

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 21 MAY 2014**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor James McQueen
Councillor George Freeman	Councillor Sandy Taylor
Councillor Robert G MacIntyre	Councillor Richard Trail

Attending: Patricia O'Neill, Central Governance Manager
Graeme Forrester, Solicitor
Mr Petrie, Applicant
Sergeant Quinn, Police Scotland
Constable Hamilton, Police Scotland

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER LICENCE (A PETRIE, OBAN)

The Chair welcomed everyone to the meeting and introductions were made. Reference was made to a letter received from Police Scotland which requested that the Committee take into consideration an alternative to prosecution which was considered "spent" in terms of the Rehabilitation of Offenders Act 1974 and Sergeant Quinn confirmed that it was not their intention to present any notification of spent convictions.

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

Applicant

Mr Petrie advised that when filling out his application form he omitted his previous convictions. He stated that this was a mistake on his part due to being dyslexic and not understanding the form. He advised that he thought he was to list any convictions he had on his driving licence and as he had none he left this part of the form blank. He stated that it was only when the Police visited his home to advise him that he had completed the form incorrectly and produced a list of convictions which he should have

disclosed that he realised his mistake. He advised that he filled out a fresh application form and handed this into Oban and that was the last he heard about it. He advised that he assumed that this new form had been sent down to Lochgilphead.

There were no questions from the Police.

Police

Sergeant Quinn read out a letter advising of the Chief Constable's objection to the grant of a taxi driver licence to Mr Petrie on the grounds that he was not a fit and proper person to be the holder of a licence by virtue of convictions which Sergeant Quinn summarised the detail of to the Committee.

There were no questions from the Applicant.

Members' Questions

Councillor Currie referred to Mr Petrie's convictions and asked Mr Petrie was he correct to say that the last serious incident occurred 13 years ago when he was 21 years old and Mr Petrie replied yes.

Councillor Freeman also referred to the list of convictions and asked Mr Petrie was he correct to say that apart from a conviction in 2013 other convictions had not occurred since 2005 and 2006, approximately 8 or 9 years ago, and Mr Petrie replied yes.

Summing Up

Police

Sergeant Quinn referred to the number of convictions Mr Petrie had which included assault with sexual aggravation and advised that this was a concern as a taxi driver would come into contact with female passengers when they were at their most vulnerable, for example, when leaving pubs late and night. He stated that even although this took place when Mr Petrie was 21 years of age the Chief Constable did not consider him to be a fit and proper person to hold a taxi driver licence by virtue of his convictions and requested that this application be refused.

Applicant

Mr Petrie advised that he was now a married man with two children and has worked in restaurants and bars and been in charge of young girls in this type of employment. He referred to the incident which took place in 2002 and advised that he used to go out with the female referred to. He stated that it had been a stupid mistake which he still regretted and wished had never happened. He referred to working for G Force recently with no issues.

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

Debate

Councillor Currie advised that people should not be forever reminded of past mistakes and that this should not prevent them from getting on with their life. He stated that it had been a long time since the last major incident and that all the others were minor. He advised that he classed the Applicant to be a fit and proper person to hold a taxi driver licence.

Councillor Colville advised that he would be minded to grant a taxi driver licence for one year as he took on board what had been said about vulnerable people.

Councillor Freeman advised that he supported Councillor Colville's suggestion that a taxi driver licence be granted for one year.

Motion

To agree to grant a taxi driver licence for one year to Mr Petrie.

Moved by Councillor Rory Colville, seconded by Councillor George Freeman

Amendment

To agree to grant a taxi driver licence for 3 years to Mr Petrie.

Moved by Councillor Robin Currie, seconded by Councillor Richard Trail

The Amendment was carried by 5 votes to 4 and the Committee resolved accordingly.

Decision

Agreed to grant a taxi driver licence to Mr Petrie for a period of 3 years, noting that Mr Petrie would be informed of this decision in writing within the next 7 days and that the licence would not be issued until after a period of 28 days to enable the Police to appeal this decision if they wished.

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