

**Motherwell, 18 December 2003 at 9.30 am.**

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

**PRESENT**

Councillor Holloway, Convener; Provost Connelly; Councillors Chadha, Gormill, Homer, Irvine, McAuley, McKenna, Saunders and Wallace.

**CHAIR**

Councillor Holloway (Convener) presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

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

In respect of item 5:-

Mr. Kelly, Trainor Alston, Solicitors.

In respect of item 6:-

Mr. Raymond Patterson.

In respect of items 7, 8 and 9:-

Mr. Devanny, Ness Gallagher & Company, Solicitors.

**APOLOGIES**

Councillor Barrie and J. Martin.

**REMIT FROM THE PLANNING AND ENVIRONMENT (ROADS AND TRANSPORT) SUB-COMMITTEE - DRIVER AND VEHICLE LICENSING AGENCY - CONSULTATION ON VEHICLE NUMBER PLATE SECURITY**

1. With reference to paragraph 1 of the Minute of the meeting of the Planning and Environment (Roads and Transport) Sub-Committee held on 8 October 2003, there was submitted a report dated 25 September 2003 by the Director of Planning and Environment (1) informing Members of a Driver and Vehicle Licensing Agency consultation exercise in vehicle number plate security; (2) outlining the background to the consultation; (3) advising of proposals contained within the consultation document whereby licensed taxi and private hire cars would use different coloured number plates to make them more distinctive to the public, and (4) recommending that the Council respond to the consultation document stating (a) that the Council endorse the use of different coloured backgrounds for taxi and private hire car licence plates, and (b) that, in order to aid proper enforcement, it was essential that taxis and private hire cars should have different coloured plates from one another.

**Decided:** that it be noted that the Director of Planning and Environment had responded to the consultation document on vehicle number plate security.

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) WINDOW CLEANER'S LICENCE**

**(a) NEW APPLICATIONS**

**(A) ANDREW JOHN MCCREADY, 2 DEESIDE PLACE, COATBRIDGE**

2. With reference to paragraph 9 of the Minute of the meeting of this Sub-Committee held on 20 November 2003, the Head of Legal Services advised (1) that consideration of an application (tabled) by Andrew John McCready, 2 Deeside Place, Coatbridge for a Window Cleaner's Licence 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 that Andrew John McCready was not in attendance.

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

The Sub-Committee then heard Superintendent McGuire outline the Chief Constable's objection.

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 Andrew John McCready for a Window Cleaner's Licence be refused.

**(B) PAUL MULDOON, 7 ANNERLEY PLACE, COATBRIDGE**

3. With reference to paragraph 9 of the Minute of the meeting of this Sub-Committee held on 20 November 2003, the Head of Legal Services advised that consideration of an application (tabled) by Paul Muldoon, 7 Annerley Place, Coatbridge for a Window Cleaner'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 Paul Muldoon for a Window Cleaner's Licence be granted for a period of one year.

**(b) COMPLAINTS**

**(A) BARRY SIMPSON BAIRD, 106 MYRTLE ROAD, VIEWPARK, UDDINGSTON**

4. The Head of Legal Services advised of a complaint in respect of a breach of Licence condition by Barry Simpson Baird, 106 Myrtle Road, Viewpark, Uddingston who currently held a Window Cleaner's Licence.

The Administrative Officer indicated that Barry Simpson Baird was not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in Barry Simpson Baird's absence.

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

**(B) MARTIN CUMMINGS, 19 DUNBETH ROAD, COATBRIDGE**

5. The Head of Legal Services advised of a complaint in respect of a breach of Licence condition by Martin Cummings, 19 Dunbeth Road, Coatbridge who currently held a Window Cleaner's Licence.

The Administrative Officer indicated that Martin Cummings was not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in Martin Cummings' absence.

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

**(C) ARCHIBALD THOMAS FINDLAY, 459 LABURNUM ROAD, VIEWPARK, UDDINGSTON**

6. The Head of Legal Services advised of a complaint in respect of a breach of Licence condition by Archibald Thomas Findlay, 459 Laburnum Road, Viewpark, Uddingston who currently held a Window Cleaner's Licence.

The Administrative Officer indicated that Archibald Thomas Findlay was not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in Archibald Thomas Findlay's absence.

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

**(D) ALEX PATERSON, 41 DRUMNESSIE ROAD, WESTFIELD, CUMBERNAULD**

7. The Head of Legal Services advised of a complaint in respect of a breach of Licence condition by Alex Paterson, 41 Drumnessie Road, Westfield, Cumbernauld who currently held a Window Cleaner's Licence.

The Administrative Officer indicated that Alex Paterson was not in attendance.

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

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

**(E) PATRICK TOAL, 136D SUNNYSIDE ROAD, COATBRIDGE**

8. The Head of Legal Services advised of a complaint in respect of a breach of Licence condition by Patrick Toal, 136D Sunnyside Road, Coatbridge who currently held a Window Cleaner's Licence.

The Administrative Officer indicated that Patrick Toal was not in attendance.

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

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

**(2) TAXI DRIVER'S LICENCE - NEW APPLICATION - SCOTT GEORGE McALLISTER, 51 MORAR DRIVE, CONDORRAT, CUMBERNAULD**

9. With reference to paragraph 6 of the Minute of the meeting of this Sub-Committee held on 20 November 2003, the Head of Legal Services advised (1) that, consideration of an application by Scott George McAllister, 51 Morar Drive, Condorrat, Cumbernauld for a Taxi Driver's Licence had been continued to allow the applicant another opportunity to appear before the Sub-Committee to speak in support of his application; (2) that a late objection to the application had been received from the Chief Constable, Strathclyde Police, and (3) that Scott George McAllister had spent convictions.

