

Motherwell, 16 March 2016 at 10 am.

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

PRESENT

Councillor W. Hogg, Convener; Councillors Bonnar, Curley, Irvine, Love, McKendrick, Nolan and Sullivan.

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 Chadha, Farooq and P. O'Rourke.

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

1. Councillor McKendrick declared an interest in paragraph 6 below by reason of the complainer 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

(1) LATE HOURS CATERING LICENCE – RENEWAL - JASKARAN SINGH SANDHU

2. The Acting Managing Solicitor advised (1) that an application by Jaskaran Singh Sandhu for the renewal of his Late Hours Catering Licence in respect of the premises at Villa Connection, 438 Brandon Street, Motherwell had been received; (2) that a late objection to the application had been received from the Head of Protective Services, and (3) that a late representation had been received from the Business Manager (Business Development and Building Standards), Regeneration and Environmental Services.

The Sub-Committee then heard (1) Moira Cartwright outline the reasons for the Head of Protective Services objection being submitted late; (2) Derek Brama outline the reason for the Business Manager's representation being submitted late, and (3) Jaskaran Singh Sandhu's agent, Mr. Moore, Moore MacDonald, Solicitors, indicate that he objected to the late objection and the late representation being considered.

Thereafter, the applicant, Mr. Moore, Moira Cartwright, Derek Brama and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant, Mr. Moore, Moira Cartwright, Derek Brama and the representative of the Police were then re-admitted to the meeting.

The Sub-Committee having determined that the late objection and the late representation be not considered.

Moira Cartwright and Derek Brama withdrew from the meeting and the Sub-Committee resumed consideration of the matter

The Sub-Committee then heard Mr. Moore speak in respect of the application.

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

The applicant, Mr. Moore and the representative of the Police were again re-admitted to the meeting.

Decided: that the application by Jaskaran Singh Sandhu for the renewal of his Late Hours Catering Licence be granted

(2) PRIVATE HIRE CAR DRIVER'S LICENCE – NEW APPLICATIONS

(a) THOMAS REILLY

3. The Acting Managing Solicitor advised (1) that an application (tabled) by Thomas Reilly 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, Police Scotland.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's objection to the application and the applicant's agent, Peter Lawson, Hill Brown, Solicitors speak in respect of the application.

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

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

Councillor Love, seconded by Councillor Irvine, moved that the application by Thomas Reilly for a Private Hire Car Driver's Licence be granted.

Councillor Hogg, seconded by Councillor Curley, moved, as an amendment, that the application by Thomas Reilly for a Private Hire Car Driver's Licence be refused.

On a vote being taken, 4 Members voted for the amendment and 4 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 the application be Thomas Reilly for a Private Hire Car Driver's Licence be refused.

(b) MARCIN ZAK

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

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's objection to the application and Marcin Zak speak in support 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 Marcin Zak for a Private Hire Car Driver's Licence be granted for a period of one year.

(3) PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINT - DAVID HENDERSON

5. The Acting Managing Solicitor advised that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1984, a complaint had been received from the Chief Constable, Police Scotland, relative to the behaviour of David Henderson who currently held a Private Hire Car Driver's Licence.

The Administrative Officer then indicated that David Henderson was not in attendance.

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

Decided: that consideration be continued to allow David Henderson another opportunity to appear before the Sub-Committee to speak in respect of the complaint.

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

(4) TAXI DRIVER'S LICENCE – COMPLAINT - ALEXANDER MONAGHAN

6. The Acting Managing Solicitor advised that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1984, a complaint (tabled) had been received from John McKendrick, local resident, relative to the behaviour of Alexander Monaghan who currently held a Taxi Driver's Licence.

The Sub-Committee then heard John McKendrick outline his complaint and Alexander Monaghan's agent, Ailie Lothian, Ness Gallagher, Solicitors, speak in respect of the complaint.

Thereafter, John McKendrick, Alexander Monaghan, Ailie Lothian and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

John McKendrick, Alexander Monaghan, Ailie Lothian and the representative of the Police were then re-admitted to the meeting.

Decided: that the complaint by John McKendrick relative to the behaviour of Alexander Monaghan be upheld and his Taxi Driver's Licence be not suspended, on the understanding that the Head of Democratic and Legal Services issue Alexander Monaghan with a letter warning him as to his future conduct.

(5) TAXI OPERATOR'S LICENCE – NEW APPLICATION - JAMIE BRADLEY AND KATHLEEN BRADLEY

7. The Acting Managing Solicitor advised (1) that an application (tabled) by Jamie Bradley and Kathleen Bradley for a Taxi Operator's Licence had been received, and (2) of the background relative thereto.

The Sub-Committee then heard Jamie Bradley and Kathleen Bradley's agent, Peter Lawson, Hill Brown, Solicitors, speak in respect of the application.

Thereafter, Jamie Bradley, Kathleen Bradley, Peter Lawson and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Jamie Bradley, Kathleen Bradley, Peter Lawson and the representative of the Police were then re-admitted to the meeting.

Decided: that the application by Jamie Bradley and Kathleen Bradley for a Taxi Operator's Licence be granted.