

**Motherwell, 9 September 2013 at 10.30 am.**

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

**PRESENT**

Councillor W. Hogg, Convener; Councillors Clinch, Irvine, Love, McAuley, McKendrick and Majid.

**CHAIR**

Councillor W. Hogg (Convener) presided.

**IN ATTENDANCE**

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

**ALSO IN ATTENDANCE**

In respect of paragraphs 1, 2 and 3 - Sergeant McGovern, Lanarkshire Division, Police Scotland.

In respect of paragraphs, 4, 5, 6 and 7 - Environmental Health Manager and Chief Inspector Wright and Sergeant Mackay, Lanarkshire Division, Police Scotland.

**APOLOGIES**

Councillor Farooq, McVey and Nolan.

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

1. Councillor Hogg declared an interest in paragraph 2 below as the applicant was known to him.

**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**

**Councillor Hogg having declared an interest in the following item of business by reason of the applicant being known to him, vacated the Chair, withdrew from the meeting and took no part in the consideration or decision thereon.**

**Councillor McAuley assumed the Chair.**

**(1) TAXI OPERATOR'S LICENCE - RENEWAL - JOHN HARRA**

2. The Licensing Solicitor advised that (1) an application (tabled) by John Harra for the renewal of his Taxi Operator's Licence had been received, and (2) that John Harra did not have a vehicle that was compliant with the Council's specification.

The Sub-Committee then heard the applicant speak in support of the 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 representatives of the Police were then re-admitted to the meeting.

**Decided:** that the application by John Harra for the renewal of his Taxi Operator's Licence be granted subject to six monthly inspections being undertaken.

**Councillor Hogg resumed the Chair.**

**(2) PRIVATE HIRE CAR DRIVER'S LICENCE – COMPLAINT - JOHN SHEPPARD**

3. The Licensing 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 John Sheppard who currently held a Private Hire Car Driver's Licence.

The Administrative Officer then indicated that John Sheppard was not in attendance.

Thereafter, the Sub Committee resumed consideration of the matter in John Sheppard's absence.

The Sub-Committee then heard Sergeant McGovern outline the Chief Constable's complaint.

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

The representative of the Police was then 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 John Sheppard be suspended, with immediate effect, for the unexpired duration of the Licence.

**(3) PRIVATE LANDLORD REGISTRATION – REPRESENTATIONS**

**(a) DOMINIC BLANEY**

4. The Licensing Solicitor advised (1) that in terms of Section 84 of Part 8 of the Anti-Social Behaviour Etc. (Scotland) Act 2004, material had been brought to the attention of the Council, by the Chief Constable, Police Scotland, which falls within Sub-Section 85(2) of the aforementioned Act, relative to the behaviour of Dominic Blaney, who was currently registered as a private landlord, and (2) that Dominic Blaney had subsequently de-registered as a private landlord.

**Decided:** that it be noted that Dominic Blaney had de-registered himself as a private landlord.

**(b) ALAN CUNNINGHAM**

5. The Licensing Solicitor advised (1) that in terms of Section 84 of Part 8 of the Anti-Social Behaviour Etc. (Scotland) Act 2004, material had been brought to the attention of the Council, by the Chief Constable, Police Scotland, which falls within Sub-Section 85(2) of the aforementioned Act, relative to the behaviour of Alan Cunningham, who was currently registered as a private landlord.

The Sub-Committee then heard Chief Inspector Wright outline the Chief Constable's representation and Alan Cunningham's agent, David Lingard, Leonards, Solicitors, speak in respect of the matter.

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Thereafter, Alan Cunningham, David Lingard, Environmental Health Manager and the representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Alan Cunningham, David Lingard, Environmental Health Manager and the representatives of the Police were then re-admitted to the meeting.

**Decided:** that, in terms of Section 84 of Part 8 of the Anti-Social Behaviour Etc. (Scotland) Act 2004, Alan Cunningham remain on the Register as a private landlord.

**(c) PAVEL NOVOTNY**

6. The Licensing Solicitor advised that in terms of Section 84 of Part 8 of the Anti-Social Behaviour Etc. (Scotland) Act 2004, material had been brought to the attention of the Council, by the Chief Constable, Police Scotland, which falls within Sub-Section 85(2) of the aforementioned Act, relative to the behaviour of Pavel Novotny, who was currently registered as a private landlord.

The Sub-Committee then heard Pavel Novotny and his agent, Noor Mohammed speak in respect of the matter.

Thereafter, Pavel Novotny, Noor Mohammed, Environmental Health Manager and the representatives of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Pavel Novotny, Noor Mohammed, Environmental Health Manager and the representatives of the Police were then re-admitted to the meeting.

**Decided:** that, in terms of Section 84 of Part 8 of the Anti-Social Behaviour Etc. (Scotland) Act 2004, Pavel Novotny be de-registered as a private landlord effective from 1 October 2013.

**(d) GAVIN SHORT**

7. The Licensing Solicitor advised (1) that in terms of Section 84 of Part 8 of the Anti-Social Behaviour Etc. (Scotland) Act 2004, material had been brought to the attention of the Council, by the Chief Constable, Police Scotland, which falls within Sub-Section 85(2) of the aforementioned Act, relative to the behaviour of Gavin Short, who was currently registered as a private landlord, and (2) Gavin Short had requested that consideration be continued to allow him another opportunity to appear before the Sub-Committee to speak in respect of the matter.

**Decided:** that consideration of the matter be continued to allow Gavin Short another opportunity to appear before the Sub-Committee to speak in respect of the matter.