

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 25 February 2010 at 1.00pm.

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

In Attendance: Inspector D Hunter and B Kerr, Licensing Supervisor (both Tayside Police); J Eodanable, W Gibson, K Campbell, A Wilson (up to and including Art. 135) and Y Oliver (all Chief Executive's Service).

Councillor P Mulheron, Convener, Presiding.

133. DECLARATIONS OF INTEREST

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

134. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 21 January 2010 (Arts. 16-36) was submitted, approved as a correct record and authorised for signature.

135. NOTIFICATION OF PUBLIC PROCESSION – BLAIRGOWRIE

There was submitted a report by the Head of Democratic Services (10/137) outlining the notification received for a public procession due to take place in Blairgowrie on Sunday 28 February 2010.

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

Resolved:

The Notification for a public procession due to take place in Blairgowrie on Sunday 28 February 2010 be subject to an Order being placed on the application containing conditions imposed by Perth and Kinross Council in conjunction with the Chief Constable, Tayside Police, to enable it to proceed safely.

A WILSON LEFT THE MEETING AT THIS POINT.

136. VARIATION OF TAXI OPERATOR'S LICENCE – PH364

There was submitted a report by the Head of Legal Services (10/119) together with a supporting email from the applicant, dated 2 February 2010, regarding an application for variation of Taxi Operator's Licence PH364.

Resolved:

Taxi Operator's Licence PH364 be varied to extend the age limit for replacement of the vehicle by one year, with effect from 25 February 2010.

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137. VARIATION OF TAXI OPERATOR'S LICENCE – PH225

There was submitted a report by the Head of Legal Services (10/120) together with supporting email from the applicant, dated 2 February 2010, regarding an application for variation of Taxi Operator's Licence PH225.

Resolved:

Taxi Operator's Licence PH225 be varied to extend the age limit for replacement of the vehicle by one year, with effect from 25 February 2010.

138. RENEWAL OF MARKET OPERATOR'S LICENCE – MO17

There was submitted a report by the Head of Legal Services (10/121) together with (1) a letter of objection, dated 29 September 2009; (2) a letter of representation, dated 19 January 2010; and (3) a letter from the applicant, dated 19 January 2010, regarding an application for renewal of Market Operator's Licence MO17.

The applicant was in attendance, accompanied by his agent Mr P Trodden, both of whom addressed the Committee and answered Members' questions. The objector also answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

Motion (Councillors D Scott and H Stewart)

Market Operator's Licence MO17 be renewed for a period of eighteen months with effect from 30 September 2009.

Amendment (Councillors J Flynn and D Melloy)

Market Operator's Licence MO17 be renewed for a period of one year with effect from 30 September 2009, for the purposes of monitoring the arrangements that have been put in place.

Amendment – 3 votes

Motion – 4 votes

Resolved:

In accordance with the Motion.

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.

139. RENEWAL OF WINDOW CLEANER'S LICENCE – WC23

There was submitted a report by the Head of Legal Services (10/122) regarding an application for renewal of Window Cleaner's Licence WC23.

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

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Resolved:

Window Cleaner's Licence WC23 be renewed with effect from 22 October 2009, subject to the Licence Holder submitting evidence of Council Tax payments to the Licensing Section staff.

140. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD559

There was submitted a report by the Head of Legal Services (10/123) regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD559. The Committee noted this item had been withdrawn from the agenda.

141. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1034

There was submitted a report by the Head of Legal Services (10/124) together with a letter of representation from the Chief Constable, dated 19 October 2009, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1034.

The applicant was not in attendance.

Resolved:

Taxi/Private Hire Car Driver's Licence TD1034 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.

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

There was submitted a report by the Head of Legal Services (10/125) 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.

The applicant was not in attendance.

Resolved:

Consideration of grant of Taxi/Private Hire Car Driver's Licence TD1053 be deferred to the next meeting of the Licensing Committee, being held on 22 April 2010, to allow the applicant to attend in person.

143. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1039

There was submitted a report by the Head of Legal Services (10/126) together with letter of representation from the Chief Constable, Tayside Police, dated 4 November 2009, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1039.

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

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Resolved:

Taxi/Private Hire Car Driver's Licence TD1039 be granted for one year, with effect from 25 February 2010, subject to the applicant attending the next available Vernon Manfield Course.

144. GRANT OF SECOND-HAND MOTOR VEHICLE DEALER'S LICENCE – MD176

There was submitted a report by the Head of Legal Services (10/127) together with letters and emails of representation dated 18, 20, 21, 22, 22 and 23 December 2009 and 5 January 2010, regarding an application for grant of Second-Hand Motor Vehicle Dealer's Licence MD176.

The applicant was in attendance, accompanied by his agent, Mr P Trodden, and both addressed the Committee and answered Members' questions.

An objector to the application also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Motion (Councillors J Flynn and J Coburn)

Second-Hand Motor Vehicle Dealer's Licence MD176 be refused, on the grounds of public safety.

Amendment (Councillors H Stewart and B Ellis)

Second-Hand Motor Vehicle Dealer's Licence MD176 be granted for three years, with effect from 25 February 2010.

Amendment – 5 votes

Motion – 2 votes

Resolved:

In accordance with the Amendment.

145. GRANT OF STREET TRADER'S LICENCE – ST200

There was submitted a report by the Head of Legal Services (10/128) together with letter of representation from the Chief Constable, Tayside Police, dated 13 January 2010, regarding an application for grant of Street Trader's Licence ST200.

The applicant was in attendance, accompanied by her mother, and both addressed the Committee and answered Members' questions.

Resolved:

Street Trader's Licence ST200 be granted for one year, with effect from 25 February 2010.

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146. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1054

There was submitted a report by the Head of Legal Services (10/129) together with letter of representation from the Chief Constable, Tayside Police, dated 13 January 2010, and a letter of representation dated 24 February 2010, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1054.

The applicant was in attendance, accompanied by his agent, Mr P Trodden, and both addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Motion (Councillors D Scott and J Flynn)

Taxi/Private Hire Car Driver's Licence TD1054 be granted for one year, with effect from 25 February 2010.

Amendment (Councillors H Stewart and B Ellis)

Taxi/Private Hire Car Driver's Licence TD1054 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 – 3 votes

Motion – 4 votes

Resolved:

In accordance with the Motion.

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

There was submitted a report by the Head of Legal Services (10/130) together with correspondence from the Chief Constable, Tayside Police, comprising (1) letter for information dated 20 November 2009; and (2) letter of objection dated 16 December 2009 requesting 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 22 April 2010, to await the outcome of legal proceedings with the licence holder's attendance being excused therefrom.

148. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD296

There was submitted a report by the Head of Legal Services (10/131) together with letter from the Chief Constable, Tayside Police, dated 1 February 2010, requesting suspension of Taxi/Private Hire Car Driver's Licence TD296.

It was noted that, due to the inclement weather, the applicant was unable to attend the meeting.

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Resolved:

In the absence of the licence holder, the decision was taken to suspend Taxi/Private Hire Car Driver's Licence TD296 for the duration of the licence (18 September 2012). In addition the Committee agreed to the licence holder being give a further opportunity to appear at the next meeting of the Licensing Committee where the issue would be revisited.

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