

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 21 January 2010 at 10.00am.

Present: Councillors P Mulheron, J Coburn, B Ellis (up to and including Art. 31), J Flynn and D Melloy.

In Attendance: Inspector Y McGregor and B Kerr, Licensing Supervisor (both Tayside Police); J Eodanable, W Gibson, K Campbell, Y Oliver (up to and including Art.31) and L Brown (from Art. 32) (all Chief Executive's Service).

Apologies for Absence: Councillors D Scott and H Stewart.

Councillor P Mulheron, Convener, Presiding.

In terms of Standing Order 19, the Committee unanimously agreed to vary the Order of Business.

16. DECLARATIONS OF INTEREST

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

17. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 9 December 2009 (Arts. 626-638) was submitted, approved as a correct record and authorised for signature.

18. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF BOOKING OFFICES) ORDER 2009

There was submitted a report by the Head of Legal Services (10/17) outlining the introduction of a new licence for Taxi and Private Hire Booking Offices and seeking approval for the fee structure for applications.

Resolved:

- (i) It be noted that the Licensing of Booking Offices Order 2009 came into force on 16 November 2009 and from that date all premises which operated as Taxi or Private Hire Booking Offices were required to apply for a licence.
- (ii) The fee for an application for a Booking Office Licence at £160 for a one year licence and £220 for a three year licence, be approved.

19. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH211

There was submitted a report by the Head of Legal Services (10/18) together with a supporting letter from the applicant, received on 5 November 2009, regarding an application for variation of Private Hire Operator's Licence PH211.

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

Resolved:

Private Hire Operator's Licence PH211 be varied to extend the age limit for replacement of the vehicle by one year, with effect from 21 January 2010.

20. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD333

There was submitted a report by the Head of Legal Services (10/19) regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD333.

The applicant was not required to attend.

Resolved:

Taxi/Private Hire Car Driver's Licence TD333 be varied to attach the standard conditions applicable to a Taxi/Private Hire Car Driver's Licence with effect from 21 January 2010.

21. RENEWAL OF MARKET OPERATOR'S LICENCE – MO17

There was submitted a report by the Head of Legal Services (10/20) together with a letter of objection, dated 29 September 2009, regarding an application for renewal of Market Operator's Licence MO17.

The applicant was in attendance, accompanied by Mr S Young, Market Manager, both of whom addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED.

Resolved:

Consideration of renewal of Market Operator's Licence MO17 be deferred to the next meeting of the Licensing Committee, being held on 25 February 2010, to allow the applicant to clarify operational and opening times on Saturdays and Sundays.

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.

22. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD349

There was submitted a report by the Head of Legal Services (10/36) regarding renewal of Taxi/Private Hire Car Driver's Licence TD349.

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

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Resolved:

Renewal of Taxi/Private Hire Car Driver's Licence TD349 be granted, subject to Legal Services being provided with written evidence of Council Tax payments within fourteen days from 21 January 2010.

23. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD521

There was submitted a report by the Head of Legal Services (10/21) regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD521.

The applicant was not in attendance.

Resolved:

Taxi/Private Hire Car Driver's Licence TD521 be renewed with effect from 5 November 2009.

24. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD296

There was submitted a report by the Head of Legal Services (10/22) together with a letter for information from Tayside Police, dated 24 September 2009, regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD296.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD296 be renewed with effect from 18 September 2009.

25. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1044

There was submitted a report by the Head of Legal Services (10/23) together with letter for information from Tayside Police, dated 22 December 2009, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1044.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD1044 be granted for one year with effect from 21 January 2010.

26. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD455

There was submitted a report by the Head of Legal Services (10/24) together with letter for information from Tayside Police, dated 6 November 2009, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD455.

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

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Resolved:

Taxi/Private Hire Car Driver's Licence TD455 be granted with effect from 21 January 2010.

27. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1037

There was submitted a report by the Head of Legal Services (10/25) together with letter for information from Tayside Police, dated 12 November 2009, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1037.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD1037 be granted for one year with effect from 21 January 2010.

28. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1046

There was submitted a report by the Head of Legal Services (10/26) together with letter for information from Tayside Police, dated 11 December 2009, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1046.

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

Resolved:

Consideration of grant of Taxi/Private Hire Car Driver's Licence TD1046 be deferred to the next meeting of the Licensing Committee, being held on 25 February 2010, to allow the applicant to attend for interview with Tayside Police.

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

There was submitted a report by the Head of Legal Services (10/27) regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1002.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD1002 be granted for three years, with effect from 21 January 2010, subject to the licence holder attending the next available Vernon Manfield Course.

30. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1034

There was submitted a report by the Head of Legal Services (10/28) together with a letter for information from Tayside Police, dated 19 October 2009, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1034.

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The applicant was not in attendance.

Resolved:

Consideration of grant of Taxi/Private Hire Car Driver's Licence TD1034 be deferred to the next meeting of the Licensing Committee, being held on 25 February 2010, to allow the applicant to attend in person.

31. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1038

There was submitted a report by the Head of Legal Services (10/29) together with letter of representation from Tayside Police, dated 2 November 2009, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1038.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RE-CONVENED.

Resolved:

Taxi/Private Hire Car Driver's Licence TD1038 be granted for six months, with effect from 21 January 2010, subject to the licence holder providing evidence, within the next six months, that an agreement has been reached with Perth and Kinross Council's Finance Department with regard to Council Tax payments.

COUNCILLOR B ELLIS LEFT THE MEETING AT THIS POINT.

32. RENEWAL OF STREET TRADER'S LICENCE – ST16

There was submitted a report by the Head of Legal Services (10/34) regarding consideration of renewal of Street Trader's Licence ST16.

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

33. RENEWAL OF STREET TRADER'S LICENCE – ST33

There was submitted a report by the Head of Legal Services (10/35) regarding consideration of renewal of Street Trader's Licence ST33.

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

THERE FOLLOWED A 30 MINUTE ADJOURNMENT.

THE COMMITTEE RECONVENED.

34. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD772

There was submitted a report by the Head of Legal Services (10/30), together with a letter for information from the Chief Constable, Tayside Police, dated

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8 December 2009, regarding suspension of Taxi/Private Hire Car Driver's Licence TD772.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD772 be not suspended.

35. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD297

There was submitted a report by the Head of Legal Services (10/31), together with two letters for information from the Chief Constable, Tayside Police, dated 21 August and 16 November 2009, regarding suspension of Taxi/Private Hire Car Driver's Licence TD297.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Car Driver's Licence TD297 be suspended for a period of fourteen days with immediate effect on the grounds that the licence holder is not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

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

There was submitted a report by the Head of Legal Services (10/32), together with correspondence from Tayside Police comprising, (1) letter for information dated 20 November 2009; and (2) letter of objection dated 16 December 2009 requesting suspension of Taxi/Private Hire Car Driver's Licence TD398. Additional correspondence was tabled at the meeting by the licence holder.

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

Resolved:

Consideration of suspension of Taxi/Private Hire Car Driver's Licence TD398 be deferred to the next meeting of the Licensing Committee on 25 February 2010, to await the outcome of legal proceedings.

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