

**GENERAL PURPOSES (LICENSING) SUB – 4 March 2004**

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**Motherwell, 4 March 2004 at 9.30 am.**

A Meeting of the **GENERAL PURPOSES (LICENSING) SUB-COMMITTEE**

**PRESENT**

Councillors Gormill, Irvine, McAuley, McKenna, J. Martin and Saunders.

**CHAIR**

In the absence of Councillor Holloway (Convener), Councillor Saunders presided.

**IN ATTENDANCE**

The Administrative Officer; Chief Solicitor (Licensing), and Senior Solicitor (Licensing).

**ALSO IN ATTENDANCE**

Superintendent McGuire and Sergeant Fabian, "N" Division, Strathclyde Police.

**APOLOGIES**

Provost Connelly, Councillor Barrie, Chadha, Holloway and Wallace.

It was agreed in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting for the following items on the grounds that the business involved the likely disclosure of exempt information as defined in paragraphs 6 and 14 of Part 1 of Schedule 7A of the Act.

**HEARINGS**

**(1) PRIVATE HIRE CAR DRIVER'S LICENCE - NEW APPLICATION - JOSEPH LAFFERTY,  
42 BIRRENS ROAD, MOTHERWELL**

1. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Joseph Lafferty, 42 Birrens Road, Motherwell for a Private Hire Car Driver's Licence had been received, and (2) that Joseph Lafferty had previous convictions.

The Sub-Committee then heard the applicant and Superintendent McGuire speak in respect of the application.

Thereafter, the applicant and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant and representatives of the Police were then re-admitted to the meeting.

**Decided:** that the application by Joseph Lafferty for a Private Hire Car Driver's Licence be granted for a period of one year.

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**(2) PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE - NEW APPLICATION - ALAN WILLIAM FERGUSON, 77 DUNDEE DRIVE, CARDONALD, GLASGOW**

2. The Chief Solicitor (Licensing) advised (1) that an application by Alan William Ferguson, 77 Dundee Drive, Cardonald, Glasgow for a Private Hire Car Driver's Licence and a Private Hire Car Licence had been received; (2) that an objection to the application had been received from the Chief Constable, Strathclyde Police, and (3) that Alan William Ferguson had intimated that he was not able to be in attendance and sought continuation of consideration of his application.

Thereafter, the Sub-Committee resumed consideration of the matter in the applicant's absence.

**Decided:** that the application by Alan William Ferguson for a Private Hire Car Driver's Licence and a Private Hire Car Licence be continued to allow the applicant another opportunity to appear before the Sub-Committee to speak in support of his application.

**(3) PRIVATE HIRE CAR LICENCE AND TAXI DRIVER'S LICENCE - COMPLAINT - ROBERT ALLISON, 43 ROSE STREET, CONDORRAT, CUMBERNAULD**

3. The Chief Solicitor (Licensing) advised (1) that a complaint had been received from the Council's Licensing Enforcement Officers relative to the behaviour of Robert Allison, 43 Rose Street, Condorrat, Cumbernauld, and (2) of the background relative thereto.

The Sub-Committee then heard William Somerville, Licensing Enforcement Officer, outline his complaint and Robert Allison speak in respect of the complaint.

Thereafter, Robert Allison, William Somerville and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Robert Allison, William Somerville and representatives of the Police were re-admitted to the meeting.

**Decided:** that the Private Hire Car Licence and Taxi Driver's Licence currently held by Robert Allison be not suspended on the understanding that the Head of Legal Services issue Robert Allison with a letter warning him as to his future conduct.

**(4) TAXI DRIVER'S LICENCE - RENEWAL - HUGH YOUNG GAILEY, 544 BELLSHILL ROAD, MOTHERWELL**

4. The Chief Solicitor (Licensing) advised (1) that an application by Hugh Young Gailey, 544 Bellshill Road, Motherwell for the renewal of his Taxi Driver's Licence had been received, and (2) that an objection to the application had been received from the Chief Constable, Strathclyde Police.

