

Motherwell, 14 August 2013 at 10 am.

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

PRESENT

Councillors Clinch, Irvine, Love, McAuley, McKendrick, McVey, Nolan and Sullivan.

CHAIR

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

IN ATTENDANCE

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

ALSO IN ATTENDANCE

Sergeant Macdonald, Lanarkshire Division, Police Scotland.

APOLOGY

Councillor W. Hogg.

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

1. Councillor Clinch and Councillor Nolan declared an interest in paragraph 2 below as the applicant and the agent were known to them respectively.

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

The Convenor exercised her discretion to vary the order of business as hereinafter minuted.

Councillors Clinch and Nolan declared an interest in the following item of business as, respectively, the applicant and agent were known to them, withdrew from the meeting and took no part in the determination thereof.

(1) SECOND HAND DEALER'S LICENCE - NEW APPLICATION - JOHN McRORIE

2. The Principal Solicitor advised (1) that an application (tabled) by John McRorie for a Second Hand Dealer's Licence to enable him to trade in second hand motor/van sales at 96 Orbiston Street, Motherwell 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 Sergeant Macdonald outline the Chief Constable's objection to the application and the applicant's agent, Tom Watters, Watters Steven and Company, speak in support of the application.

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

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

Decided: that the application by John McRorie for a Second Hand Dealer's Licence be granted.

(2) PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR OPERATOR'S LICENCE – RECALL OF SUSPENSION - WILLIAM MITCHELL

3. With reference to paragraph 3 of the Minute of the Special meeting of this Sub-Committee held on 7 April 2012, when it was agreed that the Private Hire Car Driver's Licence and Private Hire Car Operator's Licence currently held by William Mitchell be suspended for the unexpired duration of the licences with immediate effect, the Principal Solicitor advised (1) that a request (tabled) had been received from William Mitchell seeking the recall of those suspensions, and (2) that an objection (tabled) to the recall of the suspensions had been received from the Chief Constable, Police Scotland.

The Sub-Committee then heard Sergeant Macdonald outline the Chief Constable's objection to the recall of the suspensions and William Mitchell speak in support of the request.

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

William Mitchell and the representative of the Police were then re-admitted to the meeting.

Decided: that, in terms of paragraph 11(6) of Schedule 1 of the Civic Government (Scotland) Act 1982, the suspension of William Mitchell's Private Hire Car Driver's Licence and Private Hire Car Operator's Licence be recalled.

(3) SECOND HAND DEALER'S LICENCE - NEW APPLICATION - DAVID HASTIE

4. The Principal Solicitor advised (1) that an application (tabled) by David Hastie for a Second Hand Dealer's Licence to enable him to trade in second hand tyre sales at 1-7 Kitchener Street, Etna Industrial Estate, Wishaw had been received; (2) that an objection to the application had been received from the Chief Constable, Police Scotland, and (3) that the Chief Constable wished to introduce further information.

The Sub-Committee having enquired as to the general nature of the further information, was provided, in broad terms, with such information by Sergeant Macdonald who advised why, in the Chief Constable's opinion, the further information be disclosed.

The Sub-Committee then heard David Hastie advise that he objected to the further information being disclosed.

The Sub-Committee having determined that the further information be disclosed heard Sergeant Macdonald give details of the further information (tabled) and outline the Chief Constable's objection (tabled) to the application and David Hastie speak in support of the application.

Thereafter David Hastie 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 David Hastie for a Second Hand Dealer's Licence be granted.

(4) STREET TRADER'S LICENCE – NEW APPLICATIONS

(a) WILLIAM DALZIEL

5. The Principal Solicitor advised (1) that an application (tabled) by William Dalziel for a Street Trader's Licence to enable him to trade in a mobile car valeting, pressure washing and wheeled bin cleaning service in North Lanarkshire had been received, and (2) that a late objection to the application had been received from the Chief Constable, Police Scotland.

The Sub-Committee then heard Sergeant Macdonald explain the reasons for the Chief Constable's objection being submitted late and William Dalziel's agent, Brian Moreland, Beltrami and Company, Solicitors, indicate that he objected to the late objection being considered.

The Sub-Committee having determined that the late objection be considered, heard Sergeant Macdonald outline the Chief Constable's objection (tabled) to the application and Brian Moreland and the applicant's father, Cameron Dalziel, speak in respect of the application.

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

The applicant, Cameron Dalziel, Brian Moreland and the representative of the Police were then re-admitted to the meeting.

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

(b) PAUL MCGOWAN

6. The Principal Solicitor advised (1) that an application by Paul McGowan for a Street Trader's Licence to enable him to operate a mobile car valeting, pressure washing and wheeled bin washing service in North Lanarkshire had been received, and (2) that a late objection to the application had been received from the Chief Constable, Police Scotland.

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

Decided: that consideration of the matter be continued to allow Paul McGowan another opportunity to appear before the Sub-Committee to speak in support of his application.

(c) GRAHAM WADDELL

7. The Principal Solicitor advised (1) that an application (tabled) by Graham Waddell for a Street Trader's Licence to enable him to operate a mobile bin cleaning service in North Lanarkshire 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 Sergeant Macdonald outline the Chief Constable's objection to the application and Graham Waddell's agent, Stephen Fox, Ross and Fox, Solicitors, speak in respect of the application and table two character references.

Thereafter Graham Waddell, Stephen Fox and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Graham Waddell, Stephen Fox and the representative of the Police were then re-admitted to the meeting.

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