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Council Building
2 High Street
Perth
PH1 5PH

Tuesday, 13 February 2018

A Meeting of the **Licensing Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Thursday, 22 February 2018** at **09:30**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

BERNADETTE MALONE
Chief Executive

Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.

Members:

Councillor Rhona Brock (Convener)
Councillor Ian James (Vice-Convener)
Councillor Chris Ahern
Councillor Bob Brawn
Councillor Audrey Coates
Councillor David Illingworth
Councillor Anne Jarvis
Councillor Andrew Parrott
Councillor Beth Pover
Councillor John Rebbeck
Councillor Fiona Sarwar
Councillor Lewis Simpson
Councillor Richard Watters

Licensing Committee

Thursday, 22 February 2018

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE LICENSING COMMITTEE OF 11 JANUARY 2018 FOR APPROVAL AND SIGNATURE 5 - 8**
- 4 NEW FEES FOR SECOND HAND DEALERS OPERATING FROM A CAR BOOT SALE 9 - 14**
Report by Head of Legal and Governance Services (copy herewith 18/56)
- 5 REDUCED FEE FOR A PUBLIC ENTERTAINMENT LICENCE FOR COMMUNITY EVENTS 15 - 18**
Report by Head of Legal and Governance Services (copy herewith 18/57)

IT IS RECOMMENDED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM(S) IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

- P1 SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER LICENCE - TD1657**
- P2 SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD1451**
- P3 RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD1044**
- P4 TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD1526**

P5 GRANT OF A STREET TRADER'S LICENCE - ST355

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LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Thursday 11 January 2018 at 10.00am.

Present: Councillors R Brock (Convener), Ian James (Vice-Convener), C Ahern, B Brawn, D Illingworth, A Jarvis, A Parrott, L Simpson, and R Watters.

In Attendance: PC L Gregge (Police Scotland); M McLaren, S Michie and L Brown (all Corporate and Democratic Services).

Apologies for Absence: Councillors A Coates, B Pover, J Rebbeck, and F Sarwar.

Councillor R Brock (Convener), Presiding.

. **WELCOME AND APOLOGIES**

The Convener welcomed all present to the meeting. Apologies for absence were noted as above.

. **DECLARATIONS OF INTEREST**

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

. **MINUTES**

The Minute of Meeting of the Licensing Committee of 7 December 2017 was submitted and approved as a correct record.

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.

. **SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1657**

There was submitted a report by the Head of Legal and Governance Services (18/1) together with a letter of objection from Police Scotland dated 18 December 2017 in terms of Schedule 1, Paragraph 11 of the Civic Government (Scotland) Act 1982 regarding suspension of Taxi/Private Hire Car Driver's Licence (TD1657).

Resolved:

Consideration of suspension of Taxi/Private Hire Car Driver's Licence TD1657 be deferred to the meeting of the Licensing Committee to be held on 22 February 2018.

. **GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1704 – 3 YEARS**

There was submitted a report by the Head of Legal and Governance Services (18/2) together with letter of objection from Police Scotland dated 6 December 2017 regarding application for grant of a Taxi/Private Hire Car Driver's Licence TD1704.

The applicant was in attendance.

The representative of Police Scotland addressed the Committee and answered Members' question. The applicant also addressed the Committee and answered Members' questions

FOLLOWING AN ADJOURNMENT THE COMMITTEE RECONVENED.

Motion (Councillors R Brock and C Ahern) – Application for grant of Taxi/Private Hire Car Driver's Licence TD1704 be refused on the grounds that the applicant is not a fit and proper person to hold a Licence.

Amendment (Councillors A Parrot and I James) – The application for grant of a Taxi/Private Hire Car Driver's Licence TD1704 be approved for a period of 1 year.

In terms of Standing Order 44, a roll call vote was taken.

2 Members voted for the Amendment as follows:
Councillors I James and A Parrot.

7 Members voted for the Motion as follows:
Councillors C Ahern, B Brawn, C Brock, D Illingworth, A Jarvis, L Simpson and R Watters.

