

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 AUGUST 2014

Present: Councillor David Kinniburgh (Chair)

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

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Kate Connelly, Trainee Solicitor
Thomas Simpson, Applicant
Sandy Simpson, Applicant's Son
Michael MacIntyre, Objector
Susan Gould, in attendance with the Objector

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT TO TAXI OPERATOR'S LICENCE (T SIMPSON, TIGNABRUAICH)

The Chair welcomed everyone to the meeting and introductions were made.

Mrs MacFadyen advised that a late letter of representation had been received and noted that the objector was present and therefore able to advise why the letter was late. Mr MacIntyre advised that he regularly undertook checks of the notice board in the Council's Hill Street Office but had failed to see the notice due to the large volume of notices within the glass case, until it was too late. Mrs MacFadyen confirmed that a copy of the letter had been forwarded to the Applicant so if the Committee wished to take it into consideration they could still go ahead with the hearing.

The Chair invited the Applicant to comment.

Mr Simpson advised that he would not be happy if this letter was taken into consideration.

Members were satisfied that the objector had perceived some difficulty in discerning the notification on the board even though there appeared to have

been no formal complaint about the display lodged with the Council.

The Committee agreed to accept the late representation from Mr MacIntyre, Chairman of Dunoon Taxi Owners and Drivers Association and a copy of this was circulated to Members.

The Chair then invited Mr Simpson to speak in support of his application.

Application

Mr Simpson advised that he currently had a Private Hire licence which he operated within the village of Tighnabruaich and a Taxi Operator's licence which his son operated in Dunoon. He advised of the Portavadie development which had seen an influx of tourists to the area and spoke of the current transport service, which he advised was very poor with no service on a Sunday and a very limited service throughout the remainder of the week. Mr Simpson advised that by obtaining the Taxi Operators licence, he would be providing a job for one other person and advised that in the event of his Private Hire vehicle breaking down, he would still have the income from the Taxi Operators licence to tide him through any financial hardship. Mr Simpson advised that previously in the village of Tighnabruaich there had been two Taxi Operator licence's, however at the present time there were none. Mr Simpson advised that he sought to provide a service for the area which used to be enjoyed. Mr Simpson made reference to the Halcrow Report which had been undertaken by the Council. He stressed that in his opinion it made reference to two areas in Dunoon but did not provide for any of the outlying rural areas. Mr Simpson advised that if the application was granted he would not operate in Dunoon.

Objector's Questions

Mr MacIntyre confirmed that he had no questions.

Objector

Mr MacIntyre advised that he made the objection on behalf of the Dunoon Taxi Owners and Drivers Association. Mr MacIntyre referred to Mr Simpsons suggestion that the Taxi Operator licences previously held in Tighnabruaich were no longer in operation. He advised that one was sold and is currently in operation in Dunoon trading as Cowal Cabs. Mr MacIntyre suggested that as there are no taxi ranks anywhere in Tighnabruaich, the licence if granted, would be operated as a Private Hire licence. Mr MacIntyre also made reference to the Halcrow report agreeing with its findings that there is no significant unmet demand within an extremely fragile position.

Applicant's Questions

Mr Simpson confirmed that he had no questions.

Member's Questions

Councillor McCuish sought clarification from Mr MacIntyre in respect of Mr Simpsons guarantee that if the application was granted, he would not trade in Dunoon. Mr MacIntyre advised that it would be a comfort if the business was

confined to the rural area, but pointed out that due to the zones operated by the Council, the Association had to object to safeguard their position.

The Head of Governance and Law provided clarification in terms of the zones operated by the Council, advising that should the licence be granted it would be for the whole Bute and Cowal zone and not restricted as suggested by the applicant. Mr Reppke also referred to the Halcrow report, confirming that section 5 “Evidence of Suppressed Demand – Public Attitude Survey Results” deals with Bute and Cowal as a whole.

Councillor Trail requested clarification from the applicant as to the licences he currently holds. Mr Simpson confirmed that he currently holds one Private Hire licence which he operates in Tighnabruaich and one Taxi Operators licence which his son operates in Dunoon.

Councillor Kinniburgh asked whether Taxi Operators from Dunoon also operate from Tighnabruaich. Mr MacIntyre advised that it was not cost effective for them to do so.

Councillor Colville enquired as to how a Taxi Operator would benefit over a Private Hire in a small geographical area with a relatively low population. Sandy Simpson, spoke on behalf of the applicant and advised that there are a number of licensed premises in the surrounding area, and stressed that in the last 10 years the population of Tighnabruaich has grown vastly. He suggested that this was largely due to the development at Portavadie. He explained that there is a demand, but possibly not 24 hours a day, 7 days a week.

Summing up

Objector

Mr MacIntyre advised that he had lodged the objection on behalf of Dunoon Taxi Owners and Drivers Association. He advised that they accepted that the Halcrow report covered the Bute and Cowal area as a whole. Mr MacIntyre advised that following discussions with the previous owner of the Taxi Operators licence which now operates as Cowal Cabs in Dunoon, he could confirm that part of the reason they left was that there was not enough demand for both them and Mr Simpsons Private Hire business. He advised that he was also aware that the Filling Station in Tighnabruaich has a Taxi Operators licence which is still operating. He stressed again that there are no ranks within Tighnabruaich therefore the licence would be operating on more of a Private Hire basis. He advised that he concurred with the Halcrow report that there is no significant unmet demand.

Applicant

Mr Simpson advised that he was applying for a new licence. He advised that he had already gone to significant cost to set up the business as he had met the cost of the purchase of a vehicle, insurance and road tax for the vehicle and of course had met the cost of the application. He appealed to the Committee to give Tighnabruaich a visible taxi presence.

The Chair asked all parties to confirm if they had received a fair hearing and they

all confirmed this to be the case.

Debate

Councillor Trail advised that from what he has seen Mr Simpson operates a good, reliable business and that he was happy to approve the application.

Councillor McNaughton advised that he was satisfied that the Portavadie development assisted the demand for a further Taxi Operator within the area and therefore he was happy to approve the application and Councillor Colville agreed with Councillor McNaughton.

Councillor MacIntyre advised that as it was uneconomical to operate from the Tighnabruaich area if based in Dunoon and vice-versa, he felt the happy to approve the application.

Councillor Kinniburgh also agreed that he was happy to approve the application.

Decision

The Committee unanimously agreed to grant the Taxi Operator's licence to Mr Simpson, on the basis that the increased trade from Portavadie and the distance from Dunoon justified this in the context of the recent survey results.

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