The Administrative Officer then indicated that Hugh Young Gailey was not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in the applicant's absence.

**Decided:** that the application by Hugh Young Gailey for the renewal of his Taxi Driver's Licence be continued to allow the applicant another opportunity to appear before the Sub-Committee to speak in support of his application.

**Councillor McKenna declared an interest in the following item of business and took no part in the determination thereof.**

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**(5) TAXI LICENCE - VARIATION AND COMPLAINT - JANNETTE AND JAN MONTGOMERY, 64 ALYTH DRIVE, FALKIRK**

5. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Jannette and Jan Montgomery, 64 Alyth Drive, Falkirk to vary their Taxi Licence to remove Jannette Montgomery and James Brown, day to day manager, from the Licence had been received, and (2) that a complaint (tabled) relative to the behaviour of Jannette Montgomery had been received from James Brown.

The Sub-Committee then heard (1) James Brown outline his complaint; (2) Jannette Montgomery speak in respect of the complaint, and (3) Jannette and Jan Montgomery speak in support of their application.

Thereafter, James Brown, Jannette and Jan Montgomery and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

James Brown, Jannette and Jan Montgomery and representatives of the Police were re-admitted to the meeting.

The Sub-Committee, on resuming consideration of the complaint, determined by the complaint be upheld.

The Sub-Committee then heard Jannette Montgomery in mitigation.

Thereafter, James Brown, Jannette and Jan Montgomery and representatives of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

James Brown, Jannette and Jan Montgomery and representatives of the Police were then re-admitted to the meeting.

**Decided:**

- (1) that the application by Jannette and Jan Montgomery for the variation of their Taxi Licence be granted in part to the extent of removing James Brown from the Licence as day to day manager;
  - (2) that the complaint relative to the behaviour of Jannette Montgomery be upheld, and
  - (3) that in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Taxi Licence currently held by Jannette and Jan Montgomery be suspended for the unexpired duration of the Licence.
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**Motherwell, 16 March 2004 at 11 am.**

A Special Meeting of the **GENERAL PURPOSES (LICENSING) SUB-COMMITTEE**

**PRESENT**

Councillor Holloway, Convener; Councillors Barrie, Gormill, Homer, Irvine, McAuley, J. Martin and Saunders.

**CHAIR**

Councillor Holloway (Convener) presided.

**IN ATTENDANCE**

The Administrative Officer; Head of Legal Services; Chief Solicitor (Licensing), and Senior Solicitor (Licensing).

**ALSO IN ATTENDANCE**

Chief Superintendent Buchan and Sergeant Fabian, "N" Division, Strathclyde Police.

**APOLOGIES**

Provost Connelly, Councillors Chadha and McKenna.

It was agreed in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting for the following items on the grounds that the business involved the likely disclosure of exempt information as defined in paragraphs 6 and 14 of Part 1 of Schedule 7A of the Act.

**LATE HOURS CATERING LICENCE - RENEWAL**

1. The Sub-Committee considered an application received for the renewal and variation of a Late Hours Catering Licence, and resolved as follows, viz:-

**Applicant:** Alvaro Pieri, 31 Lansdowne Drive, Westerwood, Cumbernauld

**Premises:** The Barbeque, 27 Tay Walk, Cumbernauld

**Decided:** that the application by Alvaro Pieri for the renewal and variation of Late Hours Catering Licence be granted.

