

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on MONDAY, 22 JUNE 2020**

Present: Councillor David Kinniburgh (Chair)

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| Councillor Gordon Blair | Councillor Graham Hardie |
| Councillor Rory Colville | Councillor Jean Moffat |
| Councillor Robin Currie | Councillor Alastair Redman |
| Councillor Mary-Jean Devon | Councillor Sandy Taylor |
| Councillor Lorna Douglas | Councillor Richard Trail |
| Councillor George Freeman | |

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor
Ally Evans-Jones, Trainee Solicitor
Stuart McLean, Committee Manager

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing Order 5.4 to enable discussion of reports on the Agenda.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Donald MacMillan BEM and Roderick McCuish.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NO. 4274) (D MACINTYRE, OBAN)

The Chair welcomed everyone to the meeting and invited the Council's Solicitor, Mr McMillan to provide an update.

Mr McMillan advised the Committee that on Friday he had received a communication from the Ruben's Solicitors confirming that they had just been engaged that day to represent Mr MacIntyre. They advised that they would appreciate if the Committee would agree to adjourn this case as they were still receiving instructions from their client and Mr Murdanaigum would be unable to attend the hearing today due to court commitments. They asked that the Committee agree to this adjournment so that Mr MacIntyre could be given a fair hearing and obtain legal advice.

Mr McMillan confirmed that Police Scotland have advised that they would not object to this adjournment in the circumstances for the reasons relating to fairness/natural justice. Mr McMillan asked the Committee to take into account 3 particular aspects.

He advised that this was the licence holder's first request for a continuation, the reason being to allow him to obtain legal advice and then get legal representation at the proposed continued hearing. He also advised that if the Committee agreed to continue the hearing until August, Mr MacIntyre will have had his first court appearance by then and there may be further information available to the Committee which may provide a clearer picture of how, or if, a criminal case was proceeding. On the basis of this request both parties were not in attendance today.

Mr McMillan confirmed that his advice to the Committee would be that they should agree to the request for continuation of this case to allow both parties to be present for a full hearing.

The Members debated whether or not to continue consideration of this case until August with arguments both for and against the continuation being put forward.

Motion

To agree to continue consideration of this case to a hearing in August.

Moved by Councillor David Kinniburgh, seconded by Councillor Alastair Redman.

Amendment

To agree that the Committee take action today and suspend Mr MacIntyre's Taxi Driver's Licence as requested by Police Scotland in their letter.

Moved by Councillor George Freeman, seconded by Councillor Gordon Blair.

A vote was taken by calling the roll.

Motion

Councillor Rory Colville
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor Graham Archibald Hardie
Councillor David Kinniburgh
Councillor Jean Moffat
Councillor Alastair Redman
Councillor Sandy Taylor
Councillor Richard Trail

Amendment

Councillor Gordon Blair
Councillor Lorna Douglas
Councillor George Freeman

The Motion was carried by 9 votes to 3 and the Committee resolved accordingly.

Decision

The Committee agreed to continue consideration of this case to a hearing on 19 August 2020.

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