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Council Building  
2 High Street  
Perth  
PH1 5PH

9 February 2021

A Virtual Meeting of the **Licensing Committee** will be held on **Thursday, 18 February 2021 at 10:00**.

If you have any queries please contact Committee Services - [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**BARBARA RENTON**  
Interim Chief Executive

***Those attending the meeting are requested to ensure that all notifications area silent on their device and other devices are in silent mode.***

***Please note that the public section of the meeting will be broadcast live via Microsoft Teams.***

**Members:**

Councillor Chris Ahern (Convener)  
Councillor David Illingworth (Vice-Convener)  
Councillor Kathleen Baird  
Councillor Rhona Brock  
Councillor Audrey Coates  
Councillor Roz McCall  
Councillor Andrew Parrott  
Councillor John Rebbeck  
Councillor Willie Robertson  
Councillor Fiona Sarwar  
Councillor Colin Stewart  
Councillor Mike Williamson



**Licensing Committee**

**Thursday, 18 February 2021**

**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 19 NOVEMBER 2020 FOR APPROVAL AND SIGNATURE 5 - 8**  
(copy herewith)
- 4 AMENDMENT TO TAXI AND PRIVATE HIRE DRIVERS' KNOWLEDGE TEST LICENSING CONDITION 9 - 14**  
Report by Head of Legal and Governance Services (copy herewith 21/19)

***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 SECOND HAND DEALERS LICENCE - SD377**
- P2 SUSPENSION OF SECOND HAND DEALERS LICENCE - SD424**
- P3 SUSPENSION OF TAXI / PRIVATE HIRE CAR DRIVER LICENCE - TD958**
- P4 GRANT OF TAXI / PRIVATE HIRE CAR DRIVER LICENCE - TD1998**

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## LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held virtually via Microsoft Teams on Thursday 19 November 2020 at 10.00am.

Present: Councillors C Ahern (Convener), D Illingworth (Vice-Convener), K Baird, R Brock, A Coates, R McCall, A Parrott (up to item P2), J Rebbeck, C Stewart and M Williamson.

In Attendance: PC L Gregge, PC Y Mas and Sgt J Gordon (all Police Scotland); M McLaren, S McQueen, D Gilkison, S Michie, K Molley, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies for Absence: F Sarwar and R Watters

Councillor C Ahern (Convener), Presiding.

### 1. WELCOME AND APOLOGIES

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

### 2. DECLARATIONS OF INTEREST

In terms of Councillors' Code of Conduct, Councillor A Parrott declared a non-financial interest in item P1.

### 3. MINUTES

The Minute of Meeting of the Licensing Committee of 8 October 2020 was submitted and approved as a correct record.

### 4. LICENSING OF SEXUAL ENTERTAINMENT VENUES – CIVIC GOVERNMENT (SCOTLAND) ACT 1982

There was submitted a report by the Head of Legal and Governance Services (20/221) providing the Licensing Committee with the results of the public consultation, and to try make proposals for further action.

#### Resolved:

- (i) The responses to the consultation exercise, be noted.
- (ii) It be agreed to license SEVs in Perth and Kinross.
- (iii) It be agreed that from and after 19 November 2021, Schedule 2 of the Civic Government (Scotland) Act 1982 (as modified by Section 76 of the Air Weapons and Licensing (Scotland) Act 2015) is to have an effect in the Perth and Kinross Council area in relation to Sexual Entertainment Venues.
- (iv) The Head of Legal and Governance Services be requested to prepare a SEV policy statement in terms of Section 45C of the 1982 Act, consult on this Policy Statement and bring a subsequent report to Committee for approval prior to November 2021.

## **5. VARIATION OF A LATE HOURS CATERING LICENCE NO. LH119**

There was submitted a report by the Head of Legal and Governance Services (20/224) regarding Variation of Late Hours Catering Licence LH119.

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

### **Resolved:**

The Variation of Late Hours Catering Licence LH116 to extend current closing hours from 12.00am to 5.00am be granted with effect from 19 November 2020.

**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 AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

## **P2. GRANT OF TAXI / PRIVATE HIRE CAR DRIVER LICENCE NO. TD88**

There was submitted a report by the Head of Legal and Governance Services (20/223) together with (1) letter of objection dated 30 September 2020 from Police Scotland; (2) email of support dated 15 November 2020 from future employer, regarding the Grant of Taxi/Private Hire Car Driver's Licence No. TD88.

The applicant was not in attendance.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

COUNCILLOR BROCK LEFT THE MEETING AT THIS POINT DUE TO CONNECTIVITY ISSUES.

Motion (Councillors C Ahern and J Rebbeck)

The application for a grant of Taxi/Private Hire Care Driver Licence be refused on the grounds that the applicant is not a fit and proper person to be the holder of the Licence.

### **Amendment (Councillors A Parrott and R McCall)**

**The application for a grant of Taxi/Private Hire Car Driver's Licence No. TD88 be granted for a period of 3 years.**

In accordance with Standing Order 58, a roll call vote was taken.

3 members voted for the Motion as follows:  
Councillors C Ahern, J Rebbeck and M Williamson.

6 members voted for the Amendment as follows:  
Councillors K Baird, A Coates, D Illingworth, R McCall, A Parrott and C Stewart.

**Resolved:**

In accordance with the Amendment.

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, COUNCILLOR A PARROTT LEFT THE MEETING AT THIS POINT.

