

**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
Mr Allibone, Applicant
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 A METAL DEALER'S LICENCE (B ALLIBONE TRADING AS B A SALVAGE, CAMPBELTOWN)

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 his Application.

Applicant

Mr Allibone advised that at the moment he was working with Scottish Water and had been for the past 34 years. He advised that previously he had started with a garage a few years ago during the recession and that from there had moved on to old cars and getting parts from them. He advised that at the moment there was no legitimate business that he knew of in Campbeltown where someone can go in respect of scrap metal and that he hoped to get a package from Scottish Water and hoped to set up a scrap dealer's business. At the moment he was currently making contacts and that he had a contract arranged with Wind Towers and had made contact with the local distilleries, West Coast Motors and Campbeltown Creamery. He referred to new regulations requiring cars being scrapped to go through the DVLA and he confirmed that Robin Campbell who is DVLA registered will deal with this part of the process for him. Mr Allibone advised that he had an HNC in Waste Management which he obtained through Scottish Water by attending Cardonald College for 2 years. He advised that he has an operator's licence for a lorry and that he is trained in Health and Safety.

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 previous convictions which he had declared on this application form. He advised that the convictions related to the overloading of a vehicle and a tachograph card offence and that the representation was being made to the Committee as the nature of the Applicant's business may involve using such a vehicle.

The Chair invited Mr Allibone to ask questions and he confirmed that he had none.

The Chair invited Members to ask questions.

Members' Questions

Councillor Devon referred to Mr Allibone's current licence and asked if there were any conditions attached to this. Mr Allibone advised that his previous licence expired in June and that this was an application for a new licence.

Councillor MacMillan referred to the conditions recommended by the Environmental Health Officer and asked why a condition was being attached regarding no trading on public holidays as not everyone takes public holidays.

Mr Reppke advised that it would be for the Committee to consider whether or not to agree the conditions recommended by the Environmental Health Officer.

Councillor McNaughton sought clarification on whether or not there were other scrap metal dealers in Campbeltown. Mr Allibone advised that he was aware of someone but was not sure if they had the correct licence and insurance etc. and that this was part of the reason for going ahead with this application in order to keep everything logged and by the book.

Councillor Freeman referred to the conviction regarding overloading and asked how much overweight the vehicle had been. Mr Allibone advised about 2 tonnes and offered an explanation for this.

Councillor Freeman referred to the conditions recommended by the Environmental Health Officer and asked Mr Allibone if he was agreeable to these and he replied yes.

Councillor Taylor referred to the condition about not trading on public holidays and commented that this was probably to protect nearby residents.

The Chair invited Inspector Harper and Mr Allibone to sum up.

Summing Up

Police

Inspector Harper advised that the Police representation was purely an observation and that he had no other observations to make.

Applicant

Mr Allibone referred to the trading hours of 9 am – 6 pm applied for and advised that initially most of his custom would be from Wind Towers and that he would be travelling to their site to collect items.

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

Debate

Councillor Currie advised that this was a straight forward application with no case to answer to and that it should be granted. He advised that the condition relating to no trading on public holidays should not be agreed to.

Councillor Freeman advised that the application should be granted subject to all the conditions recommended by the Environmental Health Officer.

Councillor MacMillan advised that he supported Councillor Currie.

Councillor MacIntyre advised that if you are self employed there are no such things as holidays.

Motion

To grant the application for a Metal Dealer's Licence subject to the conditions recommended by the Environmental Health Officer.

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

Amendment

To grant the application for a Metal Dealer's licence subject to the conditions recommended by the Environmental Health Officer except the one relating to public holidays.

Moved by Councillor Robin Currie, seconded by Councillor Donald MacMillan.

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

Decision

Agreed to grant a Metal Dealer's licence to Mr Allibone subject to the following conditions:-

1. The hours of operation should be restricted to between the hours of 09:00 hrs and 18:00 hrs Monday to Friday, 09:00 hrs and 18:00 hrs on Saturdays and no operations on Sundays.
2. Noise from the site shall not be excessive and should not affect the residential amenity of the area.
3. The licensee shall have regard to the Scottish Executive Guidance Note Controlling Light Pollution and Reducing Lighting Energy Consumption (March 2007) and follow the lighting design process described in this guidance note.

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