

Motherwell, 27 April 2016 at 10 am.

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

PRESENT

Councillor W. Hogg, Convener; Councillors Bonnar, Chadha, Curley, Farooq, Irvine, McKendrick, McVey 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

John Waddell, Lanarkshire Division, Police Scotland.

APOLOGIES

Councillors Majid, McLaren and Sullivan.

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

1. No declarations were made.

BALLOT FOR VACANT TAXI OPERATOR'S LICENCE IN THE COUNCIL'S CENTRAL LICENSING AREA

2. The Acting Managing solicitor advised (1) that a vacant Taxi Licence had become available in the Council's Central licensing area, and (2) that 12 expressions of interest in the licence were now being put forward to be drawn from a ballot by the Members of the Sub-Committee.

Decided: that it be agreed that an application for the vacant Taxi Licence in the Council's Central licensing area be invited and considered, in terms of the Council's requirements, in order of those drawn from the ballot, viz:-

Agnes Woods

John Woods

Zoelisa Hara

Tom Carson

Allana Hara

John Hara

David Peat
Hugh Hara
Tracy Fleming
Loren Woods
Ann Marie Hara
Elizabeth Anne Peat

HEARINGS

(1) LATE HOURS CATERING LICENCE – NEW APPLICATION – MOHAMMED AKBAR PER MALTHURST PETROLEUM LIMITED

3. The Acting Managing Solicitor advised (1) that an application (tabled) by Mohammed Akbar per Malthurst Petroleum Limited for a Late Hours Catering Licence to enable him to trade from the premises at Esso, 215 Merry Street, Motherwell had been received, and (2) of the background relative thereto.

The Sub-Committee then heard Neil Livingston, on behalf of Mohammed Akbar, speak in respect of the application.

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

Neil Livingston and the representative of the Police were then re-admitted to the meeting.

Decided: that the application by Mohammed Akbar per Malthurst Petroleum Limited for a Late Hours Catering 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 DRIVER'S LICENCE – NEW APPLICATIONS

(a) CRAIG ALLAN

4. The Acting Managing Solicitor advised (1) that an application (tabled) by Craig Allan 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 John Waddell outline the Chief Constable's objection to the application and Craig Allan 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 Craig Allan for a Private Hire Car Driver's Licence be granted.

(b) ROBERT McDONALD

5. The Acting Managing Solicitor advised (1) that an application by Robert McDonald for a Private Hire Car Driver's Licence had been received, and (2) that an objection to the application had been received from the Chief Constable, Police Scotland.

The Administrative Officer then indicated that Robert McDonald was not in attendance.

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

The Sub-Committee then heard John Waddell outline the Chief Constable's objection to the application (both 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 the application by Robert McDonald for a Private Hire Car Driver's Licence be refused.

(3) PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINT - KEVIN McSHERRY

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 the Chief Constable, Police Scotland relative to the behaviour of Kevin McSherry who currently held a Private Hire Car Driver's Licence.

The Sub-Committee then heard John Waddell outline the Chief Constable's complaint and Kevin McSherry speak in respect of the complaint.

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

Kevin McSherry and the representative of the Police were then re-admitted to the meeting.

Councillor Chadha seconded by Councillor Bonnar moved that the complaint by the Chief Constable relative to the behaviour of Kevin McSherry be upheld.

Councillor O'Rourke seconded by Councillor McVey moved, as an amendment, that the complaint by the Chief Constable relative to the behaviour of Kevin McSherry be not upheld.

On a vote being taken 6 Members voted for the amendment and 2 Members voted for the motion. The amendment was accordingly declared carried.

Decided: that the complaint by the Chief Constable relative to the behaviour of Kevin McSherry be not upheld.

(4) PRIVATE HIRE CAR DRIVER'S LICENCE - RENWAL - KEVIN McSHERRY

7. With reference to the preceding paragraph, the Acting Managing Solicitor advised (1) that an application (tabled) by Kevin McSherry 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 John Waddell outlining the Chief Constable's objection to the application and Kevin McSherry speak in support of the application.

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

Kevin McSherry and the representative of the Police were then re-admitted to the meeting.

Decided: that the application by Kevin McSherry for the renewal of his Private Hire Car Driver's Licence be granted on the understanding that the Head of Business for Legal and Democratic Solutions issue Kevin McSherry with a letter warning him as to his future conduct.

(5) TAXI DRIVER'S LICENCE – NEW APPLICATION - CHRISTOPHER CANNON

8. The Acting Managing Solicitor advised (1) that an application by Christopher Cannon for a Taxi Driver's Licence had been received; (2) that Christopher Cannon had failed to sit a knowledge test, and (3) that Christopher Cannon had subsequently withdrawn his application.

Decided: that it be noted that the application by Christopher Cannon for a Taxi Driver's Licence had been withdrawn.

(6) TAXI DRIVER'S LICENCE - RENEWAL - RONALD FLANAGAN

9. The Acting Managing Solicitor advised (1) that an application (tabled) by Ronald Flanagan for the renewal of his Taxi 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 John Waddell outline the Chief Constable's objection to the application and Ronald Flanagan 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 Ronald Flanagan for the renewal of his Taxi Driver's Licence be granted for a period of one year from the date of this meeting of the Sub-Committee.

(7) WINDOW CLEANER'S LICENCE – BREACH OF LICENCE CONDITION

(a) PAUL ARBUCKLE

10. The Acting Managing Solicitor advised that Paul Arbuckle, 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 and that Paul Arbuckle had subsequently submitted the policy.

Decided: that it be noted that Paul Arbuckle had submitted to the Council a copy of his Public Liability Insurance.

(b) DARREN BAXTER

11. The Acting Managing Solicitor advised that Darren Baxter, 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 Darren Baxter was not in attendance.

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

Decided: that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Window Cleaner's Licence currently held by Darren Baxter be suspended, with immediate effect, for the unexpired duration of the licence.

(c) GARY BAXTER

12. The Acting Managing Solicitor advised that Gary Baxter, 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 Gary Baxter was not in attendance.

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

Decided: that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Window Cleaner's Licence currently held by Gary Baxter be suspended, with immediate effect, for the unexpired duration of the licence.

(d) MARK CARROL

13. The Acting Managing Solicitor advised that Mark Carrol, 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 and that Mark Carrol had subsequently submitted the policy.

Decided: that it be noted that Mark Carrol had submitted to the Council a copy of his Public Liability Insurance.

(e) DOUGLAS COUSE

14. The Acting Managing Solicitor advised that Douglas Couse, 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 and that Douglas Couse had subsequently submitted the policy.

Decided: that it be noted that Douglas Couse had submitted to the Council a copy of his Public Liability Insurance.