**PRIVATE HIRE CAR DRIVER'S LICENCE - NEW APPLICATION**

2. The Sub-Committee considered an application for a Private Hire Car Driver's Licence, and resolved as follows, viz:-

**Applicant:** Robert Roddie, 35 Hallinan Gardens, Wishaw

**Decided:** that consideration be continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his application.

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### **PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE - NEW APPLICATION**

3. The Sub-Committee considered an application for a Private Hire Car Driver's Licence and Private Hire Car Licence, and resolved as follows, viz:-

**Applicant:** James Hayes, 161 Rannoch Drive, Pather, Wishaw

**Decided:** that consideration be continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his application.

### **HEARINGS**

#### **(1) STREET TRADER'S LICENCE - NEW APPLICATIONS**

##### **(a) THOMAS MURPHY, 13 PINE GROVE, CALDERBANK, AIRDRIE**

4. The Head of Legal Services advised (1) that an application by Thomas Murphy, 13 Pine Grove, Calderbank, Airdrie for a Street Trader's Licence to enable him to trade from his ice cream van in the Forgewood and Globe areas of Motherwell had been received, and (2) that Thomas Murphy had failed to submit a certificate for the purposes of Section 5 of the Safety Act 1990.

The Administrative Officer then indicated that Thomas Murphy was not in attendance.

**Decided:** that the application by Thomas Murphy for a Street Trader's Licence be refused.

##### **(b) MARTIN SMITH, 19-27 COLVEND STREET, BRIDGETON, GLASGOW**

5. The Head of Legal Services advised (1) that an application by Martin Smith, 19-27 Colvend Street, Bridgeton, Glasgow for a Street Trader's Licence to enable him to trade from his static snack van in Dalzell Drive, Motherwell had been received, and (2) that objections to the application had been received from (a) a number of local residents; (b) the Chief Constable, Strathclyde Police, and (c) the Director of Planning and Environment.

The Sub-Committee then heard (1) Mr. Duncan, Mr. Duffy and Mr. Hughes, local residents, outline their objections to the application; (2) Chief Superintendent Buchan outline the Chief Constable's objection; (3) Mr. Craw and Mr. Stevenson outline the Director of Planning and Environment's objection to the application, and (4) Martin Smith speak in support of the application.

Thereafter, the applicant, Mr. Duncan, Mr. Duffy, Mr. Hughes, Mr. Craw, Mr. Stevenson and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant, Mr. Duncan, Mr. Duffy, Mr. Hughes, Mr. Craw, Mr. Stevenson and representatives of the Police were then re-admitted to the meeting.

**Decided:** that the application by Martin Smith for a Street Trader's Licence be refused.

#### **(2) SECOND HAND DEALER'S LICENCE - RENEWAL - PARKS OF HAMILTON (TOWNHEAD GARAGE) LIMITED, 14 BOTHWELL ROAD, HAMILTON**

6. The Head of Legal Services advised (1) that an application by Parks of Hamilton (Townhead Garage) Limited, 14 Bothwell Road, Hamilton for the renewal of their Second Hand Dealer's Licence in respect
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of the second hand car sales premises at Parks, 232 Whifflet Street, Coatbridge had been received, and (2) that an objection to the application had been received from the Director of Planning and Environment.

The Sub-Committee then heard (1) Mr. McAlpine outline the Director of Planning and Environment's objection to the application; (2) Chief Superintendent Buchan outline his observations on the application, and (3) Parks of Hamilton's agent, Mr. Brown, Winton Brown, Solicitors, speak in respect of the application.

Thereafter, the applicant, Mr. Brown, Mr. McAlpine and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant, Mr. Brown, Mr. McAlpine and representatives of the Police were then re-admitted to the meeting.

**Decided:** that the application by Parks of Hamilton (Townhead Garage) Limited for the renewal of their Second Hand Dealer's Licence be granted.

### **(3) PRIVATE HIRE CAR LICENCE (X 2) - NEW APPLICATION - JULIE ANNE BANKIER, MEADOWPARK, THE CRAIGS, BANTON, KILSYTH**

7. The Head of Legal Services advised (1) that consideration of two applications by Julie Anne Bankier, Meadowpark, The Craigs, Banton, Kilsyth for a Private Hire Car Licence had been received; (2) that an objection to the applications had been received from Sadie McMahon, 117 Manse Road, Kilsyth, and (3) that a late objection to the applications had been received from Arthur Gradwell, Mainstreet Cars.

