

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 23 AUGUST 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Gordon Blair	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Amanda Hampsey	Councillor Luna Martin
Councillor Graham Hardie	Councillor Peter Wallace

Attending: Stuart McLean, Committee Manager
Fiona Macdonald, Solicitor
Applicant
Sergeant David Holmes, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Daniel Hampsey, Paul Kennedy and Dougie Philand.

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 Paragraphs 3 and 14 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

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 opted to proceed by way of audio call and joined the meeting by telephone.

Police Scotland also opted to proceed by way of audio call and Sergeant David Holmes joined the meeting by telephone.

The Chair then outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

APPLICANT

The Applicant spoke in support of his application.

QUESTIONS FROM POLICE SCOTLAND

Sergeant Holmes was given the opportunity to ask the Applicant questions. He confirmed he had no questions.

POLICE SCOTLAND

Sergeant Holmes spoke in support of the Chief Constable's objection.

QUESTIONS FROM APPLICANT

The Applicant was given the opportunity to ask Police Scotland questions.

MEMBERS' QUESTIONS

The Members were given the opportunity to ask the Applicant and Police Scotland questions.

SUMMING UP

Police Scotland

Sergeant Holmes advised that he had nothing further to add.

Applicant

The Applicant advised that he had nothing further to add.

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

DEBATE

The Members debated the application for a Street Trader Licence.

Motion

To agree to refuse the application for a Street Trader's Licence on the grounds that the Applicant was not a fit and proper person to be the holder of the Licence.

Moved by Councillor Kieron Green, seconded by Councillor Graham Hardie.

Amendment

To agree to continue consideration of this application until the conclusion of the pending court case on 9 October 2023 and to bring the matter back to the PPSL Committee on 18 October 2023.

Moved by Councillor John Armour, seconded by Councillor Gordon Blair

A vote was taken by calling the roll.

Motion

Councillor Green
Councillor A Hampsey
Councillor Hardie
Councillor Irvine
Councillor Kain
Councillor McCabe
Councillor Martin
Councillor Wallace

Amendment

Councillor Armour
Councillor Blair
Councillor Brown

The Motion was carried by 8 votes to 3 and the Committee resolved accordingly.

DECISION

The Committee agreed to refuse the application for grant of a Street Trader's Licence on the grounds that the Applicant was not a fit and proper person to be the holder of the Licence and noted that the Applicant would receive written confirmation of this decision within 7 days.

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