

Motherwell, 23 September 2003 at 9.30 am.

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

PRESENT

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

CHAIR

Councillor Holloway (Convener) 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

Councillors Chadha, Gormill, Irvine and McAuley.

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 - COMPLAINT - DESMOND STRAIN, 101 MONTALTO AVENUE, MOTHERWELL

1. The Chief Solicitor (Licensing) advised (1) that a complaint had been received from British Transport Police, relative to the behaviour of Desmond Strain, 101 Montalto Avenue, Motherwell in relation to a contravention to Scotrail Railways Limited Byelaw 14(2); (2) of the background relative thereto, and (3) that the British Transport Police witnesses were unable to be in attendance.

The Sub-Committee then heard the Chief Solicitor (Licensing) outline the complaint and Desmond Strain speak in respect of the complaint.

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

Desmond Strain and representatives of the Police were then re-admitted to the meeting.

Decided: that consideration of the complaint be continued to allow Desmond Strain another opportunity to appear before the Sub-Committee to speak in relation to the complaint.

(2) PRIVATE HIRE CAR DRIVER'S LICENCE - NEW APPLICATION - DAVID CUNNINGHAM, 76 DUNDYVAN ROAD, COATBRIDGE

2. With reference to paragraph 1 of the Minute of the Special meeting of this Sub-Committee held on 18 August 2003, the Chief Solicitor (Licensing) advised that consideration of an application (tabled) by David Cunningham, 76 Dundyvan Road, Coatbridge 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 David Cunningham for a Private Hire Car Driver's Licence be granted.

(3) PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE - NEW APPLICATION - JAMES FRASER, 19 HUME DRIVE, BOTHWELL

3. With reference to paragraph 1 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 an application (tabled) by James Fraser, 19 Hume Drive, Bothwell 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; (2) that a late representation had been received from the Chief Constable, Strathclyde Police, and (3) that James Fraser had spent convictions.

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

The Sub-Committee, having enquired as to the age and general nature of the spent convictions, were provided, in broad terms, with such information by James Fraser.

The Sub-Committee then heard Superintendent McGuire speak in respect of the late representation (tabled) and James Fraser and Kevin McLaughlin speak in support of the application.

Thereafter, the applicant, Kevin McLaughlin 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 Wallace, seconded by Councillor McKenna, moved that the application by James Fraser for a Private Hire Car Driver's Licence and Private Hire Car Licence be granted for a period of one year.

Councillor Martin, seconded by Councillor Saunders, moved, as an amendment, that the application by James Fraser for a Private Hire Car Driver's Licence and Private Hire Car 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 James Fraser for a Private Hire Car Driver's Licence and a Private Hire Car Licence be granted for a period of one year.

(4) TAXI DRIVER'S LICENCE - COMPLAINTS

(a) WILLIAM CARTER, 14 COURSINGTON GARDENS, MOTHERWELL

4. With reference to paragraph 3 of the Minute of the Special meeting of this Sub-Committee held on 11 August 2003, the Chief Solicitor (Licensing) advised that consideration of a complaint by British Transport Police, relative to the behaviour of William Carter, 14 Coursington Gardens, Motherwell in relation to a contravention to Scotrail Railways Limited Byelaw 14(2) had been continued to allow William Carter an opportunity to appear before the Sub-Committee to speak in relation to the complaint.

The Sub-Committee then heard the Chief Solicitor (Licensing) outline the complaint and William Carter speak in respect of the complaint.

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

William Carter and representatives of the Police were then re-admitted to the meeting.

The Sub-Committee then heard William Carter in mitigation.

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

William Carter and representatives of the Police were again re-admitted to the meeting.

Decided: that the Taxi Driver's Licence, currently held by William Carter, be not suspended, on the understanding that the Head of Legal Services issue William Carter with a letter warning him as to his future conduct.

(b) GARY HARGADON, 52 LODGE TOWER, MOTHERWELL

5. The Chief Solicitor (Licensing) advised (1) that consideration of a complaint by British Transport Police, relative to the behaviour of Gary Hargadon, 52 Lodge Tower, Motherwell in relation to a contravention to Scotrail Railways Limited Byelaw 14(2) had been received, and (2) of the background relative thereto.

The Sub-Committee then heard the Chief Solicitor (Licensing) outline the complaint and Gary Hargadon speak in respect of the complaint.

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

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

The Sub-Committee then heard Gary Hargadon in mitigation.

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

Gary Hargadon and representatives of the Police were again re-admitted to the meeting.

Decided: that the Taxi Driver's Licence, currently held by Gary Hargadon, be not suspended, on the understanding that the Head of Legal Services issue Gary Hargadon with a letter warning him as to his future conduct.

(c) MATTHEW STRAIN, 6 UNITAS ROAD, MOSSEND

6. The Chief Solicitor (Licensing) advised (1) that a complaint by British Transport Police, relative to the behaviour of Matthew Strain, 6 Unitas Road, Mossend in relation to a contravention to Scotrail Railways Limited Byelaw 14(2) had been received, and (2) of the background relative thereto.

The Sub-Committee then heard the Chief Solicitor (Licensing) outline the complaint and Matthew Strain speak in respect of the complaint.

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

Matthew Strain and representatives of the Police were then re-admitted to the meeting.

The Sub-Committee then heard Matthew Strain in mitigation.

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

Matthew Strain and representatives of the Police were again re-admitted to the meeting.

Decided: that the Taxi Driver's Licence, currently held by Matthew Strain, be not suspended, on the understanding that the Head of Legal Services issue Matthew Strain with a letter warning him as to his future conduct.

(5) PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE COMPLAINT - COLIN McINTYRE, 95 LOMOND PLACE, CUMBERNAULD

7. With reference to paragraph 9 of the Minute of the meeting of this Sub-Committee held on 25 August 2003, the Chief Solicitor (Licensing) advised (1) that consideration of a complaint received by the Chief Constable, Strathclyde Police relative to the behaviour of Colin McIntyre, 95 Lomond Place, Cumbernauld had been continued to allow Colin McIntyre an opportunity to appear before the Sub-Committee to speak in relation to the complaint, and (2) that Colin McIntyre had requested that consideration of the complaint be continued to allow him another opportunity to appear before the Sub-Committee.

Decided: that consideration of the complaint relative to the behaviour of Colin McIntyre be continued to allow him another opportunity to appear before the Sub-Committee to speak in relation to the complaint.