

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 12 July 2012 at 10.00am.

Present: Councillors J Coburn, B Ellis, R Brock, J Flynn, D Melloy and D Pover.

In Attendance: Inspector E Bowman and S Michie, Licensing Supervisor (both Tayside Police) (up to and including Art. 343); L Clark, W Gibson, D Merchant (up to and including Art. 338), S McGregor (up to and including Art. 338), M Baker and Y Oliver (all Chief Executive's Service).

Apologies: Councillor M Roberts.

Councillor J Coburn Presiding.

335. DECLARATIONS OF INTEREST

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

336. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 31 May 2012 (Arts. 221-230) was submitted and approved as a correct record.

337. LIMIT ON TAXI NUMBERS IN PERTH

There was submitted a report by the Head of Legal Services (12/290) (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 remain unchanged.

Resolved:

The Committee agreed:

- (i) the findings and recommendations of a recent survey of demand for taxis in Perth be noted; and
- (ii) the limit of seventy taxi operator licences for the Perth area remain unchanged.

338. GRANT OF HMO LICENSING AT 5/7 BALHOUSIE STREET PERTH – HMO185

There was submitted a report by the Head of Legal Services (12/291), together with letters of objection from residents of neighbouring properties, dated 4 May 2012, 12 May 2012, 15 May 2012, 16 May 2012 and 17 May 2012, regarding an application for Grant of HMO Licence at 5/7 Balhousie Street, Perth.

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The applicant and his Agent were in attendance, addressed the Committee and answered members' questions. Mr A Duffy, Ms C Shufflebotham and Mr J Kirkhope, objectors to the application, and Ms D Merchant, Licensing Officer, also addressed the Committee and answered members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Grant of HMO Licence HMO185 be delegated to the Clerk of the Licensing Committee, subject to the imposition of appropriate conditions.

Councillor D Melloy made an Amendment that Grant of HMO Licence HMO185 be refused, on the grounds that the premises were the wrong type for use as a House in Multiple Occupation and would accommodate too many people. On failing to secure a Secunder, the Amendment accordingly fell.

339. GRANT OF STREET TRADER'S LICENCE – ST264 AND VARIATION OF CONDITION 7

There was submitted a report by the Head of Legal Services (12/292), together with (i) letters of objection from neighbouring residents dated 25 June 2012 and 28 June 2012; and (ii) letter of objection from the Chief Constable, Tayside Police, dated 11 July 2012 (tabled at the meeting), regarding an application for (i) Grant of Street Trader's Licence ST264 and (ii) Variation of Condition 7 of Street Trader's Licence ST264 (if Street Trader's Licence ST264 be granted) .

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

- (i) Street Trader's Licence ST264 be granted with the standard conditions for a period of three years with effect from 12 July 2012.
- (ii) Variation of Condition 7 of Street Trader's Licence ST264 be refused, on the grounds of public safety.

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.

340. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1234

There was submitted a report by the Head of Legal Services (12/293), together with letter of representation dated 6 June 2012 from the Chief Constable, Tayside Police, regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD1234.

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The applicant was not in attendance.

Resolved:

Taxi/Private Hire Car Driver's Licence TD1234 be deferred to the next meeting of the Licensing Committee, being held on Thursday 16 August 2012, to allow the applicant to appear in person.

341. SUSPENSION OF TAXI OPERATOR'S LICENCE – TO94

There was submitted a report by the Head of Legal Services (12/294), together with (i) letter requesting immediate suspension, dated 5 June 2012 from the Chief Constable, Tayside Police, regarding consideration of Suspension of Taxi Operator's Licence TO94 and (ii) letter from the Licence Holder's Agent requesting the matter be continued to the next meeting of the Committee.

The licence holder was not in attendance.

Resolved:

- (i) Request for continuation to the next meeting of the Committee be refused
- (ii) Taxi Operator's Licence TO94 be suspended for the duration of the unexpired portion of the licence, i.e. until 15 March 2013.

342. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD761

There was submitted a report by the Head of Legal Services (12/295), together with (i) letter requesting immediate suspension, dated 5 June 2012 from the Chief Constable, Tayside Police, regarding consideration of Suspension of Taxi/Private Hire Car Driver's Licence TD761 and (ii) letter from the Licence Holder's Agent requesting the matter be continued to the next meeting of the Committee.

The licence holder was not in attendance.

Resolved:

- (i) Request for continuation to the next meeting of the Committee be refused
- (ii) Taxi/Private Hire Car Driver's Licence TD761 be suspended for the duration of the unexpired portion of the licence, i.e. until 25 April 2014.

343. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD82

There was submitted a report by the Head of Legal Services (12/296), together with (i) letter requesting immediate suspension, dated 5 June 2012 from the Chief Constable, Tayside Police, regarding consideration of Suspension of Taxi/Private Hire Car Driver's Licence TD82 and (ii) letter from the Licence Holder's Agent requesting the matter be continued to the next meeting of the Committee.

The licence holder was not in attendance.

Resolved:

- (i) Request for continuation to the next meeting of the Committee be refused

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- (ii) Taxi/Private Hire Car Driver's Licence TD82 be suspended for the duration of the unexpired portion of the licence, i.e. until 23 November 2013.

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

344. GRANT OF SECOND HAND DEALER'S LICENCE – SD315

There was submitted a report by the Head of Legal Services (12/297) regarding consideration of Grant of Second Hand Dealer's Licence SD315.

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

345. RENEWAL OF TAXI OPERATOR'S LICENCE – TO112

There was submitted a report by the Head of Legal Services (12/298) regarding consideration of Renewal of Taxi Operator's Licence TO112.

The applicant was not in attendance.

Resolved:

Consideration of Taxi Operator's Licence TO112 be deferred to the next meeting of the Licensing Committee, being held on Thursday 16 August 2012, to allow the licence holder to appear in person.

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