

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 22 OCTOBER 2014**

Present: Councillor David Kinniburgh (Chair)

Councillor Robin Currie	Councillor Roderick McCuish
Councillor George Freeman	Councillor Alex McNaughton
Councillor Neil MacIntyre	Councillor James McQueen
Councillor Robert G MacIntyre	Councillor Richard Trail
Councillor Donald MacMillan	

Attending: Charles Reppke, Head of Governance and Law
Kate Connelly, Trainee Solicitor
David Shearer, Applicant
Edward Thornton, Applicant's Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Rory Colville, Mary-Jean Devon, Alistair MacDougall and Sandy Taylor.

2. DECLARATIONS OF INTEREST

Councillor Neil MacIntyre declared a non financial interest in the application for a taxi operator's licence submitted by Mr Shearer from Oban. Councillor MacIntyre advised that members of his family were involved in the taxi business in the Oban area and therefore he would not take part in the determination of this application. He left the room and took no part in the following hearing.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR'S LICENCE (D SHEARER, OBAN)

The Chair welcomed everyone to the meeting and introductions were made. The Head of Governance and Law advised Members that a late letter of objection had been received from Mr Werner of Etive Taxis who was not present at the hearing. He read out the reason given for the late objection. The Chair invited the Applicant's Solicitor to confirm whether or not they had any objection to this late objection being considered by the Committee. Mr Thornton confirmed that they had no objection.

The Committee agreed to take the late letter of objection into consideration and this was circulated to everyone present.

The Chair then read out the procedure that would be followed and invited the Applicant's Solicitor to speak in support of the application.

Applicant

Mr Thornton confirmed that Mr Shearer was a 49 years old divorced man with no dependents and that he has lived in Oban since 2001. Prior to moving to Oban he was born and brought up in Glasgow and was a roofer by occupation. Due to problems with his knee he was no longer able to carry out this type of work. He referred to Mr Shearer's previous employment with the Glencruitten Golf Club and advised that he had been made redundant from that post and had been unemployed for the last 3 years. Mr Thornton explained that Mr Shearer was seeking a taxi operator's licence to allow him to be self employed. He advised that Mr Shearer had identified an unmet demand which he felt that he could fulfil. He stated that Mr Shearer's widowed mother lived in a care home in Glasgow and that she had dementia. He confirmed that Mr Shearer had obtained his taxi driver licence in August and had been offered employment by some of the local taxi firms in Oban. However, he advised that due to Mr Shearer's personal circumstances he did not feel able to take up the offer of employment which would involve shift work as there were times when he had to go through to see his mother which would mean the possibility of having to let an employer down. Mr Thornton advised that Mr Shearer had looked at the current business market and that he considered that the need identified was not being met as well as it could be. He explained that Mr Shearer had earlier in the year purchased a vehicle in anticipation of this application being granted. He advised that he had purchased the 7 seater vehicle through Cabs Direct with a view to converting it for disabled access for up to 2 wheelchairs. Mr Thornton added that Mr Shearer had since been advised by the company that did the conversions that it would not be possible to carry out this work until the spring of 2015 as this type of vehicle was currently undergoing an EU inspection. It was, however, anticipated that it would in time be able to be converted. Mr Thornton advised that Mr Shearer believed there was a market for offering passengers trips to Glasgow. He stated that this would allow Mr Shearer to visit his mother during the down time while he waited to bring his passengers back to Oban and that Mr Shearer believed there would be a demand for this type of service. He also advised that Mr Shearer hoped to be able to offer tours of the wider Oban area to groups of passengers coming off boats. Mr Thornton confirmed that if Mr Shearer's application was granted it was his intention to prepare a website advertising his business with a view to setting this up in the spring of next year. He added that Mr Shearer felt there was an opportunity to meet customer demand in a way that suited his personal requirements rather than being confined to a pattern of shift work. He advised that the type of service Mr Shearer intended offering was not currently available in the Oban area and asked that the application be granted. Mr Thornton referred to the contents of the letter of objection and stated that he hoped that he had put it across to Members that a lot of research had been carried out by Mr Shearer and that he could not be described as a "nomadic operator" as was indicated in Mr Werner's letter.

Members' Questions

Councillor Trail asked if Mr Shearer had ever been a taxi driver before. Mr Thornton confirmed that he had many years ago in Glasgow. He reiterated that he had recently applied and received a taxi driver licence in August for Argyll and Bute but had not been able to take up offers of

employment he had received from local taxi operators due to his personal circumstances.

Councillor Trail sought and received clarification that alongside operating a normal taxi business Mr Shearer was hoping to offer long distance taxi journeys as well as offering a taxi service for disabled passengers.

