

**Motherwell, 11 January 2017 at 10 am.**

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

**PRESENT**

Councillors Chadha, Curley, Irvine, McLaren, H. McVey, P. O'Rourke and Sullivan.

**CHAIR**

In the absence of Councillor W. Hogg, Councillor Chadha presided.

**IN ATTENDANCE**

The Acting Managing Solicitor (Licensing and Litigation) and the Administrative Officer , Legal and Democratic Solutions.

**ALSO IN ATTENDANCE**

Superintendent Tomlinson, Police Scotland.

**APOLOGIES**

Councillors Farooq, Hogg 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 3 and 6 of Part 1 of Schedule 7A of the Act.**

**HEARINGS**

**The Chair exercised his discretion to vary the order of business as hereinafter minuted.**

**(1) TAXI DRIVER'S LICENCE COMPLAINT - PAUL HUGHES**

2. 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 Licensing Enforcement Officer, by Ellen Medcalf and Fiona Pratt, relative to the behaviour of Paul Hughes who currently held a Taxi Driver's Licence.

The Sub-Committee then heard John Taylor, Licensing Enforcement Officer, Ellen Medcalf, Fiona Pratt and Riley Medcalf outline the complaint and Paul Hughes' representative, Jim Bennett, speak in respect of the complaint.

Thereafter, Paul Hughes, Jim Bennett, John Taylor, Ellen Medcalf, Fiona Pratt, Riley Medcalf and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Paul Hughes, Jim Bennett, John Taylor, Ellen Medcalf, Fiona Pratt, Riley Medcalf and the representative of the Police were re-admitted to the meeting.

The Sub-Committee having determined that the complaint be upheld heard Jim Bennett and Paul Hughes in mitigation.

Thereafter, Paul Hughes, Jim Bennett, John Taylor, Ellen Medcalf, Fiona Pratt, Riley Medcalf and the representative of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Paul Hughes, Jim Bennett, John Taylor, Ellen Medcalf, Fiona Pratt, Riley Medcalf and the representative of the Police were again re-admitted to the meeting.

**Decided:** that the Taxi Driver's Licence currently held by Paul Hughes be not suspended on the understanding that the Head of Business for Legal and Democratic Solutions issue Paul Hughes with a letter warning him as to his future conduct.

**(2) PRIVATE HIRE CAR LICENCE AND PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINT - ROSS HOPKINS**

3. With reference to paragraph 2 of the Minute of the Special meeting of this Sub-Committee held on 22 December 2016, when it was agreed that the complaint by the Chief Constable, relative to the behaviour of Ross Hopkins be upheld and that his Private Hire Car Driver's Licence be suspended, with immediate effect, for a period not exceeding six weeks, the Acting Managing Solicitor advised that, in terms of paragraph 12(5) of Schedule 1 of the Civic Government (Scotland) Act 1982, further consideration required to be given to the matter.

The Sub-Committee then heard Sergeant Tomlinson outline the Chief Constable's complaint (tabled) and Ross Hopkins' agent, Andrew Steven, Watters Steven and Company, Solicitor, speak in respect of the complaint and table information in mitigation.

Thereafter, Ross Hopkins, Andrew Steven and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Ross Hopkins, Andrew Steven and the representative of the Police were then re-admitted to the meeting.

The Sub-Committee having determined that the complaint be upheld heard Andrew Steven in mitigation.

Thereafter, Ross Hopkins, Andrew Steven and the representative of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Ross Hopkins, Andrew Steven and the representative of the Police were again re-admitted to the meeting.

Councillor Curley, seconded by Councillor Chadha, moved that the complaint by the Chief Constable relative to the behaviour of Ross Hopkins, in respect of his Private Hire Car Driver's Licence be upheld and that the licence be suspended, with immediate effect, for the unexpired duration of the licence.

Councillor McVey, seconded by Councillor O'Rourke, moved, as an amendment, that the complaint by the Chief Constable relative to the behaviour of Ross Hopkins, in respect of his Private Hire Car Driver's Licence be not upheld.

On a vote being taken 3 Members voted for the amendment and 4 Members voted for the motion which was accordingly declared carried.

**Decided:**

- (1) 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 Ross Hopkins in respect of his Private Hire Car Licence be not upheld, and
- (2) 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 Ross Hopkins in respect of his Private Hire Car Driver's Licence be upheld and that the licence be suspended, with immediate effect, for the unexpired duration of the licence.

**(3) SECOND HAND DEALER'S LICENCE - RENEWAL - MARTIN WHITE**

4. The Acting Managing Solicitor advised (1) that an application by Martin White for the renewal of his Second Hand Dealer's Licence in respect of the Second Hand Car Sales premises at 287 Dundyvan Road, Coatbridge had been received, and (2) that an objection to the application had been received from the Chief Constable, Police Scotland.

The Sub-Committee then heard Martin White request, for the reasons detailed, that consideration of the application 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 Martin White for the renewal of his Second Hand Dealer's Licence be continued to allow Martin White another opportunity to appear before the Sub-Committee to speak in support of his application.