

**Motherwell, 22 April 2015 at 10 am.**

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

**PRESENT**

Councillor W. Hogg, Convener; Councillors Irvine, Majid and Nolan.

**CHAIR**

Councillor W. Hogg (Convener) presided.

**IN ATTENDANCE**

The Administrative Officer (Committee and Civic Governance Services) and Acting Managing Solicitor (Licensing and Litigation).

**ALSO IN ATTENDANCE**

Sergeant McGovern, Police Scotland.

In respect of item 5 – Environmental Health Manager.

**APOLOGIES**

Councillors Clinch, Farooq, Love, McVey and P.O'Rourke.

**DECLARATIONS OF INTEREST IN TERMS OF THE ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000**

1. No declarations were made.

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**

The Convener exercised his discretion to vary the order of business as hereinafter Minuted.

**(1) LATE HOURS CATERING LICENCE - NEW APPLICATIONS**

**(a) PARKS OF HAMILTON (TOWNHEAD GARAGE LIMITED)**

2. The Acting Managing Solicitor advised (1) that an application (tabled) by Parks of Hamilton (Townhead Garage Limited) for a Late Hours Catering Licence in respect of the premises at 76 Newarthill Road, Carfin had been received, and (2) of the background relative thereto.

The Sub-Committee then heard Ian Mackay, Group Operations Director, Parks of Hamilton (Townhead Garage Limited) speak in respect of the application.

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

Ian Mackay and the representative of the Police were then re-admitted to the meeting.

**Decided:** that the application by Parks of Hamilton (Townhead Garage Limited) for a Late Hours Catering Licence in respect of the premises at 76 Newarthill Road, Carfin, be granted on the condition that no hot food be sold.

**(b) PARKS OF HAMILTON (TOWNHEAD GARAGE LIMITED)**

3. The Acting Managing Solicitor advised (1) that an application (tabled) by Parks of Hamilton (Townhead Garage Limited) for a Late Hours Catering Licence in respect of the premises at 228-232 Hamilton Road, Motherwell had been received, and (2) of the background relative thereto.

The Sub-Committee then heard Ian Mackay, Group Operations Director, Parks of Hamilton (Townhead Garage Limited) speak in respect of the application.

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

Ian Mackay and the representatives of the Police were then re-admitted to the meeting.

**Decided:** that the application by Parks of Hamilton (Townhead Garage Limited) for a Late Hours Catering Licence in respect of the premises at 228-232 Hamilton Road, Motherwell, be granted, on the condition that no hot food be sold.

**(2) PRIVATE HIRE CAR DRIVER'S LICENCE - RENEWAL - STEPHEN MARSHALL**

4. The Acting Managing Solicitor advised (1) that an application (tabled) by Stephen Marshall 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, Police Scotland.

The Sub-Committee then heard Sergeant McGovern outline the Chief Constable's objection to the application and Stephen Marshall speak in support of his application.

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

The applicant and the representative of the Police were then re-admitted to the meeting.

**Decided:** that consideration of the application by Stephen Marshall for the renewal of his Private Hire Car Driver's Licence be continued to allow Stephen Marshall another opportunity to appear before the Sub-Committee to speak in support of his application.

**(3) PRIVATE HIRE CAR OPERATOR'S LICENCE**

**(a) COMPLAINT - STEPHEN MARSHALL**

5. The Acting Managing Solicitor 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, Police Scotland, relative to the behaviour of Stephen Marshall, who currently held a Private Hire Car Operator's Licence.

The Sub-Committee then heard Sergeant McGovern outline the Chief Constable's complaint and Stephen Marshall speak in respect of the complaint.

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

Stephen Marshall and the representative of the Police was then re-admitted to the meeting.

**Decided:** that consideration of the complaint by the Chief Constable relative to the behaviour of Stephen Marshall be continued to allow Stephen Marshall another opportunity to appear before the Sub-Committee to speak in respect of the complaint.

**(b) RENEWAL - JAMES McLEAN**

6. The Acting Managing Solicitor advised (1) that an application (tabled) by James McLean for the renewal of his Private Hire Car Operator's Licence had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Police Scotland.

The Sub-Committee then heard Sergeant McGovern outline the Chief Constable's objection to the application and James McLean and his wife Carol McLean speak in support of his application.

Thereafter, the applicant, Carol McLean and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant, Carol McLean and the representative of the Police were then re-admitted to the meeting.

**Decided:** that the application by James McLean for the renewal of his Private Hire Car Operator's Licence be granted for a period of one year, effective from 28 February 2015.

**(4) STREET TRADER'S LICENCE - COMPLAINT - BRIAN KEENAN**

7. The Acting Managing Solicitor 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 Licensing Enforcement Officer from Heather and John Mallard, relative to the behaviour of Brian Keenan, who currently held a Street Trader's Licence.

The Administrative Officer then indicated that Brian Keenan was not in attendance.

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

The Sub-Committee then heard, Neil Slamin, Licensing Enforcement Officer, Heather and John Mallard and Sergeant McGovern speak in respect of the complaint.

Thereafter, Neil Slamin, Heather and John Mallard and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Neil Slamin, Heather and John Mallard and the representative of the Police was then re-admitted to the meeting.

**Decided:** that the complaint by the Chief Constable relative to the behaviour of Brian Keenan be upheld and his Street Trader's Licence be suspended, with immediate effect until 30 June 2015.

**(5) PRIVATE LANDLORD REGISTRATION - GIUSEPPE LOIA**

8. The Acting Managing Solicitor advised that, in terms of Section 84 of Part 8 of the Anti Social Behaviour Etc. (Scotland) Act 2004, material had been brought to the attention of the Council, by the Chief Constable, Police Scotland, which fell within Sub-Section 85(2) of the aforementioned Act, relative to the behaviour of Giuseppe Loia, who was currently registered as a private landlord.

The Sub-Committee then heard Sergeant McGovern outline the Chief Constable's representation (tabled) the Environmental Health Manager and Mrs. McWilliams speak in respect of the matter and Mrs. McWilliams table testimonials in respect of Mr. Loia's registration.

Thereafter, Giuseppe Loia, Mrs. McWilliams, the Environmental Health Manager and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Giuseppe Loia, Mrs. McWilliams, the Environmental Health Manager and the representative of the Police were then re-admitted to the meeting.

**Decided:** that, in terms of Section 84 of Part 8 of the Anti Social Behaviour Etc. (Scotland) Act 2004, Giuseppe Loia remain on the register as a private landlord.

**(6) PRIVATE HIRE CAR DRIVER'S LICENCE - COMPLAINT - BERNADETTE McCREADIE**

9. The Acting Managing Solicitor 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, Police Scotland, relative to the behaviour of Bernadette McCreadie, who currently held a Private Hire Car Driver's Licence.

The Administrative Officer then indicated that Bernadette McCreadie was not in attendance.

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

The Sub-Committee then heard Sergeant McGovern outline the Chief Constable's complaint.

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

The representative of the Police was 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 Bernadette McCreadie be upheld and that her Private Hire Car Driver's Licence be suspended, with immediate effect, for the unexpired duration of the Licence.