

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 19 NOVEMBER 2014**

**Present:** Councillor David Kinniburgh (Chair)

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

**Attending:** Charles Reppke, Head of Governance and Law  
Kate Connelly, Solicitor  
Mr Chattington, Applicant  
Mrs Chattington  
Sergeant Iain MacNicol, Police Scotland  
Heather Murray, Police Scotland

**1. APOLOGIES FOR ABSENCE**

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

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 14 and 15 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR'S LICENCE (K CHATTINGTON, DUNOON)**

The Chair welcomed everyone to the meeting and introductions were made. He referred to a late letter of representation received from Police Scotland and invited Sergeant MacNicol to explain why the letter had been submitted late.

Sergeant MacNicol explained that the representation was submitted late due to enquiries that had to be made into a complaint they had received about the Applicant.

The Committee agreed to take the late representation received from Police Scotland into consideration.

The Chair then outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

### **Applicant**

Mr Chattington advised of his reasons for applying for a Private Hire Car Operator's Licence. He explained that he has been a taxi driver in Dunoon for sometime and that he has seen a lot of things that could be done to improve the service currently offered to customers. He stated that he was more than qualified to offer this service and advised that he would not be taking work away from the taxi rank as his customers would contact him by email, telephone and through his website. He said that he had advised via Facebook of his intentions to set up a Private Hire Car business and confirmed that he had received a lot of support. He stated that his main aim was to offer a quality service in Dunoon and advised that he was sure the taxi drivers in Dunoon would ensure that he was abiding by all the rules and regulations. He advised that Dunoon deserved this service and that he was the right person to provide it. He referred to concerns raised about price wars and stated that his fares would be the same as the taxi drivers. He added that two taxi companies had indicated their wish to work with him. He also referred to interest from professional photographers, wedding planners etc. He stated that he believed that he would be able to bring more business into Dunoon.

As the Police had no questions the Chair invited Inspector MacNicol to speak in support of their representation.

### **Police**

Sergeant MacNicol read out the contents of a letter of representation submitted by the Police. The letter referred to a complaint they had received about Mr Chattington and the subsequent investigation into this complaint.

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

### **Members' Questions**

Councillor Neil MacIntyre asked why the female had made a complaint if she was not bothered by what had happened. Sergeant MacNicol explained that sometimes people just want the Police to be made aware rather than to make an official complaint.

Councillor Freeman sought clarification on whether or not the Chief Constable considered the Applicant to be a fit and proper person to hold a licence. Sergeant MacNicol advised that the Police were not objecting to the application as there had been no conviction. However there was a question over the Applicant's conduct and they wished to make the Committee aware of the circumstances.

Councillor Kinniburgh sought and received clarification that even although

the letter had been downgraded from an objection to a representation there was still a question over whether or not the Applicant was a fit and proper person to hold a licence.

Councillor Robert MacIntyre referred to comments made in the letter of representation regarding inaccuracies in information received from third parties and asked what these inaccuracies were. Sergeant MacNicol advised that he could not advise of the exact details of these.

Councillor Currie asked the Police how they could question the Applicant's conduct if they did not know what his conduct was. Sergeant MacNicol stated that they did know what had happened and that the Applicant had admitted that. He advised that the initial report was made by the female and that she did not wish to make a formal complaint and go to court.

Councillor Colville received a detailed account of what had happened from Mr Chattington. He indicated that what had started out as a private conversation had ended up spiralling out of control and advised that he could guarantee that this would never happen again. He advised that what had happened had nothing to do with his taxi work.

Councillor Trail sought and received clarification from Mr Chattington that he had been driving taxis for around 2 years. Mr Chattington acknowledged the concerns that the Committee may have regarding his conduct and stated that he could give 100% assurance that nothing like this would ever happen again.

Councillor McCuish sought and received clarification from Sergeant MacNicol that the Police had completed their enquiries into this case.

Councillor McCuish asked if there had been any sign of the female being forced or under duress to approach the Police. Sergeant MacNicol advised that they could understand that she was maybe persuaded to come to the Police but she was not forcibly marched into the station.

