

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
21 January 2009

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Wednesday 21 January 2009 at 10.00am.

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

In Attendance: Inspector E Knox, Tayside Police (up to and including Art. 23); J Eodanable, M Baker and L Cormack (all Corporate Services); T Brydone, J Logan and S Oliver (up to and including Art. 12), J Eadie, C Haggart and D McKeown (up to and including Art. 16) (all The Environment Service); Y Oliver (Chief Executive's Service).

Councillor P Mulheron, Convener, Presiding.

10. DECLARATIONS OF INTEREST

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

11. MINUTES OF PREVIOUS MEETINGS

(i) Licensing Committee

The Minute of the Licensing Committee of 26 November 2008 (Arts. 635-659) was submitted, approved as a correct record and authorised for signature.

(ii) Special Meeting of the Licensing Committee

The Minute of the Special Meeting of the Licensing Committee of 12 December 2008 (Arts. 700-702) was submitted, approved as a correct record and authorised for signature.

12. GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – PE192

There was submitted a report by the Head of Legal Services (09/27), together with (1) letter of objection from the Chief Constable, Tayside Police, dated 14 August 2008; and (2) observations from The Environment Service, regarding grant of temporary Public Entertainment Licence PE192.

The applicant was in attendance, addressed the Committee and answered Members' questions. Representatives from the Chief Constable and The Environment Service also answered Members' questions.

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Resolved:

Temporary Public Entertainment Licence PE192 be refused on the grounds of public safety.

T BRYDONE, J LOGAN AND S OLIVER LEFT THE MEETING AT THIS POINT.

13. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE AND TAXI OPERATOR'S LICENCE – PH352 AND TO69

There was submitted a report by the Head of Legal Services (09/28), together with letter from the licence holder, dated 12 November 2008, regarding application for variation of Private Hire Operator's Licence PH352 and Taxi Operator's Licence TO69.

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, THE COMMITTEE RECONVENED.

Resolved:

Variation of Private Hire Operator's Licence PH352 and Taxi Operator's Licence TO69 be granted, with effect from 21 January 2009, to allow vehicles up to six years old to be licensed.

14. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH185

There was submitted a report by the Head of Legal Services (09/29), together with letter from the licence holder, dated 7 January 2009, regarding an application for variation of Private Hire Operator's Licence PH185.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Variation of Private Hire Operator's Licence PH185 be refused on the grounds that the application is contrary to Council Policy and there was no good reason to depart from the Policy.

15. VARIATION OF CONDITION 7 OF STREET TRADER'S LICENCE – ST180

There was submitted a report by the Head of Legal Services (09/30), together with (1) letter from licence holder (undated); and (2) email of objection from The Environment Service, regarding an application for variation of Condition 7 of Street Trader's Licence ST180.

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

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Resolved:

Variation of Condition 7 of Street Trader's Licence ST180 be deferred to the next meeting of the Licensing Committee, being held on 4 March 2009, to allow the applicant to produce further information.

16. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD57

There was submitted a report by the Head of Legal Services (09/26), regarding suspension of Taxi/Private Hire Car Driver's Licence TD57.

The applicant was not in attendance.

Resolved:

Taxi/Private Hire Car Driver's Licence TD57 be suspended for the continuation of the duration of the Licence (until 18 June 2009), on the grounds that the licence holder is not a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence.

C HAGGART, D McKEOWN AND J EADIE 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

17. REQUEST TO RECALL SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD727

There was submitted a report by the Head of Legal Services (09/31), together with letter from licence holder, dated 11 December 2008, regarding application for recall of suspension of Taxi/Private Hire Car Diver's Licence TD727.

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

Resolved:

Recall of suspension of Taxi/Private Hire Car Driver's Licence TD727 be agreed, with effect from 21 January 2009.

18. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD903

There was submitted a report by the Head of Legal Services (09/32), together with letter of representation from the Chief Constable, Tayside Police, dated 8 December 2008, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD903.

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

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Resolved:

Taxi/Private Hire Car Driver's Licence TD903 be granted for three years with effect from 21 January 2009, subject to the additional licence condition that the applicant attended the Vernon Manfield Driver Awareness Course.

19. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD904

There was submitted a report by the Head of Legal Services (09/33), together with letter of representation from the Chief Constable, Tayside Police, dated 8 December 2008, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD904.

