

Motherwell, 20 August 2014 at 2 pm.

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

PRESENT

Councillors Clinch, Irvine, Love, McVey, Majid, Nolan and P. O'Rourke.

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 Hogg, McKendrick 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 paragraph 6 of Part 1 of Schedule 7A of the Act.

HEARINGS

STREET TRADER'S LICENCE CONDITIONS – VARIATIONS

(1) GENERAL

2. With reference to paragraph 13 of the Minute of the meeting of the Corporate Services Committee held on 1 May 2014, when it was agreed that a condition be incorporated in a Street Trader's Licence prohibiting any trader from operating within a distance of 250 metres from the defined perimeter, as constituted by the physical boundaries in place, of all secondary schools in the North Lanarkshire area between 8 am and 5 pm on any school day during term time, the condition to apply to snack vans selling or offering for sale hot or cold food, fish and chip vans and ice cream vans, the Acting Managing Solicitor orally advised, as a consequence of the policy, (1) that the Head of Democratic and Legal Services had written to all Street Trader Licence holders advising that their Licence would be varied to incorporate the aforementioned condition; (2) that Licensees and applicants be afforded an opportunity to address the Sub-Committee as to whether they should be exempt from the condition, and (3) that, Stephen McGowan, Head of Licensing (Scotland), TLT Solicitors, the agent

representing Karen McCluskey, Stephen Kerr, Patricia Hardie, Anne Marie Pratt, and Caroline Kane had requested that he be afforded the opportunity to address the Sub-Committee on a preliminary matter.

The Sub-Committee then heard Stephen McGowan, for the reasons stated, request (1) that the public be admitted to the meeting; (2) that his clients wished the hearings, detailed on the agenda as items 2(a), 2(c) and 2(d) relating to Karen McCluskey, Stephen Kerr, Patricia Hardie, Anne Marie Pratt and Caroline Kane, who had been invited to attend and address the Sub-Committee as to why they should be exempt from the condition, be considered in unison in relation to competency submissions as he was representing all of the Licence holders, and (3) that he intended to refer to the response by the Council to a Freedom of Information request.

Decided: that the public be not excluded and that the hearings detailed agenda items 2(a), 2(c) and 2(d) relating to Karen McCluskey, Stephen Kerr, Patricia Hardie, Anne Marie Pratt and Caroline Kane be considered in unison in relation to the competency submissions.

KAREN McCLUSKEY (EMPLOYER)
STEPHEN KERR (EMPLOYEE)
PATRICIA HARDIE (EMPLOYER)
ANNE MARIE PRATT (EMPLOYEE)
CAROLINE KANE

The Administrative Officer then indicated that Anne Marie Pratt was no longer in attendance.

The Sub-Committee resumed consideration of the matter in Anne Marie Pratt's absence.

3. With reference to the immediately preceding paragraph, the Sub-Committee heard (1) Stephen McGowan, Head of Licensing (Scotland), TLT Solicitors, (a) refer to a Freedom of Information response by the Council (tabled), and (b) outline the reasons why Karen McCluskey, Stephen Kerr, Patricia Hardie, Anne Marie Pratt and Caroline Kane should be exempt from the variation of their Street Trader's Licence to incorporate the conditions to prohibit them from operating within a distance of 250 metres from the defined perimeter, as constituted by the physical boundaries in place of all secondary schools in the North Lanarkshire area, between 8 am and 5 pm on any school day during term time and apply to snack vans selling or offering for sale hot or cold foods, fish and chip vans and ice cream vans; (2) Karen McCluskey and Stephen Kerr speak in respect of the variation to their Licence for a static snack van at Bruce Street, Bellshill, as being sited within 250 metres of Bellshill Academy and table a petition in support of the current location; (3) Patricia Hardie speak in respect of the variation to the Licence for her static snack van west of 53 Waverley Drive, Wishaw, as being sited within 250 metres of St. Aidan's High School, and (4) Caroline Kane speak in respect of the variation to the Licence for her static snack van at Palacecraig Street, Rosehall Industrial Estate, Coatbridge, as being sited within 250 metres of St. Andrew's High School, and table a petition and letter from local businesses in the area in support of the current location.

Thereafter, Stephen McGowan, Karen McCluskey, Stephen Kerr, Patricia Hardie, Caroline Kane and the representative of the Police withdrew from the meeting and the Sub-Committee resumed consideration of the matter.

Stephen McGowan, Karen McCluskey, Stephen Kerr, Patricia Hardie, Caroline Kane and the representative of the Police were then re-admitted to the meeting.

Decided: that the Street Trader's Licences currently held by Karen McCluskey, Stephen Kerr, Patricia Hardie, Anne Marie Pratt and Caroline Kane be varied to include the condition that the street traders would be prohibited from operating within a distance of 250 metres from the defined perimeter, as constituted by the physical boundaries in place, of all secondary schools in the North Lanarkshire area between 8 am and 5 pm on any school day during term time, and would apply to snack vans selling or offering for sale hot or cold food, fish and chip vans and ice cream vans.

(2) GERARD BANNAN (EMPLOYER) AND RYAN O'ROURKE (EMPLOYEE)

4. With reference to paragraph 13 of the Minute of the meeting of the Corporate Services Committee held on 1 May 2014, when it was agreed that a condition be incorporated in a Street Trader's Licence prohibiting the trader from operating within a distance of 250 metres from the defined perimeter, as constituted by the physical boundaries in place, of all secondary schools in the North Lanarkshire area between 8 am and 5 pm on any school day during term time, and apply to snack vans selling or offering for sale hot or cold food, fish and chip vans and ice cream vans, the Acting Managing Solicitor advised, as a consequence of the policy, (1) that the Head of Democratic and Legal Services had written to all street trader licence holders advising that their Licence would be varied to incorporate the aforementioned condition, and (2) that Licensees and applicants be afforded an opportunity to address the Sub-Committee as to whether they should be exempt from the condition.

The Administrative Officer then indicated that Gerard Bannan and Ryan O'Rourke, who had been invited to attend and address the Sub-Committee as to why they should be exempt from the condition, were not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in the Licence holders absence.

Decided: that consideration of the matter be continued to allow Gerard Bannan and Ryan O'Rourke another opportunity to appear before the Sub-Committee to speak in respect of the variation.

(3) ROBERT BULLARD AND GAIL BOWMAN (EMPLOYERS)

5. With reference to paragraph 13 of the Minute of the meeting of the Corporate Services Committee held on 1 May 2014, when it was agreed that a condition be incorporated in a Street Trader's Licence prohibiting the trader from operating within a distance of 250 metres from the defined perimeter, as constituted by the physical boundaries in place, of all secondary schools in the North Lanarkshire area between 8 am and 5 pm on any school day during term time, and apply to snack vans selling or offering for sale hot or cold food, fish and chip vans and ice cream vans, the Acting Managing Solicitor advised, as a consequence of the policy (1) that the Head of Democratic and Legal Services had written to all Street Trader Licence holders advising that their Licence would be varied to incorporate the aforementioned condition, and (2) that Licensees and applicants be afforded an opportunity to address the Sub-Committee as to whether they should be exempt from the condition.

The Administrative Officer then indicated that Robert Bullard and Gail Bowman, who had been invited to attend and address the Sub-Committee as to why they should be exempt from the condition, were not in attendance.

Thereafter, the Sub-Committee resumed consideration of the matter in the Licence holders absence.

Decided: that consideration of the matter be continued to allow Robert Bullard and Gail Bowman another opportunity to appear before the Sub-Committee to speak in respect of the variation.