

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY MICROSOFT TEAMS on WEDNESDAY, 23 AUGUST 2023**

**Present:** Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Gordon Blair	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Amanda Hampsey	Councillor Luna Martin
Councillor Graham Hardie	Councillor Peter Wallace

**Attending:** Stuart McLean, Committee Manager  
Fiona Macdonald, Solicitor  
Applicant  
Sergeant David Holmes, Police Scotland

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Audrey Forrest, Daniel Hampsey, Paul Kennedy and Dougie Philand.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 3 and 14 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A STREET TRADER LICENCE**

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of audio call and joined the meeting by telephone.

Police Scotland also opted to proceed by way of audio call and Sergeant David Holmes joined the meeting by telephone.

The Chair then outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

**APPLICANT**

The Applicant spoke in support of his application.

## **QUESTIONS FROM POLICE SCOTLAND**

Sergeant Holmes was given the opportunity to ask the Applicant questions. He confirmed he had no questions.

## **POLICE SCOTLAND**

Sergeant Holmes spoke in support of the Chief Constable's objection.

## **QUESTIONS FROM APPLICANT**

The Applicant was given the opportunity to ask Police Scotland questions.

## **MEMBERS' QUESTIONS**

The Members were given the opportunity to ask the Applicant and Police Scotland questions.

## **SUMMING UP**

### **Police Scotland**

Sergeant Holmes advised that he had nothing further to add.

### **Applicant**

The Applicant advised that he had nothing further to add.

When asked, both parties confirmed that they had received a fair hearing.

## **DEBATE**

The Members debated the application for a Street Trader Licence.

### **Motion**

To agree to refuse the application for a Street Trader's Licence on the grounds that the Applicant was not a fit and proper person to be the holder of the Licence.

Moved by Councillor Kieron Green, seconded by Councillor Graham Hardie.

### **Amendment**

To agree to continue consideration of this application until the conclusion of the pending court case on 9 October 2023 and to bring the matter back to the PPSL Committee on 18 October 2023.

Moved by Councillor John Armour, seconded by Councillor Gordon Blair

A vote was taken by calling the roll.

**Motion**

Councillor Green  
Councillor A Hampsey  
Councillor Hardie  
Councillor Irvine  
Councillor Kain  
Councillor McCabe  
Councillor Martin  
Councillor Wallace

**Amendment**

Councillor Armour  
Councillor Blair  
Councillor Brown

The Motion was carried by 8 votes to 3 and the Committee resolved accordingly.

**DECISION**

The Committee agreed to refuse the application for grant of a Street Trader's Licence on the grounds that the Applicant was not a fit and proper person to be the holder of the Licence and noted that the Applicant would receive written confirmation of this decision within 7 days.

(Reference: Report by Head of Legal and Regulatory Support, submitted)