

Motherwell, 25 February 2014 at 10.30 am.

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

PRESENT

Councillor W. Hogg, Convener; Councillors Irvine, Love, McKendrick, Nolan and Sullivan.

CHAIR

Councillor W. Hogg (Convener) presided.

IN ATTENDANCE

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

ALSO IN ATTENDANCE

In respect of paragraph 2 – Sergeant McGovern, Lanarkshire Division, Police Scotland.

In respect of the remaining paragraphs - Environmental Health Manager and Chief Inspector Russell, Lanarkshire Division, Police Scotland.

APOLOGIES

Councillors McVey and P. O'Rourke.

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 item 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 Convener being of the view that the following item of business was of an urgent nature, authorised its consideration to enable the Council to deal with the matter timeously.

(1) PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE - COMPLAINT - THOMAS KEENAN

2. The Acting Managing Solicitor advised that, in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, a complaint had been received from the Chief Constable, Police Scotland, relative to the behaviour of Thomas Keenan who currently held a Private Hire Car Driver's Licence and a Private Hire Car Licence.

The Administrative Officer then indicated that Thomas Keenan was not in attendance.

Thereafter the Sub-Committee resumed consideration of the matter in Thomas Keenan's absence.

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

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 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, the complaint by the Chief Constable relative to the behaviour of Thomas Keenan be upheld and that his Private Hire Car Driver's Licence and Private Hire Car Licence be suspended with immediate effect.

(2) PRIVATE LANDLORD REGISTRATION – REPRESENTATIONS

(a) GARY BLACK

3. The Acting Managing Solicitor advised that (1) 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 Gary Black, who was currently registered as a Private Landlord, and (2) Gary Black 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 Gary Black another opportunity to appear before the Sub-Committee to speak in respect of the matter.

(b) DAVID JACKSON

4. The Acting Managing 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 David Jackson, who was currently registered as a Private Landlord.

The Sub-Committee then heard Chief Inspector Russell outline the representation (tabled) and David Jackson speak in respect of the matter.

Thereafter, David Jackson, the Environmental Health Manager and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

David Jackson, the Environmental Health Manager and the representative 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, David Jackson be de-registered as a Private Landlord effective from 16 February 2014.

(c) EDWARD McGARVEY

5. The Acting Managing Solicitor advised that, in terms of Section 84 of Part 8 of the Anti-Social Behaviour Etc. (Scotland) Act 2004, as amended by Section 1(1) of the Private Rented Housing (Scotland) Act 2011, material had been brought to the attention of the Council, by the Executive Director of Regeneration and Environmental Services, which falls within Sub-Section 1(8) of the aforementioned Act, relative to the behaviour of Edward McGarvey, who was currently registered as a Private Landlord.

The Sub-Committee then heard the Environmental Health Manager outline the Executive Director of Regeneration and Environmental Services' representation, Edward McGarvey and Robert Watt, Sandpiper Lettings, speak in respect of the matter.

Thereafter, Edward McGarvey, Robert Watt, the Environmental Health Manager and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Edward McGarvey, Robert Watt, Andrew McPherson and the representative 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, as amended by Section 1(1) of the Private Rented Housing (Scotland) Act 2011, Edward McGarvey be de-registered as a Private Landlord effective from 16 February 2014.

(d) KRISTOPHER O'MALLEY

6. The Acting Managing 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 Kristopher O'Malley, who was currently registered as a Private Landlord.

The Administrative Officer then indicated that Kristopher O'Malley was not in attendance.

Thereafter the Sub-Committee resumed consideration of the matter in Kristopher O'Malley's absence.

The Sub-Committee then heard Chief Inspector Russell outline the Chief Constable's representation.

Thereafter, Chief Inspector Russell and the Environmental Health Manager withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Chief Inspector Russell and the Environmental Health Manager 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, Kristopher O'Malley be de-registered as a Private Landlord effective from 16 February 2014.

(e) STEWART PAUL

7. The Acting Managing Solicitor advised that (1) 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 Gary Black, who was currently registered as a Private Landlord, and (2) Stewart Paul 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 Stewart Paul another opportunity to appear before the Sub-Committee to speak in respect of the matter.