

Motherwell, 23 November 2016 at 10 am.

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

PRESENT

Councillor W. Hogg, Convener; Councillors Chadha, Curley, McKendrick, McLaren and P. O'Rourke.

CHAIR

Councillor W. Hogg (Convener) presided.

IN ATTENDANCE

The Administrative Officer and Acting Managing Solicitor, Legal and Democratic Solutions.

ALSO IN ATTENDANCE

Sergeant Tomlinson, Police Scotland.

APOLOGIES

Councillors Bonnar, Farooq, Irvine, H. McVey and Sullivan.

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

1. Councillor McLaren declared an interest in paragraph 7 below by reason of the applicant being known to him.

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 DRIVER'S LICENCE

(a) COMPLAINT - STEPHEN SMITH

2. The Acting Managing Solicitor advised (1) that, in terms of paragraph 12 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 Stephen Smith who currently held a Private Hire Car Driver's Licence, and (2) that a letter had been received from Stephen Smith's solicitor seeking that consideration of the complaint be continued to allow Stephen Smith another opportunity to appear before the Sub-Committee as he was attending at hospital with a family member.

The Sub-Committee resumed consideration of the complaint in Stephen Smith's absence.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's complaint.

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 in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Private Hire Car Driver's Licence currently held by Stephen Smith be suspended, with immediate effect, for a period not exceeding six weeks.

(b) NEW APPLICATIONS

(A) SCOTT McKENZIE

3. The Acting Managing Solicitor advised (1) that an application (tabled) by Scott McKenzie 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 Scott McKenzie's agent, Gaynor Kelly, Anthony Mahan Solicitors, speak in support of the application.

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

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

Decided: that the application by Scott McKenzie for a Private Hire Car Driver's Licence be granted for a period of one year.

(B) JOHN SHILLADAY

4. The Acting Managing Solicitor advised (1) that an application (tabled) by John Shilladay 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 John Shilladay 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 John Shilladay for a Private Hire Car Driver's Licence be granted.

(2) PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE - NEW APPLICATION - SCOTT SHANNON

5. The Acting Managing Solicitor advised (1) that an application (tabled) by Scott Shannon for a Private Hire Car Driver's Licence and Private Hire Car 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 (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 Scott Shannon's agent, Gary Morton, Carty's Solicitors speak in support of the application.

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

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

Councillor McLaren, seconded by Councillor Chadha, moved that the application by Scott Shannon for a Private Hire Car Driver's Licence be granted for a period of one year.

Councillor Hogg, seconded by Councillor P. O'Rourke, moved, as an amendment, that the application by Scott Shannon for a Private Hire Car Driver's Licence be refused.

On a vote being taken, 3 Members voted for the amendment and 2 Members voted for the motion. The amendment was accordingly declared carried.

Decided:

- (1) that the application by Scott Shannon for a Private Hire Car Driver's Licence be refused, and
- (2) that the application by Scott Shannon for a Private Hire Car Licence be granted.

(3) TAXI DRIVER'S LICENCE - RENEWAL - GARY STEWART

6. The Acting Managing Solicitor advised (1) that an application (tabled) by Gary Stewart 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 Gary Stewart 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 Gary Stewart for the renewal of his Taxi Driver's Licence be granted.

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

(4) STREET TRADER'S LICENCE

(a) NEW APPLICATION - JOHN KENNEDY

7. The Acting Managing Solicitor advised (1) that an application (tabled) by John Kennedy for a Street Trader's Licence to enable him to trade from a static snack van at Deerdynes Road, Westfield,

Cumbernauld had been received, and (2) that an objection (tabled) to the application had been received from Roads and Transportation.

The Sub-Committee then heard John Kennedy, state for the reasons detailed, that he wished to withdraw his application.

Decided: that it be noted that John Kennedy had withdrawn his application for a Street Trader's Licence.

(b) RENEWAL - GRAHAM WADDELL

8. The Acting Managing Solicitor advised (1) that an application by Graham Waddell for the renewal of his Street Trader's Licence to enable him to trade as a wheel bin cleaning service had been received, and (2) that Graham Waddell had advised the Council that he was unable to be in attendance due to illness and requested that consideration of the matter be continued to allow him another opportunity to appear before the Sub-Committee to speak in support of the application.

Decided: that consideration of the application by Graham Waddell for the renewal of his Street Trader's Licence be continued to allow him another opportunity to appear before the Sub-Committee to speak in respect of the application.