

Motherwell, 18 November 2009 at 9.30 am.

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

PRESENT

Councillor Hogg, Convener; Councillor McAuley, Vice-Convener; Councillors Ferrie and S. Love.

CHAIR

Councillor McAuley (Vice-Convener) presided.

IN ATTENDANCE

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

ALSO IN ATTENDANCE

Sergeants Harkin and Hayburn, "N" Division, Strathclyde Police.

APOLOGIES

Councillors Harmon, Homer and Wallace.

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

1. Councillor McAuley declared a non financial interest in paragraph 2 below as the applicant was known to her.

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

Councillor McAuley declared a non financial interest in the following item of business and withdrew from the meeting as the applicant was known to her.

Councillor Hogg assumed the Chair.

HEARINGS

(1) STREET TRADER'S LICENCE - RENEWAL - JAMES ANDERSON

2. The Chief Solicitor advised (1) that an application (tabled) by James Anderson for the renewal of his Street Trader's Licence to enable him to trade in the sale of toys, hardware, seasonal goods, and flowers in Airdrie, Coatbridge and Motherwell Town Centres had been received, and (2) that an objection (tabled) to the application had been received from Montagu Evans on behalf of Cala Properties (Motherwell) Limited.

The Sub-Committee then heard Andrew Walker, Montagu Evans outline Cala Properties' objection to the application and table a photograph of the applicant's site within Motherwell Town Centre, and Patrick McCarron and James Anderson speak, and table a petition, in support of his application.

Thereafter, the applicant, Patrick McCarron, Andrew Walker and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant, Patrick McCarron, Andrew Walker and representatives of the Police were then re-admitted to the meeting.

Decided: that the application by James Anderson for the renewal of his Street Trader's Licence be granted.

Councillor McAuley resumed the Chair.

(2) SECOND HAND DEALER'S LICENCE - RENEWAL - ANDREW HEPBURN

3. With reference to paragraph 2 of the Minute of the meeting of this Sub-Committee held on 3 November 2009, the Chief Solicitor advised (1) that consideration of an application (tabled) by Andrew Hepburn for the renewal of his Second Hand Dealer's Licence to enable him to trade in second hand caravan and motor home sales at 179 Main Street, Chapelhall had been continued to allow the applicant another opportunity to appear before the Sub-Committee to speak in support of his application, and (2) that a late objection to the application had been received from the Executive Director of Environmental Services.

The Sub-Committee then heard Dave Anderson explain the reason for the Executive Director of Environmental Services' objection being submitted late, and the applicant advise that he did not consider the explanation to be an acceptable reason for the late objection to be considered.

The Sub-Committee, sufficiently satisfied that a reason had been made out to justify the late objection, proceeded to consider the application and the objection made.

Councillor Love, being the mover of a motion that failed to attract a seconder asked that his dissent regarding the late objection be recorded.

The Sub-Committee then heard Dave Anderson, Roads and Transportation, Environmental Services outline the Executive Director's objection (tabled) to the application, and Andrew Hepburn speak in support of his application.

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

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

Decided:

- (1) that the application by Andrew Hepburn for the renewal of his Second Hand Dealer's Licence be granted, and
- (2) that the concerns of the Sub-Committee in relation to the objection being submitted late be drawn to the attention of the Executive Director of Environmental Services.

(3) STREET TRADER'S LICENCE - NEW APPLICATION - THOMAS MITCHELL

4. The Chief Solicitor advised (1) that an application by Thomas Mitchell for a Street Trader's Licence to enable him to trade in a static snack van between lampposts 2 and 3, North Caldeen Road, Coatbridge had been received, and (2) that a late objection to the application had been received from the Executive Director of Environmental Services.

The Sub-Committee then heard Dave Anderson advise that he wished, on behalf of the Executive Director of Environmental Services, to withdraw the late objection.

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

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 item 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.

(4) TAXI DRIVER'S LICENCE - COMPLAINT - JOHN KELLY

5. The Chief 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 Steven and Julie Thompson relative to the behaviour of John Kelly who currently held a Taxi Driver's Licence.

The Sub-Committee then heard John Kelly's agent, Fiona Norris, Feegans, Solicitors request that consideration of the complaint be continued to allow her an opportunity to obtain further information.

Decided: that consideration of the complaint relative to the behaviour of John Kelly be continued to allow John Kelly's agent an opportunity to obtain further information.