

**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 Robin Currie	Councillor Alex McNaughton
Councillor Alistair MacDougall	Councillor James McQueen
Councillor Robert G MacIntyre	Councillor Sandy Taylor
Councillor Donald MacMillan	

Attending: Charles Reppke, Head of Governance and Law
Kate Connelly, Solicitor
Martin Stewart, Applicant
Inspector Julie McLeish, Police Scotland
Heather Murray, Police Scotland

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

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

Mr Stewart advised that he was applying for a Taxi Driver's Licence to supplement his income. He currently works for a company maintaining the roads and he would like to drive taxis a couple of nights a week to make extra money to enable him to finish building his house.

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 23 February 2003 and 22 February 2009. 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.

Members' Questions

Councillor Currie sought and received confirmation from Mr Stewart that he was aged 34 years and that he was 21 years old when the first offence was committed and 27 years old when the second offence was committed. Mr Stewart confirmed that he had grown up since these offences took place.

Councillor McNaughton asked Mr Stewart why he had not declared his convictions on his application form. Mr Stewart advised that this was an oversight on his part. He stated that his current licence had no points or endorsements on it and he did not realise he should have declared the convictions on the form.

Councillor Kinniburgh pointed out to Mr Stewart that the application form stated that all previous convictions should be declared. Mr Stewart advised that as they were not on his current driving licence he thought they were done and dusted.

Councillor Kinniburgh referred to each offence being 6 years apart and that it was almost 6 years since the last offence. Mr Stewart confirmed that he had learnt his lesson and that he no longer drank alcohol. He stated that it did not agree with him and had led him to make stupid decisions in the past.

Summing Up

Police

Inspector McLeish advised that in respect of his second offence it was the manner in which Mr Stewart was driving that led the Police to stop him on that occasion. She also advised that in respect of the first offence 70mgs of alcohol in 100ml of breath was quite a high reading. She advised that Mr Stewart was a repeat offender and that drink driving was a serious offence.

Applicant

Mr Stewart advised that he understood where the Police were coming from. He advised that he has always been a careful driver, has never been caught for speeding or been involved in an accident. He advised that he had been stupid before and that if he had got the chance again he never would have did it.

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

Debate

Councillor Currie advised that he noted that Mr Stewart has stated that he no longer drank alcohol and that he believed this would wipe out any doubts of Mr Stewart carrying out this same offence again. He advised that as Mr Stewart had no other record and no speeding offences he could not see a reason why his Taxi Driver's Licence should not be granted.

Councillor Kinniburgh advised that he found it difficult to back what Councillor Currie said. He said that taking account of the length of time between the offences and the fact that Mr Stewart had stated that he no longer drank he was inclined to take him at his word and move to grant his Licence.

Decision

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

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