The Sub-Committee then heard Mr. Bankier, on behalf of his wife, object to the late objection by Arthur Gradwell being considered.

The Sub-Committee then determined that the late objection by Arthur Gradwell be not considered.

The Sub-Committee then heard Sadie McMahon outline her objection to the applications and Mr. Bankier speak in support of his wife's applications.

Thereafter, the applicant, Mr. Bankier, Sadie McMahon and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant and representatives of the Police were then re-admitted to the meeting.

**Decided:** that the applications by Julie Anne Bankier for two Private Hire Car Licences be granted.

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**Motherwell, 23 March 2004 at 10.00 am.**

A Special Meeting of the **GENERAL PURPOSES (LICENSING) SUB-COMMITTEE**

**PRESENT**

Councillor Holloway, Convener; Provost Connelly; Councillors Barrie, Gormill, McAuley, McKenna, J. Martin, Saunders and Wallace

**CHAIR**

Councillor Holloway (Convener) presided.

**IN ATTENDANCE**

The Chief Committee Services Manager and Building Control Manager.

**ALSO IN ATTENDANCE**

Station Officer Donnelly, Strathclyde Fire Brigade.

In respect of Fire Park Stadium  
Mr K. Davies, Motherwell Football Club

In respect of Broadwood Stadium  
Mr P. Eadie, General Manager, Broadwood Stadium (Cumbernauld)

**APOLOGIES**

Councillors Chadha, Homer and Irvine.

**Prior to consideration of the following item of business, Councillor Holloway declared a pecuniary interest and took no part in consideration of the matter.**

**CONSIDERATION OF RENEWAL OF SAFETY CERTIFICATE**

**(1) FIR PARK, MOTHERWELL**

1. Under reference to paragraph 1 of the Minute of the meeting of this Sub-Committee held on 25 June 2003, there was submitted a report (docketed) dated 16 March 2004 by the Director of Administration updating the Sub-Committee in respect of the position with regard to Fir Park Stadium, Motherwell in terms of the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.

Mr K. Davies was heard in relation to the delay in resolving outstanding matters which had previously been identified as requiring attention arising from which it was noted that all pertinent issues had now been addressed

**Decided:** that the General Safety Certificate for Fir Park, Motherwell be renewed.

**(2) BROADWOOD STADIUM, CUMBERNAULD**

2. Under reference to paragraph 3 of the Minute of the meeting of this Sub-Committee held on 25 June 2003, there was submitted a report (docketed) dated 16 March 2004 by the Director of Administration
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updating the Sub-Committee in relation to the position with regard to Broadwood Stadium, Cumbernauld, in terms of the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.

Consideration was also given to oral representations made by the General Manager, Mr. Eadie, in relation to the reasons for the delay in resolving matters which had previously been identified as requiring attention, arising from which it was noted that all pertinent issues had now been addressed.

**Decided:** that the General Safety Certificate for Broadwood Stadium, Cumbernauld, be renewed.

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## **GENERAL PURPOSES (LICENSING) SUB – 1 April 2004**

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**Motherwell, 1 April 2004 at 9.30 am.**

A Meeting of the **GENERAL PURPOSES (LICENSING) SUB-COMMITTEE**

### **PRESENT**

Councillor Holloway, Convener; Provost Connelly; Councillors Barrie, Chadha, Gormill, Irvine, McAuley, McKenna, J. Martin and Saunders.

### **CHAIR**

Councillor Holloway (Convener) presided.

### **IN ATTENDANCE**

The Administrative Officer; Chief Solicitor (Licensing), and Senior Solicitor (Licensing).

### **ALSO IN ATTENDANCE**

Superintendent McGuire, Sergeant Fabian, "N" Division, Strathclyde Police.

### **APOLOGY**

Councillor Wallace.

