

**Motherwell, 3 February 2016 at 10 am.**

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

**PRESENT**

Councillor W. Hogg, Convener; Councillors Bonnar, Farooq, McKendrick, Majid, Nolan and P. O'Rourke.

**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 Tomlinson, Police Scotland.

**APOLOGIES**

Councillors Irvine, Love, McVey and Sullivan.

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

1. Councillor Majid declared an interest in paragraph 6 below by reason of the Licence holder being known to him and took no part in the consideration thereof.

**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) PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINT - KENNETH McHUGH**

2. 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 Kenneth McHugh who currently held a Private Hire Car Driver's Licence.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's complaint and Kenneth McHugh's agent, Ian Smart, Solicitor, speak in respect of the complaint.

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

Kenneth McHugh, Ian Smart and the representative of the Police were then re-admitted to the meeting

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

Thereafter, Kenneth McHugh, Ian Smart and the representative of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Kenneth McHugh, Ian Smart and the representative of the Police were again re-admitted to the meeting.

**Decided:** that the Private Hire Car Driver's Licence currently held by Kenneth McHugh be not suspended on the understanding that the Head of Democratic and Legal Services issue Kenneth McHugh with a letter warning him as to his future conduct.

## **(2) PRIVATE HIRE CAR LICENCE – RENEWAL - KENNETH MCHUGH**

3. With reference to the preceding paragraph, the Acting Managing Solicitor advised (1) that an application (tabled) by Kenneth McHugh for the renewal of his Private Hire Car 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 Tomlinson outline the Chief Constable's objection to the application and Ian Smart speak in respect of the application.

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

Kenneth McHugh, Ian Smart and the representative of the Police were then re-admitted to the meeting.

**Decided:** that the application by Kenneth McHugh for the renewal of his Private Hire Car Licence be granted.

## **(3) STREET TRADER'S LICENCE – COMPLAINT**

### **(a) MARK McAULEY**

4. 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 Licensing Enforcement Officer relative to the behaviour of Mark McAuley who currently held a Street Trader's Licence.

The Sub-Committee then heard John Taylor, Licensing Enforcement Officer outlining the complaint and Mark McAuley speak in respect of the complaint.

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

Mark McAuley, John Taylor and the representative of the Police were then re-admitted to the meeting.

The Sub-Committee having determined that the complaint be upheld heard Mark McAuley in mitigation.

Thereafter, Mark McAuley, John Taylor and the representative of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mark McAuley, John Taylor and the representative of the Police were again re-admitted to the meeting.

**Decided:** that the Street Trader's Licence currently held by Mark McAuley be not suspended on the understanding that the Head of Democratic and Legal Services issue him with a letter warning him as to his future conduct.

**(b) PETER SMITH**

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 Licensing Enforcement Officer relative to the behaviour of Peter Smith who currently held a Street Trader's Licence.

The Sub-Committee then heard John Taylor, Licensing Enforcement Officer outlining the complaint and Peter Smith speak in respect of the complaint.

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

Peter Smith, John Taylor and the representative of the Police were then re-admitted to the meeting.

The Sub-Committee having determined that the complaint be upheld heard Peter Smith in mitigation.

Thereafter, Peter Smith, John Taylor and the representative of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Peter Smith, John Taylor and the representative of the Police were again re-admitted to the meeting.

**Decided:** that the Street Trader's Licence currently held by Peter Smith be not suspended on the understanding that the Head of Democratic and Legal Services issue him with a letter warning him as to his future conduct.

**Councillor Majid, having declared an interest in the following item of business by reason of the licence holder being known to him, withdrew from the meeting and took no part in the consideration thereof.**

**(4) TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE - COMPLAINT - MAHMOOD AHMED**

6. 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 Steven Galley, a local resident relative to the behaviour of Mahmood Ahmed who currently held a Taxi Driver's Licence and Taxi Operator's Licence.

The Sub-Committee then heard Steven Galley outline his complaint and Mahmood Ahmed's representative, Mr. Khan, speak in respect of the complaint and table documentation in mitigation.

Thereafter, Mahmood Ahmed, Mr. Khan, Steven Galley and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mahmood Ahmed, Mr. Khan, Steven Galley and the representative of the Police were then re-admitted to the meeting.

The Sub-Committee having determined that the complaint be upheld heard Mahmood Ahmed and Mr. Khan in mitigation.

Thereafter, Mahmood Ahmed, Mr. Khan, Steven Galley and the representative of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mahmood Ahmed, Mr. Khan, Steven Galley and the representative of the Police were again re-admitted to the meeting.

**Decided:**

- (1) that the Taxi Driver's Licence currently held by Mahmood Ahmed be not suspended on the understanding that the Head of Democratic and Legal Services issue him with a letter warning him as to his future conduct, and
- (2) that otherwise no further action be taken.