

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 27 JUNE 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Alistair MacDougall
Councillor Rory Colville	Councillor Alex McNaughton
Councillor Robin Currie	Councillor James McQueen
Councillor Mary-Jean Devon	Councillor Richard Trail
Councillor Fred Hall	

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Mr Simpson, Applicant
Mr MacIntyre, Objector on behalf of Dunoon Taxi Owners and Drivers Association
Mrs Birtles, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors George Freeman, David Kinniburgh, Robert G MacIntyre and Donald MacMillan.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR'S LICENCE (T. SIMPSON, TIGHNABRUAICH)

The Chair welcomed everyone to the Hearing and asked that participants introduce themselves. Thereafter he outlined the procedure that would be followed.

Mr Reppke advised that late letters of objection had been passed to him for circulation to the Committee. He advised that if the Committee wished to take these late objections into consideration then they would need to adjourn to another day to allow the proper period of notice (14 days) to the Applicant unless the Applicant waived his right to have 14 days to consider these. One of the objectors, Mrs Birtles, who submitted a late representation, was in attendance and at the request of the Committee advised of her reason for the late representation being made.

The Chair ruled, and the Committee agreed, that they would not take into consideration any of the late representations received.

The Chair invited the Applicant to speak in support of his application.

Applicant

Mr Simpson advised that he had applied for a private hire car operator's licence to operate in the Parish of Kilfinan and that he was not interested in operating in Dunoon. He advised that it was always his understanding that there were 2 operators in the Tighnabruaich area and that one of the operators only worked one day a week to transport people to a lunch club. In terms of the other 2 operators he believed that one was not renewing his licence and, due to ill health, the other was no longer operating either and he believed that there was now 2 vacancies for private car hire operators in the Tighnabruaich area and that the community in this area were entitled to the same level of service as those who lived in Dunoon. He referred to the large area of Kilfinan and the distances between villages, for example, 12 miles between Otter Ferry and Tighnabruaich. He advised that these places were not being covered and that the community would like to see more movement in these areas and those 2 private hire car operators in the area would be beneficial. He advised that the current operator did not work 7 days per week and that people were looking for cover 24 hours per day, 7 days per week. He advised that he was also applying for a licence for a second driver so that he would be able to cover the area 7 days per week and still be able to have 2 days off. He referred to the very poor bus service in the area. He advised that people may not have access to taxis when they wished them if the only taxis available were in Dunoon and this in turn could lead to people taking risks with drink driving. He advised that the taxi operators in Dunoon would have no need to worry as he was not interested in operating in the Dunoon area and would not be taking money out of their business and that he was sure everyone could work together.

The Chair then invited the Objector to ask the Applicant questions and Mr MacIntyre advised that he had no questions.

The Chair invited the MacIntyre to speak in support of his objection.

Objector

Mr MacIntyre advised that he was speaking on behalf of the Dunoon Taxi Owners and Drivers Association. He advised that the licences currently held by operators in Dunoon covered the whole of the Dunoon and Cowal area which includes places like Tighnabruaich. He advised that he has been at Hearings before to raise objections and that nothing has changed and that trade was, in fact, worse at the moment. He advised that they have experienced their worse start to the summer and that business has been very quiet. He referred to the taxi survey that had been carried out several years ago which showed there was no significant demand for a private hire licence in the Cowal area. He advised that the average waiting time for customers was 5 minutes. He advised that there are 2 taxis in the Tighnabruaich area and that Mr Turner and Mrs Birtles cover this area 7 days per week, 24 hours per day. He advised that if he gets a request for a taxi in the Tighnabruaich area he will not see a customer stuck and, if necessary, pass the fare to Mr Turner or Mrs Birtles. He advised that Tighnabruaich were provided with a very good 24 hour, 7 day a week service.

The Chair invited the Applicant to ask the Objector questions.

Questions to Objector

Mr Simpson asked Mr MacIntyre to confirm that he has been advertising for drivers in the Dunoon area. Mr MacIntyre advised that this was the case and that it was very difficult to recruit drivers.

Mr Simpson asked if Mr MacIntyre considered there still to be a demand for taxis in the area. Mr MacIntyre advised that there was still more than one taxi operating in the Tighnabruaich area.

The Chair then invited Members to ask both the Applicant and Objector questions.

Members' Questions

Councillor Trail asked Mr MacIntyre to clarify that it was his suggestion that there were sufficient taxi licences in the area but not enough business to attract new drivers to join the business. Mr MacIntyre replied yes and that it was his opinion that there were too many licences in the Dunoon area.

Councillor Currie referred to a similar situation on Islay where the nearest private hire used to be 20 miles away. He asked for clarification how many miles were between Tighnabruaich and Dunoon. Mr Simpson advised that the distance was 24 miles.

Councillor Currie asked if someone from Tighnabruaich was to order a taxi from Dunoon would they be charged for the taxi travelling from Dunoon. Mr MacIntyre advised that this would not be the case.

Councillor McNaughton advised that he was not aware of Mr Turner or Mrs Birtles having licences and sought clarification on this. Mr MacIntyre advised that they had one taxi between them and operated from Mountpleasant in Tighnabruaich.

