

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 24 OCTOBER 2018**

Present: Councillor David Kinniburgh (Chair)

Councillor Lorna Douglas	Councillor Donald MacMillan
Councillor Audrey Forrest	Councillor Jean Moffat
Councillor George Freeman	Councillor Alastair Redman
Councillor Graham Archibald	Councillor Richard Trail
Hardie	

Attending: Patricia O'Neill, Central Governance Manager
Sheila MacFadyen, Senior Solicitor
Allegra Evans-Jones, Trainee Solicitor
Graeme McMillan, Trainee Solicitor
Nikolay Petkov, Applicant
Sgt Iain MacNicol, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rory Colville, Robin Currie, Mary-Jean Devon, Roderick McCuish and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER'S LICENCE (N PETKOV, GARELOCHHEAD)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

APPLICANT

Mr Petkov advised that he believed he was a fit and proper person to hold a licence. He said that he had previously worked as a driving instructor. He referred to his criminal conviction and said that he had not realised he had a conviction on record as he had been given a ticket at the time. He confirmed that he accepted that this was the case and he apologised for the crime he was convicted of. He explained that he had been driving within the speed limit when he was caught up with slow moving traffic. He advised that he pulled out to overtake and went over the speed limit and that was when the Police caught him. He said that he had went back to driving within the speed limit as soon as he had finished overtaking. He acknowledged that his speed was high. He said that he did not accept the ticket at the time as he was upset as he had only been over the speed limit for a short time. He said he also did not want to sign it as he feared losing his job as a driving instructor. He advised that after working as a driving instructor he worked as a

catering manager and this job ended 2 weeks ago. He explained that he was trying to provide for his family and thought that he would be good at this job.

POLICE SCOTLAND

Sgt MacNicol referred to the contents of a letter from the Chief Constable and explained this should have been submitted as a representation and not an objection. He advised that this representation was to make the Committee aware of a conviction Mr Petkov had received on 5 May 2015 for the offence of speeding. He explained the circumstances of this conviction and confirmed that Mr Petkov had been fined and had his licence endorsed.

MEMBERS' QUESTIONS

Councillor Freeman sought clarification on the type of application Mr Petkov was applying for. He pointed out that the application submitted was for a Private Hire Driver's Licence but the Chief Constable's letter referred to a Taxi Driver's Licence. Sgt MacNicol confirmed that this was an error in the letter. Councillor Freeman said that he was happy to note that the Chief Constable's submission had been downgraded to a representation as he had been quite surprised that it had been submitted as an objection as only one incident was recorded.

SUMMING UP

Police Scotland

Sgt MacNicol confirmed that the Chief Constable's representation was to make the Committee aware of Mr Petkov's one speeding conviction from 2015 which, he had noted, had not been declared on his application form.

Applicant

Mr Petkov advised that his conviction was no longer on his record as of 4 weeks ago. He confirmed that he had not realised it was a conviction.

When asked, both parties confirmed that they had received a fair hearing.

DEBATE

Councillor Kinniburgh noted that Mr Petkov had addressed the fact that he did not realise he had a conviction and commented that the Rehabilitation of Offenders legislation did cause confusion. He said that he had been surprised that this was initially a Police objection and that he was happy to hear this had been downgraded to a representation. He moved that the application be granted and this was unanimously agreed by the Committee.

DECISION

The Committee unanimously agreed to grant a Private Hire Driver's Licence to Mr Petkov.

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