

**CORPORATE SERVICES (LICENSING) SUB – 25 January 2012**

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**Motherwell, 25 January 2012 at 10.00 am.**

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

**PRESENT**

Councillor Hogg, Convener; Councillors Ferrie, Harmon, Higgins, S. Love, McElroy and Sullivan.

**CHAIR**

Councillor Hogg (Convener) presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

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

**APOLOGIES**

Councillors Irvine and McAuley.

**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**

**PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINT - DONALD KERR**

2. The Chief Solicitor advised that, in terms of paragraph 12 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 Donald Kerr who currently held a Private Hire Car Driver's Licence.

The Sub-Committee then heard Chief Inspector Fitzpatrick outline the Chief Constable's complaint and Donald Kerr speak in respect of the complaint.

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

Donald Kerr and the 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 complaint relative to the behaviour of Donald Kerr be upheld and his Private Hire Car Driver's Licence be suspended with immediate effect.

## **TAXI DRIVER'S LICENCE**

### **(1) COMPLAINT - NEIL ROBERTSON**

3. With reference to paragraph 4 of the Minute of the special meeting of this Sub-Committee held on 16 January 2012, when it was agreed that the complaint by the Chief Constable, relative to the behaviour of Neil Robertson, who currently held a Taxi Driver's Licence be upheld and the licence suspended with immediate effect for a period not exceeding six weeks, the Chief Solicitor (Licensing) advised that, in terms of paragraph 12(5) of Schedule 1 of the Civic Government (Scotland) Act 1982 further consideration required to be given to the matter.

The Sub-Committee then heard Chief Inspector Fitzpatrick outline the Chief Constable's complaint and Neil Robertson speak in respect of the complaint.

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

Neil Robertson and the representatives of the Police were then re-admitted to the meeting.

The Sub-Committee having determined that the complaint be upheld, heard Neil Robertson in mitigation.

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

Neil Robertson and the representatives of the Police were again re-admitted to the meeting.

**Decided:** that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Taxi Driver's Licence currently held by Neil Robertson be suspended for the unexpired duration of the Licence, with immediate effect.

### **(2) RENEWAL - CAROL FRANCES McLEAN**

4. The Chief Solicitor advised (1) that an application (tabled) by Carol Frances McLean for the renewal of her Taxi 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 Sub-Committee then heard Chief Inspector Fitzpatrick explain the reasons for the Chief Constable's objection being submitted late and Carol Frances McLean indicate that she objected to the late objection by the Chief Constable being considered.

The Sub-Committee determined that the late objection by the Chief Constable be considered.

The Sub-Committee then heard Chief Inspector Fitzpatrick outline the Chief Constable's objection (tabled) to the application and Carol Frances McLean speak in support of her application.

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

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

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**Decided:** that the application by Carol Frances McLean for the renewal of her Taxi Driver's Licence be granted for a period of one year.

**WINDOW CLEANER'S LICENCE – COMPLAINT - JAMES MUIRHEAD**

5. With reference to paragraph 4 of the Minute of the meeting of this Sub-Committee held on 10 January 2012, when it was agreed that the complaint by the Chief Constable, relative to the behaviour of James Muirhead, who currently held a Window Cleaner's Licence be upheld and the Licence be suspended with immediate effect for a period not exceeding six weeks, the Chief Solicitor (Licensing) advised that, in terms of paragraph 12(5) of the Schedule 1 of the Civic Government (Scotland) Act 1982 further consideration required to be given to the matter.

The Sub-Committee then heard Chief Inspector Fitzpatrick outline the Chief Constable's complaint and James Muirhead speak in respect of the complaint.

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

James Muirhead and the representatives of the Police were re-admitted to the meeting.

The Sub-Committee having determined that the complaint be upheld, heard James Muirhead in mitigation.

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

James Muirhead and the representatives of the Police were again re-admitted to the meeting.

**Decided:** that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Window Cleaner's Licence held by James Muirhead be not suspended and that the Head of Legal Services issue James Muirhead with a letter warning him as to his future conduct.

**Motherwell, 9 February 2012 at 2 pm.**

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

**PRESENT**

Councillors Cefferty, Harmon and McShannon.

