

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 10 January 2013 at 10.00am.

Present: Councillors B Ellis (Vice-Convener), R Brock, J Flynn, D Pover and M Roberts.

In Attendance: S Michie and B Kerr, Licensing Supervisors, (both Tayside Police); L Clark, M Baker and Y Oliver (all Chief Executive's Service).

Apologies: Councillors J Coburn and D Melloy.

Councillor Bob Ellis (Vice-Convener), Presiding.

1. DECLARATIONS OF INTEREST

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

2. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 29 November 2012 (Arts. 592-606) was submitted and approved as a correct record.

3. VARIATION OF TAXI OPERATOR'S LICENCE – TO45

There was submitted a report by the Head of Legal Services (13/4), together with letter dated 19 November 2012 from the licence holder, regarding consideration of Variation of Taxi Operator's Licence TO45.

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

Resolved

Taxi Operator's Licence TO45 be varied for one year, to extend the age limit for replacement of the vehicle, with effect from 10 January 2013 and subject to the vehicle passing the Perth and Kinross vehicle test.

4. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH303

There was submitted a report by the Head of Legal Services (13/5), together with letter dated 24 October 2012 from the licence holder, regarding an application for Variation of Private Hire Operator's Licence PH303.

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

Resolved:

Private Hire Operator's Licence PH303 be varied for one year, to extend the age limit for replacement of the vehicle, with effect from 10 January 2013.

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.

5. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD358

There was submitted a report by the Head of Legal Services (13/6), together with (i) medical report from Dr D S Foster, Glover Street Medical Practice, dated 17 September 2012; (ii) letter from Mr N G Dewhurst, Consultant Cardiologist, NHS Tayside, dated 1 October 2012; (iii) letter from Dr D S Foster, Glover Street Medical Practice, dated 9 October 2012; (iv) letter from Mr P Brown, Consultant Physician, NHS Tayside, dated 30 October 2012; (v) letter from D A J McCracken, Orwell Medical Practice, Loch Leven Health Centre, dated 22 November 2012; (vi) letter from Mr P F Currie, Consultant Cardiologist, NHS Tayside, dated 28 November 2012; (vii) letter from licence holder, dated 29 November 2012; and (viii) letter from Dr A J McCracken, Orwell Medical Practice, Loch Leven Health Centre, dated 4 December 2012, regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD358.

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

6. GRANT OF SECOND-HAND MOTOR VEHICLE DEALER'S LICENCE – MD197

There was submitted a report by the Head of Legal Services (13/7), together with (i) objection dated 4 September 2012 from Trading Standards, Perth and Kinross Council; and (ii) letter of objection dated 5 October 2012 from the Chief Constable, Tayside Police regarding Grant of Second-Hand Motor Vehicle Dealer's Licence MD197.

The Committee noted that this item had been withdrawn from the agenda at the request of the applicant.

7. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1271

There was submitted a report by the Head of Legal Services (13/8), together with letter of objection dated 17 December 2012 from the Chief Constable, Tayside Police, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1271.

The applicant was not in attendance.

Resolved:

Consideration of Taxi/Private Hire Car Driver's Licence TD1271 be deferred to the next meeting of the Licensing Committee, being held on 21 February 2013, to allow the applicant to appear in person.

8. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1261

There was submitted a report by the Head of Legal Services (13/9), together with letter of objection dated 25 October 2012 from the Chief Constable, Tayside Police, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1261.

The applicant was not in attendance.

Resolved:

Taxi/Private Hire Car Driver's Licence TD1261 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.

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

There was submitted a report by the Head of Legal Services (13/10), together with: (i) two letters of representation dated 27 October 2008 and 7 October 2011; (ii) a letter requesting immediate suspension dated 18 August 2008; (iii) two letters of objection dated 9 January 2006 and 11 June 2007; and (iv) a letter of information dated 15 November 2012, all from the Chief Constable, Tayside Police, regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD822. In addition, a Statement of Reasons in respect of Perth and Kinross Council Licensing Committee's refusal to grant renewal of Taxi/Private Hire Driver's Licence TD822 was submitted together with the Opinion of Sheriff Way in the appeal against Perth and Kinross Council's Licensing Committee's refusal to grant renewal of Taxi/Private Hire Driver's Licence TD822.

The Committee was advised that the agent for the licence holder had requested that this item be deferred to the next meeting of the Licensing Committee, being held on 21 February 2012.

Resolved:

Consideration of Renewal of Taxi/Private Hire Car Driver's be deferred to the next meeting of the Licensing Committee, being held on 21 February 2013.

10. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD85

There was submitted a report by the Head of Legal Services (13/11) together with (1) a letter of objection; and (2) a letter requesting immediate suspension, both dated 8 October 2012 from the Chief Constable, Tayside Police, regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD85.

The applicant was in attendance, addressed the Committee and answered members' questions. A representative of Tayside Police also answered members' questions.

Resolved:

Consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD85 be deferred to a future meeting of the Licensing Committee, for the outcome of legal proceedings to be known to the Committee.

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