

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor James McQueen
Councillor Alistair MacDougall	

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Solicitor
Mr Rennie, Applicant
Mr Graham, Taxi Firm Owner, Applicant's Supporter
Inspector Tom Harper, Stathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rory Colville, Councillor Mary Jean Devon, Councillor David Kinniburgh and Councillor Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (M. RENNIE, CAMPBELTOWN)

The Chair welcomed all those present to the meeting and introductions were made.

The Chair invited the applicant to speak in support of his application and Mr Graham advised that he would speak on the applicants' behalf.

Mr Graham advised that he owns a taxi firm and that all his workers are put on a probationary period before they are employed as taxi drivers. He advised that Mr Rennie had been employed by him, carrying out small gardening jobs, for the past year and had been very hardworking. He advised that the incident in question had taken place on 4 May 2010 which was over two years ago and advised that the applicant felt he was on probation and was still being penalised for an incident that had taken place two years earlier.

Inspector Harper was asked by the Chair if he wished to ask Mr Graham any questions to which he replied he did not. Inspector Harper was then invited to speak in support of the objection made by the Police.

Inspector Harper advised that the Police objection was due to convictions, as detailed in papers, particularly the incident that had taken place on 20 March

2010, which had shown the applicant was willing to carry out threats and to carry a weapon.

The Chair invited Mr Rennie to question anything that had been said by Inspector Harper.

Mr Rennie advised that the broken pool cue had come from the licensed premises that he had been in that night and that he had been assaulted that night, which had not been mentioned. He advised that he had been intoxicated that night and added that he had been clean since and that he did not go out any more.

Inspector Harper advised that he was unaware of the circumstances but it was likely the assault had been taken into account by the court at the time of conviction.

Members were then invited to pose questions to both the applicant and the objector.

Councillor Hall asked what the Section 127(2) of the Communications Act conviction was related to. Inspector Harper told him that it was persistent use of a communications device to cause harassment.

The Chair, Councillor Taylor, asked Mr Rennie what had led to the charge. He responded by telling the Committee that he has a daughter with his ex girlfriend who he is not allowed to see. He had been trying to make contact with her, had received no response and had left messages that had been taken the wrong way and as a result, he had been charged.

Councillor Freeman asked if the conviction on 6 January and the conviction on 15 January were separate or related. Mr Rennie advised that they had been separate offences.

Councillor Blair asked the applicant how long he had held his driving licence to which he replied 2 years and 2 months. Councillor Blair then asked Mr Graham how long he had run his taxi firm for to which he replied 15 years.

Councillor Currie asked what the printout with further convictions was that had been included in the papers. Mr Reppke advised that they were fiscal's fines that had been submitted by the applicant himself.

Councillor Blair commented that he had been delighted to hear of Mr Graham's standards for his staff. He asked what Mr Rennie had done to prove himself during the past year. Mr Rennie advised that he had just had a new baby and all he wanted to do was get some work and to look after his family. Mr Graham advised that he has very high standards for his staff, he was hard on them and that they must behave in a certain manner in his cabs. He added that he had never received any complaints.

The Chair invited Inspector Harper to sum up.

Inspector Harper summed up by saying that the applicant, had in the recent past, demonstrated the ability to use threats, violence and weapons and there was a

question over his suitability as a taxi driver.

The Chair invited Mr Graham to sum up.

Mr Graham advised that Mr Rennie deserved a second chance and that the offence had been 2 years ago. He questioned whether the offence would hang over his head with every job Mr Rennie tried to get. He advised that over the past year Mr Rennie had been honest and clean living, that the event had been a one off and that he was willing to take the chance with him.

The Chair asked both the applicant and objector if they considered they had received a fair hearing. They both confirmed that this was the case. The Chair then invited Members to debate the application.

Councillor Currie advised that he had no problem with granting Mr Rennie the licence after hearing his representation. He added that he believed that folk should be given a second chance once receiving a penalty and that he was willing to give the applicant the opportunity.

Councillor McNaughton advised that he agreed with Councillor Currie about giving the applicant a second chance and asked if it would be possible to grant the licence for one year to allow for review.

Councillor MacMillan advised that he thought Mr Rennie should be given a second chance.

Councillor Blair commented that everyone was under scrutiny in Argyll and Bute and that everyone knew everyone else. He added that it would be Mr Graham's reputation that would be at risk should Mr Rennie let him down.

Councillor Hall advised that while everyone deserved a second chance; the last offence had been in 2011 and he did not consider this long enough for the applicant to prove himself.

Councillor Freeman advised that he agreed with Councillor Hall; that it had been a serious offence and if the Police did not feel he was fit and proper to receive the licence then he was of the opinion that his application should be refused.

Councillor McQueen advised that Mr Rennie should be given a second chance.

Motion

To grant Mr Rennie with a taxi drivers licence for the period of one year.

Moved Councillor McNaughton. Seconded Councillor McQueen.

Amendment

To refuse the application for a taxi drivers licence on the grounds of the objection made by the Police.

Moved Councillor Freeman. Seconded Councillor Hall.

Decision

The Motion was carried by 7 votes to 2 and the Committee resolved accordingly.

(Reference: Report by Head of Governance and Law dated August 2012, submitted)