

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 20 JANUARY 2016**

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

Councillor Rory Colville	Councillor Alex McNaughton
Councillor Robin Currie	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Sandy Taylor
Councillor Robert G MacIntyre	Councillor Richard Trail
Councillor Donald MacMillan	

**Attending:** Charles Reppke, Head of Governance and Law  
Kate Connelly, Solicitor  
John Steven Shaw, Applicant  
Jane MacLeod, Applicant's Solicitor  
Inspector Julie McLeish, Police Scotland  
Heather Murray, Police Scotland

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Gordon Blair, George Freeman, Roderick McCuish and Neil MacIntyre.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (J SHAW, 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**

Mrs MacLeod spoke on behalf of Mr Shaw. She referred to Mr Shaw's previous convictions and the circumstances surrounding each of these. Referring to the incident in 2012 when Mr Shaw was cautioned and charged for stopping on zig zag lines at Combie Street, Oban, Mrs MacLeod explained that Mr Shaw had believed that a pedestrian standing at this location looked ill and that he had stopped to check that they were okay. She stated that Mr Shaw was approached by the Police and asked to move off the crossing. At the request of the Police he produced his driving licence which detailed an address which was not his current address. Mrs MacLeod advised that in respect of the incident with the zig zag lines a not dissimilar incident occurred with another taxi driver and on that occasion Members did not consider that taxi driver not good enough to hold a Taxi Driver's Licence. She advised that this was not the most heinous of crimes and that the Committee should be proud that taxi drivers in the Oban area were prepared to go to someone in need. Mrs MacLeod then referred to the conviction of fraud in 2009 and acknowledged that this was more

serious. She explained that Mr Shaw and his partner had come to trust a gentleman who was staying for an extended period in their hotel and they had agreed to let this gentleman borrow their vehicle. She advised that when the gentleman failed to return with the vehicle Mr Shaw had reported the left of his car and made a claim on his car insurance. She explained that the insurance company did not consider this to be theft as Mr Shaw had handed his car keys over to the gentleman and he was subsequently detained and charged with knowingly making a false statement to his insurance company. She confirmed that Mr Shaw received no insurance money and that his car was eventually returned having been found abandoned near Edinburgh. Mrs MacLeod advised that the circumstances surrounding this offence were presented to the Licensing Board and that they were satisfied with this explanation. She stated that Mr Shaw had been a victim in this case and not a fraudster. She stated that Mr Shaw has run a successful business before and that he continues to do so. She advised that the Licensing Board considered Mr Shaw to be a fit and proper person to hold a liquor licence and asked the Committee to agree that Mr Shaw was a fit and proper person to hold a Taxi Driver's Licence.

## **Police**

Inspector McLeish referred to a letter of representation from the Divisional Commander which drew Members' attention to convictions the Applicant had received in respect of incidents which took place on 31 October 2008 and 2 December 2012. She provided detail of the incidents and advised that in light of these Members may wish to consider whether or not the Applicant was a fit and proper person to be the holder of a Taxi Driver's Licence. Inspector McLeish confirmed that this was not an objection but a representation as it was felt appropriate that these matters be brought to the Committee's attention for consideration.

## **Questions from Applicant**

Mrs MacLeod asked Inspector McLeish to note that the car was stolen from the Rowantree Hotel and not the Woodside Hotel. Inspector McLeish acknowledged that this may well have been the case.

## **Members' Questions**

Councillor Trail sought and received confirmation from Mr Shaw that he ran a business in Oban and that this was a full time occupation. Mr Shaw confirmed that he ran the business with his partner and that he employed 21 members of staff.

Councillor Colville sought and received confirmation from Inspector McLeish that Mr Shaw was convicted of stopping on the zig zag lines and for not having his current home address on his driver's licence.

Councillor Kinniburgh sought and received confirmation from Mr Shaw that his name was John Steven Shaw and that he was known as Steven.

Councillor Robert MacIntyre sought and received confirmation from Mr Reppke that the 2 convictions referred to by the Police were considered current. Mr Reppke advised that Mrs MacLeod had referred to an earlier conviction which was considered spent.

## **Summing Up**

### Police

Inspector McLeish advised that she had already reported all that needed to be said. She appreciated the liquor licence in place held by Mr Shaw and referred again to the matter regarding fraud.

### Applicant

Mrs MacLeod reaffirmed that the explanation regarding fraud had been accepted by the Licensing Board. She confirmed that Mr Shaw had admitted the charge but did not consider it to be fraud. She advised that he now understood that as he had handed over his car keys this was not theft and that Mr Shaw would most certainly not do this again with his car keys and certainly not with taxi car keys and that he had learnt from this unfortunate experience. She referred again to the incident regarding the zig zag lines where Mr Shaw had gone to help someone. She asked the Committee to consider ignoring both convictions and to consider Mr Shaw to be a fit and proper person to be the holder of the licence applied for.

When asked both parties confirmed that they had received a fair hearing.

### **Debate**

Councillor Currie stated that he noticed that no objections had been received from the taxi trade in Oban. He advised that what sold it for him was the fact that the Licensing Board had considered the fraud offence from 2009 and decided that Mr Shaw was a fit and proper person to run a licensed premises. He noted Mrs MacLeod saying that as Mr Shaw was considered a fit and proper person to hold a liquor licence then he should be considered a fit and proper person to hold a Taxi Driver's Licence. He stated that he would have no hesitation in granting this licence to Mr Shaw.

### **Decision**

The Committee agreed to grant a Taxi Driver's Licence to Mr Shaw.

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