

## **LICENSING COMMITTEE**

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 15 July 2010 at 10.00am.

Present: Councillors P Mulheron, D Scott, J Coburn, B Ellis (up to and including Art. 422), J Flynn, D Melloy and H Stewart.

In Attendance: Chief Inspector A McCann and B Kerr, Licensing Supervisor (both Tayside Police); J Logan and L Darling (up to and including Art. 408) (both The Environment Service); W Gibson (up to and including Art. 422), M Baker, J Eodanable and Y Oliver (all Chief Executive's Service).

Councillor P Mulheron, Convener, Presiding.

### **405. DECLARATIONS OF INTEREST**

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

### **406. MINUTE OF PREVIOUS MEETING**

The Minute of the Licensing Committee of 3 June 2010 (Arts. 325-342) 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.

### **407. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH403**

There was submitted a report by the Head of Legal Services (10/385) together with letter dated 30 June 2010 from the licence holder, regarding an application for variation of Private Hire Operator's Licence PH403.

Mr L McFarlane, on behalf of the licence holder, addressed the Committee, and answered members' questions. Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council, also answered members' questions.

#### **Resolved:**

Private Hire Operator's Licence PH403 be varied for one year, to extend the age limit for replacement of the vehicle, with effect from 15 July 2010.

### **408. GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – PE235**

There was submitted a report by the Head of Legal Services (10/387) together with a memorandum of objection from The Environment Service, dated 25 June 2010, regarding an application for grant of Temporary Public Entertainment Licence PE235, for a fun fair to be held on the South Inch, Perth from 30 July 2010 to 15 August 2010.

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Mr J White, accompanied by Mr Taylor, applicants, addressed the Committee and answered members' questions. Ms L Darling and Mr J Logan also answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

**Motion (Councillors D Scott and B Ellis)**

Temporary Public Entertainment Licence PE235 be granted, subject to the following conditions:

1. The level outside any nearby noise-sensitive property should not exceed  $L_{Aeq, 5min}$  47dB (or Underlying +20dB where the recorded underlying level exceeds 27dB).
2. The applicants shall close down all amplified music from the fair at 9.00pm on all days of operation.
3. The applicants shall provide a bond to the sum of £15,000 to cover any damage caused by the operation of the fun fair, such bond to be provided to Perth and Kinross Council 14 days in advance of the first day of the fair.

Amendment (Councillors H Stewart and J Coburn)

Temporary Public Entertainment Licence PE235 be refused, on the grounds of loss of residential amenity and proximity to a flood plain.

Amendment – 3 votes

Motion – 4 votes

**Resolved:**

In accordance with the Motion.

J LOGAN AND L DARLING LEFT THE MEETING AT THIS POINT.

**409. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH333**

There was submitted a report by the Head of Legal Services (10/386) together with undated letter from licence holder, received on 30 June 2010, regarding an application for variation of Private Hire Operator's Licence PH333.

The applicant was not in attendance.

**Resolved:**

Consideration of variation of Private Hire Operator's Licence PH333 be deferred to the next meeting of the Licensing Committee, being held on 26 August 2010, to allow the applicant to attend in person.

**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.**

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**410. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR TAXI OPERATOR LICENCE**

There was submitted a report by the Head of Legal Services (10/388) outlining the details of an application for a Taxi Operator Licence for Perth, made by Northern Accident Management and recommending that the Committee considered whether the Licence could be granted.

**Resolved:**

- (i) In principle, that the application for a Taxi Operator Licence for Perth, made by Northern Accident Management, could be agreed.
- (ii) Authority be delegated to the Head of Legal Services to grant the application subject to:
  - (a) such conditions as the Head of Legal Services may consider necessary to ensure that the taxi is used only in accordance with Northern Accident Management's plan; and
  - (b) clear reports being received from the police.

REPRESENTATIVES OF TAYSIDE POLICE LEFT THE MEETING AT THIS POINT.

**411. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH405**

There was submitted a report by the Head of Legal Services (10/389) together with letter from the licence holder, dated 27 May 2010, regarding an application for variation of Private Hire Operator's Licence PH405.

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

**Resolved:**

Private Hire Operator's Licence PH405 be varied for one year, to extend the age limit for replacement of the vehicle, with effect from 15 July 2010.

REPRESENTATIVES OF TAYSIDE POLICE REJOINED THE MEETING AT THIS POINT.

**412. GRANT OF STREET TRADER'S LICENCE – ST209 AND VARIATION OF CONDITION 5**

There was submitted a report by the Head of Legal Services (10/390) together with letter of information from the Chief Constable, Tayside Police, dated 2 June 2010, and undated letter from the applicant, regarding an application for grant of Street Trader's Licence ST206 and variation of Condition 5 of Street Trader's Licence ST209.

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.

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Motion (Councillors P Mulheron and D Scott)

Street Trader's Licence ST209 and variation of Condition 5 of Street Trader's Licence ST209 be granted for a period of one year, with effect from 15 July 2010.