**CHAIR**

In the absence of Councillor Hogg (Convener), Councillor Cefferty presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

Chief Inspector Fitzpatrick and Sergeant Hayburn, "N" Division, Strathclyde Police, Detective Inspector Wallace and Detective Constable Magilton, Scottish Crime and Drug Enforcement Agency and Claire Martin, Solicitor, Strathclyde Police Headquarters.

**APOLOGIES**

Councillors Ferrie, Higgins, Hogg, Homer, Irvine, S. Love, McAuley, McElroy and Sullivan.

**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 item 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 – RENEWAL - DAVID KENNEDY**

2. The Chief Solicitor advised (1) that an application (tabled) by David Kennedy for the renewal of his Second Hand Dealer'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 Chief Inspector Fitzpatrick outline the Chief Constable's complaint and table a paper by the Scottish Crime and Drug Enforcement Agency.

Thereafter, the Chair enquired as to David Kennedy's agent, Mr. McEntegart, Anderson Fyfe, Solicitors, would require an adjournment in order to consider the tabled paper.

Mr. McEntegart advised the Sub-Committee that he wished to adjourn to enable him and his client to consider the paper.

Thereafter, David Kennedy, Mr. McEntegart and representatives of the Police withdrew from the meeting.

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

Mr. McEntegart then indicated that he had no objection to the tabled paper being considered.

Thereafter, Chief Inspector Fitzpatrick continued to outline the Chief Constable's complaint.

Thereafter, it was agreed that the meeting stand adjourned until the conclusion of the Council meeting.

**The meeting re-convened at 5.05 pm.**

The Sub-Committee then heard Chief Inspector Fitzpatrick resume his outline of the Chief Constable's complaint and refer to the tabled paper from the Scottish Crime and Drug Enforcement Agency.

The Sub-Committee then heard Mr. McEntegart speak in respect of the application and the complaint by the Chief Constable, and tabled letters from (1) the Crown Office and Procurator Fiscals' Service; (2) Benham Conway and Company, Chartered Accountants, and (3) Edwin Morrison, Morrison Motors.

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

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

**Decided:** that the application by David Kennedy for the renewal of his Second Hand Dealer's Licence be granted.

Councillor Harmon being the mover of a motion which failed to attract a seconder asked that her dissent be recorded.

**Motherwell, 15 February 2012 at 10 am.**

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

**PRESENT**

Councillor Hogg, Convener; Councillor McAuley, Vice-Convener; Councillors Ferrie, Higgins, S. Love, McElroy and Sullivan.

**CHAIR**

Councillor Hogg (Convener) presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

Chief Inspector Mackenzie, "N" Division, Strathclyde Police.

**APOLOGIES**

Councillors Harmon and Irvine.

**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**

**(1) PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINT - DONALD KERR**

2. With reference to paragraph 2 of the Minute of the meeting of this Sub-Committee held on 25 January 2012, when it was agreed that the complaint by the Chief Constable, relative to the behaviour of Donald Kerr, who currently held a Private Hire Car Driver's Licence be upheld and the Licence be suspended with immediate effect in terms of paragraph 12(5) of Schedule 1 of the Civic Government (Scotland) Act 1982, the Chief Solicitor (Licensing) advised that, in terms of paragraph 12(5)(a) of the aforementioned Schedule, further consideration required to be given to the matter.

The Administrative Officer then indicated that Donald Kerr was not in attendance.

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

The Sub-Committee then heard Chief Inspector Mackenzie outline the Chief Constable's complaint. (tabled).

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 Donald Kerr who currently held a Private Hire Car Driver's Licence be upheld and the Licence be suspended for the unexpired duration of the Licence, with immediate effect.

## **(2) PRIVATE HIRE CAR LICENCE - RENEWAL - PETER JOSEPH SMITH**

3. The Chief Solicitor advised that an application (tabled) by Peter Joseph Smith for the renewal of his Private Hire Car Licence had been received.

The Sub-Committee then heard the applicant and Chief Inspector Mackenzie speak in relation to the 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 the application by Peter Joseph Smith for the renewal of his Private Hire Car Licence be granted.

## **(3) STREET TRADER'S LICENCE – NEW APPLICATIONS**

### **(a) CHRISTOPHER COCKBURN**

4. The Chief Solicitor advised that an application (tabled) by Christopher Cockburn for a Street Trader's Licence to enable him to trade from a mobile ice cream van in Coatbridge and surrounding areas had been received.

