

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth, on Wednesday 10 January 2007 at 10.00am.

Present: Councillors Dow, A Grant, E Grant, Flynn, Mulheron and Wilson.

In Attendance: Superintendent I Bell (Tayside Police); M Baker, D Braidwood, N Campbell and C White (all Corporate Services); Y Oliver (Chief Executive's Service).

Apologies for Absence: Councillor Cowan.

Councillor A Grant, Convener, Presiding.

1. DECLARATIONS OF INTEREST

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

2. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Licensing Committee of 15 November 2006 (Arts. 695-707/06) was submitted, approved as a correct record and authorised for signature.

3. CONSIDERATION OF GRANT OF LICENCE FOR HOUSE IN MULTIPLE OCCUPATION, 62 VASART COURT, PERTH – HMO97

There was submitted a report by the Head of Legal Services (07/07) advising the Committee that the applicant was unable to clarify the situation with regard to occupation of the premises and had requested that the matter be further deferred until the Licensing Committee on 21 February 2007.

Resolved:

Application for grant of licence for House in Multiple Occupation (HMO97) be deferred to the meeting of the Licensing Committee on 21 February 2007, to enable the applicant to produce the appropriate documentation.

4. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD527

There was submitted a report by the Head of Legal Services (07/08) together with letter of representation from the Chief Constable, Tayside Police, dated 5 December 2006, regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD527.

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

Motion (Councillors A Grant and Mulheron) – Licence No. TD527 be granted for three years, with effect from 10 January 2007, and it be recommended that the applicant attend the Vernon Manfield Driver Awareness course.

Amendment (Councillors Wilson and E Grant) – Licence No. TD527 be granted for one year, with effect from 10 January 2007, and it be recommended that the applicant attend the Vernon Manfield Driver Awareness course.

Amendment – 4 votes

Motion – 2 votes

Resolved:

In accordance with the Amendment.

5. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD774

There was submitted a report by the Head of Legal Services (07/09) together with letter of representation from the Chief Constable, Tayside Police, dated 31 October 2006, regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD774.

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

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD774 be granted for a period of one year, with effect from 26 October 2006.

6. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD677

There was submitted a report by the Head of Legal Service, (07/10) together with letter of representation from the Chief Constable, Tayside Police, dated 1 December 2006, regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD677.

The applicant was in attendance, tabled a letter from his employer, addressed the Committee and answered members' questions. The representative of the Chief Constable also answered members' questions.

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD677 be granted for a period of three years, with effect from 30 November 2006.

MR N CAMPBELL, LICENSING OFFICER, PERTH AND KINROSS COUNCIL, 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

7. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD612

There was submitted a report by the Head of Legal Services (07/11) together with letter of representation from the Chief Constable, Tayside Police, dated 15 December 2006, regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD612.

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

Resolved:

Application for grant of Taxi/Private Hire Car Driver's Licence No. TD612 be granted for a period of one year with effect from 10 January 2007, and it be recommended that the applicant attend the Vernon Manfield Driver Awareness course.

8. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD623

There was submitted a report by the Head of Legal Services (07/12) together with letter of representation from the Chief Constable, Tayside Police, dated 7 December 2006, regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD623.

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

Resolved:

Application for grant of Taxi/Private Hire Car Driver's Licence No. TD623 be granted for a period of one year with effect from 10 January 2007.

9. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD591

There was submitted a report by the Head of Legal Services (07/13) together with letter of representation from the Chief Constable, Tayside Police, dated 27 November 2006, regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD591.

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

THE REPRESENTATIVE OF THE CHIEF CONSTABLE LEFT THE MEETING AT THIS POINT DURING CONSIDERATION OF FINANCIAL MATTERS RELATING TO THE APPLICANT.

The applicant answered members' questions and provided details of his Council Tax position.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE RETURNED TO THE MEETING AT THIS POINT.

Resolved:

Application for grant of Taxi/Private Hire Car Driver's Licence No. TD591 be granted for a period of one year with effect from 10 January 2007.

10. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD50

There was submitted a report by the Head of Legal Services (07/14) together with letter of representation from the Chief Constable, Tayside Police, dated 5 December 2006, regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD50.

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

THE REPRESENTATIVE OF THE CHIEF CONSTABLE LEFT THE MEETING AT THIS POINT DURING CONSIDERATION OF FINANCIAL MATTERS RELATING TO THE APPLICANT.

There was tabled a letter dated 21 December 2006 from the Council's Financial Services confirming that the applicant was not eligible to pay Council Tax.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE RETURNED TO THE MEETING AT THIS POINT.

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD50 be granted for a period of one year with effect from 8 November 2006.

11. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD499

There was submitted a report by the Head of Legal Services (07/18) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD499.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE LEFT THE MEETING AT THIS POINT DURING CONSIDERATION OF FINANCIAL MATTERS RELATING TO THE APPLICANT.

The applicant was in attendance and accompanied by Mr R Band. The applicant provided the relevant financial information with regard to his Council Tax liabilities.

