

CORPORATE SERVICES (LICENSING) SUB – 14 June 2007

Motherwell, 14 June 2007 at 9.30 am.

A Meeting of the **CORPORATE SERVICES (LICENSING) SUB-COMMITTEE**

PRESENT

Councillor Hogg, Convener; Councillors Clarke, Harmon, Homer, Irvine and McElroy.

CHAIR

Councillor Hogg (Convener) presided.

IN ATTENDANCE

The Administrative Officer (Committee and Civic Governance Services); Chief Solicitor (Licensing), and Licensing Solicitor.

ALSO IN ATTENDANCE

Superintendent Hamilton and Sergeant Harkin, "N" Division, Strathclyde Police.

APOLOGIES

Councillors Cefferty, S. Love 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.

CHAIR'S REMARKS

1. The Chair referred to the training event on the Civic Government (Scotland) Act 1982 which had been held on 8 June 2007. Members subsequently requested that a further date be identified to afford another opportunity for Members to be in attendance.

Decided: that a further training event on the Civic Government (Scotland) Act 1982 be held on a date to be arranged.

HEARINGS

(1) TAXI DRIVER'S LICENCE - NEW APPLICATION - JAMES WOLLOSHIN, 35 COALHALL AVENUE, MOTHERWELL

2. With reference to paragraph 3 of the Minute of the meeting of this Sub-Committee held on 24 May 2007, the Chief Solicitor (Licensing) advised that consideration of an application (tabled) by James Wolloshin, 35 Coalhall Avenue, Motherwell 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.

The Sub-Committee then heard the applicant and Superintendent Hamilton speak in respect of the application.

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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 Wolloshin for a Taxi Driver's Licence be granted.

(2) MARKET OPERATOR'S LICENCE - NEW APPLICATION - IAN RUSSELL, 13 ORCHARDVIEW DRIVE, KIRKFIELD BANK, LANARK

3. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Ian Russell, 13 Orchardview Drive, Kirkfieldbank, Lanark for a Market Operator's Licence in respect of the premises at 29-43 Young Street, Wishaw had been received, and (2) that a late objection to the application had been received from the Executive Director of Environmental Services.

The Administrative Officer then indicated that Ian Russell was not in attendance.

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

The Sub-Committee then heard Mr. Dyer, Transportation Section explain the reasons for the Executive Director of Environmental Services' objection being submitted late.

The Sub-Committee then heard Mr. Dyer outline the Executive Director of Environmental Services' objection to the application (tabled).

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

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

Decided: that the application by Ian Russell for a Market Operator's Licence be refused.

(3) STREET TRADER'S LICENCE - NEW APPLICATIONS

(a) ANN PATERSON, 1 BRANNOCK AVENUE, NEWARTHILL

4. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Ann Paterson, 1 Brannock Avenue, Newarthill for a Street Trader's Licence to enable her to trade from a static snack van in the car park, Carfin Road, Newarthill had been received; (2) that objections (tabled) to the application had been received from (a) the Head of Education Resources, Learning and Leisure Services; (b) S. and J. Feleccia, Sals Fast Foods; (c) R.S. Rankin, Bakers Oven, and (d) Margaret McCrae, S. McLean, Mrs. Marshall, Margaret Morrissey, Mrs. Paterson and Helen Watters, local residents, and (3) that a petition against the application, signed by a further nine local residents, had been received.

The Administrative Officer then indicated that the Head of Education Resources, S. and J. Feleccia, R.S. Rankin, Margaret McCrae, S. McLean, Margaret Morrissey, Mrs. Paterson and Helen Watters were not in attendance and that Margaret McCrae had submitted a letter requesting that Mr. Hussain speak on her behalf.

The Sub-Committee then heard Mr. Hussain, petitioner and also on behalf of Margaret McCrae, Mr. Mimnaugh, petitioner and Mrs. Marshall, local resident, outline their objections to the application and Ann Paterson's agent, Mr. Grant, Jack Grant, Solicitors speak in support of the application and table a petition signed by 199 local residents in support of the application together with a letter from Douglas Battison in support of Ann Paterson's character.