The Sub-Committee then heard the applicant and Chief Inspector Mackenzie speak in respect of the 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 the application by Christopher Cockburn for a Street Trader's Licence be granted.

### **(b) ARCHIE ANDERSON**

5. The Chief Solicitor advised (1) that an application by Archie Anderson for a Street Trader's Licence to enable him to trade from a static flower stall at 31 Graham Street, Airdrie had been received, and (2) that objections to the application had been received from Margaret McCann, Michael Docherty and Marie Simpson, local traders.

The Chief Solicitor advised (1) that, in terms of paragraph 3 of Schedule 1 of the Civic Government (Scotland) Act 1982, any objections or representations relating to an application to the grant or renewal of a licence required to be in writing, and be signed by the objector or on behalf of the objector, and (2) that Marie Simpson's objection was in the form of an e-mail forwarded to the Council.

**Decided:** that consideration of the application be continued to allow Marie Simpson an opportunity to submit her objection to the application in writing and to be signed by her.

**(4) WINDOW CLEANER'S LICENCE - NEW APPLICATION - MICHAEL McCARROLL**

6. The Chief Solicitor advised that an application (tabled) by Michael McCarroll for a Window Cleaner's Licence had been received.

The Sub-Committee then heard the applicant and Chief Inspector Mackenzie speak in respect of the 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 the application by Michael McCarroll for a Window Cleaner's Licence be granted.



**Motherwell, 7 March 2012 at 10 am.**

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

**PRESENT**

Councillor McAuley, Vice-Convenor; Councillors Harmon, Higgins, S. Love, McElroy and Sullivan.

**CHAIR**

In the absence of Councillor Hogg, Councillor McAuley (Vice-Convenor) presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

Chief Inspector Connell, "N" Division, Strathclyde Police.

**APOLOGIES**

Councillors Hogg and Irvine.

**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**

**(1) ITINERANT METAL DEALER'S LICENCE - NEW APPLICATION - BRIAN LAVERY**

2. The Chief Solicitors advised that an application (tabled) by Brian Lavery for an Itinerant Metal Dealer's Licence had been received.

The Sub-Committee then heard the applicant's agent, Andrew Steven, Watters Steven and Company, Solicitors and Chief Inspector Connell speak in respect of the application.

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

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

**Decided:** that the application by Brian Lavery for an Itinerant Metal Dealer's Licence be granted.

**(2) PRIVATE HIRE CAR LICENCE – RENEWAL - RYAN KERR**

3. The Chief Solicitor advised (1) that an application by Ryan Kerr for the renewal of his Private Hire Car Licence had been received, and (2) that the application had subsequently been granted under delegated powers.

**Decided:** that it be noted that the application by Ryan Kerr for the renewal of his Private Hire Car Licence had been granted under delegated powers.

**(3) PRIVATE HIRE CAR DRIVER'S LICENCE - NEW APPLICATION - ANDREW YOUNG**

4. The Chief Solicitor advised that an application (tabled) by Andrew Young for a Private Hire Car Driver's Licence had been received.

The Sub-Committee then heard the applicant and Chief Inspector Connell speak in respect of the 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 the application by Andrew Young for a Private Hire Car Driver's Licence be granted.

**(4) TAXI DRIVER'S LICENCE - NEW APPLICATION - STEVEN CUTHBERTSON**

5. The Chief Solicitor advised (1) that an application (tabled) by Steven Cuthbertson for a Taxi 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 Sub-Committee then heard Chief Inspector Connell explain the reasons for the Chief Constable's objection being submitted late and Steven Cuthbertson indicate that he had no objection to the late objection being considered.

The Sub-Committee then heard Chief Inspector Connell outline the Chief Constable's objection (tabled) to the application and Steven Cuthbertson 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 the application by Steven Cuthbertson for a Taxi Driver's Licence be granted.

**(5) STREET TRADER'S LICENCE - NEW APPLICATION - MARK CONN**

6. The Chief Solicitor advised (1) that an application (tabled) by Mark Conn for a Street Trader's Licence to enable him to trade from a static snack van in the car park of B & M Bargains, St. Mungo's Road, Cumbernauld, 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 Mark Conn was not in attendance.

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

The Sub-Committee then heard John Ashcroft, Roads and Transportation outline the Executive Director of Environmental Services' objection to the application.

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

John Ashcroft and the representative of the Police were then re-admitted to the meeting.

