

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Wednesday 11 November 2009 at 10.00am.

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

In Attendance: Inspector D Hunter and Licensing Supervisor B Kerr (both Tayside Police); M Roy (The Environment Service) (up to and including Art. 578); J Eodanable, W Gibson and C Robb (all Corporate Services); P Frazer (Chief Executive's Service).

Councillor P Mulheron, Convener, Presiding.

571. DECLARATIONS OF INTEREST

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

572. MINUTES OF PREVIOUS MEETINGS

(i) Minute of Meeting of the Licensing Committee

The Minute of the Licensing Committee of 14 October 2009 (Arts. 515-523) was submitted, approved as a correct record and authorised for signature.

(ii) Minute of Special Meeting of the Licensing Committee

The Minute of the Special Meeting of the Licensing Committee on 6 October 2009 was submitted, approved as a correct record and authorised for signature.

573. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – PART V POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006 ESTABLISHMENT OF PUBLIC PROCESSION MULTI-AGENCY WORKING GROUP

There was submitted a report by the Head of Democratic Services (09/506) outlining: (1) the changes to the law of public processions made by the Police, Public Order and Criminal Justice (Scotland) Act 2006 and the steps which local authorities should take when considering whether it was necessary to prevent a procession from taking place or place conditions on it under Part V of the Civic Government (Scotland) Act 1982; and (2) seeking permission to establish a Multi-Agency Working Group to deal with any public procession application as appropriate.

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Resolved:

- (i) The establishment of a Multi-Agency Working Group, comprising appropriate officers from Perth and Kinross Council, together with representatives from appropriate outside agencies, including the emergency services, be agreed.
- (ii) It be remitted to the Multi-Agency Working Group to consider what arrangements and procedures should be put in place for any public procession, and make recommendations as appropriate to the Head of Democratic Services.

574. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1002

There was submitted a report by the Head of Legal Services (09/507) regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1002.

The applicant was not in attendance.

Resolved:

Consideration of grant of Taxi/Private Hire Car Driver's Licence TD1002 be deferred to the next meeting of the Licensing Committee, being held on Wednesday 9 December 2009, to allow the applicant to attend in person.

575. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH212

There was submitted a report by the Head of Legal Services (09/508) regarding an application for variation of Private Hire Operator's Licence PH212.

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

Resolved:

Private Hire Operator's Licence PH212 be varied to extend the age limit for replacement of the vehicle by one year, with effect from 11 November 2009.

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

576. CONTINUED SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD224

There was submitted a report by the Head of Legal Services (09/509), together with a letter of representation from the Chief Constable, Tayside Police, dated 31 August 2009, regarding the suspension of Taxi/Private Hire Car Driver's Licence TD224.

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

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RE-CONVENED.

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Resolved:

Taxi/Private Hire Car Driver's Licence TD224 be reinstated, subject to receipt of supporting letters from; (1) his General Practitioner, and (2) his employers, at which time the Licence would be issued.

577. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE – PH161

There was submitted a report by the Head of Legal Services (09/510) regarding suspension of Private Hire Operator's Licence PH161.

The applicant was not in attendance.

M Roy, Transport Officer, The Environment Service, addressed the Committee and answered Members' questions.

Resolved:

Private Hire Operator's Licence PH161 be suspended for the remainder of its term with effect from 11 November 2009,

M ROY LEFT THE MEETING AT THIS POINT.

578. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD40

There was submitted a report by the Head of Legal Services (09/511), together with a letter of representation from the Chief Constable, Tayside Police, dated 25 September 2009, regarding suspension of Taxi/Private Hire Car Driver's Licence TD40.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD40 be suspended for the remainder of its term with effect from 11 November 2009.

549. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1004

There was submitted a report by the Head of Legal Services (09/512), together with a letter of representation from the Chief Constable, Tayside Police, dated 18 August 2009, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1004.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

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Resolved:

Taxi/Private Hire Car Driver's Licence TD1004 be refused on the grounds that, after hearing representations from the applicant, the applicant was not a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence.

580. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1005

There was submitted a report by the Head of Legal Services (09/513), together with letter of objection from the Chief Constable, Tayside Police, received on 1 September 2009, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1005.

The applicant was not in attendance.

Resolved:

Consideration of grant of Taxi/Private Hire Car Driver's Licence TD1005 be deferred to the next meeting of the Licensing Committee, being held on 9 December 2009, to allow the applicant to attend in person.

581. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1033

There was submitted a report by the Head of Legal Services (09/514), together with a letter of information from the Chief Constable, Tayside Police, dated 15 October 2009, regarding grant of Taxi/Private Hire Car Driver's Licence TD1033.

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 TD1033 be refused on the grounds that after hearing representations from the applicant, the applicant was not a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence.

An Amendment by Councillor D Scott to grant the application failed to secure a seconder and the Amendment accordingly fell.

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

There was submitted a report by the Head of Legal Services (09/515), together with (1) a letter of objection from the Chief Constable, Tayside Police, dated 13 October 2009; and (2) seven letters of objection from neighbouring residents.

The applicant was in attendance, accompanied by Mr John McLaughlan of Culley and McAlpine, his legal representative, both of whom addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

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Dr P Armstrong and Mr J Smith, both objectors, addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Second-Hand Motor Dealer's Licence MD172 be refused on the grounds that, after hearing representations from the applicant and his legal representative, the applicant was not a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence.

INSPECTOR D HUNTER AND LICENSING SUPERVISOR B KERR LEFT THE MEETING AT THIS POINT.

583. GRANT OF WINDOW CLEANER'S LICENCE – WC179

There was submitted a report by the Head of Legal Services (09/516), together with a letter of objection from the Chief Constable, Tayside Police, dated 13 August 2009, regarding an application for grant of Window Cleaner's Licence WC179.

The applicant was not in attendance.

Resolved:

Grant of Window Cleaner's Licence WC179 be refused on the grounds that the applicant had failed to provide the required information in support of his application.

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