Councillor Neil MacIntyre sought and received confirmation from Mr Chattington that what had happened would never happen again. He confirmed that he would keep detailed recordings of all bookings made and that the Council and Police would have access to his records at any time if these were requested.

Councillor Colville sought and received an explanation from Mr Reppke as to what "Executive Hire" meant which had been mentioned in a letter of objection .

Councillor Kinniburgh sought and received confirmation from Mr Chattington that he currently drove taxis and held a taxi driver licence. He stated that no complaints about him had been made to his employer.

Councillor Kinniburgh pointed out that Mr Chattington had not declared that he held a taxi driver licence on his application form and Mr Chattington advised that this was an oversight on his part.

## **Summing Up**

### Police

Sergeant MacNicol advised that the Police had concerns regarding the conduct of Mr Chattington in respect of an incident which had taken place in July this year. He expressed his concerns that Mr Chattington had met the people involved through his previous employment as a bus driver. He confirmed that the concerning behaviour had not resulted in criminal proceedings.

### Applicant

Mr Chattington advised that he had met and remained friends with lots of people through his previous employment as a bus driver. He advised that he would like the opportunity to bring something good to Dunoon and that he would like to be given this chance. He stated that over 100 people have indicated they would use his service. He gave a guarantee that all records would be available to the Council. He stated that he had been very stupid and could only apologise. He referred to a private conversation, which he thought would remain private, escalating out of control. He advised that the female had not wanted to make a complaint and that she had been forced to go. He advised that he had embarrassed himself and his wife and that the incident had nothing to do with his taxi work. He stated that he believed his business would bring benefits to Dunoon and said that this isolated incident would not happen again.

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

## **Debate**

Councillor Trail stated that having heard Mr Chattington's account of his behaviour, the fact that no complaint had been filed with the Police and that no proceedings were continuing in respect of this case, he was minded to accept Mr Chattington's assurance that this would not happen again and that he was minded to approve the application. He advised that this did not mean he condoned Mr Chattington's past behaviour and he hoped that he had learned his lesson.

Councillor McCuish stated that he was confident Mr Chattington had addressed concerns about his behaviour but he was not confident that Mr Chattington had addressed unmet demand.

Councillor Colville stated that he could accept that there was genuine remorse from Mr Chattington but he had concerns about him being a fit and proper person to hold a licence. He stated that he would be extremely concerned if someone in the Council serving the public took part or had participated in the past in this type of behaviour.

Councillor Currie stated that we were in a world of social media and that messages sent privately should be of no concern to others however he

stated that this was a dangerous tool. He stated that he was not putting much weight on what had happened and that there was no objection from the Police. He advised that he would be more concerned about what taxi drivers were saying in Dunoon. He stated that as this was a private hire licence it should be granted. He stated that he believed Mr Chattington to be a fit and proper person to be the holder of a licence.

Councillor Taylor agreed with Councillor Currie's comments

Councillor Kinniburgh stated that the issue of unmet demand was very important and that he had difficulty in justifying that. He stated that he was of the same opinion as Councillor Colville and that he had great concern about what had happened recently. He stated that he had great difficulty in granting a licence in these circumstances.

### **Motion**

To agree to refuse Mr Chattington's application for a Private Hire Car Operator's Licence because he was not a fit and proper person to be the holder of this licence and to note that there was no unmet demand in Cowal.

Moved by Councillor Kinniburgh, seconded by Councillor Colville

### **Amendment**

To agree to grant a Private Hire Car Operator's Licence to Mr Chattington.

Moved by Councillor Currie, seconded by Councillor Trail

A vote was taken by a show of hands. On there being an equality of votes the Chair gave his casting vote to the Motion and the Committee resolved accordingly.

### **Decision**

Agreed to refuse Mr Chattington's application for a Private Hire Car Operator's Licence on the grounds that Mr Chattington was not a fit and proper person to be the holder of this licence and noting that there was no unmet demand in Cowal.

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