**Decided:** that the application by Mark Conn for a Street Trader's Licence be refused.

**Councillor Harmon, being the mover of a motion which failed to attract a seconder, asked that her dissent be recorded.**

**Motherwell, 8 March 2012 at 11 am.**

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

**PRESENT**

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

**CHAIR**

Councillor Hogg (Convener) presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

Chief Inspector MacKenzie, "N" Division, Strathclyde Police.

**APOLOGIES**

Councillors Harmon, Love and Sullivan.

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

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

1. Councillor Hogg and Councillor McElroy declared an interest in paragraph 2 below by reason that the applicant may be known to them. Councillor Hogg vacated the Chair, withdrew from the meeting and took no part in the consideration thereof.

Councillor McAuley, Vice-Convener assumed the Chair.

**HEARINGS**

**(1) STREET TRADER'S LICENCE - NEW APPLICATION - MICHAELA STOKES**

2. The Chief Solicitor advised (1) that an application (tabled) by Michaela Stokes for a Street Trader's Licence to enable her to trade from a static snack van at the BMX track, 150 yards from North Road, Condorrat had been received, and (2) that an objection (tabled) to the application had been received from the Executive Director of Environmental Services.

The Sub-Committee then heard Ryan Thomson, Land Services outline the Executive Director of Environmental Services' objection to the application and table supporting photographs and Michaela Stokes and her husband, Michael Stokes speak in support of the application.

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

The applicant, Mr. Stokes, Ryan Thomson and the representative of the Police were then re-admitted to the meeting.

**Decided:** that the application by Michaela Stokes for a Street Trader's Licence be granted.

**Councillor Hogg resumed the Chair.**

**(2) STREET TRADER'S LICENCE - NEW APPLICATION - LEIGH McTURK**

3. The Chief Solicitor advised (1) that an application (tabled) by Leigh McTurk for a Street Trader's Licence to enable her to trade from a static snack van at the former Ambulance Station, Greenfaulds Road, Cumbernauld had been received, and (2) that objections (tabled) to the application had been received from Councillor Goldie, a local Member and the Executive Director of Environmental Services.

The Administrative Officer then indicated that Leigh McTurk was not in attendance.

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

The Sub-Committee then heard (1) Councillor Goldie outline his objection to the application and Diane Smart, Roads and Transportation outline the Executive Director of Environmental Services' objection to the application.

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

Councillor Goldie, Diane Smart and the representative of the Police were then re-admitted to the meeting.

**Decided:** that the application by Leigh McTurk for a Street Trader's Licence be refused.

**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.**

**(3) PRIVATE HIRE CAR DRIVER'S LICENCE - COMPLAINT - JAMES KANE**

4. The Chief 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, Strathclyde Police relative to the behaviour of James Kane who currently held a Private Hire Car Driver's Licence.

The Sub-Committee then heard Chief Inspector MacKenzie outline the Chief Constable's complaint and James Kane speak in respect of the complaint.

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

James Kane and the representative of the Police were re-admitted to the meeting.

The Sub-Committee, having determined that the complaint be upheld heard James Kane in mitigation.

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

James Kane and the representative of the Police were again re-admitted to the meeting.

**Decided:** 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 James Kane be suspended for the unexpired duration of the Licence with immediate effect.

**(4) PRIVATE HIRE CAR LICENCE - NEW APPLICATION - JAMES KANE**

5. With reference to the proceeding paragraph, the Chief Solicitor advised that an application by James Kane for a Private Hire Car Licence had been received.

The Sub-Committee then heard James Kane indicate that he wished to withdraw the application.

**Decided:** that it be noted that James Kane had withdrawn his application for a Private Hire Car Licence.

**(5) TAXI DRIVER'S LICENCE – COMPLAINT**

6. The Chief 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 Council's Licensing Enforcement Officer relative to the behaviour of Hugh Gailey who currently held a Taxi Driver's Licence.

The Administrative Officer indicated that Hugh Gailey was not in attendance.

The Sub-Committee then heard Neil Slamin, Licensing Enforcement Officer outline the complaint and Mr. and Mrs. Ali address the Sub-Committee in respect of the complaint.

Thereafter, Mr. and Mrs. Ali, Neil Slamin and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mr. and Mrs. Ali, Neil Slamin and the representative of the Police were re-admitted to the meeting.

