

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the THE STUDIO THEATRE, CORRAN HALLS, OBAN
on TUESDAY, 30 AUGUST 2011

Present: Councillor Daniel Kelly (Chair)

Councillor Gordon Chalmers	Councillor Neil Mackay
Councillor Donald MacMillan	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor James McQueen

Attending: Charles Reppke, Head of Governance & Law
Graeme Forrester, Trainee Solicitor, Governance & Law
Jane Gillies, Area Governance Assistant, Governance & Law

Sam Bouchnak, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated by:
Councillor Rory Colville
Councillor Robin Currie
Councillor Vivien Dance
Councillor David Kinniburgh
Councillor Bruce Marshall
Councillor Alister McAlister
Councillor Alex McNaughton
Councillor Al Reay

2. DECLARATIONS OF INTEREST (IF ANY)

There were no declarations of interest

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR VARIATION OF STREET TRADER'S LICENCE - S BOUCHNAK (SCARINISH, TIREE)

The Chair welcomed everyone to the meeting and invited everyone in attendance to introduce themselves. He then outlined the procedure that would be followed during the meeting.

Applicant

The Chair invited the Applicant to speak in support of his application. Mr Bouchnak stated that he runs a small van in Scarinish, having operated in various parts of the island over the past five years. He is in possession of a street traders license for a number of areas, but wished to trade in Scarinish as it has the highest population of people and businesses which are key economic factors in maintaining services to the island.

There had been one objector to the application and Mr Bouchnak had been given a temporary licence for the summer to avoid closure of his business. He advised that his business has been popular on the island, providing a service that would not otherwise be available, with some residents having used his service on a daily basis. Mr Bouchnak tabled a petition which had approximately 250 signatures, and included guests occupying a holiday home belonging to the objector. The Community Trust had provided a letter of support; a resident whilst carrying out renovations to their kitchen used Mr Bouchnak's services. There are 27 spaces in the car park, 1 is occupied by the applicant but he could utilise the grassy verge adjacent to the car park if necessary.

Mr Bouchnak advised that he had included a "tent" as part of the application as visitors would have no other shelter throughout the day and this would be a key economic factor in his business.

There had been an objection to noise from a generator, but Mr Bouchnak referred to a further letter from the objector advising that the situation had been remedied, and that their objection in regard to noise had been withdrawn. Environmental Health had no concerns over environmental issues.

Members Questions

The Chair then gave Members of the Committee the opportunity to question the Applicant.

Councillor McCuish asked about a visit from Environmental Health regarding cooking smells coming from the van and the Applicant confirmed that there had been no environmental health problems.

Councillor Devon asked about the Applicant's normal working hours and Mr Bouchnak advised that he would normally open from 11am to 9pm, Monday to Saturday, but this would reduce to Tuesday, Thursday, Friday and Saturday between 12 noon and 8pm over the winter months. When asked further about his service, Mr Bouchnak advised that he has the only food available to customers apart from hotels. Mr Bouchnak had previously offered to relocate his van following objections but the objector was not interested in having it relocated, only removed.

Councillor McCuish asked whether there had been any previous complaints and was advised by Mr Bouchnak that there had been none, adding that his van had been in the current position since last June

Councillor Mackay asked for clarification of the location of the van in relation to the car park and adjacent properties and was shown a clear map of the area. Mr Bouchnak advised that he is busiest in the evenings due to demand.

Councillor McCuish asked about the size of the proposed tent and Mr Bouchnak advised that it would be approximately 4m² and that he would discuss this with the objector and try to reduce the visual impact. He would also discuss this with planning and fit in with the Development Plan for the area.

Councillor Daniel Kelly asked about siting of the tables and benches and was

advised that there is a grassy area adjacent to the car park and adjacent to the current location and that they would not take up car parking spaces

Summing Up

The Chair then invited the Applicant to sum up.

Mr Bouchnak referred to his previous comments adding that he had been accepted on Tiree where each person uses their skills to help each other and that he had received a lot of support. He urged the Committee to listen to the people of Tiree and grant this licence.

The Chair invited Mr Bouchnak to confirm that he had received a fair hearing. He confirmed that this had been the case.

Debate

Councillor McCuish advised that from what he had heard today he fully supported the application and urged that the applicant be encouraged to work with residents in the area to reduce the impact.

Councillor Devon agreed with Councillor McCuish's comments.

Councillor Mackay advised that this is a service which is not available elsewhere in the area and would support the application wholeheartedly.

Councillor McQueen stated that the locals wanted it, therefore he would not object.

Decision

The Committee unanimously agreed:

1. that the application be granted;
2. that the Applicant be urged to discuss proposals with Planning prior to implementation; and
3. that notification of this decision would be sent to the applicant by the Head of Governance and Law within 7 days.

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