

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 3 June 2010 at 11.30am.

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

In Attendance: Inspector D Hunter and B Kerr, Licensing Supervisor (both Tayside Police); W Gibson, L Cormack, C Elliott and Y Oliver (all Chief Executive's Service).

Apology for Absence: Councillor H Stewart.

Councillor P Mulheron, Convener, Presiding.

325. DECLARATIONS OF INTEREST

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

326. MINUTES OF PREVIOUS MEETINGS

(i) Licensing Committee

The Minute of the Licensing Committee of 22 April 2010 (Arts. 222-239) was submitted, approved as a correct record and authorised for signature.

(ii) Special Meeting of Licensing Committee

The Minute of the Special Meeting of the Licensing Committee of 13 May 2010 (Arts. 278-280) was submitted, approved as a correct record and authorised for signature.

327. GRANT OF LATE HOURS CATERING LICENCE – LH32

There was submitted a report by the Head of Legal Services (10/290) regarding an application for grant of Late Hours Catering Licence LH32.

The applicant's agent, Caroline Loudon, was in attendance, addressed the Committee, and answered Members' questions. The representative from Tayside Police also answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RE-CONVENED.

Resolved:

Late Hours Catering Licence LH32 be granted for a period of three years, with effect from 3 June 2010, subject to the following conditions:

1. The licence has been granted for three years or such shorter period as determined by the Council and is valid to the date shown on the licence.

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2. The premises shall not open for the sale or consumption of food or other items between the latest time mentioned on Late Hours Catering Licence LH32 for each particular day and 5.00am.
3. The licence holder shall ensure that (a) the structure of the premises; and (b) the preparation and storage of food, are in compliance with the Food Safety (General Food Hygiene) Regulations 1995 as amended/updated.
4. The licence holder shall take such measures as may be necessary to prevent noise nuisance to residents and occupiers of premises in the vicinity.
5. The licence holder shall provide litter bins or other receptacles for the disposal of any refuse or litter which may arise as a result of trading, and such bins shall be provided both inside and outside take-away food premises.
6. The licence holder shall ensure that there is a litter and waste management policy in place for the premises and immediate outside vicinity to the satisfaction of the Council.
7. The licence holder shall comply with, or ensure compliance with, all fire precaution requirements, and shall ensure that all fire appliances are properly maintained to the satisfaction of the Firemaster.
8. Notwithstanding the above and any other conditions annexed, the licence holder, while trading, shall comply with any order or instruction given by an Officer of Tayside Police Force:
 - (a) for the prevention of obstruction or annoyance to the public or to the occupiers of any premises; or
 - (b) in connection with emergency or disturbance; or
 - (c) on any other occasion when an Officer at his discretion may consider it necessary in the public interest to give such order or instruction.
9. The licence holder shall notify the Council of any material change of circumstances affecting him/her or any other person or company named on the licence or affecting the activity to which the licence relates. A licence holder who ceases to carry out late hours catering before the expiry of the licence, or whose licence has been suspended by the Council, or has expired, shall, within 7 days, return the licence to the Head of Legal Services.

Notes

1. The Council will issue renewal notices to the last known address of the licence holder but it will be the duty of the licence holder to ensure that an application for renewal is made whether or not a renewal notice is received.
2. The Council may, at any time, vary the terms of a licence on any grounds which it considers reasonable. Notice will be given to the licence holder at least seven days before any proposed variation is considered. The licence holder will be given an opportunity to be heard by the Committee before any variation is made.
3. The Council may order suspension of a licence if in its opinion:
 - (a) the holder is no longer a fit and proper person to be the holder of such a licence, whether because of convictions for offences which have taken place since the grant or renewal of the licence or for any other good reason;
 - (b) the activity to which the licence relates is being managed or carried on for the benefit of a person other than the licence holder, who would have been refused the grant or renewal of a licence; and
 - (c) the carrying on of the activity to which the licence relates has caused, is causing, or is likely to cause, undue public nuisance, or a threat to public order or public safety.

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4. It is an offence to contravene any condition attached to a late hours catering licence.

328. GRANT OF LATE HOURS CATERING LICENCE – LH91

There was submitted a report by the Head of Legal Services (10/291) regarding an application for grant of Late Hours Catering Licence LH91.

The applicant's agent, Caroline Loudon, was in attendance, addressed the Committee, and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RE-CONVENED.

