

**Motherwell, 9 March 2011 at 9.30 am.**

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

**PRESENT**

Councillor McAuley, Vice-Convener; Councillors Ferrie, Harmon, S. Love, McElroy and Sullivan.

**CHAIR**

In the absence of Councillor Hogg, Councillor McAuley (Vice-Convener) presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

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

**APOLOGIES**

Councillors Clarke, Hogg and Irvine.

**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**

**(1) PRIVATE HIRE CAR LICENCE AND PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINTS**

**(a) WILLIAM MacKENZIE**

2. 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 William MacKenzie who currently held a Private Hire Car Licence and a Private Hire Car Driver's Licence.

The Administrative Officer indicated that William MacKenzie was not in attendance.

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

The Sub-Committee heard Chief Inspector Fitzpatrick 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.

**Decided:** that, in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, the complaint relative to the behaviour of William MacKenzie be upheld and the Private Hire Car Licence and Private Hire Car Driver's Licence be suspended with immediate effect.

**(b) MARK STEVENSON**

3. 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 by the Council's Licensing Enforcement Officers from Emma Hamill relative to the behaviour of Mark Stevenson who currently held a Private Hire Car Licence and a Private Hire Car Driver's Licence.

The Sub-Committee then heard Emma Hamill and her mother, Janice Hamill outline the complaint and Mark Stevenson's agent, Elizabeth Craigmyle, Craigmyle and Company speak in respect of the complaint and table character references.

Thereafter, Mark Stevenson, Elizabeth Craigmyle, Emma Hamill, Janice Hamill and representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mark Stevenson, Elizabeth Craigmyle, Emma Hamill, Janice Hamill and representatives of the Police were then re-admitted to the meeting.

Councillor Love, seconded by Councillor McElroy moved that the complaint by Emma Hamill relative to the behaviour of Mark Stevenson be upheld.

Councillor Sullivan, seconded by Councillor Harmon, moved as an amendment, that the complaint by Emma Hamill be not upheld.

On a vote being taken, 3 Members voted for the amendment and 3 Members voted for the motion. The vote being equal, the Chair exercised her casting vote in favour of the motion, which was accordingly declared carried.

The Sub-Committee then heard Elizabeth Craigmyle in mitigation.

Thereafter, Mark Stevenson, Elizabeth Craigmyle, Emma Hamill, Janice Hamill and representatives of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mark Stevenson, Elizabeth Craigmyle, Emma Hamill, Janice Hamill and representatives of the Police were again re-admitted to the meeting.

**Decided:** that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Private Hire Car Licence and Private Hire Car Driver's Licence currently held by Mark Stevenson be not suspended on the understanding that the Head of Legal Services issue him with a letter warning him as to his future conduct.

**(2) PRIVATE HIRE CAR DRIVER'S LICENCE - RENEWAL - MOHAMAD FAROOQ**

4. The Chief Solicitor advised that an application (tabled) by Mohamad Farooq for the renewal of his Private Hire Car Driver's Licence had been received.

The Sub-Committee then heard the applicant and Chief Inspector Fitzpatrick speak in respect to the 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 Mohamad Farooq for the renewal of his Private Hire Car Driver's Licence be granted.

**(3) TAXI DRIVER'S LICENCE – RECALL OF SUSPENSION - PAUL ROONEY**

5. With reference to paragraph 7 of the Minute of the meeting of this Committee held on 17 June 2010 when it was agreed that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the Taxi Driver's Licence currently held by Paul Rooney be suspended for the unexpired duration of the Licence, with immediate effect, the Chief Solicitor advised that a request had been received from Paul Rooney seeking the recall of the suspension of his Taxi Driver's Licence.

The Administrative Officer then indicated that Paul Rooney was not in attendance.

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

**Decided:** that consideration of the recall of the suspension of Paul Rooney's Taxi Driver's Licence be continued to allow Paul Rooney another opportunity to appear before the Sub-Committee to speak in support of the request.

**(4) WINDOW CLEANER'S LICENCE - NEW APPLICATION - ROSS SCOTT**

6. The Chief Solicitor advised (1) that an application (tabled) by Ross Scott for a Window Cleaner's Licence 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 Fitzpatrick outline the Chief Constable's objection to the application and Ross Scott 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 for Ross Scott for a Window Cleaner's Licence be granted.