**P1. SUSPENSION OF SECOND-HAND DEALER LICENCE – SD377**

There was submitted a report by the Head of Legal and Governance Services (20/222) regarding Suspension of Second-Hand Dealer Licence No. SD377.

The licence holder was in attendance.

COUNCILLOR BROCK REJOINED THE MEETING AT THIS POINT.

The representative of Police Scotland addressed the Committee and answered Members' questions. The licence holder also addressed the Committee and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

**Resolved:**

Second-Hand Dealer Licence No. SD377 be not suspended.

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**PERTH AND KINROSS COUNCIL**

**Licensing Committee**

**18 February 2021**

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**Amendment to Taxi and Private Hire Drivers' Knowledge Test Licensing Condition**

**Report by Head of Legal & Governance Services (Report No. 21/19)**

**PURPOSE OF REPORT**

The purpose of this report is to seek approval for a further amendment of the licensing condition which requires applicants for Private Hire Car Drivers' and Taxi Car Drivers' licences to pass a knowledge test. This is required due to the ongoing barriers to carrying out the knowledge test during the coronavirus pandemic.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Council, as Licensing Authority, regulates civic licensing under the Civic Government (Scotland) Act 1982.
- 1.2 On 26 October 2017 the Committee approved the introduction of a knowledge test by amending the Standard Conditions for Taxi and Private Hire Drivers to include a requirement that the knowledge test be passed prior to grant of licence (report 17/349 refers).
- 1.3 Since March 2020, it has not been possible to deliver the knowledge test which requires personal attendance at the Council office. This is because of coronavirus and the public health restrictions in place. On 11 June 2020 (report 20/101 refers) Committee approved an amendment to the knowledge test condition by allowing a licence to be issued without completion of the knowledge test. Instead, completion of the test is required within 9 months of grant of the licence. This enabled new licences to be issued during the coronavirus pandemic.
- 1.4 Due to ongoing coronavirus restrictions, all knowledge tests continue to be suspended for safety reasons. Alternative options for carrying out the test have been explored; however none were suitable, either because of the demand it would place on resources, or because it was not possible to ensure the integrity of the test being done online.

## **2. PROPOSALS**

- 2.1 Coronavirus restrictions remain in force and are likely to be in force for some time to come. Rather than seek a further extension to the time limit within which a knowledge test must be passed, a more flexible solution is required, which will allow for the test to be resumed when safe to do so. It is unlikely to be safe until coronavirus restrictions are significantly relaxed. It is unclear when this may be the case, and therefore this more flexible solution is needed.
- 2.2 It is proposed that the Head of Legal and Governance Services be authorised to determine when it is appropriate to resume the test for both new applicants and existing licensees who have been granted their licence during the restrictions but have not yet sat the test. The condition relating to the knowledge test would require to be amended temporarily to permit this.
- 2.3 It is proposed that condition one of the Standard Conditions for Taxi and Private Hire Drivers Licence dated November 2017 be amended with the text in italics substituted so that it reads:
- “The holder of a taxi or private hire driver’s licence will be required to undertake a test on matters relating to the operation of a taxi or private hire vehicle as the Council considers desirable, *at a time required by the Council either before or after grant of the licence*”.
- 2.4 It is also proposed that the Head of Legal and Governance Services reports back to Committee once plans are in place for the test to resume.

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

- 3.1 It is recommended that the committee agrees that:
- (i) Condition one of the Standard Conditions for Taxi and Private Hire Drivers Licence dated November 2017 be amended so that it reads:

“The holder of a taxi or private hire driver’s licence will be required to undertake a test on matters relating to the operation of a taxi or private hire vehicle as the Council considers desirable, *at a time required by the Council either before or after grant of the licence*”; and
  - (ii) the Head of Legal and Governance Services be asked to report back to Committee once plans are in place for the test to resume.

**Author(s)**

| <b>Name</b>    | <b>Designation</b> | <b>Contact Details</b>                                         |
|----------------|--------------------|----------------------------------------------------------------|
| Debra Gilkison | Licensing Manager  | <a href="mailto:dgilkison@pkc.gov.uk">dgilkison@pkc.gov.uk</a> |

**Approved**

| <b>Name</b>  | <b>Designation</b> | <b>Date</b>     |
|--------------|--------------------|-----------------|
| Sarah Rodger | Legal Manager      | 25 January 2021 |

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# 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| <b>Strategic Implications</b>                       | <b>Yes / None</b> |
|-----------------------------------------------------|-------------------|
| Community Plan / Single Outcome Agreement           | <b>None</b>       |
| Corporate Plan                                      | <b>None</b>       |
| <b>Resource Implications</b>                        |                   |
| Financial                                           | <b>None</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  
Not applicable.

Corporate Plan  
Not applicable.

## 2. Resource Implications

Financial

2.1 None

Workforce

2.2 None

2.3 Asset Management (land, property, IT)

Not applicable

### **3. Assessments**

#### **3.1 Equality Impact Assessment**

The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **not relevant** for the purposes of EqIA

#### **3.2 Strategic Environmental Assessment**

Not applicable

#### **3.3 Sustainability**

Not applicable

#### **3.4 Legal and Governance**

The proposals comply with the provisions of the Civic Government (Scotland) Act 1982.

#### **3.5 Risk**

Not applicable

### **4. Consultation**

#### **4.1 Internal**

None

#### **4.2 External**

None

### **5. Communication**

Communications Plan

#### **5.1 Not applicable**

### **6. BACKGROUND PAPERS**

Not applicable

### **7. APPENDICES**

None