**Amendment (Councillors H Stewart and J Coburn)**

**Street Trader's Licence ST209 and variation of Condition 5 of Street Trader's Licence ST209 be refused, on the grounds that the applicant is not a fit and proper person to be the holder of a Street Trader's Licence.**

Amendment – 4 votes

Motion – 3 votes.

**Resolved:**

In accordance with the Amendment.

**413. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD159**

There was submitted a report by the Head of Legal Services (10/391) together with letter of information from the Chief Constable, Tayside Police, dated 26 April 2010, regarding consideration of suspension of Taxi/Private Hire Car Driver's Licence TD159.

Mr S Hunter, agent on behalf of the licence holder, addressed the Committee, and answered members' questions. A letter from the Chief Constable, Tayside Police, was tabled at the meeting advising members that a new trial date had been fixed for 17 September 2010.

**Resolved:**

Consideration of suspension of Taxi/Private Hire Car Driver's Licence TD159 be continued to the next meeting of the Licensing Committee, being held on 26 August 2010, with the licence holder's attendance being excused therefrom.

**414. SUSPENSION OF WINDOW CLEANER'S LICENCE – WC78**

There was submitted a report by the Head of Legal Services (10/392) together with letter from the Chief Constable, Tayside Police, dated 7 June 2010, requesting immediate suspension of Window Cleaner's Licence WC78.

Mr S Hunter, agent on behalf of the licence holder, addressed the Committee, and answered members' questions.

**Resolved:**

Consideration of suspension of Window Cleaner's Licence WC78 be deferred to the next meeting of the Licensing Committee, being held on 26 August 2010, to allow the licence holder to appear in person.

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

There was submitted a report by the Head of Legal Services (10/394) together with correspondence from the Chief Constable, Tayside Police, comprising (1) letter

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for information, dated 20 November 2009; and (2) letter dated 16 December 2009 requesting immediate suspension of Taxi/Private Hire Car Driver's Licence TD398.

**Resolved:**

Consideration of suspension of Taxi/Private Hire Car Driver's Licence be deferred to the next meeting of the Licensing Committee, being held on 26 August 2010, to await the outcome of legal proceedings. The licence holder must attend on that date.

**416. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1057**

There was submitted a report by the Head of Legal Services (10/395) together with a letter of objection from the Chief Constable, Tayside Police, dated 9 February 2010, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1057.

The applicant was not in attendance.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1057 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.

REPRESENTATIVES OF TAYSIDE POLICE LEFT THE MEETING AT THIS POINT.

**417. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD184**

There was submitted a report by the Head of Legal Services (10/396) regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD184.

The applicant was not in attendance.

**Resolved:**

Consideration of renewal of Taxi/Private Hire Car Driver's Licence TD184 be deferred to the next meeting of the Licensing Committee, being held on 26 August 2010, to allow the applicant to provide information from Housing and Community Care.

**418. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD976**

There was submitted a report by the Head of Legal Services (10/397) regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD976.

The applicant was not in attendance.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD976 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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**419. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD21**

There was submitted a report by the Head of Legal Services (10/398) regarding an application for renewal of Taxi/Private Car Driver's Licence TD21.

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

**420. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD48**

There was submitted a report by the Head of Legal Services (10/399) regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD48.

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

**421. GRANT OF LATE HOURS CATERING LICENCE – LH93**

There was submitted a report by the Head of Legal Services (10/400) regarding an application for grant of Late Hours Catering Licence LH93.

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

**422. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1071**

There was submitted a report by the Head of Legal Services (10/401) regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD1071.

The applicant was not in attendance.

**Resolved:**

Consideration of grant of Taxi/Private Hire Car Driver's Licence TD1071 be deferred to the next meeting of the Licensing Committee, being held on 26 August 2010, to allow the applicant to attend in person.

FOLLOWING ADJOURNMENT FOR LUNCH, THE COMMITTEE RECONVENED.

W GIBSON AND COUNCILLOR B ELLIS LEFT THE MEETING AT THIS POINT.

REPRESENTATIVES OF TAYSIDE POLICE REJOINED THE MEETING AT THIS POINT.

**423. SUSPENSION OF WINDOW CLEANER'S LICENCE – WC43**

There was submitted a report by the Head of Legal Services (10/393) together with letter from the Chief Constable, Tayside Police, dated 15 June 2010, requesting immediate suspension of Window Cleaner's Licence WC43.

The applicant was in attendance, accompanied by his agent Mr S Hunter. Both 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:**

Window Cleaner's Licence WC43 be suspended with immediate effect for the duration of the Licence (until 8 August 2012), on the grounds that the carrying on of the activity to which the licence relates has caused, is causing, or is likely to cause undue public nuisance or a threat to public order or public safety.

**424. VALEDICTORY**

On behalf of the Licensing Committee, Councillor Mulheron thanked Jim Eodanable, Solicitor, Legal Services for his services to the Committee and wished him well for the future.

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