

**Motherwell, 12 September 2002 at 9.30 am.**

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

**PRESENT**

Councillor Holloway, Convener; Councillors Barrie, Cefferty, Chadha, Connelly, Devine, Gormill, Heberton, Homer, Love and J. Martin.

**CHAIR**

Councillor Holloway (Convener) presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

Chief Superintendent Buchan and Constable McCann, "N" Division, Strathclyde Police.

**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:** Paul Carty, 33 Baillie Drive, Bothwell

**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 OPERATOR'S LICENCE AND TAXI DRIVER'S LICENCE - COMPLAINT - BRIAN KENNY, 186 ROMAN ROAD, CUMBERNAULD**

2. The Chief Solicitor (Licensing) advised (1) that a complaint had been received from the Chief Constable, Strathclyde Police relative to the behaviour of Brian Kenny, 186 Roman Road, Cumbernauld who currently held a Private Hire Car Operator's Licence and a Taxi Driver's Licence; (2) that Brian Kenny's Licences had subsequently expired and no applications had been received for their renewal, and (3) that no further action required to be taken in this respect.

**Decided:** that it be noted that Brian Kenny's Private Hire Car Operator's Licence and Taxi Driver's Licence had expired and that no further action required to be taken.

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

**HEARINGS**

**(1) TAXI OPERATOR'S LICENCE - RENEWAL - ROBERT MCGOLDRICK, 31 CALDERVIEW AVENUE, COATBRIDGE**

3. With reference to paragraph 1 of the Minute of the special meeting of this Sub-Committee held on 19 August 2002, the Chief Solicitor (Licensing) advised (1) that consideration of an application by Robert McGoldrick, 31 Calderview Avenue, Coatbridge for the renewal of his Taxi Operator'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 Robert McGoldrick had written to the Council advising that, due to work commitments, he was unable to be in attendance and requesting the Sub-Committee consider the matter in his absence.

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

**Decided:** that the application by Robert McGoldrick for the renewal of his Taxi Operator's Licence be granted for a period of one year.

**(2) SECOND HAND DEALER'S LICENCE - NEW APPLICATION - LYNN CULLEN, 35 PRINCESS SQUARE, NEWMAINS**

4. With reference to paragraph 2 of the Minute of the special meeting of this Sub-Committee held on 23 August 2002, the Chief Solicitor (Licensing) advised (1) that consideration of an application by Lynn Cullen, 35 Princess Square, Newmains for a Second Hand Dealer's Licence in respect of the second hand car sales premises at Unit 4A, Dundyvan Street, Wishaw had been continued to allow Lynn Cullen to obtain legal advice and another opportunity to appear before the Sub-Committee to speak in support of her application; (2) that objections to the application had been received from Councillor McGhee, the local elected Member and from Mr. Logan and Mrs. Gillespie, local residents, and (3) that observations on the application had subsequently been received from the Director of Planning and Environment.

The Administrative Officer then indicated that Mrs. Gillespie was not in attendance.

The Sub-Committee then heard (1) Mr. John Logan, Mr. Thomas Logan and Councillor McGhee outline their objections to the application; (2) Mr McAlpine outline the Director of Planning and Environment's observations, and (3) Lynn Cullen and Gordon Skillion, the applicant's partner, speak in respect of the application

Thereafter, the applicant, Mr. Skillion, Mr. John Logan, Mr. Thomas Logan, Councillor McGhee, Mr McAlpine and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant, Mr. Skillion, Mr. John Logan, Mr. Thomas Logan, Councillor McGhee, Mr. McAlpine and representatives of the Police were then re-admitted to the meeting.

**Decided:** that the application by Lynn Cullen for a Second Hand Dealer's Licence in respect of the second hand car sales premises at Unit 4A, Dundyvan Street, Wishaw, be granted.