**It was agreed in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting for the following items on the grounds that the business involved the likely disclosure of exempt information as defined in paragraphs 6 and 14 of Part 1 of Schedule 7A of the Act.**

### **PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE - NEW APPLICATION**

1. The Sub-Committee considered an application for a Private Hire Car Driver's Licence and Private Hire Car Licence, and resolved as follows, viz:-

**Applicant:** John Glover Fleming, 56 Courthill Crescent, Kilsyth

**Decided:** that consideration be continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his application.

### **TAXI DRIVER'S LICENCE - NEW APPLICATION**

2. The Sub-Committee considered an application for a Taxi Driver's Licence, and resolved as follows, viz:-

**Applicant:** James Philip McNulty, 10a Centenary Gardens, Coatbridge

**Decided:** that consideration be continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his application.

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**HEARINGS**

**(1) PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE**

**(a) NEW APPLICATION - JAMES HAYES, 161 RANNOCH DRIVE, PATHER, WISHAW**

3. With reference to paragraph 3 of the Minute of the Special meeting of this Sub-Committee held on 16 March 2004, the Chief Solicitor (Licensing) advised (1) that consideration of an application by James Hayes, 161 Rannoch Drive, Pather, Wishaw for a Private Hire Car Driver's Licence and Private Hire Car Licence had been continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his application, and (2) that a late representation had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Superintendent McGuire explain the reason for the representation by the Chief Constable being submitted late.

The Sub-Committee then heard Superintendent McGuire outline the Chief Constable's representation to the application and James Hayes speak in support of his application.

**Decided:** that the application by James Hayes for a Private Hire Car Driver's Licence and Private Hire Car Licence be granted for a period of one year.

**(b) COMPLAINT - GARRY HUGH McCUTCHEON, 171 CRAIGIEBURN ROAD, NORTH CARBRAIN, CUMBERNAULD**

4. With reference to paragraph 6 of the Minute of the Special meeting of this Sub-Committee held on 11 August 2003, the Chief Solicitor (Licensing) advised (1) that consideration of the complaint by the Chief Constable, Strathclyde Police, relative to the behaviour of Garry Hugh McCutcheon, 171 Craigieburn Road, North Carbrain, Cumbernauld, who currently held a Private Hire Car Driver's Licence and Private Hire Car Licence had been continued, and (2) that a letter of support had been received from Garry Hugh McCutcheon's agents, Barton and Hendry, Solicitors.

The Sub-Committee then heard Superintendent McGuire outline the Chief Constable's complaint and Garry Hugh McCutcheon speak in respect of the complaint.

Thereafter, Garry Hugh McCutcheon and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Garry Hugh McCutcheon and representatives of the Police were re-admitted to the meeting.

The Sub-Committee on resuming consideration of the matter determined that the complaint be upheld.

The Sub-Committee then heard Garry Hugh McCutcheon in mitigation.

Thereafter, Garry Hugh McCutcheon and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Garry Hugh McCutcheon and representatives of the Police were re-admitted to the meeting.

Councillor J. Martin, seconded by Councillor Holloway, moved that the Private Hire Car Driver's Licence currently held by Garry Hugh McCutcheon be suspended for a period of one year and that no action be taken in respect of his Private Hire Car Licence.

Councillor Saunders, seconded by Councillor Chadha, moved, as an amendment, that the Private Hire Car Driver's Licence currently held by Garry Hugh McCutcheon, be suspended for a period of six months and that no action be taken in respect of his Private Hire Car Licence.

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On a vote being taken, seven Members voted for the amendment and two members voted for the motion. The amendment was accordingly declared carried.

**Decided:** that the Private Hire Car Driver's Licence currently held by Garry Hugh McCutcheon be suspended for a period of six months and that no action be taken in respect of his Private Hire Car Licence.

### **(2) PRIVATE HIRE CAR DRIVER'S LICENCE - NEW APPLICATIONS**

#### **(a) JOHN JORDAN, 65 LINNHE CRESCENT, PATHER, WISHAW**

5. The Chief Solicitor (Licensing) advised (1) that an application by John Jordan, 65 Linnhe Crescent, Pather, Wishaw for a Private Hire Car Drivers Licence had been received, and (2) that a late objection to the application had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Superintendent McGuire explain the reasons for the Chief Constable's objection being submitted late.

