

Motherwell, 27 April 2006 at 11 am.

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

PRESENT

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

CHAIR

Councillor Holloway (Convener) presided.

IN ATTENDANCE

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

ALSO IN ATTENDANCE

Chief Inspector Fitzpatrick and Sergeant Fabian, "N" Division, Strathclyde Police.

APOLOGIES

Councillors Cefferty, Chadha, McAuley, Stocks and Wallace.

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.

PRIVATE HIRE CAR DRIVER'S LICENCE - NEW APPLICATIONS

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

Applicant: William Edward Flanagan, 56 Orbiston Drive, Bellshill

Decided: that consideration of the application by William Edward Flanagan for a Private Hire Car Driver's Licence be continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his application.

Applicant: Luan Esther Hardie, 46 St. Catherine's Crescent, Dykehead, Shotts

Decided: that consideration of the application by Luan Esther Hardie for a Private Hire Car Driver's Licence be continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of her application.

Applicant: John Sheppard, 43 Main Street, Bellshill

Decided: that consideration of the application by John Sheppard for a Private Hire Car Driver's Licence be continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his application.

STREET TRADER'S LICENCE - NEW APPLICATION

2. The Sub-Committee considered an application received for a Street Trader's Licence, and resolved as follows, viz:-

Applicant: Gary Blackie, 16E School Quadrant, Rochsoles, Airdrie (Employee)

Nature of Business: Ice Cream Van

Location: all areas within North Lanarkshire

Decided: that the application by Gary Blackie for a Street Trader's Licence be granted.

SUSPENSION HEARINGS

(1) PRIVATE HIRE CAR DRIVER'S LICENCE - COMPLAINT - PETER LOCHRAN, 137 WEST GEORGE STREET, COATBRIDGE

3. With reference to paragraph 3 of the Minute of the Special meeting of this Sub-Committee held on 24 March 2006, 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 Peter Lochran, 137 West George Street, Coatbridge.

The Administrative Officer then indicated that Peter Lochran was not in attendance.

The Sub-Committee resumed consideration of the complaint in Peter Lochran's absence.

The Sub-Committee then heard Chief Inspector Fitzpatrick 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: that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the complaint by the Chief Constable relative to the behaviour of Peter Lochran be upheld and Peter Lochran's Private Hire Car Driver's Licence be suspended, with immediate effect, for the unexpired duration of the Licence.

(2) TAXI DRIVER'S LICENCE – COMPLAINT AND RENEWAL - JAMES McLEAN, 64 VIEWFIELD ROAD, COATBRIDGE

4. 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 by the Chief Constable, Strathclyde Police, from Miss Patricia Middleton, relative to the behaviour of James McLean, 64 Viewfield Road, Coatbridge who currently held a Taxi Driver's Licence.

The Sub-Committee then heard (1) Chief Inspector Fitzpatrick advise that, on behalf of the Chief Constable, he wished to withdraw the complaint in so far as it related to the renewal of James McLean's Taxi Driver's Licence, and (2) the Head of Legal Services advise that the renewal of James McLean's Taxi Driver's Licence would be granted under delegated power.

The Sub-Committee then heard Chief Inspector Fitzpatrick outline the Chief Constable's complaint, Miss Middleton outline the circumstances relating to the complaint and James McLean's agent, Mr. Rodger, MFY Partnership speak in respect of the complaint, and table letters in support of his character from (1) James Dolan and William Boyle, Town Taxis, and (2) Tony McLaughlin, Taxi owner.

Thereafter, James McLean, Mr. Rodger, Miss Middleton and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

James McLean, Mr. Rodger, Miss Middleton and representatives of the Police were then re-admitted to the meeting.

The Sub-Committee determined that the complaint relative to the behaviour of James McLean be upheld.

The Sub-Committee then heard James McLean and Mr. Rodger in mitigation.

Thereafter, James McLean, Mr. Rodger, Miss Middleton and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

James McLean, Mr. Rodger, Miss Middleton and representatives of the Police were again re-admitted to the meeting.

Decided:

- (1) that it be noted that the complaint relative to the renewal of James McLean's Taxi Driver's Licence had been withdrawn, and
- (2) that the complaint by the Chief Constable relative to the behaviour of James McLean be upheld and his Taxi Driver's Licence be suspended for 28 days effective from 25 May 2006.

