

## LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Thursday 21 February 2013 at 10.00am.

Present: Councillors J Coburn (Convener), B Ellis (Vice-Convener), D Melloy, D Pover and M Roberts.

In Attendance: S Michie and B Kerr, Licensing Supervisors, (both Tayside Police); S Rodger, W Gibson, N Storrar and Y Oliver (all Chief Executive's Service).

Apologies: Councillors R Brock and J Flynn.

Councillor J Coburn (Convener), Presiding.

### 100. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor D Melloy declared a non-financial interest in Art.108.

### 101. MINUTE OF PREVIOUS MEETING

The Minute of the Licensing Committee of 10 January 2013 (Arts. 1-10) was submitted and approved as a correct record.

### 102. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH300

There was submitted a report by the Head of Legal Services (13/82), together with letter dated 20 December 2012 from the licence holder, regarding consideration of Variation of Private Hire Operator's Licence PH300.

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

#### **Resolved**

Private Hire Operator's Licence PH300 be varied for one year, to extend the age limit for replacement of the vehicle, with effect from 21 February 2013.

### 103. VARIATION OF PRIVATE HIRE OPERATOR'S LICENCE – PH219

There was submitted a report by the Head of Legal Services (13/83) regarding an application for Variation of Private Hire Operator's Licence PH219.

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

Motion (Councillors J Coburn and M Roberts)

Private Hire Operator's Licence PH303 be varied for a period of six months, with effect from 21 February 2013 and subject to the vehicle passing the Perth and Kinross vehicle test no later than 20 March 2013.

**Amendment (Councillors D Melloy and B Ellis)**

**Private Hire Operator's Licence PH303 be varied for a period of one year, with effect from 21 February 2013.**

In accordance with Standing Order 43, a roll call vote was taken.

3 Members voted for the Amendment as follows:

Councillors B Ellis, D Melloy and D Pover.

2 Members voted for the Motion as follows:

Councillors J Coburn and M Roberts.

**Resolved:**

In accordance with the Amendment.

**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.**

*IN TERMS OF STANDING ORDER 19 THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS.*

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

There was submitted a report by the Head of Legal Services (13/84), together with letter of objection dated 17 December 2012 from the Chief Constable, Tayside Police regarding Grant of Taxi/Private Hire Car Driver's Licence TD1271.

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

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1271 be granted for a period of 1 year, with effect from 21 February 2013.

Councillor D Melloy moved an amendment that Taxi/Private Hire Car Driver's Licence TD1271 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.

On failing to secure a seconder, the Amendment subsequently fell.

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

There was submitted a report by the Head of Legal Services (13/86), together with: (1) two letters of representation dated 27 October 2008 and 7 October 2011; (2) a letter requesting immediate suspension dated 18 August 2008; (3) two letters of objection dated 9 January 2006 and 11 June 2007; (4) letter of information dated 15 November 2012; and (5) letter of update dated 3 January 2013, all from the Chief Constable, Tayside Police, regarding consideration of Renewal of Taxi/Private Hire Car Driver's Licence TD822. In addition, an undated handwritten letter by Melissa Rodger, a Statement of Reasons in respect of Perth and Kinross Council Licensing Committee's refusal to grant renewal of Taxi/Private Hire Car 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 applicant was in attendance, accompanied by his agent, Mr L Kennedy. The applicant's wife and Ms L Morrison, Solicitor, were also in attendance.

A representative of Tayside Police answered members' questions. The applicant and his agent then addressed the Committee and also answered Members' questions.

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

**Motion (Councillors J Coburn and B Ellis)**

**Taxi/Private Hire Car Driver's Licence TD822 be renewed for a period of 1 year, with effect from 21 February 2013.**

Amendment (Councillors D Melloy and M Roberts)

Taxi/Private Hire Car Driver's Licence TD822 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.

In accordance with Standing Order 43, a roll call vote was taken.

2 Members voted for the Amendment as follows:

Councillors D Melloy and M Roberts.

3 Members voted for the Motion as follows:

Councillors J Coburn, B Ellis and D Pover.

**Resolved:**

In accordance with the Motion.

**106. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1283**

There was submitted a report by the Head of Legal Services (13/87) regarding Grant of Taxi/Private Hire Car Driver's Licence TD1283.

The applicant was not in attendance.

**Resolved:**

Consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1283 be deferred to the next meeting of the Licensing Committee, being held on Thursday 11 April 2013, to allow the applicant to appear in person.

**107. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1274**

There was submitted a report by the Head of Legal Services (13/88) regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1274.

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

*COUNCILLOR D MELLOY, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, WITHDREW FROM THE CHAMBERS AND TOOK NO FURTHER PART IN THE PROCEEDINGS.*

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

There was submitted a report by the Head of Legal Services (13/85) 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 not in attendance.

**Resolved:**

Renewal of Taxi/Private Hire Car Driver's Licence 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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