

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 15 DECEMBER 2010**

Present: Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor Alister MacAlister	Councillor James McQueen
Councillor Neil Mackay	Councillor Al Reay
Councillor Donald MacMillan	

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Margaret MacLean, Administration Assistant – Licensing
Mr Thomson, Applicant

Apologies: Councillor Robin Currie Councillor David Kinniburgh
Councillor Vivien Dance Councillor Bruce Marshall
Councillor Mary-Jean Devon Councillor Alex McNaughton

**1. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR A
SECOND HAND MOTOR DEALER'S LICENCE: AUTOPOINT,
GARELOCHHEAD**

The Chairman introduced himself and asked the Members of the Committee to introduce themselves. He then explained the procedure to the applicant, Mr Thomson.

Mr Thomson advised that he had been unaware there was problems with parking until the application for a licence had been submitted. He stated that there were 14 employees at the garage and that some of them parked on School Road, as did some customers of both the garage and shop.

As the objector to the application was not present, the Committee were unable to hear directly from her as regard her complaint and it was agreed to move on to Councillor's questions.

Councillor Colville asked whether the garage staff could be asked to park further from the premises which would alleviate the problem. Mr Thomson advised that he had recently been able to lease a yard that would accommodate 10 cars which would assist with the parking concerns and that he was also looking at other land for this purpose.

Councillor McCuish asked whether the objector had approached Mr Thomson at any point. Mr Thomson advised that the first contact she had made was the previous week when she had asked him to ensure that the road in front of her house was kept clear while she was moving home. Mr Thomson undertook to do so.

Councillor McCuish asked Mr Thomson about the claim that cars were left for

months on the road. Mr Thomson advised that if this was the case the cars in question did not belong to the garage.

Councillor McCuish asked whether there was anything to distinguish the cars for sale from other vehicles. Mr Thomson advised that occasionally there was a sales sticker but that generally there was no way of telling (Councillor McCuish suggested this may be a solution to the accusations and the applicant agreed).

Councillor MacMillan sought clarification about the landrover that had been left for 6 days. Mr Thomson advised it was a customer car, not a sales care and that there had been no approach made about removing this so couldn't comment on the length of time it was alleged to have been there for.

Councillor MacAlister queried whether the objector had now moved. Mr Thomson confirmed this was correct.

Councillor Mackay asked for clarification about the number of cars on site. Mr Thomson advised that there was about 50 cars. 40 of these can be accommodated to the rear of the garage and a further 10 at the front.

Councillor Mackay asked if Mr Thomson was an agent for any motoring dealer. Mr Thomson stated that he was not.

Councillor Mackay commented that he could not understand some of the allegations relating to the condition of the cars stating that he found it difficult to understand why a vehicle for sale would be left lying with flat tyres etc. Mr Thomson agreed with this stating that he would not sell an unroadworthy vehicle, that his cars were generally in the region of £10-40k to purchase so this would not be the case.

Councillor Colville questioned whether the proposed conditions on page 22 of the pack were from the Roads Authority. The Head of Governance and Law confirmed that this was an extract from the email from the Roads Officer. Councillor Colville then questioned whether the deliveries had been sorted out. Mr Thomson confirmed that they had been.

Councillor Colville asked who would enforce any licence conditions. The Head of Governance and Law advised that the Police would enforce these as any breach of conditions would be a criminal offense.

Councillor Colville asked for clarification about the incident involving Trading Standards. Mr Thomson advised that the vehicle had been bought in good faith and that the necessary checks had been made by them. The vehicle had come with a full service history and the registration document had been signed by the previous owner to say that the mileage was correct. He was confident that all the checks that could have been done were carried out.

Councillor McCuish asked if the sale of cars on a public road was allowed. The Head of Governance and Law advised that this was a grey area, there was strictly nothing to stop this although it could breach planning or the Roads Scotland Act. He advised that the suggested conditions should offer protection against this.

Councillor Reay asked if the garage was also a fuel outlet and if it was intended to use as such. Mr Thomson advised that the pump was broken and that a new one had been procured for this purpose. Councillor Reay asked whether this would exacerbate the problem. Mr Thomson did not think that it would.

Councillor Reay asked whether it was feasible to request that the vehicles for sale could be identified. The Head of Governance and Law stated that there could be a condition to cover this but that he was unsure how it could realistically be enforced.

Councillor Reay asked if the additional land was secured would the parking issue be eradicated. Mr Thomson advised that it would be as there would be more ground to absorb the vehicles.

Councillor MacAlister commented that provided cars were taxed and insured there was nothing to stop them being parked on the public highway. The Head of Governance and Law advised that if vehicles were there more than 28 days in one year then there was a breach of planning legislation.

The Chair commented that he had observed cars parked at Gibson Hall. Mr Thomson advised that this had been on the basis of a few days and not weeks on end.

The Chair advised that he was glad to hear more land was being obtained to assist with the parking problems and urged Mr Thomson to try and tighten up on the parking. Mr Thomson advised that he had only been made aware of the problem recently and had taken action.

Decision

Agreed to grant a second hand motor dealer's licence, for a period of 3 years, subject to the following conditions:-

1. The licence holder must carry out their business within the boundaries of the garage ground and not on the public road.
2. A suitable service area should be provided to allow service deliveries access to the garage to ensure there is no parking or "drop offs" in the vicinity of the pedestrian crossing point.
3. A suitable area must be provided to allow customers to drop off or collect vehicles away from the vicinity of the pedestrian crossing point.
4. The standard conditions appropriate to a second hand motor dealer's licence.

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