

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
15 October 2008

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Wednesday 15 October 2008 at 10.00am.

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

In Attendance: Inspector E Knox, Tayside Police; I Innes (up to and including Art. 572), J Eodanable, C Robb (up to and including Art. 574), S Rodger (from Art. 573) and M Baker (all Corporate Services); S Dunn, D Buchanan and M Petrie (up to and including Art. 571) (all The Environment Service); Y Oliver (Chief Executive's Service).

Apologies for Absence: Councillors M Barnacle and D Scott.

Councillor P Mulheron, Convener, Presiding.

561. DECLARATIONS OF INTEREST

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

562. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Licensing Committee of 10 September 2008 (Arts. 481-499) was submitted, approved as a correct record and authorised for signature.

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

563. RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE – PH357

There was submitted a report by the Head of Legal Services (08/513), together with letter of representation from the Chief Constable, Tayside Police, dated 26 September 2008, regarding an application for renewal of Private Hire Operator's Licence PH357.

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

Resolved:

Private Hire Operator's Licence PH357 be granted for one year with effect from 6 September 2008, subject to the additional licence condition that the applicant attends the Vernon Manfield Driver Awareness course.

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564. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD208

There was submitted a report by the Head of Legal Services (08/514), together with letter of representation from the Chief Constable, Tayside Police, dated 10 September 2008, regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD208.

Resolved:

The Committee agreed to defer consideration of renewal of Taxi/Private Hire Car Driver's Licence TD208 to the next meeting of the Licensing Committee, being held on 26 November 2008, as the applicant had intimated that he was unable to attend the meeting of this Committee on 15 October 2008.

565. GRANT OF LATE HOURS CATERING LICENCE – LH85

There was submitted a report by the Head of Legal Services (08/516), together with letter of representation from the Chief Constable, Tayside Police, dated 5 August 2008, regarding an application for grant of Late Hours Catering Licence LH85.

The applicant, accompanied by her husband and her representative, Mr R Imrie, addressed the Committee, and answered Members' questions. A representative of the Chief Constable, Tayside Police, also answered Members' questions.

Resolved:

Late Hours Catering Licence LH85 be granted for three years with effect from 15 October 2008.

566. RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE – PH343

There was submitted a report by the Head of Legal Services (08/515), together with letter of representation from the Chief Constable, Tayside Police, dated 10 September 2008, regarding an application for renewal of Private Hire Operator's Licence PH343.

Resolved:

The Committee agreed to defer consideration of renewal of Private Hire Operator's Licence PH343 to the next meeting of the Licensing Committee, being held on 26 November 2008, as the applicant had intimated that he was unable to attend the meeting of this Committee on 15 October 2008.

567. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD235

There was submitted a report by the Head of Legal Services (08/517), together with letter of representation from the Chief Constable, Tayside Police, dated 1 October 2008, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD235.

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Resolved:

The Committee agreed to defer consideration of grant of Taxi/Private Hire Car Driver's Licence TD235 to the Licensing Committee meeting being held on 21 January 2009, as the applicant had intimated that she was unable to attend a Licensing Committee meeting prior to January 2009.

568. APPLICATION FOR VARIATION OF CONDITIONS 5 AND 6 OF STREET TRADER'S LICENCE – ST176

There was submitted a report by the Head of Legal Services (08/518) regarding an application for variation of Conditions 5 and 6 of Street Trader's Licence ST176.

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

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

Motion (Councillors P Mulheron and J Coburn)

Application for variation of Conditions 5 and 6 of Street Trader's Licence ST176 be refused, on the basis that the variations are contrary to Council policy.

Resolved:

Application for variation of Conditions 5 and 6 of Street Trader's Licence ST176 be refused, on the basis that the variations are contrary to Council policy.

Councillor D Melloy moved that application for variation of Conditions 5 and 6 of Street Trader's Licence ST176 be approved, on failing to find a seconder, the motion fell.

569. VARIATION OF LATE HOURS CATERING LICENCE – LH20

There was submitted a report by the Head of Legal Services (08/519) regarding an application for variation of Late Hours Catering Licence LH20.

Resolved:

Variation of Late Hours Catering Licence LH20 be granted with effect from 15 October 2008.

570. GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – PE207

There was submitted a report by the Head of Legal Services (08/531), together with (1) letter of objection from the Chief Constable, Tayside Police, dated 3 October 2008; (2) memo dated 3 October 2008 and email dated 6 October 2008 from The Environment Service; and (3) email dated 7 October 2008 from Tayside Fire and Rescue, all regarding an application for grant of Temporary Public Entertainment Licence PE207.

Mr M Taylor, one of the applicants, was in attendance, addressed the Committee and answered Members' questions. Mr M Petrie and Mr S Dunn, The

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Environment Service, answered Members' questions as did a representative of the Chief Constable, Tayside Police.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

Resolved:

Temporary Public Entertainment Licence PE207 be refused, on the grounds of public order and/or public safety and the possibility of undue public nuisance.

571. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD553

There was submitted a report by the Head of Legal Services (08/512) regarding suspension of Taxi/Private Hire Car Driver's Licence TD553.

