

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 16 MARCH 2011**

Present: Councillor Daniel Kelly (Chair)

Councillor Gordon Chalmers	Councillor Neil Mackay
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Vivien Dance	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor James McQueen
Councillor Alister MacAlister	Councillor Al Reay

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Governance and Law
Inspector Davidson, Strathclyde Police
Ms Neilly, Applicant

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST (IF ANY)

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR A STREET TRADER'S LICENCE: A NEILLY IN RESPECT OF SITE AT BLACKMOUNT, BRIDGE OF ORCHY

The Chair welcomed all those present to the meeting and outlined the procedure that would be followed during the meeting.

The Chair invited Ms Neilly to speak in support of her application for a street traders licence. Ms Neilly advised that she had worked in a very busy coffee and crafts shop in Glencoe where she had been very good at her job. She advised that the opportunity for the snack bar had arisen, that it was currently owned by a neighbour, and that she would like to take what she had learnt during her time in the coffee shop and use it to run the snack bar. Regarding the conviction, Ms Neilly advised that she had never been in trouble before and that it had been a family matter.

The Chair invited Inspector Davidson to speak in support of the objection from Strathclyde Police. Mr Davidson advised that Strathclyde Police were objecting to the application on the grounds that Ms Neilly had not declared a previous conviction on her application form.

The Chair invited the applicant and objector the opportunity to ask questions based on each other's presentation. There were no questions.

Questions

The Chair gave Members of the Committee the opportunity to question the applicant and objector.

Councillor Chalmers asked Ms Neilly why she did not declare the conviction on her application form. He asked if she had misunderstood the questions on the form. Ms Neilly agreed that she had misunderstood the application form.

Councillor MacMillan asked Ms Neilly if at present that was the only snack bar in the area and if that would be the only one in the future. Ms Neilly replied yes.

Councillor Dance asked Ms Neilly if she had not disclosed the conviction as it had been some time ago and because it had been admonished. She asked if Mr Kennedy would be running the snack bar with her and asked her to give a view of what she predicted the future would be. Ms Neilly advised that her day in court had been a blur. She confirmed that Mr Kennedy would be assisting in the running of the snack bar. Ms Neilly advised that she would like to use the opportunity of the snack bar to move forward and that she had gained good experience during her time in the coffee shop.

Councillor Reay asked Ms Neilly if the snack bar would be her sole source of income to which she replied yes.

Summing Up

The Chair invited both parties to sum up.

Inspector Davidson advised that the conviction would be spent on 17 November 2011. He advised that even though it had happened some considerable time ago, it was still a conviction and should have been disclosed on the application form.

Ms Neilly advised that she had no further comments.

The Chair invited both Inspector Davidson and Ms Neilly to confirm that they had received a fair hearing. Both confirmed that this had been the case.

Debate

Councillor McCuish expressed support for the application as the conviction was nearly spent and he did not view the representation from Strathclyde Police as an objection.

Councillor Reay advised that this was a valuable opportunity and that the snack bar was located in a good spot for tourists.

Decision

The Committee agreed to grant the application of a street traders licence and noted that notification of this would be sent to the applicant by the Head of Governance and Law within 7 days.

(Reference: Report by Head of Governance and Law dated March 2011, submitted)