Resolved:

Late Hours Catering Licence LH91 be granted for a period of one year, with effect from 3 June 2010, subject to the following conditions:

1. The licence has been granted for three years or such shorter period as determined by the Council and is valid to the date shown on the licence.
2. The premises shall not open for the sale or consumption of food or other items between the latest time mentioned on Late Hours Catering Licence LH91 for each particular day and 5 a.m.
3. The licence holder shall ensure that (a) the structure of the premises; and (b) the preparation and storage of food, are in compliance with the Food Safety (General Food Hygiene) Regulations 1995 as amended/updated.
4. The licence holder shall take such measures as may be necessary to prevent noise nuisance to residents and occupiers of premises in the vicinity.
5. The licence holder shall provide litter bins or other receptacles for the disposal of any refuse or litter which may arise as a result of trading, and such bins shall be provided both inside and outside take-away food premises.
6. The licence holder shall ensure that there is a litter and waste management policy in place for the premises and immediate outside vicinity to the satisfaction of the Council.
7. The licence holder shall comply with, or ensure compliance with, all fire precaution requirements, and shall ensure that all fire appliances are properly maintained to the satisfaction of the Firemaster.
8. Notwithstanding the above and any other conditions annexed, the licence holder, while trading, shall comply with any order or instruction given by an Officer of Tayside Police Force:
 - (a) for the prevention of obstruction or annoyance to the public or to the occupiers of any premises; or
 - (b) in connection with emergency or disturbance; or
 - (c) on any other occasion when an Officer at his discretion may consider it necessary in the public interest to give such order or instruction.
9. The licence holder shall notify the Council of any material change of circumstances affecting him/her or any other person or company named on the licence or affecting the activity to which the licence relates. A licence holder who ceases to carry out late hours catering before the expiry of the licence, or whose licence has been suspended by the Council, or has expired, shall, within 7 days, return the licence to the Head of Legal Services.

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Notes

1. The Council will issue renewal notices to the last known address of the licence holder but it will be the duty of the licence holder to ensure that an application for renewal is made whether or not a renewal notice is received.
2. The Council may, at any time, vary the terms of a licence on any grounds which it considers reasonable. Notice will be given to the licence holder at least seven days before any proposed variation is considered. The licence holder will be given an opportunity to be heard by the Committee before any variation is made.
3. The Council may order suspension of a licence if in its opinion:
 - (a) the holder is no longer a fit and proper person to be the holder of such a licence, whether because of convictions for offences which have taken place since the grant or renewal of the licence or for any other good reason;
 - (b) the activity to which the licence relates is being managed or carried on for the benefit of a person other than the licence holder, who would have been refused the grant or renewal of a licence; and
 - (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety.
4. It is an offence to contravene any condition attached to a late hours catering licence.

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 REPRESENTATIVES FROM TAYSIDE POLICE LEFT THE MEETING AT THIS POINT.

329. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD760

There was submitted a report by the Head of Legal Services (10/292) regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD760.

The Committee was advised that the applicant was unable to attend the Licensing Committee meeting on 3 June 2010.

Resolved:

Consideration of renewal of Taxi/Private Hire Car Driver's Licence TD760 be deferred to the next meeting of the Licensing Committee, being held on 15 July 2010, to allow the applicant to attend in person.

330. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD699

There was submitted a report by the Head of Legal Services (10/293) regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD699.

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

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331. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD976

There was submitted a report by the Head of Legal Services (10/294) regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD976.

The applicant was not in attendance.

Resolved:

Consideration of renewal of Taxi/Private Hire Car Driver's Licence TD976 be deferred to the next meeting of the Licensing Committee, being held on 15 July 2010, to allow the applicant to attend in person.

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

There was submitted a report by the Head of Legal Services (10/295) 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:

Consideration of renewal of Taxi/Private Hire Car Driver's Licence TD184 be deferred to the next meeting of the Licensing Committee, being held on 15 July 2010, to allow the applicant to provide information from Housing and Community Care. The Committee noted that the applicant stated that he had submitted that information and that if correct and satisfactory, this matter would be withdrawn from the agenda of the meeting of 15 July 2010.

REPRESENTATIVES OF TAYSIDE POLICE RE-ENTERED THE MEETING AT THIS POINT.

333. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1057

There was submitted a report by the Head of Legal Services (10/296), together with a letter of objection from the Chief Constable, dated 9 February 2010, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1057.

The applicant was not in attendance.

Resolved:

Consideration of grant of Taxi/Private Hire Car Driver's Licence TD1057 be deferred to the next meeting of the Licensing Committee, being held on 15 July 2010, to allow the applicant to attend in person.

334. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1053

There was submitted a report by the Head of Legal Services (10/297), together with a letter of objection from the Chief Constable, Tayside Police, dated 14 January 2010, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1053.

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The applicant was not in attendance.

Resolved:

Taxi/Private Hire Car Driver's Licence TD1053 be refused on the grounds that the applicant is not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

335. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1081

There was submitted a report by the Head of Legal Services (10/298), together with a letter of objection from the Chief Constable, Tayside Police, dated 21 April 2010, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1081.

The applicant was in attendance, addressed the Committee, and answered Members' questions. The representative from Tayside Police also answered Member's questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Motion (Councillors J Coburn and P Mulheron)

Taxi/Private Hire Car Driver's Licence TD1081 be granted for a period of one year with effect from 3 June 2010, subject to the applicant attending the next available Vernon Manfield Course within the period of the Licence.

Amendment (Councillors J Flynn and D Melloy)

Taxi/Private Hire Car Driver's Licence TD1081 be refused, on the grounds that the applicant is not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

Amendment – 2 votes

Motion – 4 votes

Resolved:

In accordance with the Motion.

336. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD624

There was submitted a report by the Head of Legal Services (10/299), together with a letter of representation from the Chief Constable, Tayside Police, dated 4 March 2010, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD624.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD624 be granted for a period of one year with effect from 3 June 2010.

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An Amendment by Councillor J Flynn to grant Taxi/Private Hire Car Driver's Licence TD624, subject to the applicant attending the Vernon Manfield Course, failed to secure a seconder and the Amendment accordingly fell.

337. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1082

There was submitted a report by the Head of Legal Services (10/300), together with a letter of representation from the Chief Constable, Tayside Police, dated 28 April 2010, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1082.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD1082 be granted for a period of one year, with effect from 3 June 2010, subject to the applicant attending the next available Vernon Manfield Course within the period of the licence.

338. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD882

There was submitted a report by the Head of Legal Services (10/301), together with letter from the Chief Constable, Tayside Police, dated 26 April 2010, requesting the immediate suspension of Taxi/Private Hire Car Driver's Licence TD882.

The licence holder was in attendance, accompanied by his 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 TD882 be suspended for the duration of the Licence (18 December 2011) on the basis the licence holder is no longer a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

339. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD674

There was submitted a report by the Head of Legal Services (10/302), together with letter from the Chief Constable, Tayside Police, dated 27 April 2010, requesting immediate suspension of Taxi/Private Hire Car Driver's Licence TD674.

The licence holder was in attendance, accompanied by his agent, Mr D Holmes, both of whom addressed the Committee, and answered Members' questions. The representative of the Chief Constable, Tayside Police, also addressed the Committee.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

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Resolved:

Taxi/Private Hire Car Driver's Licence TD674 be not suspended.

340. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD159

There was submitted a report by the Head of Legal Services (10/303), together with letter of information from the Chief Constable, Tayside Police, dated 26 April 2010, regarding suspension of Taxi/Private Hire Car Driver's Licence TD159.

The licence holder was not in attendance.

Resolved:

Consideration of suspension of Taxi/Private Hire Car Driver's Licence TD159 be deferred to the next meeting of the Licensing Committee, being held on 15 July 2010, to await the outcome of legal proceedings. The licence holder must attend on that date.

341. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD398

There was submitted a report by the Head of Legal Services (10/304), together with correspondence from the Chief Constable, Tayside Police, comprising (1) letter for information dated 20 November 2009; and (2) letter dated 16 December 2009 requesting immediate suspension of Taxi/Private Hire Car Driver's Licence TD398.

Resolved:

Consideration of suspension of Taxi/Private Hire Car Driver's Licence TD398 be deferred to the next meeting of the Licensing Committee, being held on 15 July 2010, to await the outcome of legal proceedings. The licence holder must attend on that date.

342. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD702

There was submitted a report by the Head of Legal Services (10/326), together with letter from the Chief Constable, Tayside Police, dated 4 May 2010, requesting immediate suspension of Taxi/Private Hire Car Driver's Licence TD702.

Mr D Holmes, agent for the licence holder, addressed the Committee, and answered Members' questions.

Resolved:

Taxi/Private Hire Car Driver's Licence TD702 be suspended for the duration of the Licence (13 February 2011) on the basis the licence holder is no longer a fit and proper person to hold the licence.

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