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD499 be granted for a period of three years, with effect from 25 August 2006.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE RETURNED TO THE MEETING AT THIS POINT.

12. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD637

There was submitted a report by the Head of Legal Services (07/15) together with letter of representation from the Chief Constable, Tayside Police, dated 7 December 2006, regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD637.

The applicant failed to attend.

Resolved:

Application for grant of Taxi/Private Hire Car Driver's Licence No. TD637 be deferred to the meeting of the Licensing Committee on 21 February 2007, in order that the applicant might appear in person.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE LEFT THE MEETING AT THIS POINT.

13. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD202

There was submitted a report by the Head of Legal Services (07/16) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD202. The Committee was advised that the relevant financial information required to process the application had been received from the applicant.

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD202 be granted for a period of one year, with effect from 11 August 2006.

14. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD525

There was submitted a report by the Head of Legal Services (07/17) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD525.

The applicant failed to attend.

Resolved:

Consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD525 be deferred to the meeting of the Licensing Committee on 21 February 2007, in order that the applicant might produce written evidence, prior to the next meeting, in respect of his Council Tax liabilities.

15. CONSIDERATION OF APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD566

There was submitted a report by the Head of Legal Services (07/19) regarding consideration of application for renewal of Taxi/Private Hire Car Driver's Licence No. TD566. The Committee was advised that the relevant financial information required to process the application had been received from the applicant.

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence No. TD566 be granted for a period of three years, with effect from 16 September 2006.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE RETURNED TO THE MEETING AT THIS POINT.

16. CONSIDERATION OF APPLICATIONS FOR RENEWAL OF PRIVATE HIRE CAR OPERATOR'S LICENCE NOS. PH178 AND PH198

There was submitted a report by the Head of Legal Services (07/20) together with letter of representation from the Chief Constable, Tayside Police, dated 5 December 2006, regarding consideration of applications for renewal of Private Hire Car Operator's Licence Nos. PH178 and PH198.

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

THE REPRESENTATIVE OF THE CHIEF CONSTABLE LEFT THE MEETING AT THIS POINT DURING CONSIDERATION OF FINANCIAL MATTERS RELATING TO THE APPLICANT.

The Committee was advised that the relevant financial information required to process the application had been received from the applicant.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE RETURNED TO THE MEETING AT THIS POINT.

Resolved:

Applications for renewal of Private Hire Car Operator's Licence Nos. PH178 and PH198 be granted for a period of one year, with effect from 20 October 2006.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE LEFT THE MEETING AT THIS POINT.

17. CONSIDERATION OF APPLICATION FOR RENEWAL OF STREET TRADER'S LICENCE NO. ST37

There was submitted a report by the Head of Legal Services (07/21) regarding consideration of application for renewal of Street Trader's Licence No. ST37.

The Committee was advised that the relevant financial information required to process the application had been received from the applicant.

Resolved:

Application for renewal of Street Trader's Licence No. ST37 be granted for a period of three years, with effect from 10 August 2006.

18. CONSIDERATION OF APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD468

There was submitted a report by the Head of Legal Services (07/22) regarding consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD468.

The applicant failed to attend.

Resolved:

Consideration of application for grant of Taxi/Private Hire Car Driver's Licence No. TD468 be deferred to the meeting of the Licensing Committee on 21 February 2007, in order that the applicant might produce written evidence in respect of his Council Tax liabilities.

THE REPRESENTATIVE OF THE CHIEF CONSTABLE RETURNED TO THE MEETING AT THIS POINT.

19. CONSIDERATION OF REQUEST TO RECALL ORDER OF SUSPENSION FOR TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD341

There was submitted a report by the Head of Legal Services (07/23) together with (1) two letters from the applicant received by Corporate Services, one on 19 July 2006 and the second dated 30 October 2006; (2) copy letter from the applicant to Dr Stephen Curran, NHS Tayside, dated 21 November 2006; (3) two letters from the Chief Constable, Tayside Police, dated 16 February 2006 and 3 October 2006; and (4) two letters from Dr Stephen Curran, NHS Tayside, dated 11 December 2006 and 19 December 2006 regarding consideration of request to recall Order of Suspension for Taxi/Private Hire Car Driver's Licence No. TD341.

The applicant was in attendance, 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.

Resolved:

Application for request to recall Order of Suspension for Taxi/Private Hire Car Driver's Licence No. TD341 be deferred to the meeting of the Licensing Committee on 21 February 2007 to allow the Licensing Committee to seek further medical information from Dr Stephen Curran.

20. CONSIDERATION OF CONTINUATION OF SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO. TD91

There was submitted a report by the Head of Legal Services (07/06) regarding consideration of continuation of Suspension of Taxi/Private Hire Car Driver's Licence No. TD91.

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

THE COMMITTEE ADJOURNED TO DISCUSS THE REPRESENTATIONS RECEIVED.

THE COMMITTEE RECONVENED.

Resolved:

Suspension of Taxi/Private Hire Car Driver's Licence No. TD91 be continued with immediate effect for the duration of the Licence on the basis that the applicant is not a fit and proper person to hold a licence.