Thereafter, the applicant, Mr. Grant, Mr. Hussain, Mr. Mimnaugh, Mrs. Marshall and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant, Mr. Grant, Mr. Hussain, Mr. Mimnaugh, Mrs. Marshall and representatives of the Police were then re-admitted to the meeting.

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

(b) NORMAN AND KIM TALBOT, 226 O'WOOD AVENUE, HOLYTOWN

5. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Norman and Kim Talbot, 226 O'Wood Avenue, Holytown for a Street Trader's Licence to enable them to trade from a static snack van at 315-317 Orbiston Street, Motherwell had been received, and (2) that an objection (tabled) to the application had been received from the Executive Director of Environmental Services.

The Administrative Officer then indicated that Kim Talbot was not in attendance.

The Sub-Committee then heard Mr. Dyer, Transportation Section, Environmental Services outline the Executive Director of Environmental Services' objections to the application and Norman Talbot speak in support of the 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 Norman and Kim Talbot for a Street Trader's Licence be granted.

(4) WINDOW CLEANER'S LICENCE – BREACH OF LICENCE CONDITION - ARCHIBALD THOMSON, 61 LAUREL DRIVE, WISHAW

6. The Chief Solicitor (Licensing) advised that Archibald Thomson, 61 Laurel Drive, Wishaw, who currently held a Window Cleaner's Licence, had allegedly breached a condition of his Licence by not submitting to the Council a copy of his public liability insurance.

The Administrative Officer then indicated that Archibald Thomson was not in attendance.

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

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

Motherwell, 25 June 2007 at 9.30 am.

A Special Meeting of the **CORPORATE SERVICES (LICENSING) SUB-COMMITTEE**

PRESENT

Councillor Hogg, Convener; Councillor McAuley, Vice-Convener; Councillor McElroy.

CHAIR

Councillor Hogg (Convener) presided.

IN ATTENDANCE

The Chief Committee Services Manager, Senior Building Standards Surveyor and Engineer (Design Services).

ALSO IN ATTENDANCE

Officers C. Power, A. Nelson and G. Connelly, Strathclyde Fire and Rescue and Inspectors S. Noble, R. Jakeway and T. McNicol, Strathclyde Police.

In respect of item 1 – B. Dickie, Chairman, R. Rodger, General Manager and L. Blair, Safety Officer, Motherwell Football and Athletic Club.

In respect of item 2 – J. Reynolds, General Manager, Cliftonhill Stadium.

In respect of item 3 – A. Cameron, Stadium Manager, Excelsior Stadium.

In respect of item 4 – T. Campbell, Acting General Manager, Broadwood Stadium.

APOLOGIES

Councillors Harmon, Irvine, S. Love and Wallace.

SAFETY OF SPORTS GROUNDS - CERTIFICATION ARRANGEMENTS

(1) FIR PARK STADIUM, MOTHERWELL

1. The Sub-Committee visited and inspected Fir Park Stadium, Motherwell and thereafter considered a report (docketed) dated 18 June 2007 by the Head of Central Services (1) reminding Members of the previously agreed arrangements for the certification of designated grounds and grounds with regulated stands under the terms of the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987, and (2) advising of outstanding issues in relation to the renewal of the General Safety Certificate for Fir Park Stadium, Motherwell.

Consideration was also given to oral reports from representatives of the various services which have been involved in the inspection process and from Motherwell Football and Athletic Club's Chairman, General Manager and Safety Officer.

Decided: that the General Safety Certificate for Fir Park Stadium, Motherwell be renewed, subject to the undernoted works being completed and assurances and appropriate documentation being received by the Council from the Stadium management by 27 July 2007:-

- (1) Periodic Electrical Inspection Certificate to be submitted, and
- (2) front rail along upper level of South Stand to be painted.

(2) CLIFTONHILL STADIUM, COATBRIDGE

2. The Sub-Committee visited and inspected Cliftonhill Stadium, Coatbridge and thereafter considered a report (docketed) dated 18 June 2007 by the Head of Central Services (1) reminding Members of the previously agreed arrangements for the certification of designated grounds and grounds with regulated stands under the terms of the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987, and (2) advising of outstanding issues in relation to the renewal of the General Safety Certificate for Cliftonhill Stadium, Coatbridge.

