

## **LICENSING COMMITTEE**

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 29 November 2012 at 10.00am.

Present: Councillors J Flynn, D Melloy and M Roberts.

In Attendance: Inspector B Kerr, Licensing Supervisor and S Michie, (both Tayside Police); S Rodger, W Gibson, L Cormack, N Storrar and P Frazer (all Chief Executive's Service).

Apologies: Councillors J Coburn, R Brock, B Ellis, and D Pover.

### **632. APPOINTMENT OF ACTING CONVENER**

The Convener and Vice Convener of the Licensing Committee being absent, it was necessary to appoint a member present to act as Convener to the Licensing Committee for the purposes of dealing with the items of business.

It was unanimously agreed that Councillor J Flynn be appointed Acting Convener of the Licensing Committee for the purposes of hearing the following items of business.

Councillor J Flynn, Acting Convener, Presiding.

### **633. DECLARATIONS OF INTEREST**

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

### **634. MINUTES OF PREVIOUS MEETINGS**

- (i) The Minute of Meeting of the Licensing Committee of 25 October 2012 was submitted, approved as a correct record and authorised for signature.
- (ii) The Minute of Special Meeting of the Licensing Committee of 6 November 2012 was submitted, approved as a correct record and authorised for signature.

### **635. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH303**

There was submitted a report by the Head of Legal Services (12/552), together with a letter from the applicant regarding consideration of an application for Variation of Private Hire Operator's Licence PH303.

Consideration of this item was deferred to a future meeting of the Licensing Committee.

**636. VARIATION OF TAXI OPERATOR'S LICENCE – TO73**

There was submitted a report by the Head of Legal Services (12/553), regarding consideration of Variation of Taxi Operator's Licence TO73.

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

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

**Resolved:**

Variation of Taxi Operator's Licence TO73 be refused due to the request being contrary to Council policy and there being no special circumstances justifying departure from that.

*THE COMMITTEE UNANIMOUSLY DECIDED TO CONJOIN CONSIDERATION OF ITEMS 5 and P7 ON THE AGENDA. THE APPLICANTS AGREED TO THIS COURSE OF ACTION*

**637. GRANT OF TAXI OPERATOR'S LICENCE – X19**

There was submitted a report by the Head of Legal Services (12/554), regarding consideration of Grant of Taxi Operator's Licence X19.

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

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

**Resolved:**

Taxi Operator's Licence X19 be refused, on the grounds that:

- (i) there is no significant unmet demand for taxi services in Perth City; and
- (ii) that the existing policy of limiting taxi numbers to 70 within Perth City should be applied and the Committee was not satisfied that there were any circumstances to justify departing from that policy.

**638. GRANT OF TAXI OPERATOR'S LICENCE – X18**

There was submitted a report by the Head of Legal Services (12/561), together with a letter of information from Chief Constable, Tayside Police regarding consideration of Grant of Taxi Operator's Licence X18.

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

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

**Resolved:**

Taxi Operator's Licence X18 be refused, on the grounds that:

- (i) there is no significant unmet demand for taxi services in Perth City; and

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- (ii) that the existing policy of limiting taxi numbers to 70 within Perth City should be applied and the Committee was not satisfied that there were any circumstances to justify departing from that policy.

**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.**

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

There was submitted a report by the Head of Legal Services (12/555), 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.

Consideration of this item was deferred to a future meeting of the Licensing Committee.

**640. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1127**

There was submitted a report by the Head of Legal Services (12/556) together with a request for immediate suspension dated 12 November 2012 from the Chief Constable, Tayside Police, regarding consideration of Suspension of Taxi/Private Hire Car Driver's Licence TD1127.

The applicant was not present and the item was determined in his absence.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1127 be suspended for the duration of the unexpired portion of the licence on the ground that he is no longer a fit and proper person to hold a taxi driver licence.

**641. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1196**

There was submitted a report by the Head of Legal Services (12/557), together with: (i) a request for immediate suspension, dated 2 November 2012, from the Chief Constable, Tayside Police; and (ii) three letters of Information from W Gibson, Enforcement/Licensing Officer dated 7 November 2012, 16 January 2012 and 23 May 2012, respectively, regarding consideration of Suspension of Taxi/Private Hire Car Driver's Licence TD1196.

The applicant, accompanied by his legal representative F Blackie, was in attendance, addressed the Committee and answered members' questions. A representative from Tayside Police also addressed the Committee and answered

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members' questions. In addition, Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council addressed the Committee.

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1196 be suspended for the duration of the unexpired portion of the licence on the ground that he is no longer a fit and proper person to be the holder of a taxi driver licence.

**642. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1258**

There was submitted a report by the Head of Legal Services (12/558), together with a letter of representation, dated 13 October 2012, from the Chief Constable, Tayside Police, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1258.

The applicant, accompanied by his father, was in attendance, addressed the Committee and answered members' questions. A representative from Tayside Police also addressed the Committee and answered members' questions.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1258 be granted for a period of one year, with effect from 29 November 2012.

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

There was submitted a report by the Head of Legal Services (12/559), together with a 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.

This item was deferred to a future meeting of the Licensing Committee to allow the applicant to attend.

**644. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1264**

There was submitted a report by the Head of Legal Services (12/560), together with a letter of objection, dated 5 November 2012, from the Chief Constable, Tayside Police, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1264.

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

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1264 be refused, on the grounds that the applicant is not a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence.

**645. GRANT OF WINDOW CLEANERS LICENCE – WC43**

There was submitted a report by the Head of Legal Services (12/562), together with a letter of objection dated 7 November 2012 and a letter requesting immediate suspension dated 15 June 2010, from the Chief Constable, Tayside Police, regarding consideration of Grant of Window Cleaners Licence WC43.

The applicant, accompanied by his legal representative R Scott and his wife, was in attendance, addressed the Committee and answered members' questions. A representative from Tayside Police also addressed the Committee and answered members' questions. In addition, Mr W Gibson, Licensing Enforcement Officer, Perth and Kinross Council addressed the Committee.

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

**Resolved:**

Window Cleaners Licence WC43.be granted for a period of three years, with effect from 29 November 2012.

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

There was submitted a report by the Head of Legal Services (12/563), together with: (i) a letter from Dr S Foster, Glover Street Medical Practice, dated 9 October 2012; (ii) a letter from N G Dewhurst, NHS Tayside, dated 1 October 2012; and (iii) a medical report from Dr S Foster, Glover Street Medical Practice, dated 17 September 2012, regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD358.

**Resolved:**

Consideration of this item was deferred to a future meeting of the Licensing Committee to allow updated medical information to be submitted.

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