

PERTH AND KINROSS COUNCIL
LICENSING COMMITTEE
31 MARCH 2016

LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Hay Room, Dewar's Centre, Glover Street, Perth on Thursday 31 March 2016 at 10.00am.

Present: Councillors B Ellis (with the exception of Art. 291), J Flynn, D Melloy (up to and including Art. 287) and A Parrott.

In Attendance: L Gregge (Police Scotland); D Merchant, M Easton and Y Oliver (all Corporate and Democratic Services).

Apologies : Councillors Pover, Brock and Roberts.

Councillor B Ellis (Convener), Presiding.

283. WELCOME AND APOLOGIES

The Convener welcomed those present to the meeting and apologies were noted as above.

284. DECLARATIONS OF INTEREST

The following Declarations of Interest were declared in terms of the Councillor's Code of Conduct:

- (i) Councillor B Ellis declared a non-financial interest in Art. 291;
- (ii) Councillor D Melloy declared a non-financial interest in Arts. 288, 289 and 291.

285. MINUTE OF PREVIOUS MEETING

The Minute of the Meeting of 18 February 2016 (Arts. 108-113) was submitted and approved as a correct record.

286. REVIEW OF CIVIC LICENCE FEES

There was submitted a report by the Head of Legal Services (16/160), seeking approval for an increase in Civic Licence Fees, as detailed in Appendix 1 to Report 16/160, for licences issued under the Civic Government (Scotland) Act 1982.

Resolved:

- (i) The proposed increase in Civic Licence Fees, as detailed in Appendix 1 to Report 16/160 be approved, with effect from 1 April 2016;
- (ii) The fees proposed in Report 16/160 (Appendix 1) relating to applications from Knife Dealers, be increased;
- (iii) All licence applications, under the Civic Government (Scotland) Act 1982, in connection with Knife Dealers (Fairs) and Knife Dealers (Cabinet) to be submitted to the Licensing Committee for consideration.

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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.

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS

287. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1527

There was submitted a report by the Head of Legal Services (16/162), together with a letter of representation dated 29 February 2016 from Police Scotland regarding Grant of Taxi/Private Hire Car Driver's Licence TD1527.

The applicant was in attendance. The representative from Police Scotland addressed the Committee and answered Members' questions. The applicant also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Motion (Councillors B Ellis and J Flynn) – Taxi/Private Hire Car Driver's Licence TD1527 be granted for a period of one year, with effect from 31 March 2016, subject to the usual terms and conditions of a Taxi/Private Hire Car Driver's Licence.

Amendment (Councillors A Parrott and D Melloy) – Consideration of Taxi/Private Hire Car Driver's Licence TD1527 be deferred, pending the outcome of the outstanding court proceedings.

2 members voted for the Amendment as follows:

Councillors A Parrott and D Melloy.

2 members voted for the Motion as follows:

Councillor B Ellis and J Flynn

Amendment – 2 votes

Motion – 2 votes

In accordance with Standing Order 45, the Convener exercised his casting vote.

Amendment – 2 votes

Motion – 3 votes

Resolved:

Taxi/Private Hire Car Driver's Licence TD1527 be granted for a period of one year, with effect from 31 March 2016, subject to the usual terms and conditions of a Taxi/Private Hire Car Driver's Licence.

COUNCILLOR D MELLOY LEFT THE MEETING AT THIS POINT

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288. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD85

There was submitted a report by the Head of Legal Services (16/163), together with (i) a letter of objection dated 5 February 2016 from Police Scotland regarding Grant of Taxi/Private Hire Car Driver's Licence TD85; and (ii) supporting evidence in the form of a letter requesting immediate suspension of Taxi/Private Hire Car Driver's Licence TD85 and Private Hire/Taxi Operator's Licence Nos. PH209, PH217, PH227, PH306, PH320, PH405 and PH412 dated 8 October 2012 from Tayside Police.

The Committee was advised that this application had been deferred to a future meeting of the Licensing Committee, at the request of the applicant.

289. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1515

There was submitted a report by the Head of Legal Services (16/164) together with a letter of information dated 27 January 2016 from Police Scotland regarding Grant of Taxi/Private Hire Car Driver's Licence TD1515.

The applicant was in attendance. The representative from Police Scotland addressed the Committee and answered Members' questions. The applicant also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Taxi/Private Hire Car Driver's Licence TD1515 be granted for a period of one year, with effect from 31 March 2016, subject to the usual terms and conditions of a Taxi/Private Hire Car Driver's Licence.

290. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1495

There was submitted a report by the Head of Legal Services (16/161), together with letter of objection dated 9 November 2015, regarding consideration of Grant of Taxi/Private Hire Car Driver's Licence TD1495.

The applicant was cited to attend but failed to appear.

Resolved:

Grant of Taxi/Private Hire Car Driver's Licence TD1495 be refused, on the grounds that due to the pattern of criminal behaviour detailed in the letter of objection from Police Scotland, together with the lack of an explanation from the applicant as to the circumstances of the alleged offence, the applicant is not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

COUNCILLOR ELLIS LEFT THE MEETING AT THIS POINT. IT WAS RESOLVED THAT COUNCILLOR FLYNN WOULD TAKE THE CHAIR FOR THE REMAINING ITEM OF BUSINESS.

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291. CONTINUED SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – TD1506

There was submitted a report by the Head of Legal Services (16/165), together with (i) letter dated 25 January 2016 from the applicant and (ii) medical report dated 29 February 2016 from Dr Neil A McLeod, Victoria Practice, 133 Glover Street, Perth regarding Consideration of the Continued Suspension of Taxi/Private Hire Car Driver's Licence TD1506.

The licence holder was in attendance. The clerk to the Committee (on behalf of the Head of Legal Services) explained the purpose of the hearing to the Committee and to the Applicant, and advised on what the Committee were being asked to consider. The Committee considered the content of the Medical Report and the applicant addressed the Committee and answered Members' questions in relation to the circumstances leading to the immediate suspension.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Having considered the evidence of the medical practitioner and the evidence presented by the licence holder, the Committee determined to place greater weight on the written report of the medical examiner and as such ordered that the suspension of Taxi/Private Hire Car Driver's Licence TD1506 be continued for the duration of the unexpired portion of the licence (i.e. to 30 November 2018) on the grounds that the applicant is no longer a fit and proper person to be the holder of Taxi/Private Hire Car Driver's Licence TD1506. Due to the nature of matter, the Committee viewed it necessary that the suspension took immediate effect.

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