

**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 OPERATOR'S LICENCE (J SHAW, OBAN)

The Chair welcomed everyone to the meeting and having previously explained the procedure that would be followed at the hearing for the Applicant's Taxi Driver's Licence application he invited the Applicant to speak in support of this application.

Applicant

Mrs MacLeod spoke on behalf of Mr Shaw. She advised that the Taxi Operators who had objected to this application were not present today. She added that the objections submitted appeared to be on a standard blank letter which may have been handed out for signing. She stated that the only objection which was not the same came from Julie MacKay who had raised concerns about the number of taxis at the rank and the difficulties with accommodating all the taxis due to construction works currently being carried out in Oban. Mrs MacLeod advised that these works seem to be settling down now so this objection was not relevant. She also advised that Mr Shaw did not intend sitting at the rank. She referred also to the Survey carried out in 2013 which stated that there was no significant unmet demand. She said that since the survey had been carried out Mr Shaw has spoken to the Council and received confirmation that 6 new licences have been issued and not all to the Oban area. She pointed out that Cal Mac would be shortly introducing 2 vessels for the Oban to Mull route and with the introduction of RET on this route would likely see

an increase in visitors to Oban and an increase in demand for taxis. She stated that the 2013 Survey was dated. She advised that Mr Shaw has heard from customers at his hotel having difficulty getting taxis to take them to the train station and ferry terminal and that this demand was what prompted him to apply for a Taxi Operator's Licence so that he could provide his customers with a service based at the Rowantree Hotel and not at the rank. She advised that Mr Shaw would have a 5 door 8 seater vehicle and that it was his intention to adapt this for wheelchair and disabled access. She stated that given the number of wheelchair users this would only enhance the service in the town. Mrs MacLeod advised that in Argyll and Bute Taxi Operators report that almost 70% of their clients pre book by telephone and that Mr Shaw expected that this would continue to be the case when they realise what type of vehicle he has. Mrs MacLeod said that Mr Shaw's taxi would be based at the Rowantree Hotel and would not add to the taxis already at the rank and that this would benefit visitors to and residents of the town. Mrs MacLeod assured Members that Mr Shaw would not cause any further congestion at Station Square and that he would not be in direct competition with the taxis there. She asked Members to grant Mr Shaw a Taxi Operator's Licence and accept the explanations given for his previous convictions at the early hearing for his Taxi Driver's Licence.

Police

Inspector McLeish advised that her representation made at the earlier hearing was the same in respect of this application.

Members' Questions

Councillor Trail sought and received confirmation from Mr Shaw that the Rowantree Hotel had 24 bedrooms capable of accommodating 48 people and that he employed 21 members of staff.

Councillor Trail also sought and received confirmation on the location of the hotel within Oban and when asked Mr Shaw confirmed that his taxi would be available to hire all day and all night. Mr Shaw also advised that his hotel was about 2.5 minutes away from the ferry when travelling by car.

Councillor Trail asked why, if it was Mr Shaw's intention just to take bookings from his hotel, he did not apply for a Private Hire Operator's Licence instead. Mr Shaw advised that he believed that this would be the best Licence to apply for.

Councillor Colville asked if Mr Shaw was offering not to sit at the rank but just to take bookings from his hotel. Mrs MacLeod advised that there may be an occasion when returning from dropping off a customer at the ferry that he could pick up fares from the rank if he was flagged down.

Mr Reppke confirmed that it would not be possible to impose a condition preventing a Taxi Operator from sitting at the rank.

Councillor Robert MacIntyre referred to Mr Shaw's intention to convert his car for wheelchair and disabled access and asked if this could be a condition. Mr Shaw advised that he would be happy for this to be made a condition.

Councillor MacIntyre asked Mr Shaw if he would accept guide dogs in his car. Mr Shaw confirmed that he would.

Councillor Currie asked Mr Shaw and Mrs MacLeod if they would agree that if Mr Shaw was to travel from the Rowantree Hotel to the ferry terminal in 2.5 minutes he would likely be committing another offence. Councillor Currie referred to it sometimes taking up to 30 minutes to get through Oban depending on the time of day and he suggested that it would be beneficial to have another taxi rank at the top of the town. Mr Shaw confirmed that he would use this if it was there.

Councillor Colville referred to the 2013 Survey and asked if Mr Shaw had any evidence of any unmet demand. Mrs MacLeod referred to the increase in housing in the area which would continue to be delivered. She advised that it was hoped that Oban would eventually be a University town and added that the Premier Inn was going to invest in Oban. She referred to the addition of RET to the Oban – Mull ferry route and stated that the economy of Oban appeared to be doing well with the population increasing and not having the same ageing population as other parts of rural Argyll and Bute.

Councillor Robert MacIntyre referred to a report on wheelchair accessible taxis which had recently been considered by the Committee and asked if there was a demand for this type of vehicle in Oban. Mr Reppke advised that it had been noted by the Committee that there was currently no unmet demand in the area and that they agreed to review this in the future.

Councillor Kinniburgh asked Mr Shaw if he had researched whether there was any other disabled access taxis in Oban. Mr Shaw advised that he was aware of 1 other taxi but thought that there may be another 2. Councillor Kinniburgh referred to the report mentioned by Councillor MacIntyre and advised that this report had advised of 3 wheelchair accessible taxis in Oban.

Councillor Kinniburgh sought and received confirmation from Mrs MacLeod that Mr Shaw wished to hold a Taxi Operator's Licence rather than a Private Hire Operator's Licence as this would enable Mr Shaw to pick up fares on return from dropping customers off at the train station and ferry terminal and that one journey could in turn lead to 2 or even 3 journeys before his return to the hotel. She confirmed that Mr Shaw wanted to be covered for every eventuality.

Councillor Kinniburgh sought and received confirmation from Mr Shaw that if there was another taxi rank at the other end of the town he may sit at that rank.

Summing Up

Police

Inspector McLeish advised that the representation submitted by Police Scotland was before Members for their information and consideration.

Applicant

Mrs MacLeod indicated that 4 wheelchair accessible vehicles would not be enough for a town the size of Oban. She advised that depending on how well his business did Mr Shaw may employ someone else in the future to take on some driving shifts. She referred to Oban growing and advised that the addition of an 8 seater taxi to the area would be welcome.

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

Debate

Councillor Trail advised that in the past when granting Operator Licences this has been due to the justification of special circumstances. He stated that an Operator's plate was a valuable thing and that on this occasion he did not think the Committee had heard any special circumstances to justify another Licence being granted for Oban. He stated that he believed Mr Shaw had applied for the wrong type of Licence. He added that Mr Shaw already ran a successful business so his livelihood did not depend on being granted this Licence. He stated that he was minded not to grant the Licence.

Councillor Currie advised that he held the opposite view. He confirmed that he had originally had doubts but having heard what had been said he was totally convinced that there was a need for this type of taxi service in Oban. He stated that there should be another taxi rank at the top end of the town as there was a lot of hotels and bed and breakfast establishments there as well as the Corran Halls which was close to the Rowantree Hotel. He stated that there was a huge opportunity here which he expected would do well. He referred to Mr Reppke advising before that people from the islands were unable to get taxis. He confirmed that he thought the Licence should be granted.

Councillor McNaughton advised that he supported Councillor Currie.

Motion

To agree to grant a Taxi Operator's Licence to Mr Shaw

Moved by Councillor Robin Currie, seconded by Councillor Alex McNaughton

Amendment

To agree not to grant a Taxi Operator's Licence to Mr Shaw as there was no significant unmet demand in the Oban area.

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

The Motion was carried by 8 votes to 2 and the Committee resolved accordingly.

Decision

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

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