

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
18 AUGUST 2011

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 18 August 2011 at 10.00am.

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

In Attendance: Chief Inspector A McCann (up to and including Art. 454) and S Michie, Licensing Supervisor (both Tayside Police); L Clark, W Gibson, M Baker, C Edgar and Y Oliver (all Chief Executive's Service).

Apologies for Absence: Councillors J Coburn and B Ellis.

Councillor P Mulheron, Presiding.

448. DECLARATIONS OF INTEREST

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

449. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 14 July 2011 (Arts. 409-434) was submitted, approved as a correct record and authorised for signature.

450. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH334

There was submitted a report by the Head of Legal Services (11/400), together with letter received on 1 August 2011 from the licence holder, regarding an application for Variation of Private Hire Operator's Licence PH334.

The licence holder was in attendance, accompanied by his wife, whom he was in partnership with. He addressed the Committee and answered members' questions.

Resolved:

Private Hire Operator's Licence PH334 be varied for one year, to extend the age limit for replacement of the vehicle, with effect from 18 August 2011.

451. VARIATION OF TAXI OPERATOR'S LICENCE – TO14

There was submitted a report by the Head of Legal Services (11/401), together with letter dated 24 June 2011 from the licence holder, regarding an application for Variation of Taxi Operator's Licence TO14.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

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Motion (Councillors P Mulheron and H Stewart)

Variation of Taxi Operator's Licence TO14 be refused, due to the high mileage of the vehicle and the request being contrary to Council policy.

Amendment (Councillors D Melloy and D Scott)

Variation of Taxi Operator's Licence TO14 be granted for six months, to extend the age limit for replacement of the vehicle, with effect from 18 August 2011.

Amendment: – 2 votes

Motion – 3 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.

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

There was submitted a report by the Head of Legal Services (11/402), together with letters of objection, dated 13 October 2009 and 19 May 2011, from the Chief Constable, Tayside Police, regarding consideration of Grant of Second-Hand Motor Vehicle Dealer's Licence MD172.

The applicant was in attendance, accompanied by his solicitor, Mr J McLaughlin, both of whom addressed the Committee and answered members' questions. The representative of the Chief Constable, Tayside Police also answered members' questions as did Mr W Gibson, Licensing Enforcement Officer.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Second-Hand Motor Vehicle Dealer's Licence MD172 be refused, on the grounds that the applicant is not a fit and proper person to be the holder of a Second-Hand Motor Vehicle Dealer's Licence.

453. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD563

There was submitted a report by the Head of Legal Services (11/403), together with copy letters, dated 4 July 2011, 4 February 2011, 7 January 2011, 24 March 2010, 27 October 2008 and 6 November 2007, from the Chief Constable, Tayside Police, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD563.

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The applicant was in attendance, addressed the Committee and answered members' questions. The representative of the Chief Constable, Tayside Police also answered members' questions as did Mr W Gibson, Licensing Enforcement Officer.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Hire Car Driver's Licence TD563 be granted for a period of six months, with effect from 18 August 2011. On expiry of the six-month period, the Committee deemed that a further six months be granted, at no extra charge to the applicant, provided no adverse comments had been received from the Chief Constable, Tayside Police in connection with Taxi/Private Hire Car Driver's Licence TD563.

Councillor H Stewart moved an amendment that Taxi/Private Hire Car Driver's Licence TD563 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. On failing to find a seconder, the Motion accordingly fell.

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

There was submitted a report by the Head of Legal Services (11/404), together with (i) letter dated 11 April 2011 from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council and (ii) 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 in attendance, addressed the Committee and answered members' questions. The representative of the Chief Constable, Tayside Police also answered members' questions as did Mr W Gibson, Licensing Enforcement Officer.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Hire 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.

CHIEF INSPECTOR A McCANN LEFT THE MEETING AT THIS POINT.

455. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1165

There was submitted a report by the Head of Legal Services (11/405), together with letter of representation, dated 9 June 2011, from the Chief Constable, Tayside Police, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1165.

The applicant was not in attendance.

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Resolved:

Consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1165 be deferred to the next meeting of the Licensing Committee, being held on 29 September 2011, to allow the applicant to attend in person.

456. GRANT OF WINDOW CLEANER'S LICENCE – WC198

There was submitted a report by the Head of Legal Services (11/406), together with letter of information, dated 28 April 2011, from the Chief Constable, Tayside Police, regarding consideration of 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 29 September 2011, to allow the applicant to attend in person.

457. GRANT OF WINDOW CLEANER'S LICENCE – WC210

There was submitted a report by the Head of Legal Services (11/407) regarding consideration of Grant of Window Cleaner's Licence WC210.

The applicant was not in attendance.

Resolved:

Consideration of Window Cleaner's Licence WC210 be deferred to the next meeting of the Licensing Committee, being held on 29 September 2011, to allow the applicant to attend in person.

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

There was submitted a report by the Head of Legal Services (11/408) regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD935.

The applicant was not in attendance.

Resolved:

Renewal of Taxi/Private Hire Car Driver's Licence TD935 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.

459. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1082

There was submitted a report by the Head of Legal Services (11/409) regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD1082.

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

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460. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1168

There was submitted a report by the Head of Legal Services (11/410) regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1168.

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

461. GRANT OF WINDOW CLEANER'S LICENCE – WC208

There was submitted a report by the Head of Legal Services (11/411) regarding consideration of Grant of Window Cleaner's Licence WC208.

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

462. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1151

There was submitted a report by the Head of Legal Services (11/412), together with letter, dated 20 June 2011, from Dr D Foster, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1151.

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

Resolved:

It be delegated to the Licensing Section to grant Taxi/Private Hire Car Driver's Licence TD1151, subject to a satisfactory neurological report being received, no later than 10 September 2011, from Dr Foster.

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