

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
20 January 2011

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 20 January 2011 at 10am.

Present: Councillors P Mulheron, J Coburn (up to and including Art. 27); B Ellis, J Flynn, D Melloy and H Stewart.

In Attendance: Inspector D Hunter and S Michie, Licensing Supervisor (both Tayside Police); S Rodger, W Gibson, L Clark (up to and including Art. 25), M Baker and Y Oliver (all Chief Executive's Service).

Apology for Absence: Councillor D Scott.

Councillor P Mulheron, Presiding.

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 18 November 2010 (Arts. 615-625) 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.

18. REVIEW OF LIMIT ON TAXI NUMBERS IN PERTH

There was submitted a report by the Head of Legal Services (11/15) outlining the outcome of a review of the policy of having a limit on taxi numbers in Perth City and (i) recommending that the policy of having a limit be retained and (ii) making further recommendations in relation to the quality and accessibility of both the taxi fleet and driver customer care.

Resolved:

- (i) The current practice of limiting the number of taxis in the Perth City area, be retained;
- (ii) the Head of Legal Services be authorised to instruct the necessary surveys from time to time to establish whether there is any significant unmet demand for taxi services; and
- (iii) the Head of Legal Services be instructed to consider further all other issues raised as part of the consultation ("Review of the Limit on Taxi Numbers in Perth City" - Appendix 1 to Report 11/15), and, in particular, those relating to the age limit of vehicles, wheelchair accessibility and driver training, and to report back to Committee with proposals, where appropriate, in due course.

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Note: The Convener thanked Council Officers for their dedication and hard work during the consultation period. He also thanked the Perth Taxi Trade and other agencies for their positive and constructive comments on this very important consultation.

19. GRANT OF SECOND-HAND MOTOR VEHICLE DEALER'S LICENCE - MD185

There was submitted a report by the Head of Legal Services (11/16), together with (i) a letter of objection dated 7 November 2010 from D Gordon Smith and (ii) a letter of support dated 22 November 2010 from G Owens.

The applicant was in attendance, addressed the Committee and answered members' questions. The objector was also in attendance, addressed the Committee and answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Second-Hand Motor Vehicle Dealer's Licence MD185 be granted for 3 years subject to the additional conditions that (a) the Licensee may only work on trade vehicles between the hours of 9am to 5pm Monday to Friday and (b) sales may only take place between 9am to 5pm Monday to Friday and 10am to 5pm Saturday and Sunday.

20. GRANT OF WINDOW CLEANER'S LICENCE - WC5

There was submitted a report by the Head of Legal Services (11/17), together with letter of information dated 6 October 2010 from the Chief Constable, Tayside Police, regarding grant of Window Cleaner's Licence WC5.

The applicant was in attendance, addressed the Committee and answered members' questions. W Gibson, Licensing Enforcement Officer, also answered members' questions.

Resolved:

Window Cleaner's Licence WC5 be granted for a period of 3 years, with effect from 20 January 2011.

21. GRANT OF PRIVATE HIRE OPERATOR'S LICENCE X10

There was submitted a report by the Head of Legal Services (11/18), together with (i) a copy specification for the vehicle; and (ii) a letter of information dated 20 December 2010 from the Chief Constable, Tayside Police, regarding grant of Private Hire Operator's Licence X10.

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One of the two applicants was in attendance, addressed the Committee and answered members' questions. W Gibson, Licensing Enforcement Officer, also answered members' questions.

Resolved:

Private Hire Operator's Licence X10 be granted for a period of one year, with effect from 20 January 2011.

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. GRANT OF WINDOW CLEANER'S LICENCE WC4

There was submitted a report by the Head of Legal Services (11/19), together with a letter of representation from the Chief Constable, Tayside Police, dated 6 October 2010, regarding grant of Window Cleaner's Licence WC4.

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

Resolved:

Window Cleaner's Licence WC4 be granted for a period of 3 years, with effect from 20 January 2011.

23. GRANT OF STREET TRADER'S LICENCE ST215

There was submitted a report by the Head of Legal Services (11/20), together with a letter of representation from the Chief Constable, Tayside Police, dated 1 November 2010, regarding grant of Street Trader's Licence ST215.

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

Resolved:

Street Trader's Licence ST215 be granted for a period of 3 years, with effect from 20 January 2011.

24. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD1126

There was submitted a report by the Head of Legal Services (11/21), together with a letter of representation from the Chief Constable, Tayside Police, dated 30 November 2010, regarding grant of Taxi/Private Hire Car Driver's Licence TD1126.

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

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FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Consideration of grant of Taxi/Private Hire Car Driver's Licence TD1126 be deferred to a future meeting of the Licensing Committee (i) to enable the applicant to attend the Council's Medical Adviser for the purposes of a report being provided and (ii) to enable the applicant to obtain a reference from the organisation from whom he sought counselling

25. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD1129

There was submitted a report by the Head of Legal Services (11/25), together letter of objection dated 30 November 2010 from the Chief Constable, Tayside Police, regarding grant of Taxi/Private Hire Car Driver's Licence TD1126.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Hire Car Driver's Licence 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.

L CLARK LEFT THE MEETING AT THIS POINT.

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

There was submitted a report by the Head of Legal Services (11/22), together with letter of representation dated 23 November 2010 from the Chief Constable, Tayside Police, regarding grant of Taxi/Private Hire Car Driver's Licence TD1004.

The applicant was in attendance, addressed the Committee and answered members' questions. The representative of the Chief Constable and W Gibson, Licensing Enforcement Officer, also answered members' questions.

Resolved:

Taxi/Private Hire Car Driver's Licence be granted for a period of 1 year, with effect from 20 January 2011.

27. GRANT OF WINDOW CLEANER'S LICENCE WC3

There was submitted a report by the Head of Legal Services (11/26), together with letter of objection dated 27 September 2010 from the Chief Constable, Tayside Police, regarding grant of Window Cleaner's Licence WC3.

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

Resolved:

Window Cleaner's Licence WC3 be granted for a period of 1 year, with effect from 20 January 2011.

Councillor H Stewart moved an Amendment that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Window Cleaner's Licence but, having failed to secure a seconder, the Amendment accordingly fell.

Councillor D Melloy requested that his abstention from the voting be recorded.

COUNCILLOR J COBURN LEFT THE MEETING AT THIS POINT.

28. GRANT OF STREET TRADER'S LICENCE ST221

There was submitted a report by the Head of Legal Services (11/23), together with letter of representation dated 20 December 2010 from the Chief Constable, Tayside Police, regarding grant of Street Trader's Licence ST221.

The applicant was not in attendance.

Resolved:

Consideration of grant of Street Trader's Licence ST221 be deferred to the next meeting of the Licensing Committee, being held on 3 March 2011, to allow the applicant to attend in person.

29. GRANT OF SECOND-HAND MOTOR VEHICLE DEALER'S LICENCE MD184

There was submitted a report by the Head of Legal Services (11/24), together with letter of representation dated 20 October 2010 from the Chief Constable, Tayside Police, regarding grant of Second-Hand Motor Vehicle Dealer's Licence MD184.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Second-Hand Motor Vehicle Dealer's Licence MD184 be granted for a period of 1 year, with effect from 20 January 2011, subject to the applicant providing evidence from Housing and Community Care - Revenues Division regarding his Council Tax position, within 4 weeks of the date of the Licensing Committee.

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Councillor H Stewart moved an Amendment that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Second-Hand Motor Dealer's Licence but, having failed to secure a seconder, the Amendment accordingly fell.

30. GRANT OF WINDOW CLEANER'S LICENCE WC11

There was submitted a report by the Head of Legal Services (11/27), regarding grant of Window Cleaner's Licence WC11.

The applicant was not in attendance.

Resolved:

Consideration of grant of Window Cleaner's Licence WC11 be deferred to the next meeting of the Licensing Committee, being held on 3 March 2011, to allow the applicant to provide (i) information from Housing and Community Care - Revenues Division regarding his Council Tax position and (ii) evidence of Public Liability Insurance.

31. GRANT OF WINDOW CLEANER'S LICENCE WC196

There was submitted a report by the Head of Legal Services (11/28), regarding grant of Window Cleaner's Licence WC196.

The applicant was not in attendance.

Resolved:

Window Cleaner's Licence WC196 be refused on the grounds that the applicant is not a fit and proper person to be the holder of a Window Cleaner's Licence.

32. RENEWAL OF TAXI OPERATOR'S LICENCE TO50

There was submitted a report by the Head of Legal Services (11/29), regarding renewal of Taxi Operator's Licence TO50.

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

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