The Administrative Officer then indicated that Scott George McAllister was not in attendance.

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

**Decided:** that consideration of the application by Scott George McAllister 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 TAXI OPERATOR'S LICENCE - COMPLAINT - ANDREW NESBIT, 29 ANNERLEY PLACE, COATBRIDGE**

10. With reference to paragraph 8 of the Minute of the meeting of this Sub-Committee held on 20 November 2003, the Head of Legal Services advised that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, a complaint (tabled) had been received from the Chief Constable, Strathclyde Police, relative to the behaviour of Andrew Nesbit, 29 Annerley Place, Coatbridge who currently held a Taxi Driver's Licence.

The Sub-Committee then heard Superintendent McGuire outline the Chief Constable's complaint and Andrew Nesbit's agent, Mr. Kelly, Trainor Alston, Solicitors, speak in respect of the complaint and submit letters of support from various individuals.

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

Andrew Nesbit, Mr. Kelly and representatives of the Police were then re-admitted to the meeting.

The Sub-Committee on resuming consideration of the matter determined that in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the complaint be upheld.

The Sub-Committee then heard Mr. Kelly in mitigation

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

Andrew Nesbit, Mr. Kelly and representatives of the Police were again re-admitted to the meeting.

**Decided:**

- (1) that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Taxi Operator's Licence currently held by Andrew Nesbit be not suspended, and
- (2) that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Taxi Driver's Licence currently held by Andrew Nesbit be suspended for the unexpired duration of the Licence.

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

**(4) PRIVATE HIRE CAR LICENCE AND PRIVATE HIRE CAR DRIVER'S LICENCE - COMPLAINT - WILLIAM STIRLING, 10 TORWOOD LANE, MOODIESBURN**

11. With reference to paragraph 3 of the Minute of the meeting of this Sub-Committee held on 8 October 2002, the Head of Legal Services advised (1) that, in terms of paragraph 11 of Schedule 1 of the Civil Government (Scotland) Act 1982, consideration of a complaint (tabled) by Mr. Raymond Patterson relative to the behaviour of William Stirling, 10 Torwood Lane, Moodiesburn who currently held a Private Hire Car Licence and Private Hire Car Driver's Licence had been continued to allow William Stirling an opportunity to appear before the Sub-Committee to speak in relation to the complaint, and (2) that a letter (tabled) in support of William Stirling had been received from Councillor Hogg, local Member and Bridgend Radio Cars.

The Sub-Committee then heard Mr. Patterson outline the complaint and Superintendent McGuire and William Stirling speak in respect of the complaint.

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

Mr. Patterson, William Stirling and representatives of the Police were then re-admitted the meeting.

The Sub-Committee on resuming consideration of the matter determined that in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the complaint be upheld.

The Sub-Committee then heard William Stirling in mitigation.

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

Mr. Patterson, William Stirling and representatives of the Police were again re-admitted to the meeting.

**Decided:**

- (1) that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Private Hire Car Licence currently held by William Stirling be not suspended, and

- (2) that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Private Hire Car Driver's Licence currently held by William Stirling be suspended for the unexpired duration of the licence.

**(5) TAXI DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCES - COMPLAINT - JAMES McTIERNAN, 52 JOHN WILSON DRIVE, KILSYTH**

12. With reference to paragraph 3 of the Minute of the meeting of this Sub-Committee held on 15 April 2003, the Head of Legal Services advised (1) that, in terms of paragraph 11 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 respect of the complaint, and (2) that a subsequent complaint (tabled) had been received from Sadie McMahon, 117 Manse Road, Kilsyth.

The Sub-Committee then heard Superintendent McGuire outline the Chief Constable's complaint and James McTiernan's agent, Mr. Devanny, Ness Gallagher & Company (1) advise the Sub-Committee that due to ill health Mr. McTiernan was unable to be in attendance, and (2) speak in respect of the complaint.

**Decided:** that consideration of the complaints relative to the behaviour of James McTiernan be continued.

**(6) PRIVATE HIRE CAR LICENCES - VARIATION - JAMES AND JANICE McTIERNAN, 52 JOHN WILSON DRIVE, KILSYTH**

13. With reference to the preceding paragraph, the Head of Legal Services advised (1) that applications by James and Janice McTiernan for the variation of their Private Hire Car Licences had been received, and (2) of the background relative thereto.

**Decided:** that consideration of the applications by James and Janice McTiernan to vary their Private Hire Car Licences be continued.

**(7) PRIVATE HIRE CAR LICENCE - COMPLAINT - JANICE McTIERNAN, 52 JOHN WILSON DRIVE, KILSYTH**

14. With reference to the preceding two paragraphs, the Head of Legal Services advised (1) that, in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, a complaint (tabled) by Barton and Hendry, Solicitors, on behalf of John Clark, 117 Manse Road, Kilsyth, relative to the behaviour of Janice McTiernan had been received, and (2) that, in terms of paragraph 11 of the Act a complaint (tabled) by the Chief Constable, Strathclyde Police, relative to the behaviour of Janice McTiernan had also been received.

**Decided:** that consideration of the complaints relative to the behaviour of Janice McTiernan be continued.