

Motherwell, 28 October 2009 at 9.30 am.

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

PRESENT

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

CHAIR

Councillor Hogg (Convener) presided.

IN ATTENDANCE

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

ALSO IN ATTENDANCE

Chief Inspector Connelly and Sergeant Harkin, "N" Division, Strathclyde Police.

APOLOGIES

Councillors Ferrie, S. Love, McAuley and Wallace.

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

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

(1) WINDOW CLEANER'S LICENCE - NEW APPLICATION - BRIAN CALLAGHAN

2. The Chief Solicitor advised (1) that an application (tabled) by Brian Callaghan for a Window Cleaner's Licence had been received, and (2) that a late objection to the application had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Chief Inspector Connelly explain the reason for the Chief Constable's objection being submitted late, and the applicant advise that he had no objection to the Chief Constable's objection being considered.

The Sub-Committee then heard Chief Inspector Connelly outline the Chief Constable's objection to the application, and Brian Callaghan 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 Brian Callaghan for a Window Cleaner's Licence be granted for a period of one year for commercial properties only.

(2) STREET TRADER'S LICENCE - NEW APPLICATION - BRIAN HETHERSTON

3. The Chief Solicitor advised (1) that an application (tabled) by Brian Hetherston for a Street Trader's Licence to enable him to trade from a mobile pressure washer in the Coatbridge area had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Strathclyde Police.

The Sub-Committee then heard Chief Inspector Connelly outline the Chief Constable's objection to the application, and the applicant's agent, Murray McAuley, Trainor Alston, Solicitors speak in support of the application.

Thereafter, the applicant, Murray McAuley and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant, Murray McAuley and representatives of the Police were then re-admitted to the meeting.

Decided: that the application by Brian Hetherston for a Street Trader's Licence be refused.

(3) TAXI DRIVER'S LICENCE – COMPLAINT - GORDON SIMPSON

4. The Chief Solicitor advised 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, Strathclyde Police relative to the behaviour of Gordon Simpson who currently held a Taxi Driver's Licence.

The Administrative Officer indicated that Gordon Simpson was not in attendance.

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

The Sub-Committee then heard Chief Inspector Connelly outline the Chief Constable's complaint.

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

Representatives of the Police were then re-admitted to the meeting.

The Sub-Committee determined that the complaint be upheld.

Decided: that, in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, the complaint by the Chief Constable relative to the behaviour of Gordon Simpson be upheld, and the Taxi Driver's Licence currently held by him be suspended with immediate effect.

**(4) STREET TRADER'S LICENCE - NEW APPLICATION -
MATTHEW HUNTER AND GARETH PAXTON**

5. The Chief Solicitor (Licensing) advised (1) that applications (tabled) by Matthew Hunter and Gareth Paxton for a Street Trader's Licence to enable them to trade in football novelties, scarves, hats, flags, badges and t-shirts at Broadwood Stadium, Cumbernauld, Cliftonhill Stadium, Coatbridge, Excelsior Stadium, Airdrie and Fir Park Stadium, Motherwell had been received, and (2) that objections to the applications had been received from Cliftonhill Stadium, Excelsior Stadium and Firpark Stadium.

The Administrative Officer then indicated that Matthew Hunter, Gareth Paxton and representatives from the stadia were not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in the applicants' and objectors' absence.

Councillor Homer, seconded by Councillor Irvine, moved that the applications by Matthew Hunter and Gareth Paxton for a Street Trader's Licence be refused.

Councillor Harmon, seconded by Councillor Hogg, moved, as an amendment, that consideration of the applications by Mathew Hunter and Gareth Paxton for a Street Trader's Licence be continued to allow the applicants another opportunity to appear before the Sub-Committee to speak in support of their applications.

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

Decided: that the applications by Matthew Hunter and Gareth Paxton for a Street Trader's Licence be refused.