

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
4 March 2009

## LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Wednesday 4 March 2009 at 10.00am.

Present: Councillors P Mulheron, D Scott, J Flynn, D Melloy and H Stewart.

In Attendance: Councillor K Baird (up to and including Art. 117); Councillor B Band (from Art. 118); Inspector E Knox, Tayside Police (up to and including Art. 112); J Eodanable, K Campbell, L Cormack and C Robb (all Corporate Services); J Eadie and D McKeown (up to and including Art. 112) (both The Environment Service); L Brown (Chief Executive's Service).

Apologies for Absence: Councillors J Coburn and B Ellis.

Councillor P Mulheron, Convener, Presiding.

### 110. DECLARATIONS OF INTEREST

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

### 111. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 21 January 2009 (Arts. 10-25) was submitted, approved as a correct record and authorised for signature.

### 112. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH210

There was submitted a report by the Head of Legal Services (09/107), together with letter from the licence holder dated 18 February 2009, regarding application for variation of Private Hire Operator's Licence PH210.

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

**Resolved:**

Private Hire Operator's Licence PH210 be varied to extend the age limit for replacement of vehicle by one year, with effect from 4 March 2009.

### 113. RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE – PH372

There was submitted a report by the Head of Legal Services (09/108), regarding an application for renewal of Private Hire Operator's Licence PH372.

The applicant was not in attendance.

**Resolved:**

Private Hire Operator's Licence PH 372 be renewed for a period of one year, with effect from 4 March 2009.

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**114. RENEWAL OF MARKET OPERATOR'S LICENCE – MO36**

There was submitted a report by the Head of Legal Services (09/109), regarding an application for renewal of Market Operator's Licence MO36.

The applicant was not in attendance.

**Resolved:**

Market Operator's Licence MO36 be renewed for a period of three years, with effect from 4 March 2009.

**115. RENEWAL OF SECOND HAND DEALER'S LICENCE – SD201**

There was submitted a report by the Head of Legal Services (09/110), regarding an application for renewal of Second Hand Dealer's Licence SD201.

The applicant was not in attendance.

**Resolved:**

Second Hand Dealer's Licence SD201 be renewed for a period of three years, with effect from 4 March 2009.

**116. RENEWAL OF PUBLIC ENTERTAINMENT LICENCE – PE167**

There was submitted a report by the Head of Legal Services (09/111), regarding an application for renewal of Public Entertainment Licence PE167.

The applicant was not in attendance.

**Resolved:**

Public Entertainment Licence PE167 be renewed for a period of three years, with effect from 4 March 2009.

IN TERMS OF STANDING ORDER 53 COUNCILLOR K BAIRD ADDRESSED THE COMMITTEE ON THE FOLLOWING ITEM.

**117. VARIATION OF CONDITION 7 OF STREET TRADER'S LICENCE ST180**

There was submitted a report by the Head of Legal Services (09/112), together with email of objection dated 26 November 2008 from The Environment Service, Perth and Kinross Council, regarding an application for variation of Condition 7 of Street Trader's Licence ST180. Additional documentation was tabled at the meeting from the licence holder and the Council's Environment Service in respect of the application.

The licence holder was in attendance, addressed the Committee and answered Members' questions. A representative of The Environment Service also answered Members' questions.

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**Resolved:**

Application for variation of Condition 7 of Street Trader's Licence ST180 be refused on the grounds of road safety and public safety.

**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**

**118. SUSPENSION OF LATE HOURS CATERING LICENCE – LH15**

There was submitted a report by the Head of Legal Services (09/113), together with letter dated 26 January 2009 from the Chief Constable, Tayside Police, regarding consideration of suspension of Late Hours Catering Licence LH15.

The applicant and his legal representative were in attendance, addressed the Committee and answered Members' questions. The representative of the Chief Constable also answered Members' questions.

**Resolved:**

Late Hours Catering Licence LH15 be suspended with immediate effect for the duration of the licence on the basis that the applicant is not a fit and proper person to hold a licence.

The legal adviser to the Committee reported that the licence holder's legal representative had requested the opportunity to make further representations to the Committee as he did not consider he had been allowed the opportunity to address the Committee in full on behalf of his client.

In terms of Standing Order 47 the Committee agreed to suspend Standing Orders to hear the matter afresh.

On being advised of the Committee's decision to hear the matter afresh the licence holder's legal representative advised that he no longer wished to address the Committee at this time but would seek the advisement of Counsel.

THERE FOLLOWED A FIVE MINUTE ADJOURNMENT.

THE COMMITTEE RECONVENED

**Resolved:**

As the licence holder's legal representative no longer wished to address the Committee at this time Late Hours Catering Licence LH15 be suspended with immediate effect for the duration of the licence on the basis that the applicant is not a fit and proper person to hold a licence.

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**119. SUSPENSION OF LATE HOURS CATERING LICENCE – LH85**

There was submitted a report by the Head of Legal Services (09/114), together with letter dated 27 January 2009 from the Chief Constable, Tayside Police, regarding consideration of suspension of Late Hours Catering Licence LH85.

The applicant was in attendance accompanied by her spouse who addressed the Committee on her behalf and answered Members' questions. The representative of the Chief Constable also answered Members' questions.

THE COMMITTEE ADJOURNED TO CONSIDER THE REPRESENTATIONS RECEIVED.

THE COMMITTEE RECONVENED.