The Sub-Committee then heard Superintendent McGuire outline the Chief Constable's objections to the application and John Jordan speak in support of his application.

Thereafter, the applicant and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant and representatives of the Police were re-admitted to the meeting.

**Decided:** that the application by John Jordan for a Private Hire Car Driver's Licence be refused.

#### **(b) STEPHEN McFADYEN, 19 RINDSMUIR AVENUE, SWINTON, GLASGOW**

6. The Chief Solicitor (Licensing) advised (1) that an application by Stephen McFadyen, 19 Rindsmuir Avenue, Swinton, Glasgow for a Private Hire Car Driver's Licence had been received, and (2) that an objection to the application had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Superintendent McGuire outline the Chief Constable's objections to the application and Stephen McFadyen speak in support of his application.

Thereafter, the applicant and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant and representatives of the Police were re-admitted to the meeting.

**Decided:** that the application by Stephen McFadyen for a Private Hire Car Driver's Licence be refused.

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**(3) TAXI DRIVER'S LICENCE**

**(a) NEW APPLICATION - FRANK ANGUS WATSON, 14 NORTHMUIR DRIVE, CAMBUSNETHAN, WISHAW**

7. The Chief Solicitor (Licensing) advised (1) that an application by Frank Angus Watson, 14 Northmuir Drive, Cambusnethan, Wishaw for a Taxi Driver's Licence had been received, and (2) that an objection to the application had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Superintendent McGuire outline Chief Constable's objections to the application and Frank Angus Watson speak in support of his application.

Thereafter, the applicant and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant and representatives of the police were re-admitted to the meeting.

Councillor Barrie, seconded by Councillor Chadha, moved that the application by Frank Angus Watson for a Taxi Driver's Licence be refused.

Councillor McAuley, seconded by Councillor McKenna, moved, as an amendment, that the application by Frank Angus Watson for a Taxi Driver's Licence be granted for a period of one year.

On a vote being taken, two Members voted for the amendment and seven Members voted for the motion, which was accordingly declared carried.

**Decided:** that the application by Frank Angus Watson for a Taxi Driver's Licence, be refused.

**(b) RENEWAL**

**(A) HUGH YOUNG GAILEY, 544 BELLSHILL ROAD, MOTHERWELL**

8. With reference to paragraph 1 of the Minute of the meeting of this Sub-Committee held on 20 February 2004, the Chief Solicitor (Licensing) advised (1) that consideration of an application by Hugh Young Gailey, 544 Bellshill Road, Motherwell for the renewal of his Taxi Driver's Licence had been continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his application, and (2) that an objection to the application had been received from the Chief Constable, Strathclyde Police.

The Administrative Officer then indicated that Hugh Young Gailey was not in attendance.

The Sub-Committee resumed consideration of the matter in Hugh Young Gailey's absence.

The Sub-Committee then heard Superintendent McGuire outline Chief Constable's objections to the application.

Thereafter, representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Representatives of the Police were then re-admitted to the meeting.

**Decided:** that the application by Hugh Young Gailey for the renewal of his Taxi Driver's Licence be refused.

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### **(B) JOSZEF KONCZ, 92 BRYCE AVENUE, CARRON, FALKIRK**

9. The Chief Solicitor (Licensing) advised (1) that an application by Jozsef Koncz, 92 Bryce Avenue, Carron, Falkirk for the renewal of his Taxi Driver's Licence had been received, and (2) that an objection to the application had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Superintendent McGuire outline the Chief Constable's objection to the application and Jozsef Koncz speak in support of his application.

Thereafter, the applicant and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant and representatives of the police were re-admitted to the meeting.

