

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 Alex McNaughton
Councillor Mary-Jean Devon Councillor James McQueen
Councillor George Freeman

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Mr MacPherson, Applicant
Inspector Tom Harper, Strathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Fred Hall, David Kinniburgh, Robert G MacIntyre and Donnie MacMillan.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF STREET TRADER'S LICENCE (D MACPHERSON, CAMPBELTOWN)

The Chair invited all those present to the meeting and informed the applicant of the procedure that would be followed during the hearing.

The Chair invited the applicant to speak in support of his application.

Mr MacPherson told the Committee that as this was a renewal of a licence and because there had been no change in his circumstances, he didn't think there was a requirement to redisclose previous convictions on his renewal form. He advised that he had also thought that after 4 years, convictions were removed from your records. He confirmed that he did not realise that he should have declared his convictions. He advised that he had been running a chip van on Kinloch Road in Campbeltown for approximately 3 years on and off. He apologised to the Committee for non disclosure of his convictions.

The Chair asked Inspector Harper if he had any questions for Mr MacPherson on the statement he had just given. Mr Harper confirmed that he had no questions.

The Chair invited Inspector Harper to speak on behalf of the representation made by Strathclyde Police.

Inspector Harper advised that the Chief Constable had made representation due to the applicant's previous conviction and failure to disclose this in the application process.

The Chair asked Mr MacPherson if he had any questions for Inspector Harper on the statement he had just made. Mr MacPherson confirmed he had no questions.

The Chair invited Members to pose any questions they had to the applicant or objector.

Councillor Currie asked the applicant for some background to the conviction.

Mr MacPherson advised that he had owned a drain cleaning business, Dr Eco. While he had been away on holiday in Ibiza; the lorry had been parked in Kilmory Industrial Estate by a driver, a small amount of water had leaked from the lorry and had subsequently been tested by SEPA. Both himself, as the owner; and the driver of the lorry had been charged. He had pleaded guilty to the charge and his driver had pleaded not guilty. Mr MacPherson had been found guilty but had received a lesser fine due to his guilty plea.

Councillor Freeman asked for feedback regarding the report sent to the Procurator Fiscal. Mr MacPherson indicated that he had received a letter from the Procurator Fiscal confirming there would be no further proceedings.

Both the applicant and objector were given the opportunity to sum up.

Mr MacPherson summed up by saying that he had thought that convictions were spent after a certain amount of time and that is why he had not disclosed them on his renewal.

Inspector Harper advised that he had nothing to add to his previous statement.

The Chair invited both parties to confirm that they had received a fair hearing. Both parties confirmed that this was the case.

Decision

Agreed to grant Mr MacPherson with a street traders licence and noted that written confirmation of this would be sent out by Legal Services within 7 days.

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