

ABERDEENSHIRE COUNCIL

**SPECIAL MEETING OF THE
BUCHAN AREA COMMITTEE**

VIA TEAMS – 19TH APRIL 2022

Present: Councillors N Smith (Chair), D Beagrie (Vice Chair), A Allan, M Buchan, S Calder, A Fakley, J Ingram, A Simpson, S Smith and I Sutherland

Apology: Councillor A Buchan

Officers: Amanda Roe, Buchan Area Manager (Business Services); Lauren Cowie, Principal Solicitor (Business Services); Fiona Stewart, Senior Solicitor (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

In Attendance: Fiona Strachan on behalf of Paul Rooney, Applicant; and David Wilson on behalf of Peterhead Academy Parent Council

Apology: Shona Strachan, Head Teacher, Peterhead Academy

1. DECLARATIONS OF MEMBERS' INTEREST

The Chairman asked Members if they had any interests to declare in terms of the Councillors Code of Conduct –

- (1) Councillor D Beagrie for Item 3 by virtue of attending Peterhead Parent Councils, where the same issue was discussed, and having discussed the same issue with partner organisations. For this reason, I will leave the meeting and take no part in the discussion of this item.
- (2) Councillor I Sutherland for Item 3 by virtue of owning a café in the town centre of Peterhead. In considering that by owning a café it may be seen to prejudice his decision, Councillor Sutherland advised he would leave the meeting and take no part in the discussion of this item.

2. STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Committee **noted** the requirement, in terms of Section 149 of the Equality Act, 2010 –

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it
- (2) where an Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching its decision

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR RENEWAL OF STREET TRADER’S LICENCE

A report by the Director of Business Services had been circulated asking that the Committee consider an application for the renewal of a Street Trader’s Licence. The application had attracted an adverse objection and therefore required the Committee to determine the application.

The application had been submitted by Mr Paul Rooney, 6 Megs Moss, Peterhead, for the renewal of a Street Trader’s Licence to operate a business from Prince Street, 15 metres from the Queen Street Junction and 15 metres clear of the bend opposite the Academy. The applicant was seeking to operate Monday to Saturday 08:00 to 15:00.

An objection had been received in response to the publicising of the application from Mrs Shona Sellers, Peterhead Academy, Prince Street, Peterhead, by email dated 20th January 2022.

A late representation to the application was lodged by Peterhead Academy Parent Council on 17th February 2022 by email.

Having confirmed that Ms Fiona Strachan was in attendance on behalf of Mr Paul Rooney, the Applicant, and that Mr David Wilson was in attendance on behalf of Peterhead Academy Parent Council, the Monitoring Solicitor advised that Ms Shona Sellers, Head Teacher at Peterhead Academy, had submitted her apologies.

The Monitoring Solicitor then confirmed the hearing procedure to Committee, as outlined in the report.

The Committee heard from Mr Wilson, on behalf of Peterhead Academy Parent Council, who explained he had been unable to lodge his representation timeously due to a work situation.

The Committee unanimously agreed that, based on the reasons given, there was sufficient reason to accept the late representation. The late representation was circulated to those Members present, and read aloud by the Monitoring Solicitor so that all parties present were familiar with the content of the representation.

The Committee then heard from Ms Wilson, on behalf of Mr Rooney, who outlined the reasons for making the application, and addressed some of the objections and issues raised.

The Committee was advised that although Ms Sellers was unable to attend the meeting, that her written submission could be taken into account.

The applicant's representative was invited to respond to the submissions made by the objectors, before Members were invited to ask questions of all parties present. The parties present then submitted their concluding remarks.

Following the concluding remarks, the Committee was asked if they wished to retire to deliberate. The Committee unanimously **agreed**, and the meeting was suspended to allow Members to adjourn to a separate online meeting room.

Upon resuming the hearing, the Senior Solicitor provided a summary of the issues discussed during the adjournment for the parties present.

The Committee having confirmed that they had received sufficient evidence upon which to make a decision, was asked to put forward a motion.

Councillor Calder moved as a motion, seconded by Councillor Fakley, that having heard the discussion and having applied the legal test, there was no good reason for refusing the application and that the application be granted for a period of 3 years.

There being no amendment, and following a roll call, the decision was confirmed as unanimous in that the Committee **agreed** that, in having applied the legal test, there was no good reason to refuse the application and that the application be granted for a period of 3 years.