

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth, on Wednesday 31 May 2006 at 10.00am.

Present: Councillors Cowan, Dow, Flynn, A Grant, and Mulheron.

In Attendance: Councillor J McEwen; B Hutchison and P Kerrigan (both The Environment Service); D Braidwood, L Brown, G Fogg and C White (all Corporate Services) and Chief Inspector R Ross (Tayside Police).

Apologies for Absence: Councillors E Grant and Wilson.

Councillor A Grant, Convener, Presiding.

345. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor Flynn declared a non-financial interest in Article 351 as a director of Churches Action for the Homeless (CATH).

346. MINUTES OF PREVIOUS MEETINGS

(a) Special Meeting of the Licensing Committee of 28 March 2006

The Minute of Special Meeting of the Licensing Committee of 28 March 2006 (Arts. 208(a) – 208(b)) was submitted, approved as a correct record and authorised for signature.

(b) Licensing Committee of 19 April 2006

The Minute of Meeting of the Licensing Committee of 19 April 2006 (Arts. 242-250) was submitted, approved as a correct record and authorised for signature.

347. CONSIDERATION OF APPLICATION FOR RENEWAL OF MARKET OPERATOR'S LICENCE NO. MO29 – ERROL CAR BOOT SALE (Art 244)

There was submitted a report by the Head of Legal Services (06/373) together with (1) a memorandum of representation from the Head of Environmental and Regulatory Services, Perth and Kinross Council, dated 28 February 2006; and (2) letter of representation from the Chief Constable, Tayside Police, dated 9 March 2006, regarding consideration of application for renewal of Market Operator's Licence No. MO29. A Management Plan submitted by the applicant was tabled at the meeting.

The applicant, Mr McWilliam, and his legal representative, Mr Lindsay, were in attendance. Mr McWilliam and Mr Lindsay answered members' questions on the Management Plan as tabled. The representatives of the Chief Constable and The Environment Service also answered members' questions.

Resolved:

Application for renewal of Market Operator's Licence No. MO29 be granted for a period of three years, with effect from 30 March 2006.

348. CONSIDERATION OF APPLICATION FOR CONTINUED VARIATION OF LATE HOURS CATERING LICENCE NO. LH56 – ST JOHNSTONE SERVICE STATION, DUNKELD ROAD, PERTH

There was submitted a report by the Head of Legal Services (06/374) together with (1) a letter from the applicant's legal representatives, Harper Macleod, dated 19 April 2006; (2) letter of representation from Councillor Joan McEwen, dated 18 May 2006; and (3) letter from the Chief Constable, Tayside Police, dated 22 May 2006, regarding consideration of application for continued variation of Condition 8 of Late Hours Catering Licence No. LH56.

The applicant's legal representative, Mr Hunter, was in attendance, addressed the Committee and answered members' questions. Councillor Joan McEwen addressed the Committee and

answered members' questions. The representative of the Chief Constable also answered members' questions.

Resolved:

The application for continuation of variation of Late Hours Catering Licence No. LH56 be granted for a period of six months, with effect from 26 April 2006.

349. CONSIDERATION OF APPLICATION FOR TEMPORARY PUBLIC ENTERTAINMENT LICENCE NO. PE173

There was submitted a report by the Head of Legal Services (06/375) regarding consideration of application for Temporary Public Entertainment Licence No. PE173.

The Committee noted that at the request of the applicant, Event One Management Limited, the application had been withdrawn.

350. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD317

There was submitted a report by the Head of Legal Services (06/376) together with (1) letters of representation from the Chief Constable, Tayside Police dated 24 May 2005 and 26 April 2006; and (2) letter from the Head of Legal Services to the applicant dated 22 June 2005.

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

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD317 be granted for a period of three years, with effect from 8 May 2006.

COUNCILLOR FLYNN, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, IN TERMS OF STANDING ORDER 6, WITHDREW TO THE PUBLIC GALLERY AND TOOK NO PART IN THE DECISION THEREON.

351. HOUSE IN MULTIPLE OCCUPATION LICENCE NO. MO83 – 54 BALHOUSIE STREET, PERTH – MONITORING REPORT

There was submitted a report by the Head of Legal Services (06/386) advising of the current situation relating to House in Multiple Occupation Licence No. MO83 at 54 Balhousie Street, Perth.

Resolved:

The update on the management of House in Multiple Occupation Licence No. MO83 at 54 Balhousie Street, Perth, as detailed in Report 06/386, be noted.

COUNCILLOR FLYNN RETURNED TO 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

352. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI DRIVER'S LICENCE NO. TD780

There was submitted a report by the Head of Legal Services (06/377) together with letter of objection from the Chief Constable, Tayside Police dated 23 November 2005 regarding consideration of application for renewal of Taxi Driver's Licence No. TD780.

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

Resolved:

Application of renewal of Taxi Driver's Licence No. TD780 be granted for a period of six months, with effect from 7 June 2006.

353. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD167

There was submitted a report by the Head of Legal Services (06/378) together with letter of objection from the Chief Constable, Tayside Police dated 28 March 2006 regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD167.

The applicant failed to attend.

Resolved:

Consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD167 be deferred to the meeting of the Licensing Committee on 12 July 2006 in order that the applicant may appear before the Committee in person.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE LEFT THE MEETING AT THIS POINT.

354. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD119

There was submitted a report by the Head of Legal Services (06/379) regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD119.

The applicant failed to attend.

Resolved:

Consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD119 be deferred to the meeting of the Licensing Committee on 12 July 2006 in order that the applicant may appear before the Committee in person.

355. CONSIDERATION OF APPLICATION FOR GRANT OF STREET TRADER'S LICENCE NO. ST93

There was submitted a report by the Head of Legal Services (06/380) regarding consideration of application for grant of Street Trader's Licence No. ST93.

The Committee noted that the application had been withdrawn from the agenda.

356. CONSIDERATION OF APPLICATION FOR RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE NO. PH148

There was submitted a report by the Head of Legal Services (06/381) regarding consideration of application for renewal of Private Hire Car Operator's Licence No. PH148.

The Committee noted that the application had been withdrawn from the agenda.

357. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD758

There was submitted a report by the Head of Legal Services (06/382) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD758.

The Committee noted that the application had been withdrawn from the agenda.

358. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD184

There was submitted a report by the Head of Legal Services (06/383) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD184.

The Committee noted that the applicant had intimated he would be unable to attend.

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD184 be deferred to the meeting of the Licensing Committee on 12 July 2006 in order that the applicant may appear before the Committee in person.

359. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD551

There was submitted a report by the Head of Legal Services (06/384) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD551.

The applicant addressed the Committee and answered members' questions.

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD551 be deferred to the meeting of the Licensing Committee on 12 July 2006 to allow the applicant the opportunity to submit all necessary financial documentation for the Council to process his application.

360. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD657

There was submitted a report by the Head of Legal Services (06/385) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD657.

The Committee noted that the applicant had intimated he would be unable to attend.

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD657 be deferred to the meeting of the Licensing Committee on 12 July 2006 in order that the applicant may appear before the Committee in person.