

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on FRIDAY, 26 AUGUST 2011**

Present: Councillor Daniel Kelly (Chair)

Councillor Gordon Chalmers
Councillor Bruce Marshall
Councillor Donald MacMillan

Councillor Alex McNaughton
Councillor James McQueen

Attending: Iain Jackson, Governance Manager
Graeme Forrester, Trainee Solicitor
Mr G McArthur, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Rory Colville, Robin Currie, Vivien Dance, Mary-Jean Devon, David Kinniburgh, Neil Mackay, Alister MacAlister, Roderick McCuish and Al Reay.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE - G. MCARTHUR (ROTHESAY)

The Chair welcomed everyone to the meeting and invited everyone in attendance to introduce themselves. He then outlined the procedure that would be followed during the meeting.

Applicant

The Chair invited the Applicant to speak in support of his application. Mr McArthur advised that his friend had a taxi business and that he was looking for a part time driver. He advised that his friend had offered the position to him and that was why he required the taxi driver's licence. He referred to a previous application which he had subsequently withdrawn and he explained the reasons for this. He advised that in his previous application he had failed to include reference to his driving conviction and advised that it wasn't clear on the application form that this information was required as the application form only referred to criminal convictions.

Objector

Mr Jackson informed the Committee that the Police had advised that they would not be able to attend the meeting and referred Members to the representation submitted by the Police which was contained within the Committee paperwork.

Members Questions

The Chair gave Members of the Committee the opportunity to question the Applicant.

Councillor Chalmers asked Mr McArthur to clarify why his previous application was refused.

Mr Jackson advised Councillor Chalmers that the previous application had not been refused and that the Applicant had in fact withdrawn it.

Councillor Chalmers thanked Mr Jackson for clarifying this and explained that he thought that the application had been refused as this was what was stated at section 6(ii) of the application form.

Councillor Chalmers asked Mr McArthur to expand on the nature of his road traffic offence.

Mr McArthur advised that it had involved a works van which he had been helping to unload. He added that the traffic Police had driven by when Mr McArthur was in the process of moving the vehicle to a safer parking place. The traffic Police had seen something that they thought was dangerous and that they had subsequently fined Mr McArthur.

Summing Up

The Chair invited the Applicant to sum up.

Mr McArthur advised that he thought it would be a good idea for the content of the application form to be revised as it wasn't clear that information on driving convictions were required even when they were spent. He referred to his own conviction which was now spent and confirmed that he no longer had endorsements on his licence.

The Chair invited Mr McArthur to confirm if he had received a fair hearing and Mr McArthur confirmed that he had.

Debate

Councillor Kelly advised that he saw no reason why the taxi driver's licence could not be granted and the other Members of the Committee agreed.

Decision

It was unanimously agreed to grant a Taxi Driver's Licence to Mr McArthur for a three year period.

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