

Motherwell, 29 January 2014 at 10 am.

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

PRESENT

Councillor W. Hogg, Convener; Councillors Irvine, McKendrick, McVey, Majid and Nolan.

CHAIR

Councillor W. Hogg (Convener) presided.

IN ATTENDANCE

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

ALSO IN ATTENDANCE

Sergeant McGovern, Lanarkshire Division, Police Scotland.

APOLOGIES

Councillors Clinch, Farooq, Love and Sullivan.

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

(1) PRIVATE HIRE CAR DRIVER'S LICENCE – NEW APPLICATIONS

(a) JAMES SHEARER

2. The Managing Solicitor advised (1) that an application (tabled) by James Shearer for a Private Hire Car Driver's Licence 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 McGovern explain the reasons for the Chief Constable's objection being submitted late and James Shearer indicate that he had no objection to the late objection being considered.

The Sub-Committee then heard Sergeant McGovern outline the Chief Constable's objection (tabled) to the application and James Shearer speak in respect of the application.

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

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

Councillor McVey, seconded by Councillor Majid, moved that the application by James Shearer for a Private Hire Car Driver's Licence be refused.

Councillor Nolan, seconded by Councillor Irvine, moved, as an amendment, that the application by James Shearer for a Private Hire Car Driver's Licence be granted for a period of one year.

On a vote being taken, 2 Members voted for the amendment and 3 Members voted for the motion which was accordingly declared carried.

Decided: that the application by James Shearer for a Private Hire Car Driver's Licence be refused.

(b) DARREN WARD

3. The Managing Solicitor advised (1) that an application (tabled) by Darren Ward for a Private Hire Car Driver'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 Sergeant McGovern outline the Chief Constable's objection to the application and Darren Ward speak in support of his application.

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

Darren Ward and the representative of the Police were then re-admitted to the meeting.

Councillor McVey, seconded by Councillor Irvine, moved, that the application by Darren Ward for a Private Hire Car Driver's Licence be granted for a period of one year.

Councillor W. Hogg, seconded by Councillor McKendrick moved, as an amendment, that the application by Darren Ward for a Private Hire Car Driver's Licence be refused.

On a vote being taken, 2 Members voted for the amendment and 4 Members voted for the motion, which was accordingly declared carried.

Decided: that the application by Darren Ward for a Private Hire Car Driver's Licence be granted for a period of one year.

(2) PRIVATE HIRE CAR LICENCE – RENEWAL - CATHERINE JEFFERY

4. The Managing Solicitor advised (1) that an application by Catherine Jeffery for the renewal of her Private Hire Car Licence had been received, and (2) of the background relative thereto.

The Administrative Officer then indicated that Catherine Jeffery was not in attendance.

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

Decided: that the application by Catherine Jeffery for the renewal of her Private Hire Car Licence be granted.

(3) PRIVATE HIRE CAR DRIVER'S LICENCE AND TAXI DRIVER'S LICENCE – COMPLAINTS - BRYAN ELLIOT AND ALAN WATSON

5. The Managing Solicitor advised that in terms of paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1974, complaints (tabled) had been received from (1) Bryan Elliot relative to the behaviour of Alan Watson who currently held a Taxi Driver's Licence, and (2) Alan Watson relative to the behaviour of Bryan Elliot who currently held a Private Hire Car Driver's Licence.

The Sub-Committee then heard (1) Bryan Elliot outline his complaint and Alan Watson speak in respect of the complaint, and (2) Alan Watson outline his complaint and Bryan Elliot speak in respect of the complaint.

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

Bryan Elliot, Alan Watson and the representative of the Police were then re-admitted to the meeting.

The Sub-Committee having determined that both complaints be upheld, heard Bryan Elliot and Alan Watson in mitigation.

Thereafter Bryan Elliot, Alan Watson and the representative of the Police again withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Bryan Elliot, Alan Watson and the representative of the Police were again re-admitted to the meeting.

Decided:

- (1) that the Taxi Driver's Licence currently held by Alan Watson be not suspended on the understanding that the Head of Legal Services issue Alan Watson with a letter warning him as to his future conduct, and
- (2) that the Private Hire Car Driver's Licence currently held by Bryan Elliot be not suspended on the understanding that the Head of Legal Services issue Bryan Elliot with a letter warning him as to his future conduct.

(4) TAXI DRIVER'S LICENCE – RENEWAL - DESMOND WHELAN

6. The Managing Solicitor advised (1) that an application by Desmond Whelan for the renewal of his Taxi Driver's Licence had been received, and (2) that Desmond Whelan had contacted the Council to advise that due to a prior commitment he was unable to be in attendance and requested that consideration be continued to allow him another opportunity to appear before the Sub-Committee to speak in support of his application.

Decided: that consideration of the application by Desmond Whelan for the renewal of his Taxi Driver's Licence be continued to allow Desmond Whelan another opportunity to appear before the Sub-Committee to speak in support of his application.