

## LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 14 July 2011 at 10.00am.

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

In Attendance: Inspector S Patience and S Michie, Licensing Enquiry Officer (both Tayside Police); Councillor B Band (for item Art. 415 only); L Clark, L Cormack and P Frazer (all Chief Executive's Service).

Apologies for Absence: Councillors D Melloy, D Scott and H Stewart.

Councillor P Mulheron, Convener, Presiding.

### 409. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

### 410. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 2 June 2011 (Arts. 295-323) was submitted, approved as a correct record and authorised for signature.

### 411. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE REVIEW

There was submitted a report by the Head of Legal Services (11/355) outlining the findings of the most recent review by the Council of the scale of fares for taxis in the Perth and Kinross area.

#### **Resolved:**

- (i) Approve in principle the undernoted amendments to the scale of taxi fares, and in accordance with legislation be advertised with an invitation to lodge representations to the proposals, and
- (ii) Subject to no unfavourable representations being received the charges be implemented with immediate effect.
  - (a) The initial charge be:-
    - Tariff 1 £3.00 for 880 yards
    - Tariff 2 £3.80 for 880 yards
    - Tariff 3 £4.50 for 880 yards
  - (b) The mileage rate be:-
    - Tariff 1 10p for 110 yards
    - Tariff 2 10p for 88 yards
    - Tariff 3 10p for 74 yards

Soiling charges be increased from £30 to £37.50

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
14 JULY 2011

**412. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH307**

There was submitted a report by the Head of Legal Services (11/356), together with an email dated 28 June 2011 from the Licence Holder, regarding an application for Variation of Private Hire Operator's Licence PH307.

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

**Resolved:**

Private Hire Operator's Licence PH307 be varied for one year, to extend the age limit for replacement of the vehicle, with effect from 14 July 2011.

**413. VARIATION OF TAXI OPERATOR'S LICENCE – TO13**

There was submitted a report by the Head of Legal Services (11/357), together with a letter received 15 June 2011 from the Licence Holder, regarding an application for Variation of Taxi Operator's Licence TO13.

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

**Resolved:**

Taxi Operator's Licence TO13 be varied for one year, to extend the age limit for replacement of the vehicle, with effect from 14 July 2011.

**414. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH190**

There was submitted a report by the Head of Legal Services (11/358), together with letter received 24 May 2011 from the Licence Holder, regarding an application for Variation of Private Hire Operator's Licence PH190.

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

**Resolved:**

Private Hire Operator's Licence PH190 be varied for one year, to extend the age limit for replacement of the vehicle, with effect from 14 July 2011.

**415. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH352**

There was submitted a report by the Head of Legal Services (11/359), together with letter received 20 May 2011 from the Licence Holder, regarding an application for Variation of Private Hire Operator's Licence PH352.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
14 JULY 2011

**Resolved:**

Private Hire Operator's Licence PH352 be varied for three years, subject to conditions to be formulated by the Head of Legal Services, to extend the age limit for replacement of the vehicle with effect from 14 July 2011.

**416. GRANT OF TEMPORARY PUBLIC ENTERTAINMENT NO – PE250**

There was submitted a report by the Head of Legal Services (11/360), regarding a temporary public entertainment licence for musical events which form part of the "Southern Fried" festival to be held on Friday 22 and Saturday 23 July 2011.

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

**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.**

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

THE REPRESENTATIVES FROM TAYSIDE POLICE LEFT THE MEETING AT THIS POINT.

**417. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD8**

There was submitted a report by the Head of Legal Services (11/372) together with a letter of representation, dated 14 June 2011, from the Chief Constable, Tayside Police, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD8.

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

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD8 be granted for a period of one year, with effect from 14 July 2011, subject to: (i) the usual terms and conditions of a Taxi/Private Hire Car Driver's Licence; and (ii) the applicant providing evidence from Fife Council regarding her Council Tax position, within 14 days of the Licensing Committee meeting (28 July 2011).

REPRESENTATIVES OF TAYSIDE POLICE RETURNED TO THE MEETING AT THIS POINT.