Councillor McKenna, seconded by Councillor Chadha, moved that the application by Jozsef Koncz for the renewal of his Taxi Driver's Licence be granted.

Councillor Martin, seconded by Councillor Saunders, moved, as an amendment, that the application by Jozsef Koncz be refused.

On a vote being taken, two Members voted for the amendment and six Members voted for the motion, which was accordingly declared carried.

**Decided:** that the application by Jozsef Koncz for the renewal of his Taxi Driver's Licence, be granted.

### **(4) TAXI DRIVER'S LICENCE AND TAXI LICENCE - COMPLAINT - JOHN PATRICK WALKER, 45 MARMION ROAD, GREENFAULDS, CUMBERNAULD**

10. The Chief Solicitor (Licensing) advised that a complaint had been received from the Chief Constable, Strathclyde Police, relative to the behaviour of John Patrick Walker, 45 Marmion Road, Greenfaulds, Cumbernauld, who currently held a Taxi Driver's Licence and Taxi Licence.

The Sub-Committee then heard Superintendent McGuire outline the Chief Constable's complaint and John Patrick Walker speak in respect of the complaint.

Thereafter, John Patrick Walker and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

John Patrick Walker and representatives of the Police were re-admitted to the meeting.

The Sub-Committee, on resuming consideration of the matter, determined that the complaint be upheld.

**Decided:** that the Taxi Driver's Licence currently held by John Patrick Walker be suspended for the unexpired duration of his Licence, and that no action be taken in respect of his Taxi Licence.

### **(5) WINDOW CLEANER'S LICENCE - COMPLAINT - JOHN McGUINNESS, 28 EDZELL STREET, KIRKWOOD, COATBRIDGE**

11. The Chief Solicitor (Licensing) advised of a complaint in respect of a breach of licence condition by John McGuinness, 28 Edzell Street, Kirkwood, Coatbridge who currently held a Window Cleaner's Licence.
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The Administrative Officer then indicated that John McGuinness was not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in the absence of John McGuinness.

**Decided:** that the Window Cleaner's Licence currently held by John McGuinness be suspended for the unexpired duration of the Licence.

**Motherwell, 26 April 2004 at 11 am.**

A Special Meeting of the **GENERAL PURPOSES (LICENSING) SUB-COMMITTEE**

**PRESENT**

Councillor Holloway, Convener; Provost Connelly; Councillors Barrie, Chadha, Gormill, Homer, Irvine and McKenna.

**CHAIR**

Councillor Holloway (Convener) presided.

**IN ATTENDANCE**

The Administrative Officer and Senior Solicitor (Licensing).

**ALSO IN ATTENDANCE**

Superintendent McGuire and Sergeant Fabian "N" Division, Strathclyde Police.

**APOLOGIES**

Councillors McAuley, J. Martin and Saunders.

**It was agreed in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting for the following items on the grounds that the business involved the likely disclosure of exempt information as defined in paragraphs 6 and 14 of Part 1 of Schedule 7A of the Act.**

**TAXI DRIVER'S LICENCE - NEW APPLICATION**

1. The Sub-Committee considered an application for a Taxi Driver's Licence, and resolved as follows, viz:-

**Applicant:** William Fennessey, 8 McAllister Avenue, Airdrie

**Decided:** that consideration be continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his application.

**The Convener exercised his discretion to vary the order of business as hereinafter Minuted.**

**HEARINGS**

**(1) LATE HOURS CATERING LICENCE - VARIATION AND COMPLAINT - RIZWAN AHMED, 19 KEIR STREET, POLLOCKSHIELDS, GLASGOW**

2. The Senior Solicitor (Licensing) advised (1) that an application by Rizwan Ahmed, 19 Keir Street, Pollockshields, Glasgow for a Late Hours Catering Licence in respect of the premises at the Spicy Cottage, 87/89 Main Street, Holytown had been received; (2) that a complaint in respect of the application had been received from Edna and John Crawford, local residents, and (3) that the complaint had since been resolved.
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**Decided:**

- (1) that it be noted that the complaint by John and Edna Crawford had been resolved, and
- (2) that the application by Rizwan Ahmed for a variation to a Late Hours Catering Licence in respect of the Spicy Cottage, 87/89 Main Street, Holytown had been granted under delegated powers.

