

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on MONDAY, 25 FEBRUARY 2013**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Alex McNaughton
Councillor Fred Hall	Councillor Richard Trail
Councillor Alistair MacDougall	

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme Forrester, Solicitor  
Kate Connelly, Trainee Solicitor  
Pawel Skibinski, Applicant  
Inspector Harper, Strathclyde Police

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Mary-Jean Devon, George Freeman, David Kinniburgh and James McQueen.

**2. DECLARATIONS OF INTEREST**

None declared.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR THE GRANT OF A SECOND HAND DEALER'S LICENCE (P SKIBINSKI, OBAN)**

The Chair welcomed everyone to the meeting and introductions were made. Thereafter he outlined the procedure that would be followed and invited the Applicant to speak in support of his Application.

**Applicant**

Mr Skibinski advised that he established his business 3 years ago as a second hand dealer in Oban. He advised that his licence expired and that he was now applying for a new one to include opening a new shop in Campbeltown. He advised that he had noted he had made a mistake when he did not declare his previous convictions on his Application form.

As Inspector Harper had no questions the Chair invited him to speak in support of the Police objection.

**Police**

Inspector Harper advised that the Chief Constable was objecting to this Application based on the Applicant's previous convictions and his failure to declare these.

As Mr Skibinski had no questions the Chair invited the Members to ask questions.

## **Members' Questions**

Councillor Hall asked which conviction Section 7 (2) of the Civic Government (Scotland) Act 1982 related to.

Inspector Harper advised that this was in respect of failing to declare previous convictions.

Councillor Currie asked why the Applicant had failed to declare his conviction.

Mr Skibinski advised that he thought convictions related to crimes like robberies or theft and that he did not realise road traffic offences should be declared.

Councillor Currie sought clarification on what the 2012 conviction was.

Inspector Harper advised that the same offence had been committed when the Applicant had applied for a taxi driver licence and failed to declare previous convictions and this had resulted in a conviction under the Civic Government (Scotland) Act 1982 Section 7 (2). He advised that the Applicant had now applied for a Second Hand Dealers licence and made the same mistake and it was not clear if this was error or intent to deceive.

Councillor Currie asked Mr Skibinski to comment.

Mr Skibinski advised that he did not understand the conviction dated 2012 as he had not been in court about this and had not received any paperwork regarding it.

Councillor Taylor sought clarification from Inspector Harper.

Inspector Harper advised that this was listed as a non conviction disposal from the Sheriff's Office in Dunoon. He advised that it was a Fiscal's warning which is normally advised by a Fiscal's letter being issued.

Councillor Trail noted that Mr Skibinski had premises in Oban and asked why he wished to open premises in Campbeltown.

Mr Skibinski advised that he wished to expand his business and that his customer base would be bigger in Campbeltown as there were no other second hand dealer shops in that town.

Councillor Blair asked if it was normal for the Crown Office to send out letters to work addresses rather than home addresses and would this explain why Mr Skibinski did not receive any letter regarding this conviction.

Inspector Harper advised that it would depend on the address listed in the Police report which would have been supplied by the individual concerned.

Councillor MacMillan asked where in Campbeltown the shop would be based.

Mr Skibinski confirmed this would be 6 Longrow South and that it was closed at the moment and still to be fitted.

The Chair invited Inspector Harper and Mr Skibinski to sum up.

## **Summing Up**

### Police

Inspector Harper advised that the Chief Constable objected to this Application due to the Applicant's previous conviction history and for failing to declare these convictions.

### Applicant

Mr Skibinski referred to the conviction dated 29 July 2012 relating to failure to declare convictions and advised that he did not receive a letter regarding this and did not pay a fine. He advised that the only letter he has received from Dunoon was one dated January 2013.

The Chair asked both parties to confirm if they had received a fair hearing and they both confirmed this to be the case.

## **Discussion**

Councillor Hall advised that he was still swithering and that he still needed to be reassured that the omission of the convictions on the application form was an omission and not a deliberate intention to mislead.

Councillor Colville advised that he was reassured as the Procurator Fiscal had decided just to issue a warning so he was inclined to support the Application.

Councillor Currie sought and received clarification on the nature of the most recent conviction from the Head of Governance and Law.

Councillor MacMillan advised that he had a lot of sympathy for the Applicant. He advised that there are always complaints about shops lying empty and that he would be happy to support this Application.

Councillor Blair advised that it was always a concern when people ticked the wrong box. He advised it was also an issue when fines were unpaid and that this was an opportunity to remind people to pay outstanding fines.

The Chair noted that it appeared that some Members were in support of this Application and asked if any were otherwise minded. Councillor Hall indicated that having listened to the debate he was not in favour of granting this Application.

## **Decision**

Agreed to grant a Second Hand Dealer's Licence to Mr Pawel Skibinski to trade at 1A Combie Street, Oban, PA34 4HN and 6 Longrow South, Campbeltown, PA28 6AH.

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