

LICENSING COMMITTEE

Minute of hybrid meeting of the Licensing Committee held in the Council Chambers, 2 High Street, Perth on Monday 30 January 2023 at 1.00pm.

Present: Bailies C Ahern and M Williamson, Councillors K Allan, H Anderson, M Frampton (substituting for S Carr), K Harvey, I Massie (substituting for E Drysdale), I MacPherson, W Robertson and G Stewart.

In Attendance: A Taylor, A Brown, M Pasternak, R Ramsay, S McQueen and S Michie (all Corporate and Democratic Services), D Smith and J Allan (both Police Scotland).

Apologies for Absence: Bailie R Brock, Councillors S Carr, E Drysdale, D Illingworth and C Reid.

Bailie M Williamson, 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, Bailie Ahern declared a non-financial interest in Item P7 and Councillor Frampton declared a non-financial interest in Item P2.

3. MINUTES

The Minutes of Meeting of the Licensing Committee of 14 December 2022 were submitted and approved as a correct record.

4. MATERIAL CHANGE IN CIRCUMSTANCES – TAXI OPERATOR LICENCE – TO1

There was submitted a report by the Head of Legal and Governance Services (23/16) together with application form, in relation to the Material Change in Circumstances of Taxi Operator Licence TO1.

The applicant attended the meeting, addressed the Committee, and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Application for a Material Change in Circumstances of Taxi Operator Licence TO1, be refused, on the grounds that not insufficient evidence has been provided to warrant a departure from the Council's current Policy.

5. MATERIAL CHANGE IN CIRCUMSTANCES – TAXI OPERATOR LICENCE – TO127

There was submitted a report by the Head of Legal and Governance Services (23/17) together with application form, in relation to the Material Change in Circumstances of Taxi Operator Licence TO127.

The applicant attended the meeting, addressed the Committee, and answered Members' questions.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Resolved:

Application for a Material Change in Circumstances of Taxi Operator Licence TO127, be refused, on the grounds that not insufficient evidence has been provided to warrant a departure from the Council's current Policy.

6. MATERIAL CHANGE IN CIRCUMSTANCES – PRIVATE HIRE OPERATOR LICENCE – PH336

There was submitted a report by the Head of Legal and Governance Services (23/18) together with application form, in relation to the Material Change in Circumstances of Private Hire Operator Licence PH336.

Due to technical difficulties, the applicant was unable to join the meeting virtually. It was decided to go ahead and with the application. The Licensing Standards Officer contacted the applicant by telephone, where he was offered the opportunity to add anything further to his written submissions, he declined to add anything further and confirmed he was happy for the application to be heard on this basis.

Resolved:

Application for a Material Change in Circumstances of Private Hire Operator Licence PH336, be refused, on the grounds that not insufficient evidence has been provided to warrant a departure from the Council's current Policy.

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.

P1. RENEWAL OF TAXI / PRIVATE HIRE CAR DRIVER LICENCE – TD721

There was submitted a report by the Head of Legal and Governance Services (23/19) together with a letter of representation dated 23 November 2022 from Police Scotland, regarding Renewal of Taxi / Private Hire Car Driver Licence No. TD721.

The applicant was in attendance virtually.

The representative of 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 (Bailie M Williamson and Councillor W Robertson)

The application for renewal of Taxi/Private Hire Car Driver Licence No. TD721 be granted for a period of 6-months.

Amendment (Bailie C Ahern and Councillor K Harvey)

The application for renewal of Taxi/Private Hire Car Driver's Licence No. TD721 be refused on the grounds that the applicant is not a fit and proper person to hold a Taxi/Private Hire Car Driver Licence.

In accordance with Standing Order 21, a roll call vote was taken.

6 members voted for the Motion as follows:

Councillors K Allan, I Massie, I MacPherson, W Robertson, G Stewart and Bailie M Williamson.

4 members voted for the Amendment as follows:

Bailie C Ahern, Councillors H Anderson, M Frampton and K Harvey.

Resolved:

In accordance with the Motion.

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

P2. RENEWAL OF TAXI / PRIVATE HIRE CAR DRIVER LICENCE – TD442

There was submitted a report by the Head of Legal and Governance Services (23/20) together with a letter of objection dated 22 November 2022 from Police Scotland, regarding Renewal of Taxi / Private Hire Car Driver Licence No. TD442.

The applicant was in attendance.

The representative of 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 (Bailie M Williamson and Councillor K Harvey)

The application for renewal of Taxi/Private Hire Car Driver Licence No. TD442 be deferred to a future meeting of the Licensing Committee as soon as possible following the applicant's scheduled court date in April.

