

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on TUESDAY, 25 SEPTEMBER 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Robin Currie	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Robert G MacIntyre	

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Mrs Nicola Anderson, Applicant
Mr Hugh MacAlistair, Applicant's representative
Inspector Tom Harper, Strathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Rory Colville, Fred Hall and David Kinniburgh.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF STREET TRADER'S LICENCE (N ANDERSON, CAMPBELTOWN)

Prior to consideration of business Mrs MacFadyen advised that the Applicant had phoned this morning to check the time of her Hearing as she had not received her letter inviting her to attend following verbal confirmation that the Hearing would go ahead today. Mrs MacFadyen advised that as the Applicant was just leaving Campbeltown now she would be late for the Hearing.

The Chair ruled and the Committee agreed to adjourn the meeting until the Applicant arrived for the Hearing.

The Committee reconvened at 11.00 am.

The Chair welcomed everyone to the meeting and introductions were made. Thereafter the Chair outlined the procedure that would be followed and invited the Applicant to speak in support of her Application.

Applicant

Mrs Anderson advised that she was applying for a street traders licence for Campbeltown Quay Head as this business has been run for the past year now and it has been good for the community. She advised that the types of food she wished to sell were slightly different from her previous application as she wished to trade through the winter and that the shellfish would only be available during

the summer months. She referred to her conviction which related to her car insurance running out. She explained that she had just moved in with Mr MacAlistair and had not realised that her insurance had lapsed as she had received no reminder from her insurers.

The Chair invited Inspector Harper to ask questions and he confirmed that he had none. The Chair then invited Inspector Harper to speak in respect of his representation.

Police

Inspector Harper advised that the representation from Strathclyde Police related to the Applicant's four previous convictions, one of which had been declared on the Street Trader's Application form. He advised that the convictions related to no car insurance, no tax disk and construction and use type offences and confirmed the dates these convictions were for. He advised that the observations made by the Police were being notified to the Committee as the Applicant may well be using a vehicle during the course of running her business.

The Chair invited the Mrs Anderson to ask questions and she confirmed she had no questions. The Chair then invited Members to ask questions.

Members' Questions

Councillor McNaughton sought clarification on how long Mrs Anderson had been running her business and from where.

Mrs Anderson advised that she had operated her business for the month of June 2012 at Campbeltown Quay Head and that previously the licence had been held by Mr MacAlistair's son.

Mr MacAlister advised that an application had been made to transfer the street trader's licence to Mrs Anderson as his son was going to college. He advised that when the application was granted to Mrs Anderson they thought this was for three years and not just until the end of June 2012. He advised that if they had realised in time they would have submitted an application for renewal of the licence prior to it expiring at the end of June 2012.

Councillor MacMillan asked if there were any other street traders in the vicinity of Campbeltown Quay Head. Mr MacAlistair advised that Mr Charles MacLean was the only other street trader and that he was along at the Esplanade.

Councillor Devon noted that the Applicant was applying to increase her trading by an additional four hours and asked if this was to meet the needs of customers.

Mrs Anderson advised that she wished to trade from 8 am instead of 10 am to cater for those customers looking for breakfast and she also wished to trade later until 7 pm instead of 4 pm as previously customers were looking for food after the earlier closing time.

Councillor McQueen asked if Mrs Anderson was presently employed and she replied no. Councillor McQueen asked that if this application was granted would

this mean employment for Mrs Anderson and she replied yes.

Councillor Freeman asked why Mrs Anderson had only declared one of her convictions on her application form. Mrs Anderson advised that she had notified the Council of her other convictions on her previous application form and did not realise she needed to advise of them again.

Mr Reppke confirmed that the system required all previous convictions to be declared within certain parameters.

Councillor Taylor referred to the previous convictions relating to no insurance and no tax and not applying for licence in time which all pointed to the same thing that the Applicant was not respecting what needed to be done to run a business properly and asked the Applicant to comment.

Mrs Anderson advised that she had not done this on purpose. Mr MacAlistair advised that Mrs Anderson was not used to dealing with applying for insurances etc and that he would be taking care of that side of things and would ensure that everything would be dealt with properly.

Councillor Freeman sought and received clarification that Mrs Anderson was not deliberately avoiding adhering to legal procedures that needed to be followed.

The Chair invited Inspector Harper and Mrs Anderson to sum up.

Summing Up

Police

Inspector Harper confirmed that his observations were purely in relation to the Applicant's previous convictions.

Applicant

Mr MacAlistair advised that the previous convictions in respect of no tax and no insurance related to the same old car and that Mrs Anderson now had a new car and that all the proper paperwork was in order.

The Chair asked Mrs Anderson and Inspector Harper to confirm that they had received a fair hearing and they both confirmed this to be the case.

Debate

Councillor Freeman advised that he shared the Chair's concerns regarding insurance etc and asked if the Committee were minded to grant the application could this be granted for a limited period to ensure that all legal aspects continued to be complied with. Mr Reppke replied yes.

Councillor Currie advised that he thought the street trader's licence should be granted as applied for because if any legal aspects in respect of the licence were not complied with these would be reported to the Council.

Motion

To agree to grant the Street Trader's Licence as applied for to Mrs Anderson for a period of three years.

Moved by Councillor Robin Currie, seconded by Councillor Alex McNaughton.

Amendment

To agreed to grant the Street Trader's Licence to Mrs Anderson for one year to ensure that all legal aspects in respect of the licence are complied with.

Moved by Councillor George Freeman, seconded by Councillor James McQueen.

The Motion was carried by 5 votes to 3 and the Committee resolved accordingly.

Decision

Agreed to grant a Street Trader's licence to Mrs Anderson for a period of three years subject to receipt of the Applicant's public liability certificate.

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