Consideration was also given to oral reports from representatives of the various services which have been involved in the inspection process and from Albion Rovers Football Club's Chairman, General Manager and Safety Officer.

Decided: that the General Safety Certificate for Cliftonhill Stadium, Coatbridge be renewed, subject to the undernoted works being completed and assurances and appropriate documentation being received by the Council from the Stadium management by 27 July 2007:-

- (1) Annual Certificate of Structural Adequacy to be submitted, and
- (2) written confirmation that the timber rot suffered by the timber fillets set into steel roof pillions in the Main Stand do not pose a risk to the public and any remedial action being undertaken if deemed necessary, and
- (3) the condition of the 10 metre long section of sheet metal boundary fence adjacent to the North Stand to be monitored on a regular basis, for a record of such inspection to be kept and for any remedial action to be undertaken if deemed necessary.

(2) EXCELSIOR STADIUM, AIRDRIE

3. The Sub-Committee visited and inspected Excelsior Stadium, Airdrie and thereafter considered a report (docketed) dated 18 June 2007 by the Head of Central Services (1) reminding Members of the previously agreed arrangements for the certification of designated grounds and grounds with regulated stands under the terms of the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987, and (2) advising of outstanding issues in relation to the renewal of the General Safety Certificate for Excelsior Stadium, Airdrie.

Consideration was also given to oral reports from representatives of the various services which have been involved in the inspection process and from the Stadium Manager.

Decided: that the General Safety Certificate for Excelsior Stadium, Airdrie be renewed, subject to the undernoted works being completed and assurances and appropriate documentation being received by the Council from the Stadium management by 27 July 2007:-

- (1) Annual Risk Assessment to be submitted;
 - (2) Annual Fire Risk Assessment to be submitted;
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- (3) Annual Certificate of Structural Adequacy to be submitted;
- (4) Periodic Electrical Inspection Report to be submitted;
- (5) Annual Certificate of Risk Assessment of Barriers to be submitted;
- (6) written confirmation that various fire door defects previously identified by Strathclyde Fire and Rescue have been rectified to be submitted;
- (7) bird droppings to be cleaned from the steel frames forming the roof structure on all stands, and
- (8) loose loudspeaker located adjacent to fire exit at North Stand to be repaired.

(4) BROADWOOD STADIUM, CUMBERNAULD

4. The Sub-Committee visited and inspected Broadwood Stadium, Cumbernauld and thereafter considered a report (docketed) dated 18 June 2007 by the Head of Central Services (1) reminding Members of the previously agreed arrangements for the certification of designated grounds and grounds with regulated stands under the terms of the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987, and (2) advising of outstanding issues in relation to the renewal of the General Safety Certificate for Broadwood Stadium, Cumbernauld.

Consideration was also given to oral reports from representatives of the various services which have been involved in the inspection process and from the Acting Stadium Manager.

Decided: that the General Safety Certificate for Broadwood Stadium, Cumbernauld be renewed, subject to the undernoted works being completed and assurances and appropriate documentation being received by the Council from the Stadium management by 27 July 2007:-

- (1) Annual Risk Assessment to be submitted;
 - (2) Annual Fire Risk Assessment to be submitted, and
 - (3) Annual Certificate of Structural Adequacy to be submitted.
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Motherwell, 28 June 2007 at 9.30 am.

A Meeting of the **CORPORATE SERVICES (LICENSING) SUB-COMMITTEE**

PRESENT

Councillor Hogg, Convener; Councillor McAuley, Vice-Convener; Councillors Harmon, Homer and Irvine.

CHAIR

Councillor Hogg (Convener) presided.

IN ATTENDANCE

The Administrative Officer (Committee and Civic Governance Services); Chief Solicitor (Licensing), and Licensing Solicitor.

ALSO IN ATTENDANCE

Inspector Young and A. Black, "N" Division, Strathclyde Police.

APOLOGIES

Councillors Cefferty, Clarke, S. Love, McElroy, McShannon 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.