Resolved:

In accordance with the Motion.

. **GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1711 – 1 YEAR**

There was submitted a report by the Head of Legal and Governance Services 18/3 regarding applicant for grant of Taxi/Private Hire Car Driver's Licence (TD1711).

The Committee noted this item was withdrawn from the agenda.

. **GRANT OF A STREET TRADER'S LICENCE NO ST/0355**

There was submitted a report by the Head of Legal and Governance Services (18/4) together with a letter of representation from Police Scotland dated 20 December 2017 regarding an application for grant of a Street Trader's licence - ST/0355.

The representative of the Head of Legal and Governance Services, Perth and Kinross Council, informed the Committee that the applicant had requested consideration of the application be deferred to the next meeting of the Licensing Committee.

Resolved:

Consideration of application to grant a Street Trader's Licence (ST/0355) be deferred to the next meeting of the Licensing Committee to be held on 22 February 2018.

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**PERTH AND KINROSS COUNCIL****Licensing Committee****22 February 2018****CIVIC GOVERNMENT (SCOTLAND) ACT 1982****New Fees for Second Hand Dealers Operating From a Car Boot Sale****Report by Head of Legal & Governance Services****PURPOSE OF REPORT**

This report recommends the introduction of a reduced license fee for second hand dealers who operate at car boot sales.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Council, as Licensing Authority, regulates civic licensing under the Civic Government (Scotland) Act 1982. This Act allows the Council to regulate a number of activities. Licensing of some activities is mandatory, for example knife dealers. For other activities, each local authority will decide if the activity should be licensed.
- 1.2 In 1988 the former Perth and Kinross District Council adopted a resolution that second-hand dealers within Perth and Kinross would require to be licensed under Section 24 of the 1982 Act. This has continued to be the case since 1996, when Perth and Kinross Council became responsible for licensing.
- 1.3 A second-hand dealer's licence is required by any person carrying on a business as a dealer in certain second-hand goods or articles. These are:
  - Households effects and electrical goods
  - Musical instruments and equipment
  - Cameras and photographic equipment
  - Records, tapes, video discs and other recording material
  - Bicycles, Antiques and jewellery
  - Stamps, postcards, coins and books
  - Tools, implements and plant
  - Motor vehicles, motor cycles and mopeds as defined by section 190 of the Road Traffic Act, 1972 or by any subsequent legislation or any other type of vehicle including trailers and caravans.
- 1.4 The cost of a second hand dealer's licence is £300 for a 3 year licence and £200 for a one year licence. In 2008, a decision was made to introduce a

reduced fee to second hand dealers selling antique items from a single cabinet at an Antiques Centre in order to encourage dealers to operate within the law. .

- 1.5 It has recently come to light that there are several car boot sales within the Perth and Kinross area where some of those taking up stands/stalls appear to be second hand dealers but are operating without licences (i.e. those operating a business of second hand dealing rather than members of the public occasionally selling their own goods)..
- 1.6 It is important that all second hand dealers are licensed, as this ensures that those traders are complying with the conditions of licence, which are designed to protect the public. However, it is recognised that for some very small businesses, operating only at one car boot sale, the cost of the licence may be prohibitive, and may discourage traders from applying for a licence. In order to encourage those unlicensed dealers to apply for licences, it is proposed that a reduced fee is introduced for second hand dealers operating at car boot sales. This would be in line with those arrangements already in place for traders who have single cabinets at Antique Centres.

## **2. PROPOSALS**

- 2.1 It is proposed that a reduced fee be introduced for a second hand dealers licence, for dealers trading at a single car boot sale once per week. It is proposed that the fee is £60 for a one year licence and £150 for a three year licence.

## **3. CONCLUSION AND RECOMMENDATION(S)**

- 3.1 It is hoped that offering a reduced fee will achieve a balance between protecting the public and encouraging those who are operating a second hand dealer's business to be licensed.
- 3.2 It is recommended that the Committee
- (i) approves the introduction of a reduced fee for a second hand dealers licence, for dealers trading at a single car boot sale once per week;
  - (ii) agrees that the fee for this licence should be £60 for a 1 year licence and £150 for a 3 year licence.

