

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 23 OCTOBER 2013**

Present: Councillor Robin Currie (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor David Kinniburgh	Councillor Sandy Taylor
Councillor Robert G MacIntyre	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Wilma McIntosh, Applicant
Councillor Duncan MacIntyre, Applicant's representative
Brian Cassells, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Rory Colville and Alistair MacDougall.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR STREET TRADER'S LICENCE (W MCINTOSH, OBAN)

The Chair welcomed everyone to the meeting and introductions were made.

Mr Forrester advised that a late letter of representation had been received but the parties were not present to advise why the letter was late. He read out to the Committee the letter which had been submitted by the Oban High School Parent Council. He advised that the letter was dated 16 September 2013 and posted first class on 23 September 2013 and was received by the Legal Team on 26 September 2013. He confirmed that a copy of the letter had been forwarded to the Applicant so if the Committee wished to take it into consideration they could still go ahead with the hearing today.

The Chair invited the Applicant to comment.

Mrs McIntosh advised that she would not be happy if this letter was taken into consideration.

The Committee agreed to accept the late representation from Oban High School Parents Council and a copy of this was circulated to Members.

The Chair then invited Mrs McIntosh to speak in support of her application.

Application

Mrs McIntosh advised that she had approached Oban High School before purchasing the ice cream van and that the school had nothing against an ice cream van being located at the high school. She advised that she would only be there at dinner breaks and not all day. She advised that there used to be 3 vans sitting there. She advised that her van would be different and would also sell fruit juice and fruit and that the children would be offered the same variety as they would get at Tesco's.

Objector's Questions

Mr Cassells sought and received clarification on where the 3 vans used to be sited.

Objector

Mr Cassells advised that this could be an issue for the houses directly opposite Oban High School and that he cleared the litter away from the area to try and keep relations good. He advised that he also parked on the pavement which meant the children did not need to cross the road. He advised that money was not there to support 2 vans and that his takings were only about £40 which was a profit of £10 per day for 5 days. He advised that the children spent their money at Tesco's and whatever change they had left was spent at his van. He advised that there was not enough business and that if this licence was granted it would put his business out of business.

Applicant's Questions

Mrs McIntosh sought and received clarification on how often Mr Cassells took his van out.

Members' Questions

Councillor Kinniburgh sought clarification on the types of goods Mrs McIntosh would sell from her van. Mrs McIntosh confirmed that as well as sweets, crisps, juice, ice cream and slush she would also sell fruit, fruit juice, bread, coffee, tea and sugar.

Councillor Kinniburgh sought clarification from the Head of Governance and Law on what Mrs McIntosh would be allowed to sell if her application was approved as her application only listed sweets, crisps, juice, ice cream and slush. Mr Reppke confirmed that if Mrs McIntosh was granted a licence she would only be permitted to sell the items stated on her application form.

Councillor Devon asked how many hours Mr Cassells worked and he advised that he spent 1 hour at the school and then worked from 5 – 9 pm

every night. He advised that his licence allowed him to operate from 10 am to 11 pm but as there was no business for all that time he was limited to small amounts of time when there were customers.

Councillor Devon sought and received clarification on the number of streets there were in Oban where an ice cream van could operate.

Councillor Freeman sought and received clarification that the Legal Team had received a copy of the letter confirming that the land owner at one of the locations was happy for the land to be used by the ice cream van.

Sum Up

Objector

Mr Cassells advised that business has been difficult since he started 1 year ago and that he has had to take on a taxi. He advised that another van would put his business off the road. He advised that he had earned £23 for 3 hours work recently and on another night slightly more. He advised that he did not believe there was any money there to sustain his van plus another van.

Applicant

Mrs McIntosh asked if Councillor Duncan MacIntyre could sum up on her behalf.

Mr Reppke advised the Committee that Councillor MacIntyre could be appointed by her as her representative to sum up on her behalf.

Councillor MacIntyre advised that this was an application for a street trader's licence and that Mrs McIntosh came from a hard working family and that this was a purely family venture to bring in some income. He advised that there used to be 3 or 4 vans travelling around Oban and Dunbeg and also a static van at the pier. He advised that the number of fast food outlets in Oban has increased and that there was a huge choice of where to go. He advised that this venture would create competition and that this was a good thing.

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

Debate

Councillor Freeman referred to the possible difficulties of 2 vans selling similar items at the school and advised that he would be minded to approve but with the location at the High School removed from the list of locations applied to trade from.

Councillor McNaughton advised that he was quite happy to approve the application and Councillor McQueen agreed with Councillor McNaughton.

Councillor Robert MacIntyre advised that as Environmental Health had no

objections he thought there was nothing wrong with the application and that the licence should be granted.

Councillor Blair advised that he was not sure if it was appropriate to have ice cream vans outside schools and that healthy eating should be promoted.

Councillor Devon sought and received clarification on the types of produce Mrs McIntosh would be allowed to sell and that she would require to apply for a variation to carry any other goods than those specified on the application form.

Councillor Trail advised that Councillor Freeman had a valid point about trading outside the High School and that there was certainly merit for having only one van there.

Motion

To agree to grant a street trader's licence as applied for to Mrs McIntosh.

Moved by Councillor McNaughton, seconded by Councillor McQueen

Amendment

To agree to grant a street trader's licence to Mrs McIntosh subject to the removal of Oban High School from the list of Trade Street Names attached to the application.

Moved by Councillor Freeman, seconded by Councillor Trail

The Motion was carried by 6 votes to 3 and the Committee resolved accordingly.

Decision

Agreed to grant a Street Trader's licence to Mrs McIntosh.

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