

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 18 MARCH 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Lorna Douglas Councillor Sandy Taylor
Councillor Donald MacMillan BEM Councillor Richard Trail
Councillor Jean Moffat

Attending: Stuart McLean, Committee Manager
Graeme McMillan, Solicitor
Nicolas MacKinnon, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Robin Currie, Mary-Jean Devon, Audrey Forrest, George Freeman, Graham Archibald Hardie, Roderick McCuish and Alastair Redman.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR LICENCE (N MACKINNON, ISLAY)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

APPLICANT

Mr MacKinnon explained that he would like to have a Private Hire Car Operator Licence as he ran a small passenger ferry service which operated between Tayvallich and Jura and it was his hope to be able to provide transport for his passengers between the ferry and their accommodation. He advised that it would be more for Jura than anywhere else. He pointed out that when the weather was not so good his ferry had to go to Lagg which was 6 miles away from the nearest village, Craighouse. He said that a previous Operator had provided this service for him but had since decided he no longer wished to do this and that was why he wished to have his own mini bus which would enable him to be totally independent.

MEMBERS' QUESTIONS

Councillor Trail asked Mr MacKinnon if he had any other sources of income apart from this particular operation. Mr MacKinnon advised that his father ran a breakdown recovery service which he helped with. He confirmed that his main source of income was the passenger ferry service between Tayvallich and Jura.

Councillor Trail asked Mr MacKinnon if there would be enough traffic to warrant this licence for such a small ferry. Mr MacKinnon advised that he did not wish people to be stuck and that he wanted to provide a service to the island which they currently did not have. He advised that there had been a service on the island for years but this has not been available since June 2018 and he did not want to use someone that no longer had a licence.

Councillor Trail said that he appreciated Mr MacKinnon's concern for his customers. He explained that the reason for his question was because he was concerned about whether or not Mr MacKinnon would make enough money. Mr MacKinnon advised that he was looking at the bigger picture and hoped to encourage more people to use his ferry service.

Councillor Moffat referred to a new golf course on Jura and asked Mr MacKinnon if he would anticipate more traffic on his ferry because of this. Mr MacKinnon advised that he had in the past, when the golf course was being built, transported workers on his ferry. He advised that the previous Operator had provided a mini bus for his passengers but he was no longer doing this. He said that he wanted to concentrate on providing something for the community and that the golf course was in another league.

Councillor Taylor sought and received confirmation from Mr MacKinnon on what he planned to use his licence for. Mr MacKinnon said that he wanted to support his passenger ferry service. He advised that he was on Jura all the time throughout the whole season, 24/7. He commented that sometimes his passengers travelled on the ferry and then returned via the airport. He said that mainly he wanted to boost the passenger numbers on his ferry.

Councillor Kinniburgh sought and received confirmation from Mr MacKinnon that he ran the passenger ferry service. Mr MacKinnon confirmed that the ferry arrived at Jura from Tayvallich at 10.30 am and remained there until 5.00 pm before returning.

Councillor Kinniburgh asked if the other Operator still held his Operator Licence. Mr MacKinnon said he was not sure. He advised that he was aware that he has not held a taxi driver's licence since June 2018. He commented that this person had a PSV 16 seater but he did not know how that was operated.

Councillor Kinniburgh referred to the ferry docking at an alternative location 6 miles away when the weather was bad. He asked how Mr MacKinnon would ensure his mini bus was there at that alternative location. Mr MacKinnon explained that he always knew what the weather was doing and where the ferry would come into. He advised that the mini bus was insured for anyone over 25 years to drive so they could transport it on his behalf.

Councillor Kinniburgh sought and received confirmation from the Council's Solicitor, Mr McMillan, that if it was just for the purpose of relocating the bus and there were no passengers it would be acceptable for this to happen. Mr MacKinnon commented that if this licence was granted he hoped to be able to employ other drivers and that he had been given the appropriate application forms to fill in for extra drivers if the licence was granted.

Councillor Kinniburgh asked how many more drivers Mr MacKinnon hoped to have. He advised that initially he would hope to have two – his father and his daughter.

Councillor Moffat sought and received confirmation from Mr MacKinnon that these additional drivers would all drive the one vehicle.

Councillor Taylor advised that Mr MacKinnon needed to be aware that the Committee would be very sensitive to multiple licences. Councillor Kinniburgh commented that this would be more an issue for Operator Licences and not taxi driver licences.

Councillor Kinniburgh sought and received further clarification from Mr MacKinnon on the service he wished to offer. Mr MacKinnon advised that he would be able to drive his ferry passengers to anywhere they wished to go. He commented that some people may stay the week and want to be taken to their accommodation. He said that others may want dropped off somewhere and then picked up later in the day.

Councillor Kinniburgh asked Mr MacKinnon if he planned to be available for other private hires rather than just going back and forward to the ferry. Mr MacKinnon advised he was not sure what the licence would allow him to do if granted but if this was possible then he would like to offer this additional service.

Councillor Kinniburgh sought and received confirmation from Mr McMillan that if the licence was granted this would allow Mr MacKinnon to operate via pre booked hires anywhere in Argyll and Bute. He confirmed that as it would be a Private Hire Vehicle the driver would not be able to sit outside a premises, for example, a pub, and wait for a hire and they would not be able to pick people on the street.

Councillor MacMillan asked Mr MacKinnon if he could give the Committee an idea of how many Council Officers have used his ferry. Mr MacKinnon advised that he was not sure of the actual numbers but there were quite a few every month and at the moment when they arrived on Jura they had to walk to their destination, even the school.

Councillor MacMillan commented that some of the people from the Council used the ferry as a means of getting to Islay. Mr MacKinnon confirmed that sometimes Officers did use his ferry in the morning and then return late at night from Islay on the Cal Mac boat.

Councillor Kinniburgh clarified with Mr MacKinnon that there were other possible uses for his vehicle and other avenues that he would be able to pursue. Mr MacKinnon acknowledged that he would be able to receive hires if someone phoned or emailed him. He said that if the licence was granted and people heard about it he would be able to offer services such as giving lifts to shops or going to Islay for a few hours.

Councillor Taylor sought and received confirmation from Mr MacKinnon that 90% of his work would be to support his passenger ferry service and occasionally he may go to Islay to drop someone at the airport or vice-versa.

SUMMING UP

Mr MacKinnon advised that he was content with what he had already said and he confirmed that he had received a fair hearing.

DEBATE

Councillor Moffat said that she did not have any great fears that Mr MacKinnon would ply his trade all over Argyll and Bute. She noted that the vehicle would be tied to the ferry service and commented that if the vehicle were to leave the island Mr MacKinnon would have to pay a fare to Cal Mac which, she suggested, may negate any costs he would have got from his passengers. She advised that she thought this was an admirable proposition and that she would be more than delighted to propose that the Committee grant this application.

Councillor Taylor said that this was an excellent example of an integrated transport solution which he would want to promote and support. He advised that committing to serve Jura would also give the opportunity to connect to Islay. He said this was a sound proposal which he was happy to support.

Councillor MacMillan confirmed that he was happy to support the application.

Councillor Douglas said that it made sense to have a ferry and then be able to offer the passengers a further service to reach their final destination. She commented that the service may be used a lot more than Mr MacKinnon anticipates at this time.

DECISION

The Committee unanimously agreed to grant a Private Hire Car Operator Licence to Mr MacKinnon.

(Reference: Report by Head of Legal and Regulatory Support, submitted)