### **Author(s)**

| <b>Name</b>    | <b>Designation</b> | <b>Contact Details</b> |
|----------------|--------------------|------------------------|
| Debra Merchant | Licensing Manager  | dmerchant@pkc.gov.uk   |

**Approved**

| <b>Name</b>  | <b>Designation</b>                    | <b>Date</b>     |
|--------------|---------------------------------------|-----------------|
| Lisa Simpson | Head of Legal and Governance Services | 9 February 2018 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| <b>Strategic Implications</b>                       | <b>Yes / None</b> |
|-----------------------------------------------------|-------------------|
| Community Plan / Single Outcome Agreement           | <b>Yes</b>        |
| Corporate Plan                                      | <b>Yes</b>        |
| <b>Resource Implications</b>                        |                   |
| Financial                                           | <b>Yes</b>        |
| Workforce                                           | <b>None</b>       |
| Asset Management (land, property, IST)              | <b>None</b>       |
| <b>Assessments</b>                                  |                   |
| Equality Impact Assessment                          | <b>None</b>       |
| Strategic Environmental Assessment                  | <b>None</b>       |
| Sustainability (community, economic, environmental) | <b>None</b>       |
| Legal and Governance                                | <b>Yes</b>        |
| Risk                                                | <b>None</b>       |
| <b>Consultation</b>                                 |                   |
| Internal                                            | <b>None</b>       |
| External                                            | <b>None</b>       |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | <b>None</b>       |

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

The proposals set out in this report will support the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- Promoting a prosperous, inclusive and sustainable economy
- Creating a safe and sustainable place for future generations.

#### Corporate Plan

The proposals set out in this report will support the delivery of the Corporate Plan in terms of the following priorities:

- Promoting a prosperous, inclusive and sustainable economy
- Creating a safe and sustainable place for future generations

### 2. Resource Implications

#### Financial

- 2.1 It is anticipated that the introduction of a reduced fee will increase the numbers of licences applied for by those operating as second hand dealers at car boot sales. The income from fees will be used to meet the cost of processing applications.

### Workforce

2.2 Not applicable

### Asset Management (land, property, IT)

Not applicable

## **3. Assessments**

### Equality Impact Assessment

Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) and are not considered to be relevant

### Strategic Environmental Assessment

Not applicable.

### Sustainability

Not applicable.

### Legal and Governance

The proposals are compatible with the requirements of the Civic Government (Scotland) Act 1982.

## **4. Consultation**

### Internal

4.1 Not applicable

### External

4.2 Not applicable

## **5. Communication**

Not applicable

## **2. BACKGROUND PAPERS**

Not applicable

### **3. APPENDICES**

None

**PERTH AND KINROSS COUNCIL****Licensing Committee****22 February 2018****CIVIC GOVERNMENT (SCOTLAND) ACT 1982****Reduced Fee for a Public Entertainment Licence for Community Events****Report by Head of Legal & Governance Services****PURPOSE OF REPORT**

This report recommends the adoption of a reduced fee for a Public Entertainment Licence for community events.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Council, as a Licensing Authority, regulates the licensing of various activities under the Civic Government (Scotland) Act 1982 ("the Act"). Under the Act, the Council is required to set a fee for each type of licence. The fees charged across the range of licensing activity under the Act must be sufficient to meet the cost to the Council of carrying out its licensing functions.
- 1.2 One of the activities which is licensed by the Council is public entertainment. Currently, a Public Entertainment Licence is needed for certain kinds of public entertainment where an entry fee is charged. Funfairs fall under the list of activities for which a licence is required. As part of the application process, applicants are required to demonstrate that they have the requisite compliance certificates in place for rides, and public liability insurance.
- 1.3 The current fee for most Public Entertainment Licences is £300 for a 1 year licence and £480.00 for a 3 year licence. There are also some larger events which attract a higher fee.
- 1.4 During 2017, it came to light that many community events such as gala days, fetes and bonfires, although themselves free to enter, had fee paying children's mechanical rides as part of the event. These rides fall under the definition of a funfair and so a Public Entertainment Licence is required. with document compliance certificates for each mechanical ride together with Public Liability Insurance.
- 1.5 A number of representations have been received from community organisations in relation to both the requirement to have a licence, and the amount of the fee. It is evident that many community organisations have limited funds at their disposal. It is also the case that such events are an important part of community life across Perth and Kinross. It is therefore