Resolved:

Taxi/Private Hire Car Driver's Licence TD553 be suspended for the duration of the licence (i.e. to 13 February 2011) on the basis that the licence holder is not a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence.

S DUNN, D BUCHANAN AND M PETRIE 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

572. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD526

There was submitted a report by the Head of Legal Services (08/525), together with letter of objection from the Chief Constable, Tayside Police, dated 2 October 2008, regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD526.

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

Resolved:

Consideration of renewal of Taxi/Private Hire Car Driver's Licence TD526 be deferred to the next meeting of the Licensing Committee, being held on 26 November 2008, to allow further information to be produced with regard to a pending court action.

S RODGER ENTERED THE MEETING AT THIS POINT.

I INNES LEFT THE MEETING AT THIS POINT.

INSPECTOR E KNOX LEFT THE MEETING AT THIS POINT.

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573. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD836

There was submitted a report by the Head of Legal Services (08/526), together with letter of objection from the Chief Constable, Tayside Police, dated 9 June 2008, regarding consideration of renewal of Taxi/Private Hire Car Driver's Licence TD836.

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

Resolved:

Consideration of renewal of Taxi/Private Hire Car Driver's Licence TD836 be deferred to the next meeting of the Licensing Committee, being held on 26 November 2008, to allow the applicant to produce information relating to his Council Tax position.

INSPECTOR E KNOX RE-ENTERED THE MEETING AT THIS POINT.

574. GRANT OF LICENCE FOR HOUSE IN MULTIPLE OCCUPATION – FLAT 5, 7 BALHOUSIE STREET, PERTH – HMO119

There was submitted a report by the Head of Legal Services (08/527) regarding an application for grant of House in Multiple Occupation Licence HMO119.

The Applicant was in attendance. The Committee was advised that the applicant wished to withdraw her application, and noted the position accordingly.

C ROBB LEFT THE MEETING AT THIS POINT.

575. RENEWAL OF TAXI OPERATOR'S LICENCE – TO68

There was submitted a report by the Head of Legal Services (08/521), together with letter of representation from the Chief Constable, Tayside Police, dated 10 September 2008, regarding an application for renewal of Taxi Operator's Licence TO68.

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

Resolved:

Renewal of Taxi Operator's Licence TO68 be granted for one year, with effect from 25 August 2008.

576. RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE – PH187

There was submitted a report by the Head of Legal Services (08/522), together with letter of representation from the Chief Constable, Tayside Police, dated 10 September 2008, regarding an application for renewal of Private Hire Operator's Licence PH187.

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

Resolved:

Application for renewal of Private Hire Operator's Licence PH187 be granted for one year with effect from 28 August 2008.

577. RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE – PH213

There was submitted a report by the Head of Legal Services (08/523), together with letter of representation from the Chief Constable, Tayside Police, dated 10 September 2008, regarding an application for renewal of Private Hire Operator's Licence PH213.

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

Resolved:

Application for renewal of Private Hire Operator's Licence PH213 be granted for one year with effect from 9 August 2008.

578. RENEWAL OF PRIVATE HIRE OPERATOR'S LICENCE – PH403

There was submitted a report by the Head of Legal Services (08/524), together with letter of representation, dated 19 September 2008, regarding an application for renewal of Private Hire Operator's Licence PH403.

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

Resolved:

Application for renewal of Private Hire Operator's Licence PH403 be granted for one year with effect from 15 September 2008.

579. CONTINUATION OF SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD278

There was submitted a report by the Head of Legal Services (08/520), together with letter from the Chief Constable, Tayside Police, dated 15 September 2008, regarding consideration of the continued suspension of Taxi/Private Hire Car Driver's Licence TD278.

The applicant was not in attendance.

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Resolved:

The suspension of Taxi/Private Hire Car Driver's Licence TD278 be continued for the duration of the Licence (i.e. to 19 January 2010).

INSPECTOR E KNOX LEFT THE MEETING AT THIS POINT.

580. RENEWAL OF WINDOW CLEANER'S LICENCE – WC162

There was submitted a report by the Head of Legal Services (08/528) regarding an application for renewal of Window Cleaner's Licence WC162.

The applicant was not in attendance.

Resolved:

Application for renewal of Window Cleaner's Licence WC162 be deferred to the next meeting of the Licensing Committee, being held on 26 November 2008, to allow the applicant to produce information relating to his Council Tax position.

581. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD432

There was submitted a report by the Head of Legal Services (08/529) regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD432.

The applicant was not in attendance.

Resolved:

Application for grant of Taxi/Private Hire Car Driver's Licence TD432 be deferred to the next meeting of the Licensing Committee, being held on 26 November 2008, to allow the applicant to produce information relating to his Council Tax position.

582. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD788

There was submitted a report by the Head of Legal Services (08/530) regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD788.

The applicant was not in attendance.

Resolved:

Application for grant of Taxi/Private Hire Car Driver's Licence TD788 be refused, on the grounds that the applicant is not a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence.

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