Councillor McNaughton asked why objectors were 24 miles away in Dunoon when the Applicant did not plan on operating in Dunoon. Mr MacIntyre advised that his objection was on behalf of Members of the Dunoon Taxi Owners and Drivers Association which covered those in Tighnabruaich which was in the Dunoon and Cowal area and that licences held in Dunoon covered the Dunoon and Cowal area.

Councillor Blair asked when the survey was carried out and Mr MacIntyre advised about 6 years ago.

Councillor Blair referred to the major development around the Portavadie area and asked Mr MacIntyre if he had any statistical information regarding travelling to that area. Mr MacIntyre referred to his contract with Dunoon Hospital and NHS 24 and that he had last travelled to that area in June 2011 to transport a patient.

Councillor Blair asked Mr Simpson if he would only be operating in the Kilfinan area. Mr Simpson advised yes and that he has received support to work in this area. He referred to several new businesses starting in the outlying areas and

that current taxis operating only appeared to do so at peak times.

Councillor Colville sought clarification on how far it was between Portavadie and Dunoon as he believed it would take about an hour to travel between the 2 places. Mr Simpson advised about 28.5 miles.

Councillor Devon referred to Mr MacIntyre's statement that the average waiting time for customers in Dunoon was 5 minutes and asked if this was the case for customers in Tighnabruaich. Mr MacIntyre advised yes due to Mr Turner and Mrs Birtles, who were Members of the Association, working in the Tighnabruaich area.

Councillor Taylor asked Mr MacIntyre to comment on the suggestion that some operators in the Tighnabruaich area were not trading on a full time basis. Mr MacIntyre advised that he could not comment on Mr Crickley and that he had not seen Mr McBride in quite a while. He advised that Mr Turner and Mrs Birtles provided a 24 hour service. Mr Simpson advised that previously Mr McLellan and Mr Taylor provided a service in the area and when Mr Taylor died Mr McBride replaced him. He advised that Mr McLellan and Mr McBride were not renewing their licences and that Mr Crickley only provided a taxi service one day a week to transport people to a lunch club.

The Chair invited the Objector and Applicant to sum up.

Summing Up

Mr MacIntyre advised that his objections were on behalf of the Taxi Association which covered the Dunoon and Cowal area as a whole. He referred to Mr Turner and Mrs Birtles operating in Tighnabruaich for almost 2 years. He referred to the high running costs of running a taxi business and that he was very happy at the Government's decision to not implement the 3p per litre rise in fuel duty. He advised that fuel costs were lower at the moment but that they would increase again. He advised that there were still 2 taxi service operators in Tighnabruaich which seemed fair and that there was no increase in demand that he knew of. He advised that customers were satisfied with the service provided by Mr Turner and Mrs Birtles and that they do work 7 days per week between them. He referred to Mr Simpson's statement about an insufficient taxi service in the area which could lead to drink driving and advised that he was not aware of anyone being caught for drink driving in this area. He advised that if another licence was granted for the Tighnabruaich area Mr Turner and Birtles would need to start operating in the Dunoon area again which would have a knock on effect on operators in Dunoon.

Mr Simpson advised that he agreed that customers in Tighnabruaich would have an average waiting time of 5 minutes but the same could not be said for customers living in the Ardlamont and Portavadie areas. He advised that a lot of people were not satisfied with the current service provided by Mr Turner. He referred to there being many functions throughout the year in the Tighnabruaich area and that there was demand for an additional private hire car operators licence and that he was happy to work alongside Mr Turner and Mrs Birtles.

The Chair invited the Applicant and Objector to confirm they had received a fair hearing and they both confirmed this to be the case.

Debate

Councillor McNaughton confirmed he knew the Tighnabruaich area quite well and did not see a problem if another taxi licence was granted as this would be an advantage to the people of Tighnabruaich in light of development at Portavadie.

Mr Reppke advised that the application before Members today was for a private hire car operator's licence and not a taxi hire licence.

Councillor Trail advised that he did not feel the Applicant really made a case for an additional private hire car operator's licence and that he did not feel there was scope for another licence in the area.

Councillor Currie advised he felt very strongly about this. He referred to the situation on Islay having improved with an additional licence granted on the island and that this allowed people to go out more and take less chances so to speak. He advised that an additional private hire car operator's licence for the Tighnabruaich area would be beneficial to the community. He concluded that he has had sympathy for the Dunoon objectors in the past but not this time.

Councillor Colville advised that as someone who uses the Portavadie Ferry he has seen huge developments and growth in that area and for this reason he supports the granting of the private hire car operator's licence to Mr Simpson.

Councillor Devon stated that she thought the Applicant had demonstrated the need for another private hire car operator's licence in this rural area taking account of new businesses that have been set up and economic development in the area.

Chair advised that there appeared to be 4 Members in support of granting the licence and 1 Member against and moved that the private hire car operator's licence be granted. Councillor Hall seconded this Motion.

Decision

Agreed to grant a Private Car Operator's Licence to Mr Simpson and that he be advised in writing of this within 7 days.

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