**(2) PRIVATE HIRE CAR DRIVER'S LICENCE**

**(a) RENEWAL - CRAIG WHYTE, 2 BUCHANAN CRESCENT, BISHOPBRIGGS, GLASGOW**

3. The Senior Solicitor (Licensing) advised (1) that an application (tabled) by Craig Whyte, 2 Buchanan Crescent, Bishopbriggs, Glasgow for the renewal of his Private Hire Car Driver's Licence had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Superintendent McGuire outline the Chief Constable's objection to the application and Craig Whyte speak in support of his application.

Thereafter, the applicant and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant and representatives of the Police were then re-admitted to the meeting.

Councillor Connelly, seconded by Councillor Barrie, moved that the application by Craig Whyte for the renewal of his Private Hire Car Driver's Licence be refused.

Councillor McKenna, seconded by Councillor Homer, moved, as an amendment, that the application by Craig Whyte be granted for a period of one year.

On a vote being taken, 3 Members voted for the amendment and 3 Members voted for the motion. The vote being equal, the Convener exercised his casting vote in favour of the motion, which was accordingly declared carried.

**Decided:** that the application by Craig White for the renewal of his Private Hire Car Driver's Licence be refused.

**(b) NEW APPLICATION - ROBERT RODDIE, 35 HALLINAN GARDENS, WISHAW**

4. With reference to paragraph 2 of the Minute of the Special meeting of this Sub-Committee held on 16 March 2004, the Senior Solicitor (Licensing) advised that consideration of an application (tabled) by Robert Roddie, 35 Hallinan Gardens, Wishaw for a Private Hire Car Driver's Licence had been continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his application.

The Sub-Committee then heard the applicant and Superintendent McGuire speak in respect of the application.

Thereafter, the applicant and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant and representatives of the Police were then re-admitted to the meeting.

**Decided:** that the application by Robert Roddie for a Private Hire Car Driver's Licence be granted.

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**(3) TAXI DRIVER'S LICENCE - NEW APPLICATION - CHARLES FRAME, 3 WHITTAGREEN AVENUE, NEWARTHILL**

5. The Senior Solicitor (Licensing) advised (1) that an application (tabled) by Charles Frame, 3 Whittagreen Avenue, Newarthill for a Taxi Driver's Licence had been received, and (2) of the background relative thereto.

The Administrative Officer then indicated that Charles Frame was not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in the applicant's absence.

**Decided:** that the application by Charles Frame for a Taxi Driver's Licence be refused.

**(4) PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE - NEW APPLICATIONS - ALAN WILLIAM FERGUSON, 77 DUNDEE DRIVE, CARDONALD, GLASGOW**

6. With reference to paragraph 2 of the Minute of the meeting of this Sub-Committee held on 4 March 2004, the Senior Solicitor (Licensing) advised (1) that consideration of applications (tabled) by Alan Ferguson, 77 Dundee Drive, Cardonald, Glasgow for a Private Hire Car Driver's Licence and a Private Hire Car Licence had been continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his applications; (2) that an objection to the application had been received from the Chief Constable, Strathclyde Police, and (3) that Alan Ferguson had spent and live convictions.

The Administrative Officer then indicated that Alan Ferguson was not in attendance.

The Sub-Committee resumed consideration of the matter in the applicant's absence.

The Sub-Committee then heard Superintendent McGuire give details of the spent and live convictions and outline the Chief Constable's objections.

Thereafter, the representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The representatives of the Police were then re-admitted to the meeting.

**Decided:** that the applications by Alan Ferguson for a Private Hire Car Driver's Licence and a Private Hire Car Licence be refused.

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