

**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 Gordon Blair	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor James McQueen
Councillor Alistair MacDougall	

**Attending:** Charles Reppke, Head of Governance and Law  
Sheila MacFadyen, Solicitor  
Inspector Tom Harper, Strathclyde Police  
Duncan Durbin, Solicitor, Applicant's Agent

**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 RENEWAL OF STREET TRADER'S LICENCE (G. MACGILLIVRAY, OBAN)**

The Chair welcomed all those present to the meeting and introductions were made. He invited the applicant's agent to speak in support of his client's application.

Mr Durbin advised that Mr McGillivray had submitted his application for renewal on 8 June 2012 after 12 years of trading. He advised that the application was for a 12 foot trailer which specialised in the sale of seafood but also sold ice cream and juice with a number of trestle tables and chairs situated in front of the trailer for use by the public. Mr Durbin advised that his concern was the representation that had been submitted by the Police following 2 road traffic convictions dated 21 June 2012, which were after the submission date of the application.

The Chair advised that in terms of deliberation of the licence, the convictions must be taken into account, even although the application predated them.

Mr Durbin continued by telling the Committee that his applicant had responded with a guilty plea to the convictions and had received 6 penalty points. He advised that in 12 years of trading his client had received his licence with no objection and added that the nature of the convictions did not impinge on his trading.

The Chair invited Inspector Harper to pose any questions he may have to Mr Durbin. Inspector Harper confirmed that he had no questions. The Chair then invited Inspector Harper to speak on behalf of the representation made by the Police.

Inspector Harper advised that the representation was due to two road traffic offences, a speeding offence and an offence for driving without insurance.

The Chair invited Mr Durbin to pose any questions he had to Inspector Harper. Mr Durbin confirmed he had no questions.

The Chair invited Members to pose any questions they had to Mr Durbin or Inspector Harper.

Councillor Currie commented that he could not understand why two road traffic offences would be taken into account when considering a street traders licence. Mr Reppke replied by saying that the conviction for no insurance was considered relevant as a street trader could also be mobile.

Councillor Freeman asked Mr Durbin if the van would be required to be towed from the pier. Mr Durbin confirmed that yes, it did require to be towed from time to time.

Mr Durbin offered to provide background information on the convictions should it be required.

Councillor Taylor agreed and advised that it may support the application if further information was provided.

Mr Durbin advised that his client was formerly from the Isle of Lismore and currently resided in Oban. At the time of the conviction he was staying on Lismore to assist his father in the running of his farm. During his stay on Lismore he had not been keeping an eye on his bank account and insufficient funds had resulted in the non payment of his insurance policy, which had been cancelled as a result of this. As his client had been on Lismore and not accessing his mail he did not realise this had happened. It had been a mistake and would not happen again.

Councillor Blair asked if the applicant had third party indemnity insurance in place and Sheila MacFadyen confirmed that he did have this.

The Chair invited Inspector Harper to sum up.

Inspector Harper advised that the representation was due to the gentleman having no insurance.

The Chair invited Mr Durbin to sum up.

Mr Durbin advised that he had nothing further to say.

The Chair asked the applicants agent and the objector to confirm if they had received a fair hearing. Both confirmed that they had received a fair hearing.

The Chair invited the Committee to debate the application.

Councillor Freeman advised that he had no problem with granting the application but asked if a condition could be put in place to ensure the applicant had the relevant insurance.

Councillor MacDougall commented that he could not see why a further condition would be needed as it was a national requirement to have insurance and there were already procedures in place to deal with this.

The Chair advised that he agreed with Councillor MacDougall, that there was no need for further conditions.

Councillor McQueen advised that he was in support of the application.

### **Decision**

The Committee unanimously agreed to grant Mr McGillivray a street traders licence. Mr McGillivray would be notified of this in writing within 7 days.

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