Councillor McCuish sought and received clarification that Mr Shearer would not be able to advertise his business as offering a taxi with disabled access until the spring of 2015. It was, however, his intention to visit local hotels and marinas to look at the market for offering longer touring trips for passengers.

Councillor MacMillan sought and received an explanation from Mr Thornton as to why Mr Shearer wished to work for himself rather than be employed as a taxi driver.

Councillor Kinniburgh said that it appeared that the type of business Mr Shearer planned to offer was long distance driving. He referred to Mr Shearer's plans to advertise his business on the internet and asked why Mr Shearer had applied for a taxi operator's licence and not for a private hire licence. Mr Thornton explained that it was Mr Shearer's intention to concentrate on that side of the business during the summer months and that outwith this period he would run his business as a normal taxi service.

Councillor Kinniburgh referred to the possibility of the long distance taxi service not taking off. He noted that Mr Shearer would still be able to sit at the rank in Oban alongside other operators and also noted that the most recent survey report had identified no unmet demand in the Oban area. He asked Mr Thornton to comment.

Mr Thornton advised that there was an unmet demand for disabled access vehicles and that he believed there was only one other vehicle offering this service in the Oban area. He referred to a recent local press advert seeking additional taxi drivers and a copy of this was circulated to Members along with photographs of the vehicle that Mr Shearer had purchased.

Councillor Kinniburgh stated that the advert only indicated to him a shortage of taxi drivers rather than taxis. Mr Thornton advised that he believed that there was a link between the two and that this advert suggested there was an unmet demand. He advised that Mr Shearer wanted to put his own vehicle on the road offering a service to disabled passengers.

Summing Up

Mr Thornton confirmed that he had nothing further to add. He also confirmed that he and Mr Shearer had received a fair hearing.

Debate

Councillor McCuish advised that he noted the survey report which advised of no unmet demand. He also advised that he noted that Mr Thornton believed there was an unmet demand for disabled access vehicles and confirmed that Mr Thornton was correct to say there was only one disabled access vehicle in Oban. He stated that the pictures of the vehicle which were circulated had been helpful. He also stated that there were currently 45 taxi drivers in the area and an objection had only been received from one operator. He confirmed that he was content that there was an unmet demand for this type of vehicle and that he would be happy to approve the application.

Councillor Trail stated that he was slightly puzzled and that he had never known a successful one man business. He advised that if Mr Shearer was unable to work full time employed as a taxi driver he did not see how he could make sure his business was successful. He also advised that he did not know how much research was undertaken into the demand for long distance taxi journeys.

Councillor Currie stated that if Mr Shearer owned his own taxi he believed he would make sure he worked full time when he was able to and that this would be easier for him than working for an employer and having to ask for time off. He confirmed that he agreed with the comments made by Councillor McCuish and that he did not give much weight to the results of the survey which had stated that the maximum wait for anyone at the taxi rank was 0.2 minutes. Councillor Currie advised that any time he has had to wait for a taxi in Oban it has always been longer than 0.2 minutes.

Councillor Freeman advised that he was also likeminded with Councillor McCuish. He noted that it was Mr Shearer's intention to convert his vehicle to accommodate disabled access in the spring of 2015 and asked if it would be possible to add a condition to the licence that this conversion had to be done within 12 months.

Mr Reppke confirmed that it would be possible to add such a condition as this would be a reason to justify departing from the results of the survey.

Councillor Robert MacIntyre confirmed that his wife was disabled and that he found it very difficult to hire a taxi with disabled access in the Lomond area and that he was happy to support this application.

Councillors MacMillan and McQueen also confirmed that they were happy to support the application.

Councillor Kinniburgh advised that like Councillor Trail he was finding it difficult to assess this application. He advised that the business Mr Shearer intended to offer may have been more suitable for a private hire licence and that there would be nothing to stop Mr Shearer offering a disabled access vehicle with this type of licence. He noted that there appeared to be a need for a disabled access vehicle but stated that it had not come across that this was the main purpose for this vehicle and on that basis he was finding it hard to support the application.

Motion

To agree to grant the application for a Taxi Operator's Licence to Mr Shearer.

Moved by Councillor Robin Currie, seconded by Councillor Roderick McCuish

Amendment

To agree to refuse to grant the application for a Taxi Operator's Licence as a private hire licence would be more appropriate for the type of business Mr Shearer intended offering.

Moved by Councillor David Kinniburgh, seconded by Councillor Richard Trail.

On a show of hands the Motion was carried by 6 votes to 3 and the Committee resolved accordingly.

Decision

Agreed to grant a Taxi Operator's Licence to Mr Shearer.

(Having moved an amendment which failed to find a seconder, Councillor Freeman asked that his dissent from the foregoing decision be recorded).

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