

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 21 MAY 2014**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Alex McNaughton
Councillor Robin Currie	Councillor James McQueen
Councillor George Freeman	Councillor Sandy Taylor
Councillor Robert G MacIntyre	Councillor Richard Trail
Councillor Donald MacMillan	

Attending: Patricia O'Neill, Central Governance Manager
Graeme Forrester, Solicitor
Ms Scott, Applicant
Sergeant Quinn, Police Scotland
Constable Hamilton, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Mary-Jean Devon, Roderick McCuish and Alistair MacDougall.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR THE GRANT OF TEMPORARY MARKET OPERATOR'S LICENCE (CONTINENTAL MARKET LTD, DUNFERMLINE)

Applicant

Ms Scott confirmed that her earlier presentation to the Committee during the Civic Government Hearing held at 2.20 pm on 21 May 2014 in respect of Continental Market Ltd's application for a Market Operator's Licence in Rothesay was the same as for this hearing. She stressed again that the previous market manager had nothing to do with the market side of the business anymore and that he was involved in another part of the Company. She stated that if this application was refused it would mean the Committee were refusing her.

There were no questions from the Police.

Police

Sergeant Quinn confirmed that his earlier presentation to the Committee during the Civic Government Hearing held at 2.20 pm on 21 May 2014 in respect of Continental Market Ltd's application for a Market Operator's

Licence in Rothesay was the same as for this hearing. He stressed that the previous market manager was still a manager in the Company as he was taking bookings for stalls in shopping centres and for this reason could not be considered separate from the Company.

There were no questions from the Applicant.

There were no questions from the Members of the Committee.

Summing Up

Police

Sergeant Quinn advised that he had nothing further to add.

Applicant

Ms Scott advised that she had nothing further to add.

The Chair asked both parties to confirm if they had received a fair hearing and they confirmed this to be the case.

Debate

Councillor Freeman advised that as previously stated he would move that the application be refused.

Councillor Colville made reference to the opening times.

Councillor Currie asked was there not something that could be done to get both parties to come together to agree a way forward which would allow Continental Markets Ltd to run markets in Argyll. He stated that everyone should not be stuck in the past and that Ms Scott has confirmed that she is the sole Director of the Company. He asked was there not something that could be put down on paper that would satisfy the Chief Constable.

Councillor Kinniburgh advised that he still had concerns.

Councillor Taylor advised that this revolved around one person who has got managerial control of the business. He stated that it could not be agreed that this person was a fit and proper person to hold a licence in Dunoon when they were found not to be a fit and proper person to hold a licence in Rothesay.

Councillor McQueen advised that Dunoon lost 3 or 4 shops last year and stated that this application should be refused.

Motion

To agree to refuse the application for the grant of a Market Operator's Licence to Continental Market Ltd on the grounds that the activity to which it relates would be managed by or carried out for the benefit of a person,

other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself.

Moved by Councillor George Freeman, seconded by Councillor David Kinniburgh

Amendment

To agree to grant a Market Operator's Licence to Continental Market Limited

Moved by Councillor Robin Currie, seconded by Councillor Sandy Taylor

The Motion was carried by 7 votes to 3 and the Committee resolved accordingly.

Decision

Agreed to refuse the application for the grant of a Market Operator's Licence to Continental Market Ltd on the grounds that the activity to which it relates would be managed by or carried out for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself.

(Reference: Report by Head of Governance and Law, submitted)