

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth, on Wednesday 19 March 2008 at 10.00am.

Present: Councillors P Mulheron, D Melloy and H Stewart.

In Attendance: Inspector E Knox, Tayside Police; C White, C Robb, M Baker and K Campbell (all Corporate Services); and C Irons (both Chief Executive's Service).

Apologies for Absence: Councillors J Coburn, J Flynn, W Robertson and D Scott.

Councillor P Mulheron, Convener, Presiding.

165. DECLARATIONS OF INTEREST

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

166. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Licensing Committee of 13 February 2008 (Arts. 74-92) was submitted, approved as a correct record and authorised for signature.

167. TAXI AND PRIVATE HIRE CAR DRIVERS LICENCES – ASSESSMENT OF MEDICAL FITNESS

There was submitted a report by the Head of Legal Service (08/150) on the current practice used by this Council in assessing an applicant's medical fitness to drive a taxi or private hire car.

Resolved:

- (i) The Council's current practice of applying the DVLA Group 2 standards when assessing an applicant's medical fitness to drive a taxi or private hire car be approved.
- (ii) The advice of the DVLA be followed in preference to the advice from the Department of Transport for England and Wales, and the application of the full DVLA Group 2 standards to applicants and holders of taxi or private hire car drivers licences with insulin-treated diabetes, be continued.
- (iii) The Head of Legal Services be requested to produce a further report to the Committee in the event of the DVLA changing its advice regarding the medical standards to be applied by local authorities when assessing fitness to drive a taxi or private hire car, in particular the DVLA advice relating to persons with insulin-treated diabetes.

168. APPLICATION FOR VARIATION OF SKIN PIERCING AND TATTOOING LICENCE – SP1

There was submitted a report by the Head of Legal Services (08/151) regarding an application for variation of Skin Piercing and Tattooing Licence SP1.

Resolved:

Variation of Skin Piercing and Tattooing Licence SP1 be granted with effect from 19 March 2008.

169. APPLICATION FOR VARIATION OF PUBLIC ENTERTAINMENT LICENCE – PE194

There was submitted a report by the Head of Legal Services (08/152) on an application by Monziebaird and Struan Hall Committee for a variation to a Public Entertainment Licence for Monziebaird and Struan Hall, Monziebaird, Crieff for three years.

Resolved:

Variation of Public Entertainment Licence PE194 be granted with effect from 19 March 2008.

IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF

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**INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL
GOVERNMENT (SCOTLAND) ACT 1973**

170. SUSPENSION OF SECOND-HAND DEALER'S LICENCE – SD260

There was submitted a report by the Head of Legal Services (08/153) together with letter from the Chief Constable, Tayside Police, dated 3 December 2007, requesting suspension of Second Hand Dealer's Licence SD260.

The licence holder was in attendance, together with his agent. They addressed the Committee and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT TO CONSIDER REPRESENTATIONS THE COMMITTEE RECONVENED.

Resolved:

Consideration of Suspension of Second Hand Dealer's Licence SD260 be deferred to the meeting of the Licensing Committee being held on 14 May 2008 to allow further information to be presented by the licence holder and the Chief Constable to enable the Committee to determine if the licence holder was a fit and proper person in terms of the relevant Act to hold the licence.

171. APPLICATION FOR GRANT OF STREET TRADER'S LICENCE – ST139

There was submitted a report by the Head of Legal Services (08/154) together with letter of representation from the Chief Constable, Tayside Police, dated 3 March 2008, on an application for a Street Trader's Licence ST139.

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

FOLLOWING A SHORT ADJOURNMENT TO CONSIDER REPRESENTATIONS THE COMMITTEE RECONVENED.

Resolved:

Application for grant of Street Trader's Licence ST139 be refused on the basis that the applicant is not a fit and proper person to hold a licence.

172. APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD22

There was submitted a report by the Head of Legal Services (08/155) together with letter of representation from the Chief Constable, Tayside Police, dated 26 February 2008, regarding application for grant of Taxi/Private Hire Car Driver's Licence TD22.

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

FOLLOWING A SHORT ADJOURNMENT TO CONSIDER REPRESENTATIONS THE COMMITTEE RECONVENED.

Resolved:

Application for grant of Taxi/Private Hire Car Driver's Licence TD22 be granted for one year with effect from 19 March 2008, with the additional licence condition that the applicant attend the Vernon Manfield Driver Awareness course.

173. APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD153

There was submitted a report by the Head of Legal Services (08/156) together with letter of representation from the Chief Constable, Tayside Police, dated 26 February 2008, regarding application for renewal of Taxi/Private Hire Car Driver's Licence TD153.

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

Resolved:

Application for renewal of Taxi/Private Hire Car Driver's Licence TD153 be granted for three years with effect from 19 March 2008.

174. APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD883

There was submitted a report by the Head of Legal Services (08/157) together with letter of objection from the Chief Constable, Tayside Police, dated 11 January 2008, regarding application for grant of Taxi/Private Hire Car Driver's Licence TD883.

The applicant was not in attendance.

Resolved:

Application for grant of Taxi/Private Hire Car Driver's Licence TD883 be refused on the basis that the applicant is not a fit and proper person to hold a licence.

175. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD191

There was submitted a report by the Head of Legal Services (08/158) together with (1) copy report by the Council Doctor dated 16 March 2007; (2) copy letter from the Council Doctor dated 29 March 2007; (3) copy of ophthalmologist's report dated 20 March 2007; (4) copy letter to the Council Doctor from Perth and Kinross Council dated 4 December 2007; and (5) copy letter from the Council Doctor to Perth and Kinross Council's Licensing Department dated 11 December 2007 regarding suspension of Taxi/Private Hire Car Driver's Licence TD191.

An email from the licence holder's solicitor advising that the licence holder would not be attending or be represented and that the licence holder no longer wished to oppose the suspension was produced to the Committee by the Clerk.

Resolved:

The Taxi/Private Hire Car Driver's Licence TD191 be suspended with immediate effect for the duration of the licence period on the basis that the licence holder is not a fit and proper person on medical grounds.

176. CONTINUATION OF SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD850

There was submitted a report by the Head of Legal Services (08/159) together with a report by the Council Doctor, dated 12 November 2007, regarding continuation of the suspension of Taxi/Private Hire Car Driver's Licence TD850.

An email from the licence holder's solicitor advising that the licence holder would not be attending or be represented and that the licence holder no longer wished to oppose the suspension was produced to the Committee by the Clerk. The solicitor's email also advised that the licence holder would be undergoing another medical examination within the next couple of weeks.

Resolved:

- (i) Suspension of Taxi/Private Hire Car Driver's Licence TD850 be continued with immediate effect for the duration of licence period on the basis that the licence holder is not a fit and proper person on medical grounds.
- (ii) The power to recall the suspension be delegated to the Head of Legal Services in the event of a further medical report being submitted confirming that the licence holder meets the required medical standards