

**Motherwell, 17 August 2016 at 10 am.**

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

**PRESENT**

Councillor W. Hogg, Convener; Councillors Chadha, Curley, Farooq, Irvine and McLaren.

**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 Bonnar, Majid, McKendrick, 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**

**(1) PRIVATE HIRE CAR LICENCE**

**(a) RENEWAL - MICHAEL McCALL**

2. The Acting Managing Solicitor advised (1) that an application (tabled) by Michael McCall 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 Michael McCall's Agent, Laura Kiernan, Kiernan Law speak in support of the application.

Thereafter, the applicant, Laura Kiernan 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 Michael McCall for the renewal of his Private Hire Car Driver's Licence be granted.

**(b) COMPLAINTS**

**(A) MICHAEL McCALL**

3. With reference to the preceding paragraph, the Acting Managing Solicitor advised that in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1984, complaints (tabled) had been received from (1) the Chief Constable, Police Scotland, and (2) Lyndsey McFarlane, a North Lanarkshire resident relative to the behaviour of Michael McCall who currently held a Private Hire Car Driver's Licence.

The Administrative Officer then indicated that Lyndsey McFarlane was not in attendance.

The Sub-Committee resumed consideration of the matter in Lyndsey McFarlane's absence.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's complaint and Laura Kiernan speak in respect of the two complaints.

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

Michael McCall, Laura Kiernan and the representative of the Police were then re-admitted to the meeting.

**Decided:** that the complaints relative to the behaviour of Michael McCall be not upheld.

**(B) KEVIN HOWARD McLAUGHLIN**

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 Chief Constable, Police Scotland, relative to the behaviour of Kevin Howard McLaughlin who currently held a Private Hire Car Licence.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's complaint and Kevin Howard McLaughlin and his wife, Dorothy McLaughlin speak in respect of the complaint.

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

Kevin Howard McLaughlin, Dorothy McLaughlin and the representative of the Police were then re-admitted to the meeting.

The Sub-Committee having determined that the complaint be upheld, heard Kevin Howard McLaughlin in mitigation.

Thereafter, Kevin Howard McLaughlin, Dorothy McLaughlin and the representative of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Kevin Howard McLaughlin, Dorothy McLaughlin and the representative of the Police were again re-admitted to the meeting.

**Decided:** that the Private Hire Car Licence currently held by Kevin Howard McLaughlin be not suspended on the understanding that the Head of Business for Legal and Democratic Solutions issue Kevin Howard McLaughlin with a letter warning him as to his future conduct.

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

**(a) RENEWAL - KEVIN HOWARD McLAUGHLIN**

5. With reference to the preceding paragraph, the Acting Managing Solicitor advised (1) that an application (tabled) by Kevin Howard McLaughlin for the renewal of his Private Hire Car Driver's Licence had been received, and (2) that a late objection to the application had been received from the Chief Constable, Police Scotland.

The Sub-Committee then heard Sergeant Tomlinson explain the reasons for the Chief Constable's objection to the application being submitted late and Kevin Howard McLaughlin indicate that he had no objection to the late objection being considered.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's objection (tabled) to the application and Kevin Howard McLaughlin and Dorothy McLaughlin speak in support of the application.

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

Kevin Howard McLaughlin, Dorothy McLaughlin and the representative of the Police were then re-admitted to the meeting.

**Decided:** that the application by Kevin Howard McLaughlin for the renewal of his Private Hire Car Driver's Licence be refused.

**(b) NEW APPLICATIONS**

**(A) LIAM CURRAN**

6. With reference to paragraph 3 of the Minute of the meeting of this Sub-Committee held on 8 June 2016, the Acting Managing Solicitor advised (1) that consideration of an application by Liam Curran for a Private Hire Car Driver's Licence had been continued to allow the applicant an opportunity to appear before the Sub-Committee to speak in support of his application, and (2) that an objection to the application had been received from the Chief Constable, Police Scotland.

The Administrative Officer then indicated that Liam Curran was not in attendance.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's objection to the application.

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.

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

**Decided:** that the application by Liam Curran for a Private Hire Car Driver's Licence be refused.

**(B) JOSEPH GREY**

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

The Sub-Committee then heard Sergeant Tomlinson explain the reason for the Chief Constable's objection to the application being submitted late and Joseph Grey indicate he had no objection to the late objection being considered.

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

**(C) GEORGE McCLUSKEY**

8. The Acting Managing Solicitor advised (1) that an application (tabled) by George McCluskey 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 George McCluskey speak in support of his 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 George McCluskey for a Private Hire Car Driver's Licence be granted.

**(4) TAXI OPERATOR'S LICENCE – VARIATION X 2 - JANE DEVINE**

9. The Acting Managing Solicitor advised (1) that an application (tabled) by Jane Devine to vary her two Taxi Operator's Licences had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Police Scotland.

The Administrative Officer indicated that although Jane Devine had indicated she was unable to be in attendance due to a holiday commitment, her son, Paul Devine was in attendance to speak on her behalf.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's objection to the application and Paul Devine speak in support of the application.

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

Paul Devine and the representative of the Police were then re-admitted to the meeting.

**Decided:** that the application by Jane Devine to vary both her Taxi Operator's Licences be granted.