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Council Building  
2 High Street  
Perth  
PH1 5PH

Wednesday, 04 April 2018

A Meeting of the **Licensing Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Thursday, 12 April 2018 at 10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto: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, 12 April 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 LICENSING COMMITTEE OF 22 FEBRUARY 2018 5 - 8**
- 4 REVIEW OF TAXI AND PRIVATE HIRE VEHICLES 9 - 12**  
Report by Head of Legal and Governance Services (copy herewith 18/122)
- 5 RENEWAL OF A SECOND HAND MOTOR VEHICLE DEALER'S LICENCE - MD235 13 - 20**  
Report by Head of Legal and Governance Services (copy herewith 18/123)

***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 CONTINUED SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD88**
- P2 SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD1451**
- P3 GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD1718 - 1 YEAR**
- P4 GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE - TD1726 - 3 YEARS**

**P5 GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE -  
TD1738 - 1 YEAR**

**P6 GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE -  
TD1723**

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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 22 February 2018 at 9.30am.

Present: Councillors R Brock (Convener), Ian James (Vice-Convener), C Ahern, B Brawn, D Illingworth, A Jarvis, A Parrott, J Rebbeck and F Sarwar.

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

Apologies for Absence: Councillors A Coates, B Pover, L Simpson and R Watters.

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**

In terms of the Councillors' Code of Conduct, Councillor A Parrott declared a non-financial interest in Art (Item P4)

### . **MINUTES**

The Minute of Meeting of the Licensing Committee of 11 January 2018 was submitted and approved as a correct record.

### . **NEW FEES FOR SECOND HAND DEALERS OPERATING FROM A CAR BOOT SALE**

There was submitted a report by the Head of Legal and Governance Services (18/56) seeking approval for the introduction of a reduced licence fee for second hand dealers who operate at car boot sales.

#### **Resolved:**

- (i) The introduction of a reduced fee for a Second Hand Dealers' licence for dealers trading at a single car boot sale once per week be approved.
- (ii) The fee for the licence be £60 for a one year licence and £150 for a three year licence.

### . **REDUCED FEE FOR A PUBLIC ENTERTAINMENT LICENCE FOR COMMUNITY EVENTS**

There was submitted a report by the Head of Legal and Governance Services (18/57) seeking approval to adopt a reduced fee for a Public Entertainment licence for community events.

**Resolved:**

The introduction of a reduced fee of £65 for a one 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, be approved.

**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 (18/58) 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).

The Committee noted that this item had been withdrawn from the agenda at the request of Police Scotland.

**. SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1451**

There was submitted a report by the Head of Legal and Governance Services (18/59) together with a letter of objection from Police Scotland dated 22 January 2018 in terms of Schedule 1, Paragraph 112(a) of the Civic Government (Scotland) Act 1982 regarding suspension of Taxi/Private Hire Car Driver's Licence (TD1451).

**Resolved:**

Consideration of suspension of Taxi/Private Hire Car Driver's Licence TD1451 be deferred to the next meeting of the Licensing Committee.

**. RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1044**

There was submitted a report by the Head of Legal and Governance Services (18/60) together with letter of warning from the Licensing Officer, Corporate and Democratic Services, Perth and Kinross Council dated 18 December 2017 regarding renewal of taxi/private hire car driver's licence TD1044.

The applicant and his legal representative were in attendance.

The Licensing Officer, Corporate and Democratic Services, Perth and Kinross Council, addressed the Committee and answered Members' question. The applicant and his legal representative also addressed the Committee and answered Members' questions

FOLLOWING AN ADJOURNMENT THE COMMITTEE RECONVENED.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1044 be renewed for a period of 1 year with effect from 21 January 2018.

COUNCILLOR PARROTT LEFT THE MEETING AT THIS POINT.

. **GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1526**

There was submitted a report by the Head of Legal and Governance Services 18/61 together with a letter from the Licensing Officer, Corporate and Democratic Services, Perth and Kinross Council regarding consideration of suspension of Taxi/Private Hire Car Driver's Licence (TD1526).

The applicant and his legal representative were in attendance.

The Licensing Officer, Corporate and Democratic Services, Perth and Kinross Council, addressed the Committee and answered Members' question. The applicant and his legal representative also addressed the Committee and answered Members' questions.

FOLLOWING AN ADJOURNMENT THE COMMITTEE RECONVENED

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1526 be not suspended.

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

There was submitted a report by the Head of Legal and Governance Services (18/62) 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 Committee noted this item had been withdrawn from the agenda at the request of the applicant.





