

Motherwell, 23 July 2014 at 10 am.

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

PRESENT

Councillors Clinch, Farooq, Irvine, McVey, Nolan and Sullivan.

CHAIR

In the absence of the Convener, Councillor Clinch presided.

IN ATTENDANCE

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

ALSO IN ATTENDANCE

Sergeant McGovern, Lanarkshire Division, Police Scotland.

APOLOGIES

Councillors W. Hogg, Love, McKendrick 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 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 Chair exercised his discretion to vary the order of business as hereinafter minuted.

(1) PRIVATE LANDLORD REGISTRATION – RECALL OF DECISION - EDWARD MCGARVEY

2. With reference to paragraph 5 of the Minute of the meeting of this Sub-Committee held on 25 February 2014, when it was agreed 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, the Acting Managing Solicitor advised that due to a material change in circumstances Mr. McGarvey had requested that the de-registration be recalled.

The Sub-Committee then heard the Environmental Health Manager outline the material change in circumstances and 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, 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, as amended by Section 1(1) of the Private Rented Housing (Scotland) 2011, the decision to de-register Edward McGarvey as a Private Landlord be recalled.

(2) PRIVATE HIRE CAR LICENCE - RENEWAL - KENNETH McHUGH

3. The Acting Managing Solicitor advised (1) that an application (tabled) by Kenneth McHugh for the renewal of his Private Hire Car Licence had been received, and (2) that Kenneth McHugh did not have a vehicle that was compliant with the Council's specification.

The Sub-Committee then heard the applicant speak in respect 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 Kenneth McHugh for the renewal of his Private Hire Car Licence be granted for a period of 18 months, effective from 31 March 2014.

(3) PRIVATE HIRE CAR DRIVER'S LICENCE - NEW APPLICATION - ROBERT ROBERTSON

4. The Acting Managing Solicitor advised (1) that an application (tabled) by Robert Robertson 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 Robert Robertson 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 Robert Robertson for a Private Hire Car Driver's Licence be granted.

(4) STREET TRADER'S LICENCE - NEW APPLICATION - DENISE MATHIESON

5. The Acting Managing Solicitor advised (1) that an application (tabled) by Denise Mathieson for a Street Trader's Licence to enable her to trade from a static snack van at Grayshill Road, Westfield, Cumbernauld had been received; (2) that objections (tabled) to the application had been received from Catherine Marshall, Gerard Marshall, Jim Mitchell and Leah Smith, local traders, and (3) that Denise Mathieson had indicated that her husband, John Mathieson, would be in attendance to speak on her behalf.

The Administrative Officer then indicated that Catherine Marshall, Jim Mitchell and Leah Smith were not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in the absence of Catherine Marshall, Jim Mitchell and Leah Smith.

The Sub-Committee then heard Gerard Marshall and his son, Chris Marshall, outline Gerard Marshall's objection to the application and John Mathieson speak in support of his wife's application.

Thereafter, John Mathieson, Gerard Marshall, Chris Marshall and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

John Mathieson, Gerard Marshall, Chris Marshall and the representative of the Police were then re-admitted to the meeting.

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

(5) WINDOW CLEANER'S LICENCE - NEW APPLICATION - SEAN GORMAN

6. The Acting Managing Solicitor advised (1) that an application (tabled) by Sean Gorman for a Window Cleaner'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 Sean Gorman 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 Sean Gorman for a Window Cleaner's Licence be granted.

(6) PRIVATE HIRE CAR LICENCE - NEW APPLICATION - SYED KAZMI

7. The Acting Managing Solicitor advised (1) that an application (tabled) by Syed Kazmi for a Private Hire Car 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 Syed Kazmi 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 Syed Kazmi for a Private Hire Car Licence be granted.

(7) PRIVATE HIRE CAR DRIVER'S LICENCE

(a) NEW APPLICATION - GARY CHARNLEY

8. With reference to paragraph 7 of the Minute of the meeting of this Sub-Committee held on 2 July 2014, the Acting Managing Solicitor advised (1) that consideration of an application (tabled) by Gary Charnley for a Private Hire Car Driver's Licence had been continued to allow the applicant another opportunity to appear before the Sub-Committee to speak in support of his application, and (2) that an objection (tabled) to the application had been received from the Chief Constable, Police Scotland.

The Administrative Officer then indicated that Gary Charnley was not in attendance.

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

The Sub-Committee then heard Sergeant McGovern outline the Chief Constable's objection to the application.

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 the application by Gary Charnley for a Private Hire Car Driver's Licence be refused.

(b) COMPLAINT - MARTIN MORGAN

9. The Acting Managing 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 Martin Morgan, who currently held a Private Hire Car Driver's Licence.

The Administrative Officer then indicated that Martin Morgan was not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in Martin Morgan'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 Martin Morgan be not suspended, on the understanding that the Head of Democratic and Legal Services issue Martin Morgan with a letter warning him as to his future conduct.

(c) RECALL OF SUSPENSION - ANDRZEJ SZLYK

10. With reference to paragraph 7 of the Minute of the meeting of this Sub-Committee held on 12 March 2014, when it was agreed that the Private Hire Car Driver's Licence held by Andrzej Szlyk be suspended for the unexpired duration of the Licence with immediate effect, the Acting Managing Solicitor advised that a request had been received from Andrzej Szlyk seeking the recall of the suspension.

The Administration Officer then indicated that Andrzej Szlyk was not in attendance.

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

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