HEARINGS

(1) PRIVATE HIRE CAR DRIVER'S LICENCE

(a) NEW APPLICATIONS

(A) JOHN KILMARTIN, 2 GLENRAITH SQUARE, CRAIGEND, GLASGOW

1. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by John Kilmartin, 2 Glenraith Square, Craigend, Glasgow for a Private Hire Car Driver's Licence had been received, and (2) that a late objection to the application had been received from the Chief Constable, Strathclyde Police.

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

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

The Sub-Committee then heard Inspector Young explain the reason for the Chief Constable's objection being submitted late.

The Sub-Committee then heard Inspector Young outline the Chief Constable's objection (tabled) to the application.

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

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The representatives of the Police were then re-admitted to the meeting.

Decided: that the application by John Kilmartin for a Private Hire Car Driver's Licence be refused.

(B) WILLIAM McALLISTER, 54 BON ACCORD CRESCENT, SHOTTS

2. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by William McAllister, 54 Bon Accord Crescent, Shotts for a Private Hire Car Driver's Licence had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police.

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

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

The Sub-Committee then heard Inspector Young outline the Chief Constable's objection to the application.

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

The representatives of the Police were then re-admitted to the meeting.

Decided: that the application by William McAllister for a Private Hire Car Driver's Licence be refused.

(C) MARK O'DONNELL, 28 RONALDSAY PLACE, RAVENSWOOD, CUMBERNAULD

3. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Mark O'Donnell, 28 Ronaldsay Place, Ravenswood, Cumbernauld for a Private Hire Car Driver's Licence had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Inspector Young outline the Chief Constable's objection to the application and Mark O'Donnell 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 Mark O'Donnell for a Private Hire Car Driver's Licence be refused.

(b) RENEWAL - JAMES CORBETT, 3 CANELUK AVENUE, CARLUKE

4. The Chief Solicitor (Licensing) advised that an application (tabled) by James Corbett, 3 Caneluk Avenue, Carluke for the renewal of his Private Hire Car Driver's Licence had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police.

The Administrative Officer then indicated that James Corbett was not in attendance.

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

The Sub-Committee then heard Inspector Young outline the Chief Constable's objection to the application.

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

The representatives of the Police were then re-admitted to the meeting.

Decided: that consideration of the application by James Corbett for the renewal of his Private Hire Car Driver's Licence be continued.

**(2) STREET TRADER'S LICENCE - NEW APPLICATION - JOHN PAUL SHANNON,
2 WHITTAGREEN AVENUE, NEWARTHILL**

5. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by John Paul Shannon, 2 Whittagreen Avenue, Newarthill for a Street Trader's Licence to enable him to trade from a mobile ice cream van in the Newarthill area had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Inspector Young outline the Chief Constable's objection to the application and the applicant's sister, Bridget Moore speak in support of the application.

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

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

Decided: that the application by John Paul Shannon for a Street Trader's Licence be granted for a period of six months.

Motherwell, 3 July 2007 at 11 am.

A Special Meeting of the **CORPORATE SERVICES (LICENSING) SUB-COMMITTEE**

PRESENT

Councillor Hogg, Convener; Councillor McAuley, Vice-Convener; Councillors Ferrie, Harmon, Homer and McElroy.

CHAIR

Councillor Hogg (Convener) presided.

IN ATTENDANCE

The Administrative Officer (Committee and Civic Governance Services); Chief Solicitor (Licensing), and Principal Solicitor (Licensing).

ALSO IN ATTENDANCE

Superintendent Hamilton and A. Black, "N" Division, Strathclyde Police.

APOLOGIES

Councillors Cefferty, Clarke, Irvine, S. Love 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.

HEARING

SECOND HAND DEALER'S LICENCE - NEW APPLICATION - MARTIN DOWNIE AND LYN DALGLEISH, 20 DRUMGRAY LANE, GREENGAIRS, AIRDRIE, T/A MFD CAR SALES LIMITED

1. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Martin Downie and Lyn Dalgleish, 2 Drumgray Lane, Greengairs, Airdrie, t/a MFD Car Sales Limited to trade in second hand car sales at the aforementioned address had been received; (2) that an objection (tabled) to the application had been received from the Executive Director of Environmental Services, and (3) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police, in relation to Martin Downie.