**Decided:** that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the complaint from the Licensing Enforcement Officer relative to the behaviour of Hugh Gailey be upheld, and that his Taxi Driver's Licence be suspended for a period of 30 days effective from 6 April 2012.

**Motherwell, 28 March 2012 at 2 pm**

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

**PRESENT**

Councillor Hogg, Convener; Councillors Harmon, Higgins, Irvine and McElroy.

**CHAIR**

Councillor Hogg (Convener) presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

Chief Inspector Swan and Sergeant Hayburn, "N" Division, Strathclyde Police.

**APOLOGIES**

Councillors Ferrie, S. Love, McAuley and Sullivan.

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

1. No declarations were made.

**HEARINGS**

**(1) TEMPORARY MARKET OPERATOR'S LICENCE AND TEMPORARY PUBLIC ENTERTAINMENT LICENCE - NEW APPLICATION - LYCANCLANN McC C/O GERARD GAFFNEY**

2. The Chief Solicitor advised that an application (tabled) by Lycanclann MCC c/o Gerard Gaffney for a temporary Market Operator's Licence and a temporary Public Entertainment Licence had been received.

The Sub-Committee then heard Mr. Gaffney, Charlie Russell, Club President and Chief Inspector Swan speak in respect of the application.

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

Mr. Gaffney, Charlie Russell and representatives of the Police were then re-admitted to the meeting.

**Decided:** that the applications by Lycanclann MCC c/o Gerard Gaffney for temporary Market Operator's Licence and a temporary Public Entertainment Licence be granted with a terminal hour of 2200 hours.

**(2) STREET TRADER'S LICENCE - NEW APPLICATION - ARCHIE ANDERSON**

3. With reference to paragraph 5 of the Minute of the meeting of this Sub-Committee held on 15 February 2012, the Chief Solicitor advised (1) that consideration of an application (tabled) by Archie Anderson for a Street Trader's Licence to enable him to trade from a static flower stall at 31 Graham Street, Airdrie had been continued; (2) that objections (tabled) to the application had been received from Michael Doherty, Margaret McCann and Janet Miller, local traders and (3) that a late objection to the application had been received from Marie Simpson, local trader.

The Sub-Committee then heard Marie Simpson explain the reason for her objection being submitted late and Archie Anderson indicate that he had no objection to the late objection being considered.

The Sub-Committee then heard Michael Doherty, Margaret McCann, Janet Miller and Marie Simpson outline their objections to the application and Archie Anderson speak in support of his application.

Thereafter, the applicant, Michael Doherty, Margaret McCann, Janet Miller and Marie Simpson and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant, Michael Doherty, Margaret McCann, Janet Miller and Marie Simpson and representatives of the Police were then re-admitted to the meeting.

**Decided:** that the application by Archie Anderson for a Street Trader's Licence be granted.

**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.**

**(3) STREET TRADER'S LICENCE - NEW APPLICATION - JAMES DAVID COCHRANE**

4. The Chief Solicitor advised that an application (tabled) by James David Cochrane for a Street Trader's Licence to enable him to trade from a mobile ice cream van at various locations in Coatbridge had been received.

The Sub-Committee then heard the applicant and Chief Inspector Swan 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 David James Cochrane for a Street Trader's Licence be granted.

**(4) PRIVATE HIRE CAR DRIVER'S LICENCE - NEW APPLICATION - JAMES ALAN CAMPBELL**

5. The Chief Solicitor advised that an application (tabled) by James Alan Campbell for a Private Hire Car Driver's Licence had been received.

The Sub-Committee then heard the applicant and Chief Inspector Swan 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 Alan Campbell for a Private Hire Car Driver's Licence be granted for a period of one year.

**(5) PRIVATE HIRE CAR DRIVER'S LICENCE - COMPLAINT - WILLIAM McMURRAY**

6. The Chief 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, Strathclyde Police relative to the behaviour of William McMurray who currently held a Private Hire Car Driver's Licence.

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

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

The Sub-Committee then heard Chief Inspector Swan outline the Chief Constable's complaint.

Thereafter, the 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 William McMurray be upheld and that his Private Hire Car Driver's Licence be suspended for the unexpired duration of the Licence, with immediate effect.

**Motherwell, 17 April 2012 at 10 am.**

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

**PRESENT**

Councillor Hogg, Convener; Councillor McAuley, Vice-Convener; Councillors Higgins, Irvine, S. Love, McElroy and Sullivan.

