

AGENDA ITEM NO.1(2).....
GENERAL PURPOSES (LICENSING) SUB – 3 March 2005

Motherwell, 3 March 2005 at 9.30 am.

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

PRESENT

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

CHAIR

Councillor Holloway (Convener) presided.

IN ATTENDANCE

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

ALSO IN ATTENDANCE

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

APOLOGIES

Provost Connelly and Councillors Chadha and Irvine.

ADJOURNMENT

1. The Convener requested that the meeting be adjourned until 11 am.

Decided: that the meeting stand adjourned until 11 am.

Motherwell, 3 March 2005 at 11 am.

An Adjourned 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; Head of Legal Services and Principal Solicitor (Licensing).

ALSO IN ATTENDANCE

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

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.

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

HEARINGS

(1) TAXI DRIVER'S LICENCE - NEW APPLICATION - ROBERT HAMILTON, 14 PIRNMILL AVENUE, MOTHERWELL

1. With reference to paragraph 1 of the Minute of the special meeting of this Sub-Committee held on 14 February 2005, the Head of Legal Services advised (1) that consideration of an application (tabled) by Robert Hamilton, 14 Pirnmill Avenue, Motherwell for a 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) of the background relative thereto.

The Sub-Committee then heard the applicant and Superintendent Cloherty 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 Hamilton for a Taxi Driver's Licence be granted.

**(2) SECOND HAND DEALER'S LICENCE - NEW APPLICATION - JOANNA McKERRON,
8 CASTLEKNOWE GARDENS, CARLUKE AND JAMES McGREGOR, 34 FARIE STREET,
RUTHERGLEN, T/A TYRED AND XHAUSTED LIMITED**

2. The Head of Legal Services advised (1) that an application (tabled) by Joanna McKerron, 8 Castleknowe Gardens, Carluke and James McGregor, 34 Farie Street, Rutherglen t/a Tyred and Xhausted Limited for a Second Hand Dealer's Licence in respect of the premises at Tyred and Xhausted Limited, 52 Main Street, Chapelhall had been received; (2) that objections (tabled) to the application had been received from Miss McIntyre and Mr. Young, local residents, and (3) that a late objection to the application had been received from the Director of Planning and Environment.

The Administrative Officer advised that James McGregor, Miss McIntyre and Mr. Young were not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in James McGregor and the objectors' absence.

The Sub-Committee then heard Joanna McKerron speak in support of her application.

The Sub-Committee then heard Campbell Dyer, Transportation Section, Department of Planning and Environment, explain the reasons for the Director of Planning and Environment's objection being submitted late and advised that the Director would withdraw his objections if conditions, set out by him, were placed on the Licence.

The Sub-Committee then heard Joanna McKerron indicate that she had no objection to the conditions being placed on the Licence.

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

Joanna McKerron, Campbell Dyer and representatives of the Police were then re-admitted to the meeting.

Councillor Barrie, seconded by Councillor Chadha, moved that the application by Joanna McKerron and James McGregor for a Second Hand Dealer's Licence be granted, subject to the conditions, set out by the Director of Planning and Environment, being placed on the licence.

Councillor McAuley, seconded by Councillor McKenna, moved, as an amendment, that the application by Joanna McKerron and James McGregor for a Second Hand Dealer's Licence be refused.

On a vote being taken, 3 Members voted for the amendment and 4 Members voted for the motion which was accordingly declared carried.

Decided: that the application by Joanna McKerron and James McGregor for a Second Hand Dealer's Licence be granted, subject to the conditions, set out by the Director of Planning and Environment, being placed on the Licence.

(3) STREET TRADER'S LICENCE - NEW APPLICATIONS

(a) VERONICA BANNAN, 13 WYE CRESCENT, TOWNHEAD, COATBRIDGE

3. The Head of Legal Services advised (1) that an application by Veronica Bannan, 13 Wye Crescent, Townhead, Coatbridge for a Street Trader's Licence to enable her to trade from a static snack van on Reema Road, Bellshill had been received; (2) that her sister, Patricia Bannan, holds a Street Trader's Licence for a static snack van at this same location, and (3) that an objection to the application had been received from Mr. Renfrew, employee of Balfour Beatty, Reema Road, Bellshill.

The Sub-Committee then heard Veronica Bannan's father speak in support of the application and Mr. Renfrew outline his objection to the application.

Mr. Bannan, Veronica Bannan, Mr. Renfrew and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mr. Bannan, Veronica Bannan, Mr. Renfrew and representatives of the Police were then re-admitted to the meeting.

Decided: that subject to the surrender of the Licence by Patricia Bannan, that the application by Veronica Bannan, for a Street Trader's Licence be granted, and issued upon the surrender of Patricia Bannan's existing site licence to the Council.

