

# LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth, on Wednesday 23 May 2007 at 10.00am.

Present: Councillors P Mulheron, D Scott, J Coburn, J Flynn, D Melloy (excluding Art. 287), W Robertson and H Stewart.

In Attendance: Inspector Eric Knox (Tayside Police) (up to and including Art. 285); G McFarlane (The Environment Service) (up to and including Art. 281)); C White (Corporate Services); Y Oliver and A Brown (Chief Executive's Service).

Councillor Mulheron, Convener, Presiding.

## 279. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor D Melloy declared a non-financial interest in Report 07/338 (Art. 287).

## 280. MINUTES OF PREVIOUS MEETINGS

### (i) Minute of Meeting of Licensing Committee of 4 April 2007

The Minute of Meeting of the Licensing Committee of 4 April 2007 (Arts. 249-256) was submitted, approved as a correct record and authorised for signature.

### (i) Minute of Meeting of Special Licensing Committee of 27 April 2007

The Minute of Meeting of the Licensing Committee of 27 April 2007 (Arts. 271-272) was submitted, approved as a correct record and authorised for signature.

## 281. CONSIDERATION OF APPLICATION FOR VARIATION OF CONDITION 7 OF STREET TRADER'S LICENCE – ST130

There was submitted a report by the Head of Legal Services (07/332) together with letter of representation from the Chief Constable, Tayside Police, dated 27 April 2007 and an e-mail dated 3 April 2007 from The Environment Service regarding consideration of an application for Variation of Condition 7 of Street Trader's Licence No. ST130.

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

### **Resolved:**

The application for Variation of Condition 7 of Street Trader's Licence ST130 be deferred to the next meeting of the Licensing Committee, to allow the applicant to apply for planning permission.

G MCFARLANE LEFT THE MEETING AT THIS POINT.

**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**

## 282. CONSIDERATION OF APPLICATION FOR RENEWAL OF LATE HOURS CATERING LICENCE – LH9

There was submitted a report by the Head of Legal Services (07/333) together with letter of representation from the Chief Constable, Tayside Police, dated 26 March 2007 and letter from the

Chief Fire Officer, Tayside Fire and Rescue dated 6 April 2007 regarding consideration of an application for Renewal of Late Hours Catering Licence No. LH9.

The applicant was in attendance and requested deferral of the application, advising that the Fire Certificate would not be available for a further three weeks.

**Resolved:**

Application for Renewal of Late Hours Catering Licence No. LH9 be deferred to the next meeting of the Licensing Committee, to allow production of the appropriate Fire Certificate.

**283. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1**

There was submitted a report by the Head of Legal Services (07/334) together with letter of objection from the Chief Constable, Tayside Police, dated 23 April 2007, regarding consideration of the application for Grant of Taxi/Private Hire Car Driver's Licence No. TD1.

The Committee were advised that the applicant had requested deferral due to illness.

**Resolved:**

The application for consideration of Grant of Taxi/Private Hire Car Driver's Licence No. TD1, be deferred to the next meeting of the Licensing Committee in order that the applicant might appear in person.

**284. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD788**

There was submitted a report by the Head of Legal Services (07/335) together with letter of representation from the Chief Constable, Tayside Police, dated 27 April 2007, regarding consideration of application for Grant of Taxi/Private Hire Car Driver's Licence No. TD788.

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

**Resolved:**

Application for the Grant of Taxi/Private Hire Car Driver's Licence No. TD788 be granted for one year with effect from 20 May 2007, on condition that the applicant attends the Vernon Manfield course.

**285. CONSIDERATION OF APPLICATION FOR GRANT OF SECOND HAND MOTOR DEALER'S LICENCE – MD92**

There was submitted a report by the Head of Legal Services (07/336) together with letter of objection from the Chief Constable, Tayside Police, dated 30 January 2007 regarding consideration of application for grant of Second Hand Motor Dealer's Licence No. MD92.

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

THE COMMITTEE ADJOURNED TO DISCUSS THE REPRESENTATIONS RECEIVED.

