

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 APRIL 2011**

Present: Councillor Daniel Kelly (Chair)

Councillor Gordon Chalmers	Councillor Donald MacMillan
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Alex McNaughton
Councillor Neil Mackay	Councillor James McQueen

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Governance and Law
Margaret MacLean, Governance and Law
Sue Stefek, Planning and Regulatory Services
Angela Scott, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dance, Devon, Kinniburgh and Reay.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR THE GRANT OF A MARKET OPERATOR'S LICENCE: ANGELA SCOTT

The Chair invited those present at the meeting to introduce themselves and outlined the procedure that would be followed during the meeting.

Applicant

Ms Scott advised that there had been an objection made to her application by another market operator. They had objected on 2 points; that she had no experience and that the stalls were substandard. With regard to the allegations that Ms Scott had no experience she advised that the application was for a licence to set up a company operating markets through out the whole of Scotland. She advised that it was her own money that she was investing and that she was determined to make it work because of this. She commented that although she did not have much experience it was not a reason for refusal of the application and that she had been through all the proper procedures. Ms Scott advised that she had aimed to provide a facility for a Christmas market but this had fallen through due to the bad weather. She added that in her opinion the objector was frightened by competition but that her company was the first of its kind in Scotland and that it was a good opportunity for her. With regard to the standard of stalls within the market Ms Scott advised that the objection was false. She advised that she had looked at the way the English markets were run and that a lot of diesel was used travelling from town to town and into Scotland.

She advised that if she was able to set up her proposal a lot of time would be saved in travelling. Ms Scott circulated pictures she had taken showing the standard of stalls within the market and highlighted that any previous markets had been well run, safety run and had left no mess. Ms Scott advised that Oban was a nice town and a nice place to visit and that she wished to bring something fresh to the town. She informed the Committee that she would be there to ensure the market was run well and safely and that adequate insurance was in place. She advised that she had traders that were committed to travel with her. To finish Ms Scott advised that she had travelled 4 hours to come to the hearing to prove how keen she was to start the business and that she hoped she would be given the opportunity.

An update from John Heron, Roads, was circulated amongst Members.

Question Time

Councillor McKay acknowledged Ms Scott's journey to attend the hearing. He asked why she was applying to hold the market in the town centre as opposed to the site at Rutfield School. Ms Scott advised that the town centre was a better location as that is where the people are, that it would attract more traders. She advised that a market being held that weekend in the centre of Dunfermline was attracting traders due to its location and that traders choose what markets to attend depending on which will earn them the most money. Councillor McKay asked Ms Scott if she considered the shops in the towns that they visited. Ms Scott advised that she took into consideration the shops in the towns that they visited and that stalls were selected so that there was no competition with shops.

Councillor Currie asked Ms Scott if she had any involvement in the markets that had been held in St Enoch's Centre, Glasgow and Eastgate, Inverness. Ms Scott advised that she had not had any involvement in these ones but had been to markets in Aberdeen which were of a similar nature.

Councillor Colville commented that community markets had been very successful in Benderloch and Ardfern and asked if it would be possible to make contact with Fergus Younger to discuss the possibility of combining the two. Ms Scott confirmed that that would not be a problem.

Councillor McCuish asked Ms Scott for reassurance that the market would not be in direct competition with shops. Ms Scott confirmed that she was aware what shops were in the town centre and that the market would not be in direct competition with them. She advised that many of the stalls would be selling continental goods which are not available elsewhere. Councillor McCuish asked Ms Scott what security measures would be put in place as the stalls would be left overnight in a very busy area. Ms Scott confirmed that there would be adequate security measures put in place.

Councillor Chalmers asked what insurance Ms Scott had in place. Ms Scott advised that she had adequate market traders and operators insurance in place and that traders would also have their own insurance in place or they would not be allowed to trade within the market.

Sum Up

Ms Scott summed up by saying that she would like the opportunity to operate such a market and that she would bring business and extra trade to Oban not only through the people that come to visit the market but through the use of the hotels and shops by the market traders.

The Chair asked Ms Scott if she had received a fair hearing to which she confirmed this was the case.

Debate

Councillor McCuish advised that he supported the application after receiving reassurance that appropriate security measures would be put in place and that the market would not be in direct competition with the shops in Oban.

Councillor McKay advised that he had concerns over the close proximity of the market to the existing shops and open food area but confirmed nevertheless that he was happy with the arrangements that been put in place and acknowledged the professional application that had been submitted.

Councillor Currie advised that the market would add value to the town, that he was in favour of it and that he was not aware of any others in Oban.

Councillor MacNaughton advised that he agreed with Councillor Currie and that he was in support of the application.

Councillor Colville advised that he was in support of the application as the market would only be in the town for a short period of time.

Councillor MacMillan advised that he agreed and that he was in support of the application.

Councillor Chalmers advised that although he noted the concerns Councillor McKay had made, he was in support of the application.

Councillor McQueen advised he was in support of the application.

Councillor McCuish further advised that he had given consideration to Councillor McKays concerns but supported the application as the market would only be in the town for a short period of time.

Councillor McKay advised he had concerns and although he couldn't support the application he would not go against it.

Decision

1. Agreed to grant the application subject to a condition requiring that all food stalls/vehicle holders return a completed food/health and safety checklist outlining the most pertinent food/ health and safety requirements with which they must comply.
2. Agreed that proof of the insurance policies that are in place be provided to the Licensing Section prior to issue of the licence.

(Reference: Report by Head of Governance and Law dated April 2011,
submitted)