**CHAIR**

Councillor Hogg (Convener) presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

Chief Inspector Fitzpatrick, "N" Division, Strathclyde Police.

**APOLOGY**

Councillor Harmon.

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

1. No declarations were made.

**HEARINGS**

**(1) PUBLIC ENTERTAINMENT LICENCE - NEW APPLICATION - MICHAEL STIRLING**

2. The Principal Solicitor advised (1) that an application (tabled) by Michael Stirling for a Public Entertainment Licence to hold a family fun fair in West End Park, Coatbridge on the undernoted dates and times had been received, viz:-

Wednesday, 9 May to Sunday, 20 May 2012

Monday, 6 May to Sunday, 19 May 2013

Wednesday, 7 May to Sunday, 18 May 2014

6 pm-9.30 pm weeknights

1 pm-9.30 pm Saturday and Sunday and school holidays

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

The Sub-Committee then heard Fiona Kennedy, Roads and Transportation Division outline the Executive Director of Environmental Services' objection to the application and Michael Stirling table photographs and speak in support of his application.

Thereafter, the applicant, Fiona Kennedy 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 the application by Michael Stirling for a Public Entertainment Licence be granted.

**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.**

**(2) PRIVATE HIRE CAR LICENCE AND PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINT - WILLIAM MITCHELL**

3. The Principal 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, Strathclyde Police relative to the behaviour of William Mitchell who currently held a Private Hire Car Licence and Private Hire Car Driver's Licence.

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

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

The Sub-Committee then heard Chief Inspector Fitzpatrick 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 were then re-admitted to the meeting.

**Decided:** that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, having determined that the complaint by the Chief Constable relative to the behaviour of William Mitchell be upheld, the Private Hire Car Licence and Private Hire Car Driver's Licence currently held by William Mitchell be suspended for the unexpired duration of the Licences, with immediate effect.

**(3) STREET TRADER'S LICENCE - NEW APPLICATION - MARTIN LAMONT**

4. The Principal Solicitor advised (1) that an application (tabled) by Martin Lamont for a Street Trader's Licence to enable him to trade from a mobile pressure washing and valeting service in the Council's area had been received, and (2) that a late objection to the application had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Chief Inspector Fitzpatrick explain the reasons for the Chief Constable's objection being submitted late and Martin Lamont indicate that he had no objection to the late objection being considered.

The Sub-Committee then heard Chief Inspector Fitzpatrick outline the Chief Constable's objection (tabled) to the application and Martin Lamont, Peter Wright and Jennifer Brown speak in support of the application.

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

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The applicant, Peter Wright, Jennifer Brown and the representative of the Police were then re-admitted to the meeting.

Councillor Love, seconded by Councillor McElroy, moved that the application by Martin Lamont for a Street Trader's Licence be refused.

Councillor McAuley, seconded by Councillor Sullivan moved, as an amendment, that the application by Martin Lamont for a Street Trader's Licence be granted for a period of one year.

On a vote being taken 4 Members voted for the amendment and 3 Members voted for the motion. The amendment was accordingly declared carried.

**Decided:** that the application by Martin Lamont for a Street Trader's Licence be granted for a period of one year.

**CORPORATE SERVICES (LICENSING) SUB – 30 May 2012**

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**Motherwell, 30 May 2012 at 10 am.**

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

**PRESENT**

Councillor W. Hogg, Convener; Councillors Farooq, Irvine, Love, McKendrick, McLaren, McShannon, McVey, Majid and Nolan.

**CHAIR**

Councillor W. Hogg (Convener) presided.

**IN ATTENDANCE**

The Administrative Officer and Chief Solicitor (Licensing).

**ALSO IN ATTENDANCE**

Chief Inspector Swan and Sergeant Hayburn, "N" Division, Strathclyde Police.

**APOLOGIES**

Councillor Harmon and Sullivan.

**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 item 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 – COMPLAINT - JOHN MCGILL**

2. The Chief Solicitor advised that, in terms of paragraph 12 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 John McGill who currently held a Private Hire Car Driver's Licence.

The Administrative Officer indicated that John McGill was not in attendance.

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

The Sub-Committee then heard Chief Inspector Swan 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 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, the complaint by the Chief Constable relative to the behaviour of John McGill be upheld, and the Private Hire Car Driver's Licence currently held by him be suspended with immediate effect.