

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 14 DECEMBER 2016**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Alistair MacDougall	Councillor Alex McNaughton
Councillor Neil MacIntyre	Councillor Richard Trail
Councillor Robert G MacIntyre	

**Attending:** Charles Reppke, Head of Governance and Law  
Kate Connelly, Solicitor  
Sergeant Iain MacNicol, Police Scotland  
Heather Murray, Police Scotland

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Colville, Currie, Freeman, McCuish, McQueen and Taylor.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: SUSPENSION HEARING - LATE HOURS CATERING LICENCE (R GHARIB, T/A MR KEBAB, HELENSBURGH)**

The Chair adjourned the meeting at 3.00pm and reconvened at 4.00pm.

The Chair welcomed everyone to the meeting and introductions were made.

The Committee were advised that neither Mr Gharib nor his Agent Mr Archie MacIver were in attendance and that an e-mail had been received from his Agent requesting the continuation of the hearing due to insufficient notice of the hearing and the non availability of his representative. Mr Reppke advised that notice of the hearing had been issued in accordance with normal procedures and that the Committee may want to hear from the Police. Sergeant MacNicol advised that he would be happy to proceed with the hearing with the Committee's agreement. The Chair advised that in view of previous history of Mr Gharib, as detailed in the letter requesting suspension of the licence, his view was that the hearing should be considered today.

The Committee agreed to proceed with the hearing.

The Chair then outlined the procedure that would be followed and invited Police Scotland to speak to the Chief Constable's complaint in respect of the late hours catering licence held by Mr Gharib trading as Mr Kebab.

**Police Scotland**

Sergeant MacNicol referred to a letter of representation submitted by the Chief Constable which advised of the detailed circumstances of two illegal immigrants who were found to be working within Mr Gharib's premises at Mr Kebab. Sergeant MacNicol read out the letter and highlighted points to the meeting. In light of this, the suspension of Mr Gharib's licence was requested as he was clearly no longer a fit and proper person to hold a late hours catering licence in the view of the Chief Constable.

### **Members' Questions**

Councillor Trail asked what the terms of the licence were. Mr Reppke advised that the licence covered trading from 11.00pm until later in the evening this varied depending on the days of the week with later hours at the weekend.

Councillor Blair asked if other regulatory services were aware of the situation given the detail of illegal working. Mr Reppke stated that checks were carried out by other services but not for the right to work.

Councillor MacIntyre enquired what could be done regarding his business operating within the law during normal trading hours. Mr Reppke advised that the Police would no doubt continue to keep this under review.

The Chair sought clarity on the word "appears" in the Chief Constables representation. Sergeant MacNicol stated that Mr Gharib was definitely employing illegal immigrants and it appeared these started not long after the last hearing.

### **Summing Up**

#### Police Scotland

Sergeant MacNicol referred to the previous hearing and that Mr Gharib had allegedly been employing illegal immigrants. There are other aspects to be taken into consideration with regard to wages being paid in cash and accommodation also being provided by Mr Gharib and as a result the possible exploitation of these immigrants.

When asked, Police Scotland confirmed that they had received a fair hearing.

### **Decision**

The Committee unanimously agreed to suspend Mr Gharib's late hours catering licence. The Committee then determined that the suspension should commence from Monday 19 December 2016 and that the period of suspension shall be the remainder of the unexpired term of his licence as it was considered that he was no longer a fit and proper person to be the holder of the licence given the circumstances narrated in the letter requesting suspension of the licence.

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

#### **4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: SUSPENSION HEARING - LATE HOURS CATERING LICENCE (R GHARIB, T/A FLAMINGO, HELENSBURGH)**

The Chair welcomed everyone to the meeting and introductions were made.

The Committee were advised that neither Mr Gharib nor his Agent Mr Archie MacIver were in attendance and that an e-mail had been received from his Agent requesting the continuation of the hearing due to insufficient notice of the hearing and the non availability of his representative. Mr Reppke advised that notice of the hearing had been issued in accordance with normal procedures and that the Committee may want to hear from the Police. Sergeant MacNicol advised that he would be happy to proceed with the hearing with the Committee's agreement. The Chair advised that in view of previous history of Mr Gharib, as detailed in the letter requesting suspension of the licence, his view was that the hearing should be considered today.

The Committee agreed to proceed with the hearing.

The Chair then outlined the procedure that would be followed and invited Police Scotland to speak to the Chief Constable's complaint in respect of the late hours catering licence held by Mr Gharib trading as Flamingos.

### **Police Scotland**

Sergeant MacNicol referred to a letter requesting suspension of the licence submitted by the Chief Constable which advised of the detailed circumstances of two illegal immigrants who were found to be working within the premises at Flamingos. Sergeant MacNicol read out the letter and highlighted points to the meeting. In light of this, the suspension of Mr Gharib's licence was requested as he was clearly no longer a fit and proper person to hold a late hours catering licence in the view of the Chief Constable.

When asked Police Scotland confirmed that they had received a fair hearing.

### **Decision**

The Committee unanimously agreed to suspend Mr Gharib's late hours catering licence. The Committee then determined that the suspension should commence from Monday 19 December 2016 and that the period of suspension shall be the remainder of the unexpired term of his licence as it was considered that he was no longer a fit and proper person to be the holder of the licence given the circumstances narrated in the letter requesting suspension of the licence.

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