**PERTH AND KINROSS COUNCIL****Licensing Committee****12 April 2018****CIVIC GOVERNMENT (SCOTLAND) ACT 1982****Review of Taxi and Private Hire Vehicles****Report by Head of Legal & Governance Services****PURPOSE OF REPORT**

The purpose of this report is to provide the Licensing Committee with the results of a consultation about the restrictions on the age of the taxi and private hire fleet.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Council, as Licensing Authority, regulates civic licensing under the Civic Government (Scotland) Act 1982.
- 1.2 Under the 1982 Act the Council regulates taxi and private hire car driver and operator licensing. As part of that, the Council can impose standard conditions on taxi and private hire operator and drivers' licenses under section 3B of the 1982 Act.
- 1.3 A report was submitted and approved by the Licensing Committee on 26 October 2017 (Item 4, Report 17/349). This resulted in the standard conditions for taxi and private hire car drivers and operators being updated.
- 1.4 Two conditions within the Operators conditions deal with the age limit of vehicles within the fleet and the committee requested that the Licensing Manager conduct a review on the age limit of vehicles and produce a report on the results received by April 2018.
- 1.5 Taxi and Private Hire Operators' and Fleet Management at Friarton Depot were asked to comment on the following points:-
  - Do you agree that the current age limit for taxi or private hire operators be no more than ten years old from date of first registration?
  - Do you think there should be an age restriction limit on taxis/private hire vehicles?
  - Do you agree that the current age limit for wheelchair accessible vehicles remains the same (12 years)?
  - Do you think there should be an age restriction limit on taxis/private hire wheelchair accessible vehicles?

1.6 Out of the 103 questionnaires sent to the Trade and Friarton Depot, 19 responses were received the results being:-

- 3 stated they wished taxi and private hire cars to go back to being no more than 7 years old from date of first registration and wheelchair accessible vehicles to be reduced to 10 years old
- 6 stated they did not want an age restriction placed on taxi and private hire cars and wheel chair accessible vehicles
- 10 were in favour of the current licensing conditions which are 10 years from date of first registration for taxi and private hire cars and 12 years from date of first registration for wheelchair accessible vehicles.

1.7 It is clear from the results of the consultation that the preference of the majority of the respondents is for the fleet age to remain the same as set out in the current conditions.

## 2. PROPOSALS

2.1 It is proposed in light of the consultation, where the majority of respondents indicated a preference for the existing conditions to remain unchanged, the Committee make no further amendments to the current taxi and private hire vehicle operators' conditions.

## 3. CONCLUSION AND RECOMMENDATION(S)

3.1 It is recommended that the committee agrees that the standard Conditions approved by the Committee on 26 October 2017 should continue in force.

### Author(s)

Name	Designation	Contact Details
Debra Merchant	Licensing Manager	dmerchant@pkc.gov.uk

### Approved

Name	Designation	Date
Lisa Simpson	Head of Legal and Governance Services	23 March 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>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>Yes</b>
Legal and Governance	<b>None</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>Yes</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 There are no financial issues arising from this report.

#### Workforce

2.2 None

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

Not applicable

### **3. Assessments**

#### **3.1 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

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

Not applicable

##### Sustainability

Maintaining the age limit on vehicles ensures that newer vehicles are in use which will contribute to lower emissions.

#### **3.3 Legal and Governance**

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

### **4. Consultation**

#### Internal

- 4.1 The Fleet Management staff at Friarton Depot have been consulted in relation to this report.

#### External

- 4.2 As stated in paragraph 1.5, engagement has taken place with the taxi trade. Feedback was received from them in relation to the relevant conditions.

### **5. Communication**

Not applicable

### **6. BACKGROUND PAPERS**

Not applicable

### **7. APPENDICES**

None

## PERTH AND KINROSS COUNCIL

## Licensing Committee – 12 April 2018

RENEWAL OF A SECOND HAND MOTOR VEHICLE DEALER'S LICENCE NO.  
MD235

## Report by Head of Legal and Governance Services

<b>Name and Address:</b>	Mr Jason Smith Torview 7 Alma Avenue Aberfeldy PH15 2BW  Age: 46 years
<b>6 Month Decision Date:</b>	1 August 2018
<b>Reason for Report:</b>	A number of public letter objections have been received as follows: - Ms A Wallace (dated 20 February 2018) Ms M Wallace (dated 21 February 2018) Mr D Milne (dates 19 February 2018)  Copies of objections attached.
<b>Background Information:</b>	The application for grant of a second hand motor vehicle dealer licence was granted at the Licensing Committee on 23 February 2017 with extra conditions. The extra conditions to the licence are: <ol style="list-style-type: none"> <li>1. In addition to own vehicle and trailer, a maximum of 3 business vehicles only to be parked within your property.</li> <li>2. No business vehicles to be parked on street.</li> <li>3. Only works to be carried out at the premises are the following: - <ul style="list-style-type: none"> <li>• cleaning</li> <li>• routine safety checks on vehicles.</li> </ul> </li> <li>4. Working hours are to be the following:- Monday to Saturday - 10am to 8pm</li> </ol>

	Sunday – 10am to 4pm
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**Contact Officer: Debra Merchant Ext 75159**

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22 FEB 2018

Birchfield  
9 Alma Avenue  
Aberfeldy  
PH15 2BW

20<sup>th</sup> February 2018

Perth & Kinross District Council  
Licensing Board  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Dear Sirs.

Objection to Second Hand Motor Dealers Licence Application  
For JC Smith Cars, 7 Alma Avenue, Aberfeldy PH15 2BW

I have recently become aware of this application. I wish to object to it for a number of reasons.

