

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 21 April 2011 at 10.00am.

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

In Attendance: Inspector P Buckley-Jones and S Michie, Licensing Supervisor (both Tayside Police); D Grewar (National Health Service) (up to and including Art. 216); B McGregor (Scottish Ambulance Service) (up to and including Art. 216); T Brydone, J Dixon, S Oliver (all The Environment Service) (up to and including Art. 216); S Rodger, L Clark, W Gibson, M Baker and Y Oliver (all Chief Executive's Service).

Councillor P Mulheron, Presiding.

212. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

213. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 3 March 2011 was submitted, approved as a correct record and authorised for signature.

214. LIMIT OF TAXI NUMBERS IN PERTH

There was submitted a report by the Head of Legal Services (11/173) (i) outlining the findings and recommendations of a recent survey of demand for taxis in Perth and (ii) proposing that the limit of seventy taxis for Perth City should remain unchanged.

Resolved:

- (i) The findings of the survey carried out by the Transport Research Institute at Napier University, be noted.
- (ii) The current limit of seventy taxi operator licences granted by the Council for the area of Perth to remain unchanged, be agreed.

215. PUBLIC ENTERTAINMENT LICENCE: T IN THE PARK, BALADO AIRFIELD, KINROSS

There was submitted a report by the Head of Legal Services (11/174) setting out the licensing conditions for T In The Park, to be held at Balado Airfield, Kinross in July 2011.

The applicants were in attendance, addressed the Committee and answered members' questions. Mr T Brydone, Environmental Health Manager, also answered members' questions.

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Resolved:

- (i) The request by the Licensee to vary the licence by amending the operating hours, as per Appendix 2 to Report 11/174, be agreed.
- (ii) The request by the Licensee to vary the licence by amending the condition relating to sub-contractors' insurance, as detailed in Paragraph 5.2 of Report 11/174, be agreed.
- (iii) The potential impact on the layout of the site as a result of the BP Forties Pipeline, which will be addressed through Condition 2.4 of the licence and through the Management Plans, be noted.
- (iv) Delegation of authority to the Chief Executive, in consultation with the Convener of the Licensing Committee, to finalise any necessary adjustment to the conditions to attach to the licence for the 2011 event, be agreed.

216. GRANT OF PUBLIC ENTERTAINMENT LICENCE PE238

There was submitted a report by the Head of Legal Services (11/175) regarding consideration of grant of Public Entertainment Licence PE238.

The applicant was in attendance, addressed the Committee, and answered members' questions. Mr J Dixon, Food/Health and Safety Manager, The Environment Service, Perth and Kinross Council; the representative from Tayside Police; Mr D Grewar, National Health Service Tayside and B McGregor, Scottish Ambulance Service, also answered members' questions.

Resolved:

Grant of Public Entertainment Licence PE238 be deferred to the next meeting of the Licensing Committee, being held on Thursday 2 June 2011, to allow the applicant to meet with all agencies involved with a view to providing the information required.

J DIXON, T BRYDONE, S OLIVER, D GREWAR AND B MCGREGOR ALL LEFT THE MEETING AT THIS POINT.

THE COMMITTEE UNANIMOUSLY DECIDED TO CONJOIN CONSIDERATION OF ITEMS 6 AND 7 ON THE AGENDA. THE APPLICANT AGREED TO THIS COURSE OF ACTION.

217. RENEWAL OF SECOND-HAND MOTOR DEALER'S LICENCE MD67

There was submitted a report by the Head of Legal Services (11/176) regarding consideration of renewal of Second-Hand Motor Dealer's Licence MD67.

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

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Resolved:

Second-Hand Motor Dealer's Licence MD67 be granted for a period of three years, with effect from 30 January 2011, on the same terms and conditions as previously granted by the Licensing Committee on 26 August 2010.

218. RENEWAL OF MARKET OPERATOR'S LICENCE MO17

There was submitted a report by the Head of Legal Services (11/177) regarding consideration of renewal of Market Operator's Licence MO17.

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

Resolved:

Market Operator's Licence MO17 be granted for a period of three years, with effect from 29 March 2011.

219. GRANT OF TEMPORARY STREET TRADER'S LICENCE ST229 AND VARIATION OF CONDITION 5

There was submitted a report by the Head of Legal Services (11/178), together with letter from applicant dated 1 April 2011 regarding consideration of grant of Temporary Street Trader's Licence ST229 and Variation of Condition 5.

The Committee noted this item had been withdrawn from the agenda at the applicant's request.

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.

220. SUSPENSION AND RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD563

There was submitted a report by the Head of Legal Services (11/179) together with (i) letter of representation, dated 8 March 2011, from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council and (ii) letter of observation, dated 7 January 2011; letter of representation, dated 4 February 2011; and letter requesting immediate suspension, dated 24 March 2011, all from the Chief Constable, Tayside Police, regarding consideration of Suspension and Renewal of Taxi/Private Hire Car Driver's Licence TD563.