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
14 JULY 2011

**418. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1126**

There was submitted a report by the Head of Legal Services (11/361) together with: (i) a letter of request for immediate suspension, dated 20 June 2011, from the Chief Constable, Tayside Police; and (ii) a letter of representation, dated 30 November 2010 from the Chief Constable, Tayside Police, regarding consideration of Suspension of Taxi/Private Hire Car Driver's Licence TD1126.

The applicant was not in attendance.

**Resolved:**

In the absence of the licence holder, the decision was taken to suspend Taxi/Private Hire Car Driver's Licence TD1126 for the duration of the licence (2 March 2012) with immediate effect on the grounds that the licence holder is not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

**419. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1111**

There was submitted a report by the Head of Legal Services (11/362) together with a letter of request for immediate suspension, dated 8 June 2011, from the Chief Constable, Tayside Police regarding consideration of Suspension of Taxi/Private Hire Car Driver's Licence TD1111.

The applicant was not in attendance.

**Resolved:**

In the absence of the licence holder, the decision was taken to suspend Taxi/Private Hire Car Driver's Licence TD1111 for the duration of the licence (27 September 2011) with immediate effect on the grounds that the licence holder is not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

**420. GRANT OF SECOND-HAND MOTOR VEHICLE DEALER'S LICENCE – MD189**

There was submitted a report by the Head of Legal Services (11/363), together with: (i) a letter of information dated 16 March 2011 from the Chief Constable, Tayside Police; (ii) a note of objection from The Environment Service (Planning); and (iii) letters of objection from members of the public, regarding grant of Second-Hand Motor Vehicle Dealer's Licence MD189.

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

**421. GRANT OF SECOND-HAND MOTOR VEHICLE DEALER'S LICENCE – MD172**

There was submitted a report by the Head of Legal Services (11/364), together with a letter of objection dated 19 May 2011 from the Chief Constable,

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
14 JULY 2011

Tayside Police, regarding grant of Second-Hand Motor Vehicle Dealer's Licence MD172.

The Committee noted that this item had been deferred to the next meeting of the Licensing Committee being held on 18 August 2011.

**422. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD876**

There was submitted a report by the Head of Legal Services (11/365) together with: (i) a letter of information, dated 11 April 2011, from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council; and (ii) a letter of objection dated 14 April 2011, from the Chief Constable, Tayside Police, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD876.

The applicant was not in attendance.

**Resolved:**

Taxi/Private Car Driver's Licence TD876 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.

**423. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1162**

There was submitted a report by the Head of Legal Services (11/366) together with letter of representation, dated 25 May 2011, from the Chief Constable, Tayside Police, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1162.

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

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1162 be granted for a period of one year, with effect from 14 July 2011, subject to the usual terms and conditions of a Taxi/Private Hire Car Driver's Licence.

**424. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD792**

There was submitted a report by the Head of Legal Services (11/367), together with: (i) a letter of representation dated 26 May 2011, from the Chief Constable, Tayside Police; and (ii) two emails from the applicant, regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD792 .

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

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
14 JULY 2011

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD792 be renewed, for a period of three years, with effect from 14 July 2011, subject to the usual terms and conditions of a Taxi/Private Hire Car Driver's Licence.

**425. RENEWAL OF SECOND-HAND MOTOR VEHICLE DEALER'S LICENCE MD118**

There was submitted a report by the Head of Legal Services (11/368), together with letter of representation dated 26 May 2011 from the Chief Constable, Tayside Police, regarding grant of Second-Hand Motor Vehicle Dealer's Licence MD118.

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

**Resolved:**

Consideration of renewal of Second-Hand Motor Vehicle Dealer's Licence MD118 be deferred to the meeting of the Licensing Committee, being held on 29 September 2011, to allow the applicant to provide information regarding pending legal action.

