

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 22 April 2010 at 10.00am.

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

In Attendance: Inspector D Hunter and B Kerr, Licensing Supervisor (both Tayside Police); G Beats (Tayside Fire and Rescue); R Laird (Scottish Ambulance Service); J Eodanable, W Gibson, M Baker (up to and including Art. 224) and Y Oliver (all Chief Executive's Service); T Brydone, J Logan and S Oliver (up to and including Art. 225) (all The Environment Service).

Apology for Absence: Councillor P Mulheron.

Councillor D Scott, Vice-Convenor, Presiding.

222. DECLARATIONS OF INTEREST

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

223. MINUTES OF PREVIOUS MEETINGS

(i) Special Meeting of Licensing Committee

The Minute of the Special Meeting of the Licensing Committee of 5 February 2010 (Arts. 84-85) was submitted, approved as a correct record and authorised for signature.

(ii) Licensing Committee

The Minute of the Licensing Committee of 25 February 2010 (Arts. 133-148) was submitted, approved as a correct record and authorised for signature.

224. VARIATION OF TAXI OPERATOR'S LICENCE – TO69

There was submitted a report by the Head of Legal Services (10/192) together with letter dated 1 April 2010 from the licence holder, regarding an application for variation of Taxi Operator's Licence TO69.

The applicant was in attendance, addressed the Committee, and answered Members' questions. Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, also answered Members' questions.

Motion (Councillors D Melloy and H Stewart)

Taxi Operator's Licence TO69 be varied for six months to extend the age limit for replacement of the vehicle, with effect from 22 April 2010.

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Amendment (Councillors J Flynn and J Coburn)

Taxi Operator's Licence TO69 be varied for one year, to extend the age limit for replacement of the vehicle, with effect from 22 April 2010.

Amendment – 4 votes

Motion – 2 votes

Resolved:

In accordance with the Amendment.

M BAKER LEFT THE MEETING AT THIS POINT.

225. GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – PE226

There was submitted a revised report by the Head of Legal Services (10/193 AMENDED) together with (1) comments from the Multi-Agency Working Group; (2) memo dated 12 April 2010 from The Environment Service; (3) email dated 15 April 2010 from the Roads Network Superintendent, Perth and Kinross Council; and (4) a letter of objection dated 20 April 2010 from the Chief Constable, Tayside Police, regarding an application for grant of Temporary Public Entertainment Licence PE226.

AT THIS POINT IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING FURTHER CONSIDERATION OF THIS ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

Three of the four applicants were in attendance, accompanied by their agent, Mr Russell, all of whom addressed the Committee and answered Members' questions. The representative of the Chief Constable; Mr T Brydone, Mr J Logan and Mr S Oliver, all officers from Perth and Kinross Council; and Mr R Laird, Scottish Ambulance Service, also answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

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

Mr Russell, agent on behalf of the applicants, further addressed the Committee.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED IN PUBLIC SESSION.

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

Resolved:

Temporary Public Entertainment Licence PE226 be refused on the following grounds:

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- (i) In terms of Section 5(3)(a) of the Civic Government (Scotland) Act the applicant or where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management is not a fit and proper person to be a holder of a licence.
- (ii) The premises are not suitable or convenient for the conduct of the activity having regard to the location, character or condition of the premises.
- (iii) The nature and extent of the proposed activity with regard to the premises is not suitable or convenient for the conduct of the activity.
- (iv) With regard to the kind of persons likely to be in the premises, the premises are not suitable or convenient for the conduct of the activity.
- (v) The premises are not suitable or convenient for the conduct of the activity having regard to the possibility of undue public nuisance or public order or 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.

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

226. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD591

There was submitted a report by the Head of Legal Services (10/194) regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD591.

The applicant was in attendance, accompanied by his partner. Both addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Motion (Councillors D Scott and H Stewart)

Taxi/Private Hire Car Driver's Licence TD591 be granted for a period of six months with effect from 22 April 2010.

