

Motherwell, 8 March 2012 at 11 am.

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

PRESENT

Councillor Hogg, Convener; Councillor McAuley, Vice-Convener; Councillors Higgins and Irvine.

CHAIR

Councillor Hogg (Convener) presided.

IN ATTENDANCE

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

ALSO IN ATTENDANCE

Chief Inspector MacKenzie, "N" Division, Strathclyde Police.

APOLOGIES

Councillors Harmon, Love and Sullivan.

The Chair 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 Hogg and Councillor McElroy declared an interest in paragraph 2 below by reason that the applicant may be known to them. Councillor Hogg vacated the Chair, withdrew from the meeting and took no part in the consideration thereof.

Councillor McAuley, Vice-Convener assumed the Chair.

HEARINGS

(1) STREET TRADER'S LICENCE - NEW APPLICATION - MICHAELA STOKES

2. The Chief Solicitor advised (1) that an application (tabled) by Michaela Stokes for a Street Trader's Licence to enable her to trade from a static snack van at the BMX track, 150 yards from North Road, Condorrat 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 Ryan Thomson, Land Services outline the Executive Director of Environmental Services' objection to the application and table supporting photographs and Michaela Stokes and her husband, Michael Stokes speak in support of the application.

Thereafter, the applicant, Mr. Stokes, Ryan Thomson and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

The applicant, Mr. Stokes, Ryan Thomson and the representative of the Police were then re-admitted to the meeting.

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

Councillor Hogg resumed the Chair.

(2) STREET TRADER'S LICENCE - NEW APPLICATION - LEIGH McTURK

3. The Chief Solicitor advised (1) that an application (tabled) by Leigh McTurk for a Street Trader's Licence to enable her to trade from a static snack van at the former Ambulance Station, Greenfaulds Road, Cumbernauld had been received, and (2) that objections (tabled) to the application had been received from Councillor Goldie, a local Member and the Executive Director of Environmental Services.

The Administrative Officer then indicated that Leigh McTurk was not in attendance.

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

The Sub-Committee then heard (1) Councillor Goldie outline his objection to the application and Diane Smart, Roads and Transportation outline the Executive Director of Environmental Services' objection to the application.

Thereafter, Councillor Goldie, Diane Smart and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Councillor Goldie, Diane Smart and the representative of the Police were then re-admitted to the meeting.

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

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.

(3) PRIVATE HIRE CAR DRIVER'S LICENCE - COMPLAINT - JAMES KANE

4. 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 the Chief Constable, Strathclyde Police relative to the behaviour of James Kane who currently held a Private Hire Car Driver's Licence.

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

Thereafter James Kane and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

James Kane and the representative of the Police were re-admitted to the meeting.

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

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

James Kane and the representative 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 Driver's Licence currently held by James Kane be suspended for the unexpired duration of the Licence with immediate effect.

(4) PRIVATE HIRE CAR LICENCE - NEW APPLICATION - JAMES KANE

5. With reference to the proceeding paragraph, the Chief Solicitor advised that an application by James Kane for a Private Hire Car Licence had been received.

The Sub-Committee then heard James Kane indicate that he wished to withdraw the application.

Decided: that it be noted that James Kane had withdrawn his application for a Private Hire Car Licence.

(5) TAXI DRIVER'S LICENCE – COMPLAINT

6. 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 the Council's Licensing Enforcement Officer relative to the behaviour of Hugh Gailey who currently held a Taxi Driver's Licence.

The Administrative Officer indicated that Hugh Gailey was not in attendance.

The Sub-Committee then heard Neil Slamin, Licensing Enforcement Officer outline the complaint and Mr. and Mrs. Ali address the Sub-Committee in respect of the complaint.

Thereafter, Mr. and Mrs. Ali, Neil Slamin and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Mr. and Mrs. Ali, Neil Slamin and the representative of the Police were re-admitted to the meeting.

Decided: that, in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, the complaint from the Licensing Enforcement Officer relative to the behaviour of Hugh Gailey be upheld, and that his Taxi Driver's Licence be suspended for a period of 30 days effective from 6 April 2012.