

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 19 APRIL 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Willie Hume
Councillor Jan Brown	Councillor Andrew Kain
Councillor Graham Hardie	Councillor Liz McCabe
Councillor Fiona Howard	Councillor Peter Wallace

Attending: Shona Barton, Governance Manager
Susan Mair, Legal Services Manager
Nigel Judson, Applicant
Mrs Judson, Applicant's wife
Sergeant Ben Rudsen, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Amanda Hampsey, Daniel Hampsey, Mark Irvine, Paul Kennedy and Luna Martin.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A STREET TRADER LICENCE (N JUDSON, SALEN, AROS, ISLE OF MULL)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant requested that he be permitted to attend the meeting from the Council Chamber. This was agreed to and he was joined by Officers to facilitate his attendance to address the Committee by video call.

Police Scotland opted to proceed by way of audio call and Sergeant Ben Rusden joined the meeting by telephone.

At the Civic Hearing held on 22 March 2023 it was agreed to continue consideration of this Application to the next meeting in April 2023 and to request the Applicant submit a report from his health care provider to the Legal Team for consideration at this meeting.

It was noted that only those Members who participated in the hearing on 22 March 2023 could participate in the continuation of the hearing today. On that basis, Councillor Willie Hume left the meeting at this point.

The Chair invited the Applicant to speak to the report provided by his health care provider.

The Chair then invited Police Scotland to comment.

As it was established that there were no questions from Members', the Chair invited the Applicant and Police Scotland to sum up and they both confirmed that they had received a fair hearing.

The Chair then invited Members to continue to debate the application and consider the report received from the Applicant's health care provider.

Motion

To agree not to grant a Street Trader's Licence to Mr Judson on the grounds that he was not a fit and proper person to be the holder of the Licence.

Moved by Councillor Peter Wallace, seconded by Councillor Liz McCabe.

Amendment

To agree to grant a Street Trader's Licence to Mr Judson subject to the following conditions:

1. The licence will be granted for an initial period of 6 months and if there are no issues during that time the licence will continue for the remaining time up to 3 years;
2. That a progress report be brought back to PPSL Committee in October 2023 to advise on how the licence has run;
3. That Mr Judson submit an update report from his health care provider for consideration by the PPSL Committee at the meeting in October 2023; and
4. With the agreement of Mr Judson, that the Council's Legal Services Manager write to Mr Judson's health care provider to advise of the outcome of this hearing and the Committee's wish that Mr Judson continue to receive support from the Mental Health Team.

Moved by Councillor Graham Hardie, seconded by Councillor Fiona Howard.

A vote was taken by calling the roll.

<u>Motion</u>	<u>Amendment</u>	<u>No Vote</u>
Councillor L McCabe Councillor P Wallace	Councillor J Armour Councillor J Brown Councillor K Green Councillor G Hardie Councillor F Howard	Councillor A Kain

The Amendment was carried by 5 votes, with 2 votes for the Motion and 1 no vote, and the Committee resolved accordingly.

DECISION

The Committee agreed to grant a Street Trader's Licence to Mr Judson subject to the following conditions:

1. The licence will be granted for an initial period of 6 months and if there are no issues during that time the licence will continue for the remaining time up to 3 years;
2. That a progress report be brought back to PPSL Committee in October 2023 to advise on how the licence has run;
3. That Mr Judson submit an update report from his Health Care Provider for consideration by the PPSL Committee at this meeting in October 2023; and
4. With the agreement of Mr Judson, that the Council's Legal Services Manager write to Mr Judson's Health Care Provider to advise of the outcome of this hearing and the Committee's wish that Mr Judson continue to receive support from the Mental Health Team.

(Reference: Report by Head of Legal and Regulatory Support, submitted)