Amendment (Councillors D Melloy and B Ellis)

Taxi/Private Hire Car Driver's Licence TD591 be granted for a period of one year with effect from 22 April 2010.

Amendment – 4 votes

Motion – 2 votes

Resolved:

In accordance with the Amendment.

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

There was submitted a report by the Head of Legal Services (10/195) regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD976.

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The applicant was not in attendance.

Resolved:

Consideration of grant of Taxi/Private Hire Car Driver's Licence TD976 be deferred to the next meeting of the Licensing Committee, being held on 3 June 2010, to allow the applicant to attend in person.

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

There was submitted a report by the Head of Legal Services (10/196) together with a letter of objection from the Chief Constable, Tayside Police, dated 9 February 2010, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1057.

The Committee was advised that the applicant was unable to attend the Licensing Committee meeting on 22 April 2010.

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 3 June 2010, to allow the applicant to attend in person.

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

229. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD727

There was submitted a report by the Head of Legal Services (10/197) together with a letter of information from the Chief Constable, Tayside Police, dated 1 February 2010, regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD727.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD727 be renewed for a period of one year with effect from 5 February 2010.

230. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD39

There was submitted a report by the Head of Legal Services (10/198) together with a letter of information from the Chief Constable, Tayside Police, dated 14 January 2010, regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD39.

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

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231. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD234

There was submitted a report by the Head of Legal Services (10/199) together with a letter of information from the Chief Constable, Tayside Police, dated 24 February 2010, regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD234.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD234 be renewed for a period of three years with effect from 12 March 2010.

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

There was submitted a report by the Head of Legal Services (10/200) 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 3 June 2010, to allow the applicant to attend in person.

233. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1060

There was submitted a report by the Head of Legal Services (10/201) together with a letter of representation from the Chief Constable, Tayside Police, dated 8 February 2010, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1060.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD1060 be granted for a period of one year, with effect from 22 April 2010, subject to the applicant attending the next available Vernon Manfield course.

234. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1063

There was submitted a report by the Head of Legal Services (10/202) together with a letter of representation from the Chief Constable, Tayside Police, dated 8 February 2010, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1063.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Hire Car Driver's Licence TD1063 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.

235. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD789

There was submitted a report by the Head of Legal Services (10/203) together with a letter of information from the Chief Constable, Tayside Police, dated 19 March 2010, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD789.

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

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

There was submitted a report by the Head of Legal Services (10/204) together with a letter from the Chief Constable, Tayside Police, dated 1 February 2010, requesting immediate suspension of Taxi/Private Hire Car Driver's Licence TD296.

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

Resolved:

Suspension of Taxi/Private Hire Car Driver's Licence TD296 be continued to the next meeting of the Licensing Committee, being held on 3 June 2010, to await the outcome of legal proceedings.

237. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD563

There was submitted a report by the Head of Legal Services (10/205) together with a letter from the Chief Constable, Tayside Police, dated 24 March 2010, requesting immediate suspension of Taxi/Private Hire Car Driver's Licence TD563.

The applicant was in attendance, accompanied by his agent, Ms S Kerracher, and both addressed the Committee and answered Members' questions. Mr W Gibson, Licensing Enforcement Officer, also answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Suspension of Taxi/Private Hire Car Driver's Licence TD563 be continued until 26 May 2010.

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238. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE – PH238

There was submitted a report by the Head of Legal Services (10/206) together with a letter from the Chief Constable, Tayside Police, dated 24 March 2010, requesting immediate suspension of Private Hire Operator's Licence PH238.

The applicant was in attendance, accompanied by his agent, Ms S Kerracher, and both addressed the Committee and answered Members' questions. Mr W Gibson, Licensing Enforcement Officer, also answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Suspension of Private Hire Operator's Licence PH238 be continued until 26 May 2010.

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

There was submitted a report by the Head of Legal Services (10/207) 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 3 June 2010, to await the outcome of legal proceedings with the licence holder's attendance being excused therefrom.

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