The Administrative Officer then indicated that Lyn Dalgleish was not in attendance.

The Sub-Committee then heard Martin Downie's agent, Mr. Peters, MFY Partnership, Solicitors, advise that his letter dated 13 April 2007 addressing the Chief Constable's objection to the application had not been included within the paperwork tabled and requested that the letter be circulated to the Sub-Committee and the representatives of the Police, together with a copy of extracts from the Highway Code to address one of the points raised by the Executive Director of Environmental Services.

SPECIAL CORPORATE SERVICES (LICENSING) SUB – 3 July 2007

The Administrative Officer advised that the meeting required to be adjourned in order to arrange for copies of the additional documentation to be made available to the Sub-Committee.

Decided: that the meeting be adjourned to arrange for copies of the additional documentation to be made available to the Sub-Committee.

Motherwell, 3 July 2007 at 11.30 am.

An Adjourned Special Meeting of the **CORPORATE SERVICES (LICENSING) SUB-COMMITTEE**

PRESENT

Councillor Hogg, Convener; Councillor McAuley, Vice-Convener; Councillors Ferrie, Harmon, Homer and McElroy.

CHAIR

Councillor Hogg (Convener) presided.

IN ATTENDANCE

The Administrative Officer (Committee and Civic Governance Services); Chief Solicitor (Licensing), and Principal Solicitor (Licensing).

ALSO IN ATTENDANCE

Superintendent Hamilton and A. Black, "N" Division, Strathclyde Police.

APOLOGIES

Councillors Cefferty, Clarke, Irvine, S. Love 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.

HEARINGS

(1) SECOND HAND DEALER'S LICENCE - NEW APPLICATIONS

(a) MARTIN DOWNIE AND LYN DALGLEISH, 2 DRUMGRAY LANE, GREENGAIRS, AIRDRIE, T/A MFD CAR SALES LIMITED

1. With reference to paragraph 1 of the Minute of the adjourned Special meeting of this Sub-Committee held earlier on 3 July 2007, copies of the additional documentation by the applicants' agent, previously referred to having been tabled, the Sub-Committee resumed consideration of the application by Martin Downie and Lyn Dalgeish, 2 Drumgray Lane, Greengairs, Airdrie, t/a MFD Car Sales Limited to trade in second hand car sales at the aforementioned address.

The Sub-Committee then heard Superintendent Hamilton outline the Chief Constable's objection to the application, Mr. Woods, Traffic and Transportation Section, Environmental Services outline the Executive Director of Environmental Services' objection to the application and Mr. Peters speak in support of the application and table photographs of the location.

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

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

Decided: that the application by Martin Downie and Lyn Dalglish for a Second Hand Dealer's Licence be refused.

Councillor Ferrie being the mover of an amendment which failed to attract a seconder asked that his dissent be recorded.

(b) TERRY McCALLUM, HOLYDENE, 25 WHINHALL ROAD, AIRDRIE

2. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Terry McCallum, Holydene, 25 Whinhall Road, Airdrie for a Second Hand Dealer's Licence to trade in second hand car sales at the aforementioned address had been received, and (2) that objections (tabled) to the application had been received from the Executive Director of Environmental Services and Mr. Green, the applicant's neighbour.

The Sub-Committee then heard (1) Mr. Woods, Traffic and Transportation Section, Environmental Services outline the Executive Director of Environmental Services' objection to the application; (2) Mr. Green outline his objection to the application, and (3) Terry McCallum speak in support of his application.

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

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

Decided: that the application by Terry McCallum for a Second Hand Dealer's Licence be refused.

(2) STREET TRADER'S LICENCE - NEW APPLICATION - KAREN McINTYRE, 52 CHERRYBANK WALK, AIRDRIE

3. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Karen McIntyre, 52 Cherrybank Walk, Airdrie for a Street Trader's Licence to enable her to trade from a static snack van at Drumpellier Country Park, Coatbridge had been received, and (2) that objections (tabled) to the application had been received from the Executive Director of Learning and Leisure Services; the Head of Property Services, Corporate Services, and Mr. Kirkland, Confectionery and Ice Cream Franchise Holder within Strathclyde Country Park.