(b) JOHN McPHERSON, 7D SHANKS STREET, AIRDRIE

4. With reference to paragraph 8 of the Minute of the meeting of this Sub-Committee held on 3 February 2005, the Head of Legal Services advised (1) that consideration of an application (tabled) by John McPherson, 7D Shanks Street, Airdrie for a Street Trader's Licence to enable him to trade from a mobile ice cream van in areas in Coatbridge and Airdrie had been continued to allow the applicant another opportunity to appear before the Sub-Committee to speak in support of his application, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police.

The Administrative Officer then indicated John McPherson was not in attendance.

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

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

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 John McPherson for a Street Trader's Licence be refused.

(c) JOHN ROWAN, 7 RAMSAY PLACE, COATBRIDGE

5. The Head of Legal Services advised (1) that an application (tabled) by John Rowan, 7 Ramsay Place, Coatbridge for a Street Trader's Licence to enable him to trade from a static snack van on Gartloch Road, Gartcosh had been received; (2) that objections (tabled) to the application had been received from the Director of Planning and Environment and Councillor Shaw, local Member, and (3) that observations (tabled) on the application had been received from the Chief Constable, Strathclyde Police.

The Administrative Officer then indicated that John Rowan and Councillor Shaw were not in attendance.

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

The Sub-Committee then heard (1) Gary Grieve, Transportation Section, Department of Planning and Environment outline the Director of Planning and Environment's objection to the application, and (2) Superintendent Cloherty outline the Chief Constable's observations on the application.

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

Gary Grieve and representatives of the Police were then re-admitted to the meeting.

Decided: that the application by John Rowan for a Street Trader's Licence be refused.

(4) TAXI DRIVER'S LICENCE - COMPLAINT - JOHN BENNETT, 46 HILLCREST AVENUE, COATBRIDGE

6. The Head of Legal Services advised (1) of a complaint by the Chief Constable, Strathclyde Police, relative to the behaviour of John Bennett, 46 Hillcrest Avenue, Coatbridge, and (2) of the background relative thereto.

The Administrative Officer then indicated that John Bennett was not in attendance.

Thereafter, the Sub-Committee resumed consideration of the complaint in John Bennett's absence.

Decided: that consideration of the complaint relative to the behaviour of John Bennett be continued to allow John Bennett another opportunity to appear before the Sub-Committee to speak in respect of the complaint.

Motherwell, 14 April 2005 at 9.30 am.

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

PRESENT

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

CHAIR

Councillor Holloway (Convener) presided.

IN ATTENDANCE

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

ALSO IN ATTENDANCE

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

APOLOGIES

Councillors Chadha, Homer 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 paragraph 6 of Part 1 of Schedule 7A of the Act.

TAXI DRIVER'S LICENCE

(1) NEW APPLICATIONS

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

Applicant: Campbell Findlay, 31 East Dean Street, Bellshill.

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

Applicant: Stephen Francis, 12 Thomson Drive, 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.

Applicant: Joseph Gorman, 19 Glenfinnan Grove, Stoneways Park, Mossend.

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

Applicant: Gregory Heffernan, 108 Tantallion Drive, 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.

Applicant: Peter Hynds, 41 Dalveen Quadrant, Sikeside, 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.

(2) RENEWAL

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

Applicant: John Greechan, 64 Woodside Crescent, Newmains.

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 AND PRIVATE HIRE CAR LICENCE - RENEWAL

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

Applicant: George Cuthbertson, 47 Woodland Way, Kildrum, Cumbernauld.

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

PRIVATE HIRE CAR DRIVER'S LICENCE - RENEWAL

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

Applicant: Derek McGeough, 44 Westermavisbank 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) TAXI DRIVER'S LICENCE - NEW APPLICATION - DANIEL OATS, 62 CARFIN STREET, NEW STEVENSTON

5. The Head of Legal Services advised (1) that an application (tabled) by Daniel Oats, 62 Carfin Street, New Stevenston, for a Taxi Driver's Licence had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police.
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The Sub-Committee then heard Superintendent Dillon outline the Chief Constable's objection to the application and Daniel Oats' agent, Mr. Costello, J.A. Bryan and Company, Solicitors, speak in support of the application.

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

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

Decided: that the application by Daniel Oats for a Taxi Driver's Licence be refused.

(2) TAXI DRIVER'S LICENCE - NEW APPLICATION AND PRIVATE HIRE CAR DRIVER'S LICENCE - COMPLAINT - JOSEPH MULHOLLAND, 40 CROFTHED STREET, UDDINGSTON

6. The Head of Legal Services advised (1) that an application (tabled) by Joseph Mulholland, 40 Crofthead Street, Uddingston for a Taxi Driver's Licence had been received, and (2) that a complaint (tabled) had been received from the Chief Constable, Strathclyde Police, relative to the behaviour of Joseph Mulholland in respect of his Private Hire Car Driver's Licence.

The Sub-Committee then heard Superintendent Dillon and Joseph Mulholland speak in respect of the application and complaint.

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

Joseph Mulholland and representatives of the Police were then re-admitted to the meeting.

The Sub-Committee then heard Superintendent Dillon advise, on behalf of the Chief Constable, that he wished to withdraw the complaint in respect of Joseph Mulholland's Private Hire Car Driver's Licence.

