

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Council Building, 2 High Street, Perth on Tuesday 12 August 2014 at 10.00am.

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

In Attendance: Mr W Gibson, Mrs M McLaren and Ms L Brown (all Chief Executive's Service); Mr B Kerr, Licensing Supervisor and Mrs S Michie (both Police Scotland).

Apology for Absence: Councillor D Pover.

J Coburn (Convener), Presiding.

524. WELCOME AND APOLOGIES/SUBSTITUTES

The Convener welcomed everyone to the meeting. An apology for absence was submitted and noted as above.

525. DECLARATIONS OF INTEREST

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

526. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Licensing Committee of 26 June 2014 (Arts. 498 to 509) was submitted and approved as a correct record.

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS.

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.

527. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1377

There was submitted a report by the Head of Legal Services (14/335), together with (1) medical report dated 2 June 2014, and (2) letter of information dated 3 June 2014 from Police Scotland, regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD1377.

The applicant was in attendance.

The representative of Police Scotland addressed the Committee and answered members' questions.

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THE REPRESENTATIVES OF POLICE SCOTLAND AND THE COUNCIL'S LICENSING ENFORCEMENT OFFICER LEFT THE MEETING DURING DISCUSSION OF THE MEDICAL REPORT.

The applicant addressed the Committee and answered members' questions.

THE REPRESENTATIVES OF POLICE SCOTLAND AND THE COUNCIL'S LICENSING ENFORCEMENT OFFICER RETURNED TO THE MEETING AT THIS POINT.

Resolved:

Application for Grant of Taxi/Private Hire Car Driver's Licence TD1377 be refused on the basis that the applicant is not a fit and proper person to be the holder of a licence on medical grounds.

528. GRANT OF A SECOND HAND DEALER LICENCE – SD445

There was submitted a report by the Head of Legal Services (14/332), together with a letter of objection dated 20 June 2014 from Police Scotland, regarding consideration of grant of a Second Hand Dealer's Licence SD445.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Application for grant of Second Hand Dealer Licence SD445 be refused on the grounds that the applicant is not a fit and proper person to be the holder of a licence.

529. GRANT OF A SECOND HAND MOTOR VEHICLE DEALER'S LICENCE – MD213

There was submitted a report by the Head of Legal Services (14/333), together with a letter of objection dated 20 June 2014 from Police Scotland, regarding consideration of grant of a Second Hand Motor Vehicle Dealer's Licence MD213.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Application for grant of Second Hand Motor Vehicle Dealer's Licence MD213 be refused on the grounds that the applicant is not a fit and proper person to be the holder of a licence.

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530. SUSPENSION OF SECOND HAND MOTOR DEALER'S LICENCE – MD207

There was submitted a report by the Head of Legal Services (14/327), together with letter dated 3 June 2014 from Police Scotland, requesting the suspension of Second Hand Motor Dealer's Licence MD207. The Committee was advised by the Clerk that the licensee was unable to attend.

Resolved:

Consideration of suspension of Second Hand Motor Dealer's Licence MD207 be deferred to a meeting of the Licensing Committee on 21 August 2014 to allow the licensee to appear before the Committee in person.

531. GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1264

There was submitted a report by the Head of Legal Services (14/334), together with: (1) letter of objection dated 12 June 2014 from Police Scotland, and (2) letter of objection dated 5 November 2012 from the Chief Constable, Tayside Police (now Police Scotland), regarding consideration of grant of Taxi/Private Hire Car Driver's Licence TD1264. The Committee was advised by the Clerk that the applicant was unable to attend.

Resolved:

Consideration of grant of Taxi/Private Hire Car Driver's Licence TD1264 be deferred to the meeting of the Licensing Committee on 11 September 2014 to allow the applicant to appear before the Committee in person.

532. CONTINUED SUSPENSION OF SECOND HAND DEALER'S LICENCE – SD350

There was submitted a report by the Head of Legal Services (14/328), together with letter dated 2 July 2014 from Police Scotland, requesting the suspension of second hand dealer's licence SD350. The Committee was advised by the Clerk that, due to illness, the licensee was unable to attend.

The licensee's legal representative, Mr J McLaughlin addressed the Committee on a preliminary matter.

Resolved:

- (i) It be noted that the Licensee had agreed not to operate Second Hand Dealer's Licence SD350 until the suspension of the licence is considered at a special meeting of the Licensing Committee on 2 September 2014.
- (ii) It be noted that the Licensee will be in attendance at the special meeting of the Licensing Committee on 2 September to address the Committee and answer questions.
- (iii) It be noted that Police Scotland agreed to withdraw their application to the Head of Legal Services, Perth and Kinross Council dated 2 July 2014, for the immediate suspension of Second Hand Dealer's Licence SD350, and will submit a new application to the Head of Legal Services for the immediate suspension of the licence.

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533. CONTINUED SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD989

There was submitted a report by the Head of Legal Services (14/329), together with letter dated 2 July 2014 from Police Scotland, requesting the suspension of Taxi/Private Hire Car Driver's licence TD989. The licensee and his legal representative, Mr J McLaughlin were in attendance.

Mr J McLaughlin addressed the Committee on a preliminary matter.

Resolved:

- (i) It be noted that the Licensee had agreed not to operate Taxi/Private Hire Car Driver's Licence TD989 until suspension of the licence is considered at a special meeting of the Licensing Committee on 2 September 2014.
- (ii) It be noted that Police Scotland agreed to withdraw their application to the Head of Legal Services, Perth and Kinross Council dated 2 July 2014, for the immediate suspension of Taxi/Private Hire Car Driver's Licence TD989, and will submit a new application to the Head of Legal Services for the immediate suspension of the licence.

534. SUSPENSION OF TAXI OPERATOR'S LICENCE – T072

There was submitted a report by the Head of Legal Services (14/330), together with letter dated 2 July 2014 from Police Scotland, requesting the suspension of Taxi Operator' Licence T072. Mr J McLaughlin the legal representative for Licensee A was in attendance. Mr P Trodden the legal representative for Licensee B was in attendance.

Mr J McLaughlin and Mr P Trodden addressed the Committee on a preliminary matter.

Resolved:

- (i) It be noted that Licensees A and B had agreed not to operate Taxi/Private Hire Car Driver's Licence TD989 until suspension of the licence is considered at a special meeting of the Licensing Committee on 2 September 2014.
- (ii) It be noted that Police Scotland agreed to withdraw their application to the Head of Legal Services, Perth and Kinross Council dated 2 July 2014, for the immediate suspension of Taxi Operator's Licence T072, and will submit a new application to the Head of Legal Services for the immediate suspension of the licence.

535. SUSPENSION OF TAXI OPERATOR'S LICENCE TO55

There was submitted a report by the Head of Legal Services (14/331), together with letter dated 2 July 2014 from Police Scotland, requesting the suspension of Taxi Operator's Licence TO55. Licence holder A was represented by their legal representative, Mr J McLaughlin, licence holder B was represented by their legal representative, Mr P Trodden.

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Mr J McLaughlin and Mr P Trodden addressed the Committee on a preliminary matter.

Resolved:

- (i) It be noted that Licensees A and B had agreed not to operate Taxi Operator's Licence TO55 until suspension of the licence is considered at a special meeting of the Licensing Committee on 2 September 2014.
- (ii) It be noted that Police Scotland agreed to withdraw their application to the Head of Legal Services, Perth and Kinross Council dated 2 July 2014, for the immediate suspension of Taxi Operator's Licence TO55, and will submit a new application to the Head of Legal Services for the immediate suspension of the licence.

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