important that a measured approach is taken to the licensing of such events. Account needs to be taken of the importance of such events, but that also needs to be balanced against the need to ensure public safety.

Against that background, it is considered that the most appropriate way of achieving that balance would be to lower the licence fee for funfairs at community events such as galas, fetes and bonfire nights.

## **2. PROPOSALS**

- 2.1 It is proposed that a reduced fee of £65.00 be introduced for a Public Entertainment Licence for a funfair located within a community event such as a gala, fete or bonfire night, where fewer than five children's mechanical ride(s) are present. This fee would be for a 1 year licence.

## **3. CONCLUSION AND RECOMMENDATION(S)**

- 3.1 It is recommended that the committee approves the introduction of a reduced fee of £65.00 for a 1 year Public Entertainment Licence for a funfair located within a community event such as a gala, fete or bonfire night, where fewer than five children's mechanical ride(s) are present.

### **Author(s)**

| <b>Name</b>    | <b>Designation</b> | <b>Contact Details</b> |
|----------------|--------------------|------------------------|
| Debra Merchant | Licensing Manager  | dmerchant@pkc.gov.uk   |

### **Approved**

| <b>Name</b>  | <b>Designation</b>                    | <b>Date</b>     |
|--------------|---------------------------------------|-----------------|
| Lisa Simpson | Head of Legal and Governance Services | 9 February 2018 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| <b>Strategic Implications</b>                       | <b>Yes / None</b> |
|-----------------------------------------------------|-------------------|
| Community Plan / Single Outcome Agreement           | <b>Yes</b>        |
| Corporate Plan                                      | <b>Yes</b>        |
| <b>Resource Implications</b>                        |                   |
| Financial                                           | <b>Yes</b>        |
| Workforce                                           | <b>No</b>         |
| Asset Management (land, property, IST)              | <b>None</b>       |
| <b>Assessments</b>                                  |                   |
| Equality Impact Assessment                          | <b>Yes</b>        |
| Strategic Environmental Assessment                  | <b>None</b>       |
| Sustainability (community, economic, environmental) | <b>None</b>       |
| Legal and Governance                                | <b>Yes</b>        |
| Risk                                                | <b>None</b>       |
| <b>Consultation</b>                                 |                   |
| Internal                                            | <b>None</b>       |
| External                                            | <b>None</b>       |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | <b>None</b>       |

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

The proposals set out in this report will support the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- Promoting a prosperous, inclusive and sustainable economy
- Creating a safe and sustainable place for future generations

#### Corporate Plan

The proposals set out in this report will support the delivery of the Corporate Plan in terms of the following priorities:

- Promoting a prosperous, inclusive and sustainable economy
- Creating a safe and sustainable place for future generations

### 2. Resource Implications

#### Financial

- 2.1 It is anticipated that the introduction of a reduced fee will increase the numbers of licences applied for by those running funfairs at community events. The income from fees will be used to meet the cost of processing applications.

Workforce

- 2.2 Not applicable

Asset Management (land, property, IT)

Not applicable

**3. Assessments**

Equality Impact Assessment

Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) and are not considered to be relevant.

Strategic Environmental Assessment

Not applicable.

Sustainability

Not applicable.

Legal and Governance

The proposals are compatible with the requirements of the Civic Government (Scotland) Act 1982.

**4. Consultation**

Internal

- 4.1 Not applicable

External

- 4.2 Not applicable

**5. Communication**

Not applicable

**2. BACKGROUND PAPERS**

Not applicable

**3. APPENDICES**

None