Amendment (Bailie C Ahern and Councillor K Allan)

The application for renewal of Taxi/Private Hire Car Driver's Licence No. TD442 be refused on the grounds that the applicant is not a fit and proper person to hold a Taxi/Private Hire Car Driver Licence.

In accordance with Standing Order 21, a roll call vote was taken.

5 members voted for the Motion as follows:

Councillors H Anderson, K Harvey, I MacPherson, W Robertson and Bailie M Williamson.

4 members voted for the Amendment as follows:

Bailie C Ahern, Councillors K Allan, I Massie and G Stewart.

Resolved:

In accordance with the Motion.

COUNCILLOR FRAMPTON RETURNED TO THE MEETING AT THIS POINT.

P3. GRANT OF TAXI / PRIVATE HIRE CAR DRIVER LICENCE – TD1704

There was submitted a report by the Head of Legal and Governance Services (23/21) together with a letter of representation dated 24 January 2023 from Police Scotland, regarding Grant of Taxi / Private Hire Car Driver Licence No. TD1704.

The applicant failed to attend.

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

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

Motion (Bailie M Williamson and Councillor I MacPherson)

The application for grant of Taxi/Private Hire Car Driver Licence No. TD1704 be granted for a period of 12 months.

Amendment (Councillor K Allan and Bailie C Ahern)

The application for grant of Taxi/Private Hire Car Driver's Licence No. TD1704 be refused on the grounds that the applicant is not a fit and proper person to hold a Taxi/Private Hire Car Driver Licence.

In accordance with Standing Order 21, a roll call vote was taken.

6 members voted for the Motion as follows:
Councillors H Anderson, K Harvey, I Massie, I MacPherson, G Stewart and Bailie M Williamson.

4 members voted for the Amendment as follows:
Bailie C Ahern, Councillors K Allan, M Frampton and W Robertson.

Resolved:

In accordance with the Motion.

P4. GRANT OF TAXI / PRIVATE HIRE CAR DRIVER LICENCE – TD2182

There was submitted a report by the Head of Legal and Governance Services (23/22) together with a letter of representation dated 12 January 2023 from Police Scotland, regarding Grant of Taxi / Private Hire Car Driver Licence No. TD2182.

The applicant was in attendance.

The representative of 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 (Bailie M Williamson and Councillor M Frampton)

The application for grant of Taxi/Private Hire Car Driver Licence No. TD2182 be granted for a period of 12 months.

Amendment (Bailie C Ahern and Councillor H Anderson)

The application for grant of Taxi/Private Hire Car Driver's Licence No. TD2182 be refused on the grounds that the applicant is not a fit and proper person to hold a Taxi/Private Hire Car Driver Licence.

In accordance with Standing Order 21, a roll call vote was taken.

8 members voted for the Motion as follows:
Councillors K Allan, M Frampton, K Harvey, I Massie, I MacPherson, W Robertson, G Stewart and Bailie M Williamson.

2 members voted for the Amendment as follows:
Bailie C Ahern and Councillor H Anderson.

Resolved:

In accordance with the Motion.

P5. GRANT OF TAXI/PRIVATE HIRE CAR DRIVER LICENCE – TD2162

Due to Police Scotland withdrawing their letter of representation, this item was subsequently withdrawn from consideration.

P6. GRANT OF TAXI / PRIVATE HIRE CAR DRIVER LICENCE – TD2174

There was submitted a report by the Head of Legal and Governance Services (23/24) together with a letter of representation dated 14 December 2022 from Police Scotland, regarding Grant of Taxi / Private Hire Car Driver Licence No. TD2174.

The applicant was in attendance.

The representative of 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:

The application for grant of Taxi/Private Hire Car Driver's Licence No. TD2174 be refused on the grounds that the applicant is not a fit and proper person to hold a Taxi/Private Hire Car Driver Licence.

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, BAILIE AHERN LEFT THE MEETING AT THIS POINT.

P7. GRANT OF TAXI / PRIVATE HIRE CAR DRIVER LICENCE – TD1267

There was submitted a report by the Head of Legal and Governance Services (23/25) together with a letter of objection dated 13 December 2022 from Police Scotland, regarding Grant of Taxi / Private Hire Car Driver Licence No. TD1267.

The applicant was in attendance.

The representative of 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:

The application for grant of Taxi/Private Hire Car Driver Licence No. TD1267 be granted for a period of 12 months.