Decided:

- (1) that the application by Joseph Mulholland for a Taxi Driver's Licence be granted for a period of one year, and
- (2) that it be noted that Superintendent Dillon, on behalf of the Chief Constable, had withdrawn the complaint in respect of the Private Hire Car Driver's Licence currently held by Joseph Mulholland.

(3) PRIVATE HIRE CAR DRIVER'S LICENCE - NEW APPLICATION - SAMUEL STEWART, 119 ESPIESIDE CRESCENT, COATBRIDGE

7. The Head of Legal Services advised (1) that an application (tabled) by Samuel Stewart, 119 Espieside Crescent, Coatbridge for a 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 Dillon outline the Chief Constable's objection to the application and Samuel Stewart, and his wife, Mrs. Stewart, speak in respect of the application, together with a letter (tabled) by Mrs Stewart, in support of the application.

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

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

Decided: that the application by Samuel Stewart for a Private Hire Car Driver's Licence be refused.

(4) PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE - RENEWAL - BRIAN YOUNG, 8 BRIDGEND CRESCENT, HAZELBANK, MOODIESBURN

8. With reference to paragraph 3 of the Minute of the meeting of this Sub-Committee held on 16 December 2004, the Head of Legal Services advised (1) that applications (tabled) by Brian Young, 8 Bridgend Crescent, Hazelbank, Moodiesburn for the renewal of his Private Hire Car Driver's Licence and Private Hire Car Licence had been received, and (2) that an objection (tabled) to the application for the renewal of the Private Hire Car Driver's Licence had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Superintendent Dillon outline the Chief Constable's objection to the application for the renewal of the Private Hire Car Driver's Licence and Brian Young speak in support of both applications.

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 applications by Brian Young for the renewal of his Private Hire Car Driver's Licence and Private Hire Car Licence be granted.

(5) TAXI DRIVER'S LICENCE - COMPLAINT - JOHN BENNETT, 17 SUNNYSIDE DRIVE, BARGEDDIE

9. The Head of Legal Services advised (1) that a complaint (tabled) had been received from the Chief Constable, Strathclyde Police, relative to the behaviour of John Bennett, 17 Sunnyside Drive, Bargeddie who currently held a Taxi Driver's Licence, and (2) of the background relative thereto.

The Administrative Officer then indicated that John Bennett was not in attendance.

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

The Sub-Committee then heard Superintendent Dillon outline the Chief Constable's complaint.

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:

- (1) that the complaint by the Chief Constable relative to the behaviour of John Bennett be upheld, and
- (2) that the Taxi Driver's Licence currently held by John Bennett be suspended for the unexpired duration of the Licence.

**(6) WINDOW CLEANER'S LICENCE - NEW APPLICATION - WILLIAM MARSHALL,
48 GREENMOSS PLACE, MOSSEND, BELLSHILL**

10. With reference to paragraph 7 of the Minute of the meeting of this Sub-Committee held on 3 February 2005, the Head of Legal Services advised (1) that an application (tabled) by William Marshall, 48 Greenmoss Place, Mossend, Bellshill for a Window Cleaner's Licence had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police.

The Administrative Officer then indicated that William Marshall was not in attendance.

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

The Sub-Committee then heard Superintendent Dillon outline the Chief Constable's objection 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 William Marshall for a Window Cleaner's Licence be refused.

**(7) STREET TRADER'S LICENCE - COMPLAINT - JOHN ROWAN, 7 RAMSAY PLACE,
COATBRIDGE**

11. With reference to paragraph 5 of the Minute of the adjourned meeting of this Sub-Committee held on 3 March 2005, the Head of Legal Services advised (1) that a complaint had been received from the local Member and the Council's Licensing Enforcement Officers relative to the behaviour of John Rowan, 7 Ramsay Place, Coatbridge who currently held a Street Trader's Licence for a mobile snack van, and (2) that John Rowan had indicated that he was unable to be in attendance due to a holiday commitment.

Decided: that consideration of the complaint relative to the behaviour of John Rowan be continued to allow John Rowan another opportunity to appear before the Sub-Committee to speak in respect of the complaint.

**(8) SECOND HAND DEALER'S LICENCE - NEW APPLICATION - COLIN DYET, 4 NEWARK
GATE, ALLANTON, T/A McDADE AND PARTNERS, 69-71 HAMILTON ROAD, MOTHERWELL**

12. The Head of Legal Services advised (1) that an application (tabled) by Colin Dyet, 4 Newark Gate, Allanton, t/a McDade and Partners, 69-71 Hamilton Road, Motherwell in respect of the Second Hand Car Sales premises at Autotec Company Limited, Unit 3, Netherton Road, Wishaw, had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police.

The Administrative Officer then indicated that Colin Dyet was not in attendance.

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

The Sub-Committee then heard Superintendent Dillon outline the Chief Constable's objection 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 Colin Dyet for a Second Hand Dealer's Licence be refused.