THE MEETING AT THIS POINT.

394. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD761

There was submitted a report by the Head of Legal Services (09/368), together with 'Incident Log' from Perth Station Taxis, regarding suspension of Taxi/Private Hire Car Driver's Licence TD761.

The applicant was in attendance, accompanied by his agent, Mr D Holmes, who addressed the Committee and answered Members' questions.

A Witness attended the meeting and, on advising that he was there to speak against a different licence holder, was asked to leave the Chambers.

A second Witness addressed the Committee and answered Members' questions. On advising that he was unable to return to the meeting after the lunch recess, the Committee was asked to disregard his evidence.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

A third Witness addressed the Committee and answered Members' questions. On advising that he was unwilling to discuss the matter further, he left the Chambers and the Committee was asked to disregard his evidence.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

COUNCILLOR D SCOTT LEFT THE MEETING AT THIS POINT.

A fourth Witness addressed the Committee and answered Members' questions.

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FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

M BAKER LEFT THE MEETING AT THIS POINT.

A fifth Witness addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

A sixth Witness addressed the Committee and answered Members' questions.

C ROBB LEFT THE MEETING AT THIS POINT.

THE MEETING ADJOURNED AT 4.55PM AND RECONVENED ON FRIDAY 28 AUGUST 2009 AT 9.00AM, THE SAME MEMBERS BEING PRESENT.

In Attendance: J Eodanable (Corporate Services); Y Oliver (Chief Executive's Service).

The Committee resumed consideration of suspension of Taxi/Private Hire Car Driver's Licence TD761.

The applicant was in attendance, accompanied by his agent, Mr D Holmes, who addressed the Committee and answered Members' questions.

A seventh Witness addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Hire Car Driver's Licence TD761 be not suspended.

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