**Resolved:**

Late Hours Catering Licence LH85 be suspended with immediate effect for the duration of the licence on the basis that the applicant is not a fit and proper person to hold a licence.

Councillor D Scott requested his dissent to the decision be recorded.

THE COMMITTEE ADJOURNED AT THIS POINT.

THE COMMITTEE RECONVENED AT 3.15PM.

**120. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD822**

There was submitted a report by the Head of Legal Services (09/115), together with letter dated 27 October 2008 from the Chief Constable, Tayside Police, regarding consideration of renewal of Taxi/Private Hire Car Driver's Licence TD822.

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

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD822 be renewed for a period of three years, with effect from 4 March 2009.

**121. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD433**

There was submitted a report by the Head of Legal Services (09/116), together with letter of objection dated 13 February 2009 from the Chief Constable, Tayside Police, regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD433.

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

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THE COMMITTEE ADJOURNED TO CONSIDER THE REPRESENTATIONS RECEIVED.

THE COMMITTEE RECONVENED.

**Resolved:**

Application for grant of Taxi/Private Hire Car Driver's Licence TD433 be refused on the grounds that the applicant is not a fit and proper person to be the holder of a licence.

**122. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD235**

There was submitted a report by the Head of Legal Services (09/117), regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD235.

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

**123. GRANT OF HOUSE IN MULTIPLE OCCUPATION LICENCE – HMO136**

There was submitted a report by the Head of Legal Services (09/118), together with (1) letter of objection dated 17 October 2008 from the Chief Constable, Tayside Police; (2) memorandum from The Environment Service, Perth and Kinross Council dated 17 December 2008; and (3) letter of representation dated 24 November 2008 from the Chief Fire Officer, Tayside Fire and Rescue, regarding consideration of grant of a House in Multiple Occupation Licence HMO136.

The applicant and his legal representative were in attendance. The applicant's legal representative addressed the Committee and answered Members' questions. The representative of the Chief Constable also answered Members' questions.

**Resolved:**

Consideration of grant of House in Multiple Occupation Licence HMO136 be deferred to the next meeting of the Licensing Committee on 8 April 2009 in order that the applicant's legal representative might submit a signed copy of a joint minute.

**124. GRANT OF HOUSE IN MULTIPLE OCCUPATION LICENCE – HMO126**

There was submitted a report by the Head of Legal Services (09/119), together with (1) letter of representation dated 23 February 2009 from the Chief Constable, Tayside Police; (2) memorandum dated 11 February 2009 from The Environment Service, Perth and Kinross Council; and (3) letter of representation dated 13 February 2009 from the Chief Fire Officer, Tayside Fire and Rescue, regarding consideration of grant of House in Multiple Occupation Licence HMO126.

The applicant was not in attendance but was represented by Ms Melanie Thomson who addressed the Committee and answered Members' questions. The representative of the Chief Constable also answered Members' questions.

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**Resolved:**

House in Multiple Occupation Licence HMO126 be granted for a period of one year, with effect from 4 March 2009.

**125. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD932**

There was submitted a report by the Head of Legal Services (09/120), regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD932.

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

**126. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD857**

There was submitted a report by the Head of Legal Services (09/121), regarding consideration of renewal of Taxi/Private Hire Car Driver's Licence TD857.

The applicant failed to attend.

**Resolved:**

Application for renewal of Taxi/Private Hire Car Driver's Licence TD857 be refused on the grounds that the applicant is not a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence.

**127. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD307**

There was submitted a report by the Head of Legal Services (09/122), regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD307.

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

**128. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD161**

There was submitted a report by the Head of Legal Services (09/123), regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD161.

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

**129. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD591**

There was submitted a report by the Head of Legal Services (09/124), regarding consideration of renewal of Taxi/Private Hire Car Driver's Licence TD591.

The applicant failed to attend.

**Resolved:**

Consideration of application for renewal of Taxi/Private Hire Car Driver's Licence TD591 be deferred to the next meeting of the Licensing Committee on 8 April 2009 in order that the applicant might address the Committee in person.

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**130. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD575**

There was submitted a report by the Head of Legal Services (09/125), regarding consideration of renewal of Taxi/Private Hire Car Driver's Licence TD575.

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

**131. RENEWAL OF TAXI OPERATOR'S LICENCE – TO101**

There was submitted a report by the Head of Legal Services (09/126), regarding consideration of renewal of Taxi Operator's Licence TO101.

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

**132. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD882**

There was submitted a report by the Head of Legal Services (09/127), regarding consideration of renewal of Taxi/Private Hire Car Driver's Licence TD882.

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

**133. RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE – PH259**

There was submitted a report by the Head of Legal Services (09/128), regarding consideration of renewal of Private Hire Operator's Licence PH259.

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

**134. RENEWAL OF SECOND HAND DEALER'S LICENCE – SD179**

There was submitted a report by the Head of Legal Services (09/129), regarding consideration of renewal of Second Hand Dealer's Licence SD179.

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

**135. RENEWAL OF SECOND HAND DEALER'S LICENCE – SD24**

There was submitted a report by the Head of Legal Services (09/130), regarding consideration of renewal of Second Hand Dealer's Licence SD24.

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

**136. RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE – PH405**

There was submitted a report by the Head of Legal Services (09/131), regarding renewal of Private Hire Operator's Licence PH405.

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

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**137. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD464**

There was submitted a report by the Head of Legal Services (09/132), regarding renewal of Taxi/Private Hire Car Driver's Licence TD464.

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

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