

Motherwell, 12 October 2016 at 10.00 am.

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

PRESENT

Councillor W. Hogg, Convener; Councillors Chadha, Curley, Farooq, Irvine, McLaren, H. McVey, P. O'Rourke 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 Bonnar and McKendrick.

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.

The Convener exercised his discretion to vary the Order of Business as hereinafter Minuted.

HEARINGS

(1) KNIFE DEALER'S LICENCE – NEW APPLICATION - LEANNE HUNTER AND WILLIAM HUNTER

2. The Acting Managing Solicitor advised (1) that an application by Leanne Hunter and William Hunter for a Knife Dealer's Licence to enable them to trade in them at the Humming Bird Garden Centre Limited had been received; (2) that a late representation had been received from the Chief Constable, Police Scotland, and (3) that the Chief Constable wished to introduce further information.

The Sub-Committee then heard Sergeant Tomlinson explain the reasons for the Chief Constable's representation being submitted late, and Leanne Hunter and William Hunter's agent, James Moore, Moore Macdonald Solicitors, indicate that his clients had no objection to the late representation being considered.

Having determined that the late representation by the Chief Constable be considered, the Sub-Committee having enquired to the general nature of the further information, was provided, in broad terms, with such information by Sergeant Tomlinson, who advised why, in the Chief Constable's opinion, the further information should be disclosed.

The Sub-Committee then heard James Moore, who considered, on behalf of his clients, that the details of the further information should not be disclosed.

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

The applicants, James Moore and the representative of the Police were then re-admitted to the meeting.

The Sub-Committee, having determined that the further information be not disclosed, heard Sergeant Tomlinson outline the Chief Constable's representation and James Moore speak in respect of the application, (both tabled) together with photographs in support of the application.

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

The applicants, James Moore and the representative of the Police were then re-admitted to the meeting.

Decided: that the application by Leanne Hunter and William Hunter for a Knife Dealer's Licence be granted.

(2) PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR OPERATOR'S LICENCE – COMPLAINT - MEHMET YILMAZ

3. 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 Mehmet Yilmaz who currently held a Private Hire Car Driver's Licence and Private Hire Car Operator's Licence.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's complaint and Mehmet Yilmaz speak in respect of the complaint.

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

Mehmet Yilmaz and the representative of the Police were then re-admitted to the meeting.

Having determined that the complaint in respect of Mehmet Yilmaz's Private Hire Car Driver's Licence be upheld, Councillor W. Hogg, seconded by Councillor H. McVey, moved that the complaint by the Chief Constable relative to the behaviour of Mehmet Yilmaz in respect of his Private Hire Car Operator's Licence be upheld.

Councillor P. O'Rourke, seconded by Councillor Irvine, moved, as an amendment, that the complaint by the Chief Constable relative to the behaviour of Mehmet Yilmaz in respect of his Private Hire Car Operator's Licence be not upheld.

On a vote being taken, 4 Members voted for the amendment and 5 Members voted for the motion, which was accordingly declared carried.

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

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

Mehmet Yilmaz 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, (1) the Private Hire Car Driver's Licence currently held by Mehmet Yilmaz be suspended, with immediate effect, for the unexpired duration of the licence, and (2) that Mehmet Yilmaz's Private Hire Car Operator's Licence be not suspended on the understanding that the Head of Business for Legal and Democratic Solutions issue Mehmet Yilmaz with a letter warning him as to his future conduct.

(3) PRIVATE HIRE CAR OPERATOR'S LICENCE

(a) NEW APPLICATIONS X 3 - MEHMET YILMAZ PER MY TRAVEL SCOTLAND LIMITED

4. With reference to the preceding paragraph, the Acting Managing Solicitor advised (1) that applications (tabled) by Mehmet Yilmaz per My Travel Scotland Limited for three Private Hire Car Operators Licences had been received, and (2) that an objection (tabled) to the applications had been received from the Chief Constable, Police Scotland.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's objection to the applications and Mehmet Yilmaz speak in support of the applications.