THE COMMITTEE RECONVENED.

Motion (Councillors D Scott and P Mulheron) - The application for Grant of Second Hand Motor Dealer's Licence (MD92) be granted for a period of six months with effect from 23 May 2007.

**Amendment (Councillors H Stewart and J Flynn) – The application for Grant of Second Hand Motor Dealer's Licence (MD92) be refused on the grounds that the applicant is not a fit and proper person.**

Amendment – 5 votes

Motion – 2 votes

**Resolved:**

In accordance with the Amendment.

INSPECTOR E KNOX LEFT THE MEETING AT THIS POINT.

**286. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD756**

There was submitted a report by the Head of Legal Services (07/337) together with letter dated 3 April 2007 from the applicant regarding consideration of application for Grant of Taxi/Private Hire Car Driver's Licence No. TD756.

The applicant was in attendance and answered Members' questions.

THE COMMITTEE ADJOURNED TO DISCUSS THE REPRESENTATION RECEIVED.

THE COMMITTEE RECONVENED.

**Resolved:**

The application for Grant of Taxi/Private Hire Car Driver's Licence No. TD756 be granted for a period of six months with effect from 23 May 2007.

COUNCILLOR D MELLOY LEFT THE MEETING AT THIS POINT.

**287. CONSIDERATION OF APPLICATION FOR RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE – PH261**

There was submitted a report by the Head of Legal Services (07/338) together with letter from Perth and Kinross Council's Revenues Division dated 19 March 2007, regarding consideration of application for Renewal of Private Hire Operator's Licence No. PH261.

The applicant was in attendance and answered Members' questions.

**Resolved:**

The application for renewal of Private Hire Operator's Licence No. PH261 be granted for a period of one year.

COUNCILLOR D MELLOY RE-ENTERED THE MEETING AT THIS POINT

**288. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD39**

There was submitted a report by the Head of Legal Services (07/339) regarding consideration of application for Renewal of Taxi/Private Hire Car Driver's Licence No. TD39.

The applicant was in attendance and answered Members' questions.

**Resolved:**

The application for renewal of Taxi/Private Hire Car Driver's Licence No. TD39, be deferred to the next meeting of the Licensing Committee, to allow production of information regarding the applicant's Council Tax position.

**289. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD120**

There was submitted a report by the Head of Legal Services (07/340) regarding consideration of application for Renewal of Taxi/Private Hire Car Driver's Licence No. TD120.

The applicant was in attendance and answered Members' questions.

**Resolved:**

The application for renewal of Taxi/Private Hire Car Driver's Licence No. TD120, be granted for a period of one year.

**290. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD599**

There was submitted a report by the Head of Legal Services (07/341) regarding consideration of application for Renewal of Taxi/Private Hire Car Driver's Licence No. TD599. The Committee was advised that the relevant financial information required to process the application had been received from the applicant and this item was subsequently withdrawn from the agenda.

**291. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD689**

There was submitted a report by the Head of Legal Services (07/342) regarding consideration of application for Renewal of Taxi/Private Hire Car Driver's Licence No. TD689.

The applicant failed to attend.

**Resolved:**

The application for renewal of Taxi/Private Hire Car Driver's Licence No. TD689 be refused on the basis that the applicant is not a fit and proper person to hold a Licence.

**292. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD657**

There was submitted a report by the Head of Legal Services (07/343) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD657.

The applicant failed to attend.

**Resolved:**

The application for renewal of Taxi/Private Hire Car Driver's Licence No. TD657, be deferred to the next meeting of the Licensing Committee, to allow the applicant to appear in person.

**293. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD184**

There was submitted a report by the Head of Legal Services (07/344) regarding consideration for application for renewal of Taxi/Private Hire Car Driver's Licence No. TD184.

The applicant failed to attend.

**Resolved:**

The application for renewal of Taxi/Private Hire Car Driver's Licence No. TD184, be deferred to the next meeting of the Licensing Committee to allow the applicant to appear in person.