**426. SUSPENSION AND RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE – PH160**

There was submitted a report by the Head of Legal Services (11/369) together with a letter of request for suspension, dated 5 April 2011, from the Chief Constable, Tayside Police regarding consideration of Suspension and Renewal of Private Hire Operator's Licence TD160

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

**427. GRANT OF WINDOW CLEANER'S LICENCE – WC210**

There was submitted a report by the Head of Legal Services (11/370), together with a letter of information, dated 27 April 2011, from the Chief Constable, Tayside Police regarding grant of Window Cleaner's Licence WC210.

The applicant was not in attendance.

**Resolved:**

Consideration of grant of Window Cleaner's Licence WC210 be deferred to the next meeting of the Licensing Committee, being held on 18 August 2011, to allow the applicant to attend in person.

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
14 JULY 2011

**428. GRANT OF WINDOW CLEANER'S LICENCE – WC198**

There was submitted a report by the Head of Legal Services (11/371), together with a letter of information, dated 28 April 2011, from the Chief Constable, Tayside Police regarding grant of Window Cleaner's Licence WC198.

The applicant was not in attendance.

**Resolved:**

Consideration of grant of Window Cleaner's Licence WC198 be deferred to the next meeting of the Licensing Committee, being held on 18 August 2011, to allow the applicant to attend in person.

**429. REQUEST TO RECALL SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD132**

There was submitted a report by the Head of Legal Services (11/373) together with: (i) a letter dated 28 April 2011, from the Chief Constable, Tayside Police ; and (ii) a letter from the applicant, regarding consideration of request to recall suspension of Taxi/Private Hire Car Driver's Licence TD132.

The applicant was not in attendance.

**Resolved:**

In the absence of the licence holder, the request to recall suspension of Taxi/Private Hire Car Driver's Licence TD132 was refused on the grounds that the licence holder is not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

**430. GRANT OF WINDOW CLEANER'S LICENCE – WC208**

There was submitted a report by the Head of Legal Services (11/374), regarding consideration of grant of Window Cleaner's Licence WC208.

The applicant was not in attendance.

**Resolved:**

Consideration of grant of Window Cleaner's Licence WC208 be deferred to the next meeting of the Licensing Committee, being held on 18 August 2011, to allow the applicant to attend in person

THE REPRESENTATIVES FROM TAYSIDE POLICE LEFT THE MEETING AT THIS POINT

**431. GRANT OF STREET TRADER'S LICENCE – ST233**

There was submitted a report by the Head of Legal Services (11/375), regarding grant of Street Trader's Licence ST233.

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
14 JULY 2011

The applicant was in attendance with her husband who addressed the Committee and answered members' questions on her behalf.

**Resolved:**

Street Trader's Licence ST233 be granted for a period of 3 years, with effect from 14 July 2011, subject to the to the Licence Holder submitting evidence of Council Tax payments to the Licensing Section staff within 14 days from the date of the Licensing Committee meeting (28 July 2011).

REPRESENTATIVES OF TAYSIDE POLICE RETURNED TO THE MEETING AT THIS POINT.

**432. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD24**

There was submitted a report by the Head of Legal Services (11/378), regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD24.

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

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD24 be renewed for a period of three years, with effect from 14 July 2011, subject to the usual terms and conditions of a Taxi/Private Hire Car Driver's Licence.

THE REPRESENTATIVES FROM TAYSIDE POLICE LEFT THE MEETING AT THIS POINT

**433. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD935**

There was submitted a report by the Head of Legal Services (11/376), regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD935.

**Resolved:**

Consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD935 be deferred to the next meeting of the Licensing Committee, being held on Thursday 18 August 2011, to allow the applicant to produce evidence regarding his Council Tax payments.

**434. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD565**

There was submitted a report by the Head of Legal Services (11/377), together with: (i) a letter dated 11 May 2011, from P Currie, Consultant Cardiologist, NHS Tayside; (ii) letters dated 17 May 2011 and 24 June 2011, from Dr D S Foster, Glover Street Medical Centre; and (iii) a medical report dated 28 March 2011 from Dr D S Foster, Glover Street Medical Centre regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD565 .

PERTH AND KINROSS COUNCIL  
LICENSING COMMITTEE  
14 JULY 2011

**Resolved:**

Taxi/Private Hire Car Driver's Licence 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.

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