

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 20 JANUARY 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Richard Trail
Councillor Kieron Green	

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor
John Cameron, Applicant
PC Raymond Borland, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors George Freeman, Jean Moffat and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF TAXI DRIVER LICENCE NUMBER 5890 (J CAMERON, DUNOON)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by Video Call, by Audio Call or by written submission. For this hearing the Applicant and Police Scotland opted to proceed by way of Audio Call and they both joined the meeting by telephone.

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

APPLICANT

Mr Cameron advised that he had applied for renewal of his Taxi Driver's Licence in September but heard nothing further until he got in touch with the Licensing Section. He was advised that there would be hearing because an objection had been received as a result of a conviction he had in respect of his personal car. He explained that he had no insurance for the car and at the time of his conviction he had not been aware that he had no car insurance. He advised that his ex-partner had made arrangements to have a multi car insurance policy and that all notifications in respect of this were sent direct to her either by text or email. Mr Cameron advised that he paid for the insurance, with all payments coming out of his bank account. He

advised that when he and his partner split up she had taken his car off the multi car insurance policy. Mr Cameron said that he was unaware that this had happened and that he had been driving all over Scotland without car insurance. He said he was unaware he had no insurance until he was stopped by the Police in Dunoon in October 2019 where he was given an on the spot fine and points on his driving licence.

POLICE SCOTLAND

PC Borland referred to a letter of representation from the Chief Constable dated 30 September 2020 which advised that the Applicant, on 4 November 2019, had received a fine and 6 points on his driving licence due to driving his motor vehicle without insurance.

MEMBERS' QUESTIONS

Councillor McCuish asked Mr Cameron why he was stopped by the Police. Mr Cameron said that as far as he was aware it was because he had no car insurance and that this had been flagged to Police Officers.

Councillor McCuish sought and received confirmation from PC Borland that on this occasion it appeared that a moving vehicle PNC check had been carried out which revealed no insurance.

Councillor Blair asked if Mr Cameron now had his car insured. Mr Cameron explained that he no longer had the car in question. He confirmed that his present car was insured.

Councillor Blair sought and received confirmation from Mr Cameron that the multi car insurance policy had allowed him to drive his ex-partner's vehicle.

Councillor Blair asked Mr Cameron if he had not been stopped would a reminder notice to renew the car insurance have been sent to him 2 months later. Mr Cameron said no as he had moved address by then.

Councillor Hardie referred to Mr Cameron paying for the insurance policy and asked Mr Cameron if he was no longer insured, had he not noticed that money was no longer coming out of his bank account. Mr Cameron explained that he continued to pay the insurance payments not realising his car had been taken off the multi car insurance policy. He advised that all notifications in respect of the policy were sent to his ex-partner as she had set it up.

Councillor Kinniburgh sought and received confirmation from Mr Cameron that the policy would have been due for renewal either the end of December or beginning of January. Mr Cameron advised that he had been stopped by the Police at around 11.30 pm and he arranged for his car to be insured the next day.

Councillor Kinniburgh sought and received confirmation from Mr Cameron that there had not been much difference to the monthly car insurance payments when his car was removed from the Policy. He explained why the small reduction in cost did not cause him to think the policy had changed.

Councillor Colville asked when Mr Cameron's tax for his car would have been due. Mr Cameron advised that he could not recall the exact date as he had not had the car since March 2020.

Councillor Colville asked Mr Cameron if it was not the case that you had to show you had car insurance to be able to tax a car. Mr Cameron said he was not sure what the procedure was.

Councillor Kinniburgh sought and received confirmation from PC Borland that if there was a valid car insurance certificate, even for a few days, it would be possible to tax a vehicle in that instance.

Councillor Kinniburgh sought and received confirmation from Mr Cameron that he had declared his conviction on his application form.

Councillor Green sought and received confirmation from Mr Cameron that he had not notified the Council at the time when he received his conviction. Mr Cameron said that he had assumed the Police would have advised the Council of his conviction.

The Council's Solicitor, Mr McMillan, advised that the endorsement was not notified to the Council. He confirmed that it was part of a taxi driver's licencing conditions to disclose any material changes or any convictions. He advised that he had noted Mr Cameron's misunderstanding in this respect.

SUMMING UP

Police Scotland

PC Borland advised that he was content with the representation made by Police Scotland and that he had nothing further to add to that.

Applicant

Mr Cameron advised that he had nothing further to add.

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

DEBATE

Councillor Trail said that he thought that Mr Cameron had made a mistake. He pointed out that he had paid the price and advised that he did not think there was any problem and that he would have no trouble in supporting the application.

Councillor Green advised that he was of a similar view. He too thought a mistake had been made which was acknowledged. He said he was sure there was no ill intent behind this and that he was happy to support the application.

Councillor David Kinniburgh lost connection to the Skype call and Councillor Rory Colville Chaired the meeting from this point.

Support for the application was noted from Councillors Douglas, Devon and Forrest.

Councillor Blair said that he agreed with the previous comments made. He advised that he was sure Mr Cameron would ensure this situation would not happen again and that he was happy to support the application.

DECISION

The Committee agreed to grant the renewal of Mr Cameron's Taxi Driver's Licence.

It was noted that Mr Cameron would receive notification of this decision in writing within 7 days and that his renewed licence would be issued when the statutory appeal period ended in 28 days.

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