

Motherwell, 31 October 2007 at 9.30 am.

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

PRESENT

Councillor Hogg, Convener; Councillors Ferrie, Harmon, Homer, Irvine, S. Love and McElroy.

CHAIR

Councillor Hogg (Convener) presided.

IN ATTENDANCE

The Administrative Officer (Committee and Civic Governance Services); Chief Solicitor (Licensing) and Licensing Solicitor.

ALSO IN ATTENDANCE

Superintendent Hamilton and Sergeant Harkin, "N" Division, Strathclyde Police.

APOLOGIES

Councillors McAuley and Wallace.

The Convener exercised his discretion to vary the order of business as hereinafter Minuted.

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) RECALL OF SUSPENSION – TAXI DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE - MICHAEL KEELAN, 11 JAMES HAMILTON DRIVE, BELLSHILL

2. With reference to paragraph 2 of the Minute of the meeting of the General Purposes (Licensing) Sub-Committee held on 29 March 2007, when it was agreed that, in terms of paragraph 11 of the Civic Government (Scotland) Act 1982, the Taxi Driver's Licence and Private Hire Car Licence held by Michael Keelan, 11 James Hamilton Drive, Bellshill be suspended for the unexpired duration of the Licence, the Chief Solicitor advised that the Chief Constable, Strathclyde Police, had submitted a letter (tabled) withdrawing his original complaint relative to the behaviour of Michael Keelan.

The Sub-Committee then heard (1) Superintendent Hamilton confirm that, on behalf of the Chief Constable, he wished to withdraw the complaint, and (2) Michael Keelan in mitigation.

Thereafter, Michael Keelan and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Michael Keelan and representatives of the Police were then re-admitted to the meeting.

Decided: that, in terms of paragraph 11(6) of the Civic Government (Scotland) Act 1982, the suspension of Michael Keelan's Taxi Driver's Licence and Private Hire Car Licence be recalled.

(2) TAXI DRIVER'S LICENCE – RENEWAL - MICHAEL KEELAN, 11 JAMES HAMILTON DRIVE, BELLSHILL

3. With reference to the immediately preceding paragraph, the Chief Solicitor advised that an application (tabled) by Michael Keelan, 11 James Hamilton Drive, Bellshill for the renewal of his Taxi Driver's Licence had been received.

Decided: that the application by Michael Keelan for the renewal of his Taxi Driver's Licence be granted.

(3) LATE HOURS CATERING LICENCE – VARIATION - KARIM ALKASIR, 19 THOMAS MUIR AVENUE, BISHOPBRIGGS

4. The Chief Solicitor advised (1) that an application (tabled) by Karim Alkasir, 19 Thomas Muir Avenue, Bishopbriggs, for a variation to his Late Hours Catering Licence in respect of the premises at Barbecue Kings, 183 Bank Street, Coatbridge had been received, and (2) that an objection (tabled) to the application had been received from Councillor Paul Welsh, a local Member.

The Administrative Officer then indicated that Councillor Welsh was not in attendance.

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

The Sub-Committee then heard Karim Alkasir speak in support of his application.

Karim Alkasir and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Karim Alkasir and representatives of the Police were then re-admitted to the meeting.

Decided: that the application by Karim Alkasir for the variation of his Late Hours Catering Licence be granted.

(4) SECOND HAND DEALER'S LICENCE – NEW APPLICATION - STEPHEN COOPER SHEEN, 39 MELROSE STREET, HAMILTON

5. The Chief Solicitor advised (1) that an application (tabled) by Stephen Cooper Sheen, 39 Melrose Street, Hamilton for a Second Hand Dealer's Licence to enable him to trade in Second Hand Car and Van Hire and Sales from the premises at 10 Summerlee Road, Craigneuk, Wishaw had been received, and (2) that, in terms of paragraph 5(3)(b) of the Civic Government (Scotland) Act 1982, a late objection to the application had been received from the Chief Constable, Strathclyde Police relative to the behaviour of the applicant's sibling.

The Sub-Committee then heard (1) Superintendent Hamilton outline the reasons for the Chief Constable's objection being submitted late, and (2) Stephen Sheen indicate that he objected to the Chief Constable's objection being considered.

The Sub-Committee then determined that the late objection from the Chief Constable be considered and tabled.

The Sub-Committee then heard (1) Superintendent Hamilton outline the Chief Constable's objection to the application, and (2) Stephen Sheen 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 Stephen Cooper Sheen for a Second Hand Dealer's Licence be granted.

(5) STREET TRADER'S LICENCE – NEW APPLICATION - GARRETH WARD, 16 LASHLEY GROVE, OVERTOWN, WISHAW

6. The Chief Solicitor advised (1) that an application (tabled) by Garreth Ward, 16 Lashley Grove, Overtown, Wishaw for a Street Trader's Licence to enable him to trade from a static snack van in Netherdale Road, Netherton, Wishaw had been received, and (2) that an objection (tabled) to the application had been received from the Executive Director of Learning and Leisure Services.

The Administrative Officer then indicated that a representative from the Executive Director of Learning and Leisure Services was not in attendance.

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

The Sub-Committee then heard Garreth Ward and Michael MacPharlane, (van owner), speak in support of the application.

Thereafter, Garreth Ward, Michael MacPharlane and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Garreth Ward, Michael MacPharlane and representatives of the Police were re-admitted to the meeting.

Decided: that the application by Garreth Ward for a Street Trader's Licence be granted.

(6) SECOND HAND DEALER'S LICENCE – NEW APPLICATION - JULIEANNE GALLACHER, 53 MOFFAT VIEW, PLAINS

7. The Chief Solicitor advised (1) that an application (tabled) by Julieanne Gallacher, 53 Moffat View, Plains for a Second Hand Dealer's Licence to enable her to trade in Second Hand Car Sales at 22 Drumgelloch Street, Clarkston had been received; (2) that objections (tabled) to the application had been received from (a) the Executive Director of Environmental Services, and (b) the Chief Constable, Strathclyde Police in terms of paragraph 5(3)(b) of the Civic Government (Scotland) Act 1982 relative to the behaviour of the applicant's partner, and (3) that the applicant's partner had spent convictions.

The Administrative Officer then indicated that Julieanne Gallacher was not in attendance.

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

The Sub-Committee, having enquired as to the age and general nature of the spent convictions, were provided, in broad terms, with such information by Superintendent Hamilton who advised why, in the Chief Constable's opinion, full details of the applicant's partner's spent convictions should be disclosed.

Thereafter, Mr. Scrymgeour, Building Standards Division, Environmental Services and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mr. Scrymgeour and representatives of the Police were then re-admitted to the meeting.

The Sub-Committee, on resuming consideration of the matter, decided that full details of the applicant's partner's spent convictions be disclosed.

The Sub-Committee then heard (1) Mr. Scrymgeour outline the Executive Director of Environmental Services' objection to the application, and (2) Superintendent Hamilton give details of the spent convictions and outline the Chief Constable's objection to the application

Thereafter, Mr. Scrymgeour and representatives of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mr. Scrymgeour and representatives of the Police were then re-admitted to the meeting.

Decided: that, in terms of paragraph 5(3)(b) of the Civic Government (Scotland) Act 1982, the application by Julianne Gallacher for a Second Hand Dealer's Licence be refused.