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

Mehmet Yilmaz and the representative of the Police were then re-admitted to the meeting.

Councillor H. McVey, seconded by Councillor W. Hogg moved that the three applications by Mehmet Yilmaz for Private Hire Car Operators Licences be refused.

Councillor P. O'Rourke, seconded by Councillor Irvine, moved, as an amendment, that the three applications by Mehmet Yilmaz for Private Hire Car Operators Licences be granted.

On a vote being taken, 4 Members voted for the amendment and 5 Members voted for the motion, which was accordingly declared carried.

Decided: that the applications by Mehmet Yilmaz for three Private Hire Car Operators Licences be refused.

(b) RENEWAL - GEORGE THOMSON AND VICKI THOMSON

5. The Acting Managing Solicitor advised (1) that an application (tabled) by George Thomson and Vicki Thomson for the renewal of their Private Hire Car Operator's Licence had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Police Scotland.

The Administrative Officer then indicated that Vicki Thomson was not in attendance.

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

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's objections to the application and George Thomson 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 George Thomson and Vicki Thomson for the renewal of their Private Hire Car Operator's Licence be granted.

(4) TAXI DRIVER'S LICENCE - RENEWAL - DAVID JOHN NICOL

6. The Acting Managing Solicitor advised (1) that consideration of an application (tabled) by David John Nicol 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 Sergeant Tomlinson outline the Chief Constable's objection to the application and David John Nicol's Agent, Andrew Steven, Watters, Steven and Company, Solicitors, speak in support of the application and table a character reference.

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 David John Nicol for the renewal of his Taxi Driver's Licence be granted.

(6) TAXI OPERATOR'S LICENCE

(a) COMPLAINT - DAVID JOHN NICOL, CAROLINE NICOL AND CLAIRE NICHOL

7. 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 1982, a complaint (tabled) had been received from the Chief Constable, Police Scotland, relative to the behaviour of David John Nicol, who currently held a joint Taxi Operator's Licence.

The Administrative Officer then indicated that Caroline Nicol and Claire Nicol were not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in Caroline Nicol and Claire Nicol's absence.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's complaint and Andrew Steven, speak in respect of the complaint.

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

Thereafter, David John Nicol, Andrew Steven and 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, the complaint by the Chief Constable relative to the behaviour of David John Nicol be not upheld.

(b) TAXI OPERATOR'S LICENCE - RENEWAL - CHARLES McDERMOTT AND YVONNE McDERMOTT

8. The Acting Managing Solicitor advised (1) that an application (tabled) by Charles McDermott and Yvonne McDermott for the renewal of their Taxi Operator's Licence had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Police Scotland.

The Administrative Officer then indicated that Yvonne McDermott was not in attendance.

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

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's objection to the application and Charles McDermott 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 Charles McDermott and Yvonne McDermott for the renewal of their Taxi Operator's Licence be granted.

(7) PRIVATE HIRE CAR LICENCE

(a) COMPLAINT - MUHAMMED GAHLAN

9. 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 Muhammed Gahlan who currently held a Private Hire Car Licence.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's complaint and Muhammed Gahlan speak in respect of the complaint.

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

Thereafter, Muhammed Gahlan and the representative of the Police were then re-admitted to the meeting.

Decided: that consideration of the complaint by the Chief Constable relative to the behaviour of Muhammed Gahlan be continued to allow Muhammed Gahlan another opportunity to appear before the Sub-Committee to speak in respect of the complaint.

(b) RENEWAL - MUHAMMED GAHLAN

10. With reference to the preceding paragraph the Acting Managing Solicitor advised (1) that an application by Muhammed Gahlan for the renewal of his 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.

Decided: that consideration of the application by Muhammed Gahlan for the renewal of his Private Hire Car Driver's Licence be continued to allow Muhammed Gahlan another opportunity to appear before the Sub-Committee to speak in support of the complaint.