The location is in a residential area very close to a school (Breadalbane Academy). There is a right hand bend close to the school entrance/exit and yards from this site. The amount of traffic, and parked vehicles relating to 7 Alma Avenue, means that the road is restricted. This is likely to lead to an accident.

The street is used daily by school and preschool children as well as elderly pedestrians. The number of cars parked on the street presents a hazard for these pedestrians

Cars are being washed on the driveway of 7 Alma Avenue and on the street outside, with the waste water running across and down the road to the drain.

Neighbouring driveways have been blocked by vehicles relating to this business.

I believe that a licence was granted on 23<sup>rd</sup> February 2017 for the sale of cars. In this, additional conditions were applied including:-

No business vehicles to be parked on street. This has been broken on a number of times.

And

Working hours Monday to Saturday – 10am to 8pm, Sunday 10am to 4pm. The peace of the neighbourhood is frequently disturbed by the sound of revving engines well after 9pm.

I hope Perth and Kinross District Council will refuse this licence application for the reasons given above.

Yours Faithfully,

Annie F S Wallace





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**22 FEB 2018**

North Ardgrain  
Ellon  
Aberdeenshire  
AB41 8RA

21<sup>st</sup> February 2018

Head of Legal Services  
Perth & Kinross District Council  
Council Building  
2 High Street  
Perth  
PH2 1SE

Dear Sir/Madam,

Second Hand Motor Dealer's Licence Application  
For JC Smith Cars, 7 Alma Avenue, Aberfeldy PH15 2BW

**OBJECTION**

I believe an application for a motor dealer's licence has been made to Perth and Kinross Council. I wish to object to this licence application for the reasons below.

This site, 7 Alma Avenue, Aberfeldy, is very close to Breadalbane Academy which means there is considerable vehicular and pedestrian traffic particularly at the beginning and end of the school day.

The introduction of a commercial business into this residential area with young families and elderly residents is having a negative impact on the location.

Allowing a second hand car dealership, and the increase in vehicles associated with it, to operate so close to a right angle bend with poor visibility, greatly increases the possibility of an accident occurring. Any resultant accident would be the responsibility of the Perth and Kinross Council due to their negligence by permitting this licence application.

The washing of cars on the driveway and at the side of the street, with the water running to nearby drains, must present an issue of contamination of the water course and a road safety danger due to wet roads and/or ice.

Stationery vehicles relating to this business are parked along both sides of the street with little consideration for other local residents. This restricts the flow of traffic in an area where there are already other hazards as mentioned.

There is frequently loud engine noise late at night. This causes disturbance in a neighbourhood with young children and elderly residents.

I urge the council to reject this licence application for the above reasons and because this is not the correct location for such a commercial enterprise.

Regards,  
Margaret Wallace



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**19 FEB 2018**

**Hermit Point  
Menie Links  
Balmedie  
Aberdeenshire  
AB23 8YH**

19<sup>th</sup> February 2018

Perth & Kinross District Council  
Licensing Board  
Pullar House  
35 Kinnoul Street  
Perth  
PH1 5GD

Dear Sirs.

**Objection to Second Hand Motor Dealers Licence Application  
For JC Smith Cars, 7 Alma Avenue, Aberfeldy PH15 2BW**

It has to our attention that the above identified application for a motor dealers licence has been made to Perth & Kinross Council, and as such I wish to lodge an objection to this application on the grounds listed below.

1. 

This is a residential area, and as such is zoned purely for residential use not commercial or industrial, therefore granting this application would most probably be in breach of the councils own planning procedures.
2. 

As this is very much a residential area, the presence of a second hand motor dealers premises would result in a significant reduction in the value of the properties in the immediate area and therefore would require a reduction in the council tax banding of all the neighbouring properties, so resulting in a loss of income to the Council.
3. 

This property is adjacent to Breadalbane Academy and the increased traffic from such a venture in this location would result in a dramatically increased likelihood of a vehicle accident with school pupils or their parents vehicles being involved. The responsibility for which would lie with the council.
4. 

Location of premises. The site in question is very close to a blind ninety degree bend in the road (Alma Avenue) as such the increase in parked / stationary vehicles would result in a

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significant increase in the likelihood of an accident at this already hazardous corner.

5. Increased traffic on a residential street. This property is located at the entry way to a residential area popular with young families and elderly residents; the increased volume of traffic would be highly hazardous to these vulnerable groups who live in the area. Again the responsibility for any accident would lie with the council for permitting this situation to arise.
6. Increased noise and nuisance value. The individual is already well known to local residents for high noise levels late in the evening, the washing of cars on the street and blocking adjacent driveways and access routes and other inconsiderate practices. The conversion of this site to a commercial property would only increase the problems for the neighbouring properties and their long suffering residents.
7. Insufficient space on site. The site proposed for this activity is severely restricted, by the time the applicants own vehicles and car trailer are parked within the boundaries of the site there is not room for any vehicles for sale or maintenance. This would inevitably result in vehicles being left on the public street to cause an obstruction at an already dangerous location with restricted sight lines for other road users.

I hope the council see fit to refuse this application on the grounds identified above and those identified by others, we believe there are a large number of reasons for objection to this application which is simply not acceptable in this location.

Regards

David Milne