

Motherwell, 25 January 2012 at 10.00 am.

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

PRESENT

Councillor Hogg, Convener; Councillors Ferrie, Harmon, Higgins, 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 Fitzpatrick and Sergeant Hayburn, "N" Division, Strathclyde Police.

APOLOGIES

Councillors Irvine and McAuley.

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

PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINT - DONALD KERR

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 Donald Kerr who currently held a Private Hire Car Driver's Licence.

The Sub-Committee then heard Chief Inspector Fitzpatrick outline the Chief Constable's complaint and Donald Kerr speak in respect of the complaint.

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

Donald Kerr and the 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 Donald Kerr be upheld and his Private Hire Car Driver's Licence be suspended with immediate effect.

TAXI DRIVER'S LICENCE

(1) COMPLAINT - NEIL ROBERTSON

3. With reference to paragraph 4 of the Minute of the special meeting of this Sub-Committee held on 16 January 2012, when it was agreed that the complaint by the Chief Constable, relative to the behaviour of Neil Robertson, who currently held a Taxi Driver's Licence be upheld and the licence suspended with immediate effect for a period not exceeding six weeks, the Chief Solicitor (Licensing) 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 Chief Inspector Fitzpatrick outline the Chief Constable's complaint and Neil Robertson speak in respect of the complaint.

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

Neil Robertson and the representatives of the Police were then re-admitted to the meeting

The Sub-Committee having determined that the complaint be upheld, heard Neil Robertson in mitigation.

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

Neil Robertson and the 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 Taxi Driver's Licence currently held by Neil Robertson be suspended for the unexpired duration of the Licence, with immediate effect.

(2) RENEWAL - CAROL FRANCES McLEAN

4. The Chief Solicitor advised (1) that an application (tabled) by Carol Frances McLean for the renewal of her Taxi Driver'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 Fitzpatrick explain the reasons for the Chief Constable's objection being submitted late and Carol Frances McLean indicate that she objected to the late objection by the Chief Constable being considered.

The Sub-Committee determined that the late objection by the Chief Constable be considered.

The Sub-Committee then heard Chief Inspector Fitzpatrick outline the Chief Constable's objection (tabled) to the application and Carol Frances McLean speak in support of her application.

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

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

Decided: that the application by Carol Frances McLean for the renewal of her Taxi Driver's Licence be granted for a period of one year.

WINDOW CLEANER'S LICENCE – COMPLAINT - JAMES MUIRHEAD

5. With reference to paragraph 4 of the Minute of the meeting of this Sub-Committee held on 10 January 2012, when it was agreed that the complaint by the Chief Constable, relative to the behaviour of James Muirhead, who currently held a Window Cleaner's Licence be upheld and the Licence be suspended with immediate effect for a period not exceeding six weeks, the Chief Solicitor (Licensing) advised that, in terms of paragraph 12(5) of the Schedule 1 of the Civic Government (Scotland) Act 1982 further consideration required to be given to the matter.

The Sub-Committee then heard Chief Inspector Fitzpatrick outline the Chief Constable's complaint and James Muirhead speak in respect of the complaint.

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

James Muirhead and the representatives of the Police were re-admitted to the meeting.

The Sub-Committee having determined that the complaint be upheld, heard James Muirhead in mitigation.

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

James Muirhead and the 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 Window Cleaner's Licence held by James Muirhead be not suspended and that the Head of Legal Services issue James Muirhead with a letter warning him as to his future conduct.