The Committee noted this item had been withdrawn from the agenda as the Applicant had surrendered his licence.

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221. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE PH363

There was submitted a report by the Head of Legal Services (11/180) together with (i) letter of representation, dated 8 March 2011, from Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council and (ii) letter of representation, dated 4 February 2011 and letter requesting immediate suspension, dated 24 March 2011, both from the Chief Constable, Tayside Police, regarding consideration of Suspension of Private Hire Operator's Licence PH363.

The Committee noted this item had been withdrawn from the agenda as the Applicant had surrendered his licence.

222. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD1145

There was submitted a report by the Head of Legal Services (11/181) together with letter of information, dated 7 March 2011, from the Chief Constable, Tayside Police, regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD1145.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD1145 be granted for a period of three years, with effect from 21 April 2011.

223. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD306

There was submitted a report by the Head of Legal Services (11/182), together with letter of representation, dated 18 February 2011, from the Chief Constable, Tayside Police regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD306.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD306 be granted for a period of one year, with effect from 21 April 2011.

THE COMMITTEE UNANIMOUSLY DECIDED TO CONJOIN CONSIDERATION OF ITEMS P5, P6, P7, P8, P9, P10 AND P11 ON THE AGENDA. THE APPLICANT AGREED TO THIS COURSE OF ACTION.

224. SUSPENSION OF TAXI OPERATOR'S LICENCE TO6

There was submitted a report by the Head of Legal Services (11/183), together with letter requesting suspension, dated 14 March 2011, from the Chief

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Constable, Tayside Police regarding consideration of Suspension of Taxi Operator's Licence TO6.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi Operator's Licence TO6 be not suspended.

225. SUSPENSION OF TAXI OPERATOR'S LICENCE TO17

There was submitted a report by the Head of Legal Services (11/184), together with letter requesting suspension, dated 14 March 2011, from the Chief Constable, Tayside Police regarding consideration of Suspension of Taxi Operator's Licence TO17.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi Operator's Licence TO17 be not suspended.

226. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE PH166

There was submitted a report by the Head of Legal Services (11/185), together with letter requesting suspension, dated 14 March 2011, from the Chief Constable, Tayside Police regarding consideration of Suspension of Private Hire Operator's Licence PH166.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Operator's Licence PH166 be not suspended.

227. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE PH168

There was submitted a report by the Head of Legal Services (11/186), together with letter requesting suspension, dated 14 March 2011, from the Chief

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Constable, Tayside Police regarding consideration of Suspension of Private Hire Operator's Licence PH168.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Operator's Licence PH168 be not suspended.

228. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE PH171

There was submitted a report by the Head of Legal Services (11/187), together with letter requesting suspension, dated 14 March 2011, from the Chief Constable, Tayside Police regarding consideration of Suspension of Private Hire Operator's Licence PH171.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Operator's Licence PH171 be not suspended.

229. SUSPENSION OF PRIVATE HIRE OPERATOR'S LICENCE PH336

There was submitted a report by the Head of Legal Services (11/188), together with letter requesting suspension, dated 14 March 2011, from the Chief Constable, Tayside Police regarding consideration of Suspension of Private Hire Operator's Licence PH336.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Private Hire Operator's Licence PH336 be not suspended.

230. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD721

There was submitted a report by the Head of Legal Services (11/189), together with letter requesting suspension, dated 14 March 2011, from the Chief

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Constable, Tayside Police regarding consideration of Suspension of Tax/Private Hire Car Driver's Licence TD721.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Hire Car Driver's Licence TD721 be not suspended.

THE REPRESENTATIVES OF TAYSIDE POLICE LEFT THE MEETING AT THIS POINT.

231. GRANT OF SECOND-HAND MOTOR VEHICLE DEALER'S LICENCE MD188

There was submitted a report by the Head of Legal Services (11/190) regarding consideration of grant of Second-Hand Motor Vehicle Dealer's Licence MD188.

The Committee noted this item had been erroneously included on the agenda and had therefore been withdrawn.

232. GRANT OF WINDOW CLEANER'S LICENCE WC200

There was submitted a report by the Head of Legal Services (11/191) regarding consideration of grant of Window Cleaner's Licence WC200.

The applicant was not in attendance.

Resolved:

Window Cleaner's Licence WC200 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.

233. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD1134

There was submitted a report by the Head of Legal Services (11/192) regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD1134.

The applicant was not in attendance.

Resolved:

Consideration of grant of Taxi/Private Hire Car Driver's Licence TD1134 be deferred to the next meeting of the Licensing Committee, being held on Thursday 2 June 2011, to allow the applicant to appear in person.

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234. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD929

There was considered a report by the Head of Legal Services (11/193), together with medical report, dated 16 November 2010, from Dr D Foster, regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD929.

The applicant was not in attendance.

Resolved:

Taxi/Private Hire Car Driver's Licence TD929 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.

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