

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**  
**held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD**  
**on WEDNESDAY, 19 OCTOBER 2011**

**Present:** Councillor Daniel Kelly (Chair)

Councillor Vivien Dance                      Councillor Roderick McCuish  
Councillor David Kinniburgh              Councillor James McQueen

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme Forrester, Trainee Solicitor  
R Didcock, Applicant  
Inspector A Davidson, Strathclyde Police

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Gordon Chalmers, Rory Colville, Robin Currie, Mary-Jean Devon, Neil Mackay and Alex McNaughton.

**2. DECLARATIONS OF INTEREST**

None declared.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TEMPORARY STREET TRADER'S LICENCE - R DIDCOCK (ARDRISHAIG)**

The Chair introduced himself and invited those present at the meeting to do likewise and then outlined the procedure that would be followed.

**Applicant**

The Chair invited the Applicant to speak in support of his application. Mr Didcock advised that he, operating as Argyll Services Company, had taken on the old Lorne garage at Ardrishaig in January 2011 and had gone through planning in respect of change of use of the site and bringing the yard up to a suitable standard required by Roads and Planning. He advised that he was not aware that he required to have a licence to operate a car wash facility and that he was only made aware of this when the Police approached him and told him to shut the business down. He queried why the requirement for a Street Trader's Licence was not drawn to his attention by Planner's when he was in discussion with them regarding the change of use planning application. He made reference to the letter dated 22 September 2011 submitted by Strathclyde Police objecting to his application in which they had stated that he was not a fit and proper person due to previous convictions. He referred to a conviction of Breach of Probation on 16 February 2010 and advised that he had information that confirmed otherwise. He also referred to the Breach of the Peace Fixed Penalty Notice relating to an incident in Lochgilphead on 8 July 2011 and advised that there were other people involved in this incident and queried why they were not also charged with Breach of the Peace. He advised that it was he who had contacted the Police to report the incident and that he was acting in self defence.

Mr Didcock then circulated to the Committee a letter from the Supervising Officer for the Probation Order dated 11 October 2011 which he believed supported his view that there was no breach report submitted in the course of his Probation Order.

### **Questions to Applicant**

The Chair then invited the Police to ask questions. Inspector Davidson referred to the Fixed Penalty Notice issued to the Applicant and asked Mr Didcock if he was aware of the conditions of the Fixed Penalty Notice. Mr Didcock asked what these conditions were and Inspector Davidson explained these to him.

Mr Didcock advised that there were no witnesses present as everyone and left the scene and that he paid the fine.

Inspector Davidson advised Mr Didcock that by paying the fine he was admitting that he was guilty of the charge.

### **Police**

The Chair then invited the Police to speak in support of their objection. Inspector Davidson advised that in the main their objections were in relation to the Applicant's previous convictions which were detailed in the letter dated 22 September 2011 from the Area Commander. He advised that the incident on 8 July 2011 was a stand up fight outside the Argyll Hotel, Lochgilphead and that a Fixed Penalty Notice had been issued in lieu of appearing in court for breach of the peace which the Applicant accepted. He stated that one conviction was in relation to violence and the other was in relation to behaviour towards a child and it was felt that the Applicant was not a fit and proper person to hold a Street Traders Licence as this would bring him into regular contact with people, including children.

### **Questions to Police**

The Chair then invited the Applicant to ask the Police questions. Mr Didcock asked if paying a fine meant a conviction was disposed of and Inspector Davidson replied yes.

### **Members' Questions**

The Chair then invited Members to ask the Applicant and the Police questions.

Councillor McCuish referred to the three convictions listed in the letter submitted by the Police, and asked Mr Didcock why he had only referred to one conviction in his application form. Mr Didcock did not provide a reason for this.

Councillor Kinniburgh asked Mr Didcock if he had appeared at Oban Sheriff Court on 16 February 2010. Mr Didcock advised that he did not.

Councillor Kinniburgh asked Mr Didcock if he was aware of the court proceedings on 16 February 2010. Mr Didcock advised that he was not aware of the proceedings.

Councillor Kinniburgh asked Mr Didcock if his business would be just valeting cars. Mr Didcock advised that he would also be offering laser blasting and would operate welding machinery.

Councillor Dance referred to the Applicant's opening statement when he referred to "we" and asked who "we" were. Mr Didcock advised that he meant to see I and that he was the sole trader in his private business.

Councillor Dance referred to Police concerns about the Applicant's contact with the public and to behavioural issues in respect of his previous conviction and also referred to the Applicant's behaviour at the hearing and that he appeared to be in denial, and asked Mr Didcock if this was the type of behaviour the Police were highlighting. Mr Didcock replied no.

Councillor Dance advised the Applicant that there were ways to behave and conduct himself and that he appeared still to be in denial of his guilt in respect of the conviction made in July 2011. She asked if Mr Didcock accepted he was accepting he was guilty as charged. Mr Didcock advised that he was acting in self defence.

### **Summing Up**

The Chair then invited the Police and the Applicant to sum up.

Inspector Davidson advised that the Police position remained as was stated in their letter of 20 September 2011.

Mr Didcock advised that he had nothing more to say.

The Chair invited the Applicant and the Police to confirm they had received a fair hearing. Both confirmed that this had been the case.

### **Debate**

Councillor Kelly advised that from what he had heard today and read in the paperwork it was his opinion that the application should be refused and there was no one otherwise minded.

### **Decision**

It was unanimously agreed to refuse Mr Didcock's request for a Temporary Street Trader's Licence on the basis that he was not a fit and proper person to hold such a licence given his previous convictions and that Mr Didcock would be notified in writing within 7 days.

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