The Sub-Committee then heard (1) Mr. Simpson, Park Manager outline the Executive Director of Learning and Leisure Services' objection to the application; (2) Mr. Brown, Property Services outline the Head of Property Services' objection to the application; (3) Mr. Kirkland's agent, Mr. Lutton, McWhinney Mitchell, Solicitors outline Mr. Kirkland's objection to the application, and (4) the applicant and Mr. McIntyre speak in support of the application.

Thereafter, the applicant, Mr. McIntyre, Mr. Simpson, Mr. Brown, Mr. Kirkland, Mr. Lutton and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant, Mr. McIntyre, Mr. Simpson, Mr. Brown, Mr. Kirkland, Mr. Lutton and representatives of the Police were then re-admitted to the meeting.

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

Motherwell, 8 August 2007 at 9.30 am.

A Meeting of the **CORPORATE SERVICES (LICENSING) SUB-COMMITTEE**

PRESENT

Councillor Hogg, Convener; Councillor McAuley, Vice-Convener; Councillors Harmon, Homer, Irvine and McElroy.

CHAIR

Councillor Hogg (Convener) presided.

IN ATTENDANCE

The Administrative Officer (Committee and Civic Governance Services); Chief Solicitor (Licensing), and Principal Solicitor (Licensing).

ALSO IN ATTENDANCE

Superintendent Dorrian and Sergeant Harkin, "N" Division, Strathclyde Police.

APOLOGIES

Councillors Cefferty, Clarke, Ferrie and S. Love.

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.

DECLARATIONS OF INTEREST

1. The Sub-Committee noted that there were no declarations of interest.

HEARINGS

(1) PRIVATE HIRE CAR DRIVER'S LICENCE

(a) NEW APPLICATION - THOMAS CARMICHAEL GARDEN, 58 THOMSON AVENUE, WISHAW

2. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Thomas Carmichael Garden, 58 Thomson Avenue, Wishaw for a Private Hire Car Driver's Licence had been received, and (2) that a late objection to the application had been received from the Chief Constable, Strathclyde Police.

The Administrative Officer (Committee and Civic Governance Services) then indicated that Thomas Carmichael Garden was not in attendance.

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

The Sub-Committee then heard Superintendent Dorrian explain the reason for the Chief Constable's objection being submitted late and outline the Chief Constable's objection (tabled) to the application.

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 Thomas Carmichael Garden for a Private Hire Car Driver's Licence be refused.

(b) RENEWAL - JAMES CORBETT, 3 CANELUK AVENUE, CARLUKE

3. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by James Corbett, 3 Caneluk Avenue, Carluke for the renewal of his Private Hire Car Driver's Licence had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Superintendent Dorrian outline the Chief Constable's objection to the application and James Corbett 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 James Corbett for the renewal of his Private Hire Car Driver's Licence be granted for a period of one year.

(2) LATE HOURS CATERING LICENCE - NEW APPLICATION - McDONALD RESTAURANTS, LANGMUIR ROAD, BARGEDDIE

4. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by McDonald Restaurants, Langmuir Road, Bargeddie per Andrew Warner, 60 Kinloch Avenue, Stewarton, Kilmarnock for a Late Hours Catering Licence had been received, and (2) of the background relative thereto.

The Administrative Officer (Committee and Civic Governance Services) indicated that Andrew Warner was not in attendance and that the Assistant Manager, Scott Fraser, was in attendance to speak on Andrew Warner's behalf.

The Sub-Committee then heard Scott Fraser speak in support of the application.

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

Scott Fraser and representatives of the Police were then re-admitted to the meeting.

Decided: that the application by McDonald Restaurants for a Late Hours Catering Licence be granted, subject to the condition set out by the Head of Legal Services.