HEARINGS

(1) TAXI DRIVER'S LICENCE - RENEWALS

(a) JOHN McCAFFERTY, 3 SWEETHILL TERRACE, COATBRIDGE

5. With reference to paragraph 2 of the Minute of the Special meeting of this Sub-Committee held on 24 March 2006, the Head of Legal Services advised that consideration of an application (tabled) by John McCafferty, 3 Sweethill Terrace, Coatbridge for the renewal of his 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.

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

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

Decided: that the application by John McCafferty for the renewal of 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.

(b) IAN MOODIE, 118 LAUREL DRIVE, CRAIGNEUK, WISHAW

6. The Head of Legal Services advised (1) that consideration of an application (tabled) by Ian Moodie, 118 Laurel Drive, Craigneuk, Wishaw for the renewal of his Taxi Driver's Licence had been received; (2) that an objection to the application had been received from the Chief Constable, Strathclyde Police, and (3) that a further letter had been received from the Chief Constable providing an update thereon.

The Sub-Committee then heard the applicant advise that he had no objection to the further letter from the Chief Constable being considered.

The Sub-Committee then heard Chief Inspector Fitzpatrick outline the Chief Constable's objection to the application and Ian Moodie speak in support of his 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 Ian Moodie for the renewal of his Taxi Driver's Licence be granted for a period of one year.

(2) STREET TRADER'S LICENCE - NEW APPLICATION - JAMES MURRAY McHUTCHISON, 6 AYR DRIVE, CAIRNHILL, AIRDRIE

7. With reference to paragraph 9 of the Minute of the Special meeting of this Sub-Committee held on 24 March 2006, the Head of Legal Services advised (1) that an amended application (tabled) by James Murray McHutchison, 6 Ayr Drive, Cairnhill, Airdrie for a Street Trader's Licence to enable him to trade from a static snack van in Hallcraig Street Car Park, Airdrie had been received, and (2) that an objection (tabled) to the application had been received from the Director of Planning and Environment.

The Sub-Committee heard Mr. Craw, Transportation Section, Department of Planning and Environment outline the Director of Planning and Environment's objection to the application and James Murray McHutchison and his wife, Mrs. McHutchison, speak in support of the application.

Thereafter, Mr. and Mrs. McHutchison, Mr. Craw and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mr. and Mrs. McHutchison, Mr. Craw and representatives of the Police were then re-admitted to the meeting.

Decided: that the application by James Murray McHutchison for a Street Trader's Licence be refused.

(3) SECOND HAND DEALER'S LICENCE - NEW APPLICATION - KEVIN McTEAR, 30 CASTLE VIEW, NEWMAINS, WISHAW

8. The Head of Legal Services advised (1) that an application (tabled) by Kevin McTear, 30 Castle View, Newmains, Wishaw for a Second Hand Dealer's Licence in respect of the used car sales premises at 41 Marshall Street, Wishaw had been received, and (2) that an objection (tabled) to the application had been received from the Director of Planning and Environment.

The Sub-Committee heard Mr. Lang, Transportation Section, Department of Planning and Environment outline the Director of Planning and Environment's objection to the application and Kevin McTear speak in support of his application.

Thereafter, Kevin McTear, Mr. Lang and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Kevin McTear, Mr. Lang and representatives of the Police were then re-admitted to the meeting.

Decided: that the application by Kevin McTear for a Second Hand Dealer's Licence be granted subject to the conditions set out by the Director of Planning and Environment.

(4) STREET TRADER'S LICENCE - RENEWAL - PEARL KENNEDY, 15 MUIRHOUSE ROAD, MUIRHOUSE, MOTHERWELL

9. The Head of Legal Services advised (1) that an application (tabled) by Pearl Kennedy, 15 Muirhouse Road, Muirhouse, Motherwell for the renewal of her Street Trader's Licence to enable her to trade from a static snack van at 315-341 Orbiston Street, Motherwell had been received, and (2) that an objection (tabled) to the application had been received from the Director of Planning and Environment.

The Sub-Committee heard Mr. Lang, Transportation Section, Department of Planning and Environment outline the Director of Planning and Environment's objection to the application and Pearl Kennedy and her husband, Mr. Kennedy, speak in support of the application.

Thereafter, Mr. and Mrs. Kennedy, Mr. Lang and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mr. and Mrs. Kennedy, Mr. Lang and representatives of the Police were then re-admitted to the meeting.

Decided: that the application by Pearl Kennedy for the renewal of her Street Trader's Licence be granted.