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

Resolved:

Taxi/Private Hire Car Driver's Licence TD904 be granted for three years with effect from 21 January 2009, subject to the additional licence condition that the applicant attended the Vernon Manfield Driver Awareness Course.

20. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD919

There was submitted a report by the Head of Legal Services (09/34), together with letter of representation from the Chief Constable, Tayside Police, dated 11 November 2008, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD919.

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

Motion (Councillors P Mulheron and D Scott)

Taxi/Private Hire Car Driver's Licence TD919 be granted for three years with effect from 21 January 2009, subject to the additional licence condition that the applicant attended the Vernon Manfield Driver Awareness Course.

Amendment (Councillors H Stewart and D Melloy)

Taxi/Private Hire Car Driver's Licence TD919 be granted for one year with effect from 21 January 2009, subject to the additional licence condition that the applicant attended the Vernon Manfield Driver Awareness Course.

Amendment – 3 votes

Motion – 4 votes

Resolved:

Taxi/Private Hire Car Driver's Licence TD919 be granted for three years with effect from 21 January 2009, subject to the additional licence condition that the applicant attended the Vernon Manfield Driver Awareness Course.

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21. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD822

There was submitted a report by the Head of Legal Services (09/36), together with letter of representation from the Chief Constable, Tayside Police, dated 27 October 2008, regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD822.

Mr P Trodden, agent on behalf of the applicant, addressed the Committee, and answered Members' questions. A representative of the Chief Constable also answered Members' questions.

Resolved:

Renewal of Taxi/Private Hire Car Driver's Licence TD822 be deferred to the next meeting of the Licensing Committee, being held on 4 March 2009, to allow the applicant to appear in person.

22. GRANT OF LICENCE FOR HOUSE IN MULTIPLE OCCUPATION – HMO136

There was submitted a report by the Head of Legal Services (09/37), together with (1) letter of objection from the Chief Constable, Tayside Police, dated 17 October 2008; (2) memo from The Environment Service, dated 17 December 2008; and (3) letter from the Chief Fire Officer, Tayside Fire and Rescue, dated 24 November 2008, regarding an application for grant of Licence for House in Multiple Occupation HMO136.

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

Resolved:

Grant of Licence for House in Multiple Occupation HMO136 be deferred to the next meeting of the Licensing Committee, being held on 4 March 2009, to allow the applicant to have the appropriate recommendations made by The Environment Service and Tayside Fire and Rescue Service carried out and to produce evidence that this had been done; and further, to allow the applicant's solicitor to make available a Joint Minute in connection with his ability to be a fit and proper person to hold a House in Multiple Occupation Licence.

23. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD908

There was submitted a report by the Head of Legal Services (09/38), together with letter of representation from the Chief Constable, Tayside Police, dated 12 December 2008, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD908.

INSPECTOR E KNOX LEFT THE MEETING AT THIS POINT.

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The applicant was in attendance, addressed the Committee and answered Members' questions. The Committee was advised that the requested financial information had been submitted to the Licensing Section.

INSPECTOR E KNOX REJOINED THE MEETING AT THIS POINT.

A representative of the Chief Constable answered Members' questions.

Resolved:

Taxi/Private Hire Car Driver's Licence TD908 be granted for one year, with effect from 21 January 2009, subject to the additional licence condition that the applicant attended the Vernon Manfield Driver Awareness Course.

Councillor H Stewart moved that Taxi/Private Hire Car Driver's Licence TD908 be refused. On failing to find a seconder the motion fell.

24. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD14

There was submitted a report by the Head of Legal Services (09/39) regarding an application for renewal of Taxi/Private Hire Car Driver's Licence TD14.

The Committee was advised that the financial information required to process the application had been received from the licence holder. Consequently, this item had been withdrawn from the agenda.

25. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD235

There was submitted a report by the Head of Legal Services (09/35), together with letter of representation from the Chief Constable, Tayside Police, dated 1 October 2008, regarding an application for grant of Taxi/Private Hire Car Driver's Licence TD235.

The applicant was not in attendance.

Resolved:

Taxi/Private Hire Car Driver's Licence TD235 be deferred to the next meeting of the Licensing Committee, being held on 4 March 2009, to allow the applicant to appear in person.

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