

**Motherwell, 30 September 2010 at 11 am.**

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

**PRESENT**

Councillor Hogg, Convener; Councillors Ferrie, S. Love, McElroy and Sullivan.

**CHAIR**

Councillor Hogg (Convener) presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

Chief Inspector Connell and Sergeant Hayburn, "N" Division, Strathclyde Police.

**APOLOGIES**

Councillors Cefferty, Clarke, Harmon, Irvine and McAuley.

**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. Councillor Sullivan declared an interest on paragraph (2) below due to the applicant being known to him.

**HEARINGS**

**Councillor Sullivan declared an interest in the following item of business as the applicant was known to him, withdrew from the meeting and took no part in the consideration thereof.**

**SECOND HAND DEALER'S LICENCE - RENEWAL - JOHN HIGGINS**

2. The Chief Solicitor advised (1) that an application (tabled) by John Higgins for the renewal of his Second Hand Dealer's Licence to enable him to trade in second hand car sales at 29 Moray Avenue, Airdrie had been received, and (2) that an objection (tabled) to the application had been received from the Executive Director of Environmental Services.

The Sub-Committee then heard Mr. Cruickshanks outline the Executive Director of Environmental Services' objection to the application and John Higgins speak in support of his application.

Thereafter, the applicant, Mr. Cruickshanks 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 John Higgins for the renewal of his Second Hand Dealer's Licence be granted.

## **STREET TRADER'S LICENCE**

### **(1) NEW APPLICATIONS**

#### **(a) ADELE CAMPBELL**

3. The Chief Solicitor advised (1) that an application (tabled) by Adele Campbell for a Street Trader's Licence to enable her to trade from a static snack van 3 metres from the Wishaw Wash and Part Worn Tyre Building at 457 Glasgow Road, Wishaw had been received, and (2) that objections (tabled) to the application had been received from (1) Councillor Lunny, a local Member; (2) Gareth Ward, local trader, and (3) E. Robertson, local trader, addressed to the Head of Planning and Development.

The Administrative Officer then indicated that Councillor Lunny and E. Robertson were not in attendance.

The Sub-Committee then heard Gareth Ward outline his objection to the application and Adele Campbell speak in support of her application.

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

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

**Decided:** that the application be Adele Campbell for a Street Trader's Licence be refused .

#### **(b) ANNE WHARRIE AND BRIAN WHARRIE PARTNERSHIP**

4. With reference to paragraph 6 of the Minute of the meeting of this Sub-Committee held on 25 August 2010 when consideration of an application (tabled) by Anne Wharrie and Brian Wharrie Partnership for a Street Trader's Licence to enable them to trade from a static snack van, north east side of Woodhall, Eurocentral had been continued to allow the applicants another opportunity to appear before the Sub-Committee to speak in support of their application, 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 Connell outline the Chief Constable's objection to the application and Mr. Johnstone, Roads and Transportation, Environmental Services and Brian Wharrie speak to the application.

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

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

**Decided:** that the application by Anne Wharrie and Brian Wharrie for a Street Trader's Licence be refused.

### **(2) COMPLAINT - THOMAS DEMPSIE**

5. The Chief Solicitor advised that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, complaints (tabled) had been received from (1) the Chief Constable, Strathclyde

Police; (2) Eric Rennie, Managing Director, Consarc Engineering Limited; (3) Morag Lyons, Marketing Manager, Muse Developments, and (4) Richard Bennett, Manufacturing Manager, Newsprinters (Eurocentral) Limited relative to the behaviour of Thomas Dempsie who current held a Street Trader's Licence to enable him to trade from a static snack van in Byramsmuir Road, Eurocentral.

The Sub-Committee then heard (1) Eric Rennie, Morag Lyons and Richard Bennett outline their complaint, and table photographs and maps; (2) Chief Inspector Connell outline the Chief Constable's complaint, and (3) Mr. Johnstone, Roads and Transportation and Thomas Dempsie speak in respect of the complaint, and table a petition in support.

Thereafter, Eric Rennie, Morag Lyons, Richard Bennett, Mr. Johnston and representatives of the Police and Thomas Dempsie withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Thomas Dempsie, Eric Rennie, Morag Lyons, Richard Bennett, Mr Johnston and representatives of the Police were then re-admitted to the meeting.

The Sub-Committee determined that the complaints by Eric Rennie, Morag Lyons, Richard Bennett and the Chief Constable relative to the behaviour of Thomas Dempsie be upheld, then heard Thomas Dempsie in mitigation.

Thomas Dempsie, Eric Rennie, Morag Lyons, Richard Bennett, Mr. Johnston and representatives of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Thomas Dempsie, Eric Rennie, Morag Lyons, Richard Bennett, Mr. Johnston and representatives of the Police were again re-admitted to the meeting.

**Decided:** that the Street Trader's Licence currently held by Thomas Dempsie be suspended for the unexpired duration of the Licence with immediate effect.

### **(3) NEW APPLICATION - KRIS MARSHALL**

6. The Chief Solicitor advised (1) that an application (tabled) by Kris Marshall for a Street Trader's Licence to enable him to trade from a static snack van 150 yards from Edinburgh Road towards the junction of Glasgow and Edinburgh Roads and Legbrannock Road, Holytown had been received; (2) that an objection (tabled) to the application had been received from the Executive Director of Environmental Services, and (3) that a late representation had been received from the Chief Constable, Strathclyde Police.

The Administrative Officer then indicated that Kris Marshall 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 Connell explain the reasons for the Chief Constable's representation being submitted late.

The Sub-Committee then heard (1) Mr. Johnstone outline the Executive Director of Environmental Services' objection to the application, and (2) Chief Inspector Connell outline the Chief Constable's representation.

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

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

**Decided:** that the application by Kris Marshall for a Street Trader's Licence be refused.