

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012

Present: Councillor Sandy Taylor (Chair)

Councillor Robin Currie
Councillor George Freeman
Councillor Fred Hall
Councillor Alistair MacDougall

Councillor Donald MacMillan
Councillor Alex McNaughton
Councillor James McQueen

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Solicitor
Brian Cassells, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rory Colville, Councillor Mary Jean Devon, Councillor David Kinniburgh and Councillor Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF STREET TRADER'S LICENCE (B. CASSELLS, OBAN)

The Chair welcomed all those present to the meeting. He advised that due to the disclosure of spent convictions by the applicant, the spent convictions procedure would need to be carried out before the hearing could take place.

Mr Reppke explained that because the applicant had disclosed spent convictions which had not been disclosed by the Police, the Committee would need to carry out the spent convictions procedure to determine whether or not the applicant was comfortable receiving enquiries from the Committee on these convictions.

The Chair asked Mr Cassells, the applicant, if he would be happy to receive enquiries from Members on the convictions he had disclosed.

Mr Cassells confirmed that he was happy to receive enquiries.

Mr Reppke then advised that the Committee should make a decision on whether or not they wished to take these convictions into account when determining the application.

The Committee advised that they wished to take the convictions into account when determining the application.

The Chair invited Mr Cassells to speak in support of his application.

Mr Cassells began by making reference to the offences he'd declared, advising that he deeply regretted them. They had been 23 years ago and he had since changed his ways. He advised that he had originally worked in the building trade and had become unemployed and had been on benefits. When the opportunity to manage the van had arisen he had applied for his licence and had been under the impression from the licensing section that the licence would be issued without a problem. He had ordered £400 of stock to begin trading and had then been informed that there was a problem with the licence due to the convictions that he had disclosed. It would be a further two months before it was determined. He advised that this delay was damaging to the business, as it was a business which sold ice cream, and he had missed the summer months.

Councillor Currie told the Committee he was disturbed to learn that Mr Cassells had to wait two months for determination of his licence and asked why this was the case.

Mr Reppke advised that this was due to the Members recess in July and apologised to Mr Cassells if he had been given the wrong impression that the licence would be approved as a delegated matter.

The Chair asked Members if they had any questions they wished to put to Mr Cassells. To which they replied they did not.

Mr Cassells advised that he had 2 references in support of his application.

Mr Reppke advised that it was at the Committees discretion whether or not they wished to consider these.

The Committee agreed to consider the references and the Chair read them to Members.

The Chair asked Mr Cassells if he considered that he had had a fair hearing, to which he confirmed that he had.

Sheila MacFadyen advised Mr Reppke that there was an intimation that Mr Cassells did not wish to include the sale of cigarettes and tobacco in his licence.

Mr Reppke asked Mr Cassells to confirm that he did not wish to include the sale of cigarettes and tobacco on his licence.

Mr Cassells said that he had received advice from Health and Safety that it would be beneficial to his application not to include the sale of cigarettes and tobacco in his application due to the nature of the sale of ice cream/sweets to children. He confirmed he did not wish to include it as part of his application.

Decision

The Committee unanimously agreed to grant Mr Cassells with a Street Traders Licence. Mr Cassells would receive notice of this in writing within 7 days.

(Reference: Report by Head of Governance and Law dated August 2012, submitted)