

Motherwell, 3 December 2003 at 11.00 am.

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

PRESENT

Councillor Holloway, Convener; Councillors Barrie, Gormill, Irvine, McKenna and Wallace.

CHAIR

Councillor Holloway (Convener) presided.

IN ATTENDANCE

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

ALSO IN ATTENDANCE

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

In respect of item 3

Mr. Devanny, Ness Gallagher & Company, Solicitors
Sadie McMahon

In respect of item 5

Mr. Dyer, Transportation Section, Department of Planning and Environment

APOLOGIES

Provost Connelly and Councillor Chadha.

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) TAXI OPERATOR'S LICENCE - NEW APPLICATION - JAMES CAMPBELL BENNETT,
71 THE LOANING, MOTHERWELL**

1. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by James Campbell Bennett, 71 The Loaning, Motherwell for a Taxi Operator's Licence had been received, and (2) of the background relative thereto.

The Sub-Committee then heard the applicant 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 James Campbell Bennett for a Taxi Operator's Licence be refused.

(2) TAXI DRIVER'S LICENCE - NEW APPLICATION - JOSEPH MCGONNIGLE, 106 CALEDONIA AVENUE, BELLSHILL

2. With reference to paragraph 2 of the Minute of the meeting of this Sub-Committee held on 20 November 2003, the Chief Solicitor (Licensing) advised (1) that consideration of an application by Joseph McGonnigle, 106 Caledonia Avenue, Bellshill 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) that Joseph McGonnigle was unable to be in attendance.

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

Decided: that the application by Joseph McGonnigle for a 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.

(3) TAXI DRIVER'S LICENCE AND PRIVATE HIRE CAR OPERATOR'S LICENCES - COMPLAINT - JAMES MCTIERNAN, 52 JOHN WILSON DRIVE, KILSYTH

3. With reference to paragraph 3 of the Minute of the meeting of this Sub-Committee held on 15 April 2003, the Chief Solicitor (Licensing) advised (1) that, in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, consideration of a complaint (tabled) by the Chief Constable, Strathclyde Police, relative to the behaviour of James McTiernan, 52 John Wilson Drive, Kilsyth had been continued to allow James McTiernan another opportunity to appear before the Sub-Committee to speak in relation to the complaint, and (2) that a subsequent complaint had been received from Sadie McMahon, 117 Manse Road, Kilsyth.

The Sub-Committee then heard Chief Superintendent Buchan outline the Chief Constable's complaint, Sadie McMahon outline her complaint, and James McTiernan's agent, Mr Devanny, Ness Gallagher and Company, Solicitors, speak in respect of the complaints.

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

James McTiernan, Mr Devanny, Sadie McMahon and representatives of the Police were then re-admitted to the meeting.

Decided: that, in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Taxi Driver's Licence and Private Hire Car Operator's Licences currently held by James McTiernan be suspended with immediate effect.

(4) AMUSEMENTS WITH PRIZES GAMING MACHINE PERMIT - NEW SECTION 34 APPLICATION SAFIHA SAEED, 12 BALMUIR AVENUE, BATHGATE

4. The Chief Solicitor (Licensing) advised (1) that a new Section 34 application (tabled) by Safiha Saeed, 12 Balmuir Avenue, Bathgate for an Amusements with Prizes Gaming Machine Permit had been received in respect of the premises at 56 West Benhar Road, Eastfield, Harthill, and (2) that an objection (tabled) to the application had been received from Councillor Cefferty, local Member.

The Administrative Officer then indicated that Councillor Cefferty was unable to be in attendance.

The Sub-Committee then heard Safiha Saeed and one of her employees, Liliias Johnston, speak in support of the application.

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

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

Decided: that the Section 34 application by Safiha Saeed for an Amusements with Prizes Gaming Machine Permit be granted.

(5) STREET TRADER'S LICENCE - NEW APPLICATION - EILEEN RUSSELL, 31 GARTNESS DRIVE, GARTNESS, AIRDRIE

5. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Eileen Russell, 31 Gartness Drive, Gartness, Airdrie for a Street Trader's Licence to enable her to trade from her Static Snack Van, 200 yards from the roundabout at Stirling Road on Greengairs Road, Greengairs, and (2) that an objection to the application had been received from the Director of Planning and Environment.

The Sub-Committee then heard Mr. Dyer, Transportation Section, Department of Planning and Environment outline the Director of Planning and Environment's objection to the application and Eileen Russell speak in support of her application.

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

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

Decided: that the application by Eileen Russell for a Street Trader's Licence to enable her to trade from her Static Snack Van 200 yards from the Roundabout at Stirling Road, and Greengairs Road, Greengairs be granted.