

Motherwell, 5 June 2013 at 10 am.

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

PRESENT

Councillor W. Hogg, Convener; Councillors Clinch, Farooq, Irvine, Love, McKendrick, McVey, Majid and Sullivan.

CHAIR

Councillor W. Hogg (Convener) presided.

IN ATTENDANCE

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

ALSO IN ATTENDANCE

Chief Inspector Bland, Police Scotland.

APOLOGIES

Councillors McAuley and Nolan.

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

1. No declarations were made.

HEARINGS

(1) STREET TRADER'S LICENCE – NEW APPLICATION - GERARD MARSHALL

2. The Principal Solicitor advised (1) that an application (tabled) by Gerard Marshall for a Street Trader's Licence to enable him to trade from a static snack van at Mossspark Road, approximately 40 yards from Townhead Community Centre, Coatbridge had been received; (2) that objections (tabled) to the application had been received from Councillors McPake and McAnulty, local Members and Mr. and Mrs. J. Brown, local residents, and (3) that a late objection to the application had been received from Councillor Shields, a local Member.

The Administrative Officer then indicated that the objectors were not in attendance.

The Sub-Committee then heard the applicant, and his son, speak in support of his application and table a paper in mitigation.

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

The applicant, his son and the representative of the Police were then re-admitted to the meeting.

Councillor Hogg, seconded by Councillor Sullivan moved that the application by Gerard Marshall be granted for a period of one year.

Councillor Irvine, seconded by Councillor Love moved, as an amendment, that the application by Gerard Marshall be granted.

On a vote being taken 4 Members voted for the amendment and 5 Members voted for the motion which was accordingly declared carried.

Decided: that the application by Gerard Marshall for a Street Trader's Licence be granted for a period of one year.

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.

(2) PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINTS

(a) ANDRZEJ SZLYK

3. The Principal 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 Paul Scanlan by the Council's Licensing Enforcement Officers, relative to the behaviour of Andrzej Szlyk who currently held a Private Hire Car Driver's Licence.

The Sub-Committee then heard Paul Scanlon outline his complaint and Andrzej Szlyk speak in respect of the complaint.

Thereafter Paul Scanlon, Andrzej Szlyk and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Paul Scanlon, Andrzej Szlyk and the representative of the Police were re-admitted to the meeting.

Councillor Hogg, seconded by Councillor Love moved that the complaint relative to the behaviour of Andrzej Szlyk be upheld.

Councillor McVey, seconded by Councillor Clinch, moved, as an amendment, that the complaint relative to the behaviour of Andrzej Szlyk be not upheld.

On a vote being taken 6 Members voted for the amendment and 3 Members voted for the motion. The amendment was accordingly declared carried.

Decided: that the complaint by Paul Scanlon relative to the behaviour of Andrzej Szlyk who currently held a Private Hire Car Driver's Licence be not upheld.

(b) TARIK EVSEVER

4. The Principal 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, Police Scotland, relative to the behaviour of Tarik Evsever who currently held a Private Hire Car Driver's Licence.

The Sub-Committee then heard Chief Inspector Bland outline the Chief Constable's complaint and Tarik Evsever speak in respect of the complaint.

Thereafter, Tarik Evsever and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Tarik Evsever and the representative of the Police were re-admitted to the meeting.

Decided: that the complaint by the Chief Constable relative to the behaviour of Tarik Evsever who currently held a Private Hire Car Driver's Licence be not upheld.

(3) PRIVATE HIRE CAR OPERATOR'S LICENCE - NEW APPLICATION - TARIK EVSEVER

5. With reference to the preceding paragraph the Principal Solicitor advised (1) that an application (tabled) by Tarik Evsever for a Private Hire Car Operator's Licence had been received, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Police Scotland.

The Sub-Committee then heard Chief Inspector Bland outline the Chief Constable's objection to the application and Tarik Evsever speak in support of his application.

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

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

Decided: that the application by Tarik Evsever for a Private Hire Car Operator's Licence be granted.

(4) SECOND HAND DEALER'S LICENCE – COMPLAINT - CHARLES MULLEN

6. The Principal 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, Police Scotland, relative to the behaviour of Charles Mullen who currently held a Second Hand Dealer's Licence.

The Sub-Committee then heard Chief Inspector Bland outline the Chief Constable's complaint and Charles Mullen speak in respect of the complaint.

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

Charles Mullen and the representative of the Police were re-admitted to the meeting.

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

Thereafter Charles Mullen and the representative of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Charles Mullen and the representative of the Police were again re-admitted to the meeting.

Decided: that the Second Hand Dealer's Licence currently held by Charles Mullen be not suspended on the understanding that the Head of Legal Services issue Charles Mullen with a letter warning him as to his future conduct.