(3) PUBLIC ENTERTAINMENT LICENCE – NEW APPLICATION - TREVOR SMITH, 35 RIGBY STREET, CARNTYNE, GLASGOW

5. The Chief Solicitor (Licensing) advised (1) that an application (tabled) by Trevor Smith, 35 Rigby Street, Carntyne, Glasgow for a Public Entertainment Licence to hold a fun fair in West End Park, Bank Street, Coatbridge on the undernoted dates and times had been received, viz:-

6–15 September 2007 – 6.30-9.30 pm
7–16 September 2008 – 6.30-9.30 pm
3–12 September 2009 – 6.30-9.30 pm,

and (2) that an objection (tabled) to the application had been received from the Executive Director of Environmental Services.

The Sub-Committee then heard Mr. Craw, Transportation Section outline the Executive Director of Environmental Services' objection to the application and Trevor Smith speak in support of his application and present digital camera footage.

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

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

Decided: that the application by Trevor Smith for a Public Entertainment Licence be granted.

SUSPENSION HEARINGS

(1) PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINT - ROBERT MANSON, 138 FASNET STREET, CRANHILL, GLASGOW

6. The Chief Solicitor (Licensing) 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 Robert Manson, 138 Fasnet Street, Cranhill, Glasgow who currently held a Private Hire Car Driver's Licence.

The Administrative Officer (Committee and Civic Governance Services) then indicated that Robert Manson was not in attendance.

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

The Sub-Committee then heard Superintendent Dorrian 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 the complaint be upheld and the Private Hire Car Driver's Licence currently held by Robert Manson be suspended for the unexpired duration of the Licence effective from 6 September 2007.

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(2) TAXI DRIVER'S LICENCE – COMPLAINT - MICHAEL ROBERT ANDERSON, 19 SANDYKNOWES ROAD, SOUTH CARBRAIN, CUMBERNAULD

7. The Chief Solicitor (Licensing) advised that a complaint had been received from a Mr. and Mrs. Fyfe relative to the behaviour of Michael Robert Anderson, 19 Sandyknowes Road, South Carbrain, Cumbernauld who currently held a Taxi Driver's Licence.

The Administrative Officer (Committee and Civic Governance Services) then indicated that Michael Robert Anderson and Mr. and Mrs. Fyfe were not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in the absence of the Licence holder and the complainers.

Decided: that consideration of the complaint relative to the behaviour of Michael Robert Anderson be continued to allow the Licence holder and the complainers another opportunity to appear before the Sub-Committee to speak in respect of the complaint.

(3) STREET TRADER'S LICENCE – COMPLAINT - SHIRLEY McLEOD, 99 MARNOCH DRIVE, GLENBOIG AND WILLIAM ADAMS, 6 MCGREGOR PATH, GLENBOIG

8. The Chief Solicitor (Licensing) 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 Council's Licensing Enforcement Officers relative to the behaviour of Shirley McLeod, 99 Marnoch Drive, Glenboig and William Adams, 6 McGregor Path, Glenboig who currently held a Street Trader's Licence.

The Administrative Officer (Committee and Civic Governance Services) then indicated that Shirley McLeod and William Adams were not in attendance and that Jennifer Kelly, an employee of Shirley McLeod and William Adams was in attendance to speak in respect of the complaint.

The Sub-Committee then heard Mr. Sommerville, Licensing Enforcement Officer outline the complaint and Jennifer Kelly speak in respect of the complaint.

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

Mr. Sommerville, Jennifer Kelly and representatives of the Police were re-admitted to the meeting.

The Sub-Committee, on resuming consideration of the matter, determined that the complaint be upheld.

The Sub-Committee then heard Jennifer Kelly in mitigation.

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

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

Councillor McAuley, seconded by Councillor Irvine, moved that the Street Trader's Licence currently held by Shirley McLeod and William Adams be suspended for a period of 28 days.

Councillor Harmon, seconded by Councillor McElroy, moved, as an amendment, that the Street Trader's Licence currently held by Shirley McLeod and William Adams be not suspended, on the understanding that the Head of Legal Services issue them with a letter warning them as to their future conduct.

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On a vote being taken, 3 Members voted for the amendment and 3 Members voted for the Motion. The vote being equal, the Convener exercised his casting vote in favour of the amendment, which was accordingly declared carried.

Decided: that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Street Trader's Licence currently held by Shirley McLeod and William Adams be not suspended, on the understanding that the Head of Legal Services issue them with a letter warning them as to their future conduct.