**(3) TAXI OPERATOR'S LICENCE - RENEWAL - DAVID PEAT, 99 EARLSTON CRESCENT, CARNBROE, COATBRIDGE**

5. With reference to paragraph 1 of the Minute of the special meeting of this Sub-Committee held on 19 August 2002, the Chief Solicitor (Licensing) advised that consideration of an application by David Peat, 99 Earlston Crescent, Carnbroe, Coatbridge for the renewal of his Taxi Operator'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 Chief Superintendent Buchan speak in relation to 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 David Peat for the renewal of his Taxi Operator's Licence be granted.

**(4) TAXI DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE - COMPLAINT - JOHN IRVINE, 33 MANSFIELD ROAD, BELLSHILL**

6. With reference to paragraph 4 of the Minute of the special meeting of this Sub-Committee held on 12 August 2002, the Chief Solicitor (Licensing) advised (1) that a complaint had been received by the Chief Constable relative to the behaviour of John Irvine, 33 Mansfield Road, Bellshill, who currently held a Taxi Driver's Licence and Private Hire Car Licence, and (2) that John Irvine was unable to be in attendance.

The Sub-Committee then heard Chief Superintendent Buchan outline the Chief Constable's complaint and John Irvine's agent, Mr. Slavin, Friel & Company, Solicitors, speak in respect of the complaint.

Thereafter, Mr. Slavin and representatives of the Police withdrew from the meeting.

The Sub-Committee, on resuming consideration of the matter, decided that the complaint by the Chief Constable relative to the behaviour of John Irvine had been substantiated.

The Sub-Committee then heard Mr. Slavin in mitigation.

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

Mr. Slavin and representatives of the Police were then re-admitted to the meeting.

**Decided:** that the Taxi Driver's Licence and Private Hire Car Licence currently held by John Irvine be suspended for the unexpired duration of the Licences.

**(5) PRIVATE HIRE CAR DRIVER'S LICENCE -**

**(a) NEW APPLICATION - JOHN ALEXANDER McMILLAN, c/o 46 QUARRY STREET, NEW STEVENSTON, MOTHERWELL**

7. With reference to paragraph 1 of the Minute of the Special meeting of this Sub-Committee held on 23 August 2002, the Chief Solicitor (Licensing) advised that consideration of an application by John Alexander McMillan, c/o 46 Quarry Street, New Stevenston, Motherwell 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 Chief Superintendent Buchan 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.

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**Decided:** that the application by John Alexander McMillan for a Private Hire Car Driver's Licence be granted.

**(b) COMPLAINT - DESMOND HERLIHY, 38 HERMITAGE CRESCENT, COATBRIDGE**

8. The Chief Solicitor (Licensing) advised (1) that a complaint had been received from the Council's Licensing Enforcement Officer relative to the behaviour of Desmond Herlihy, 38 Hermitage Crescent, Coatbridge who currently held a Private Hire Car Licence, and (2) detailing the background thereto.

The Sub-Committee then heard Mr. Taylor, the Council's Licensing Enforcement Officer outline his complaint and Desmond Herlihy speak in relation to the complaint.

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

Desmond Herlihy, Mr. Taylor and representatives of the Police were then re-admitted to the meeting.

Following further questions being put to and answered by Desmond Herlihy, he thereupon agreed to complete a declaration confirming the surrender of his Licence.

**Decided:** that it be noted that Desmond Herlihy had agreed to surrender his Private Hire Car Licence.

**(6) SECOND HAND DEALER'S LICENCE - NEW APPLICATION - GARY CUPPLES, 25 KILTARIE CRESCENT, AIRDRIE**

9. The Chief Solicitor (Licensing) advised (1) that an application by Gary Cupples, 25 Kiltarie Crescent, Airdrie for a Second Hand Dealer's Licence in respect of the second hand car sales premises at Unit 6, Brownsburn Industrial Estate, Airdrie had been received, and (2) that observations on the application had been received from the Director of Planning and Environment.

The Sub-Committee then heard Mr. McAlpine outline the Director of Planning and Environment's observations and Gary Cupples speak in respect of the application.

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

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

**Decided:** that the application by Gary Cupples for a Second Hand Dealer's Licence in respect of the second hand car sales premises at Unit 6, Brownsburn Industrial Estate, Airdrie, be granted.