

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 19 SEPTEMBER 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Alistair MacDougall
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Fred Hall	Councillor Richard Trail
Councillor David Kinniburgh	

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Miss Joann MacKinnon, Applicant
Ms J Rosie, Applicant's representative
Ms Maxine Fletcher, Objector

1. APOLOGIES FOR ABSENCE

An apology for absence was intimated from Councillor Rory Colville.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF TAXI OPERATOR LICENCE (J. MACKINNON, CARDROSS)

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

The Chair then invited Miss MacKinnon to speak in support of her Application.

Applicant

Miss MacKinnon made a short statement in respect of the objection submitted by Ms Fletcher. She referred to the death of Mr Raymond Campbell who she had been with for almost 40 years and advised that she found the first part of the letter of objection disrespectful and as Mr Campbell was not here to answer to these comments for himself asked that the Committee disregard this part of the letter of objection. Miss MacKinnon also referred to the third part of the letter and advised that the comments made there were also disrespectful to the Campbell family. She advised that she did not like to talk about private family matters, however, the reason for her seeking to enter into a partnership was because of a number of health issues of family members which require her to be away from her mainland home for periods of time and that it would give her peace of mind to have a competent business partner to assist with running the business and that Mr Ronald Campbell was prepared to come into partnership

with herself.. She advised that she could not find a single valid objection to operating her licence. She referred to the objector seeming to know her mind better than herself. She advised that when she first read through the letter of objection she thought that it was purely written to distress her. She advised that she did not believe this to be the case now and did not think it was written either to challenge her ability to hold a licence and that the letter of objection was to use her for further purposes.

The Chair invited the Objector to ask questions.

Questions to Applicant

Ms Fletcher referred to the comment made that she appeared to know what was on the mind of the Applicant and advised that it had been reported to her by two people what Miss MacKinnon's plans were.

The Chair then invited the Ms Fletcher to speak in support of her objection.

Objector

Ms Fletcher referred to the contents of her letter of objection advising that this taxi vehicle was off the road and not working for a large part of the licensing period when Mr Campbell had become unwell. She referred to the Council's licensing conditions of notification if a taxi was off the road for longer than 28 days which had not been done. She advised that her objection was not personal and was based only on the Council's licensing rules and hoped that the Council would adhere to these. She referred to medical conditions of taxi drivers having to be reported to the Council and that as far as she was aware this had not been done. She referred to Mr Campbell not having any insurance but continuing to drive. She referred to annual vehicle inspections not being carried out by the Council and advised that if this had been done these difficulties of the driver would have shown up. She advised that she was surprised that Miss MacKinnon was renewing this licence as she had heard that she had no plans to work the licence herself and that this would be passed to Mr Gordon Campbell. She advised that Mr Campbell had recently dissolved a partnership and that he was canvassing for someone to buy into partnership. She advised that her objection was supported by many. She advised that she believed that this would not be a genuine partnership but a way of obtain a licensing and passing it on at an early date.

The Chair invited Miss MacKinnon to ask questions and she confirmed that she had no questions.

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

Members' Questions

Councillor Kinniburgh referred to Ms Fletcher stating that a number of operators objected to this application and asked if she was aware if any other objections were submitted to the Council as there was only one before the Committee today.

Ms Fletcher advised that she was not aware of any other objections submitted.

She stated that they all moan and complain but don't want to write letters and travel up to a hearing and that the Committee only had her word for this.

Councillor Freeman asked if Ms Fletcher's objection was personal or on behalf of the trade association.

Ms Fletcher advised that it was a personal objection and that she believed that all objections had to be submitted individually.

Councillor Freeman asked if Ms Fletcher agreed that most of the information contained in her letter of objection was as a result of second and even third hand information.

Ms Fletcher referred to the grapevine and that others were not prepared to put their heads above the parapet but that the strength of objection was there.

Councillor Freeman advised that the Committee could only refer to the number of objections submitted of which there was only one.

Councillor Devon asked Miss MacKinnon if she could comment on the allegation that she was looking for another partnership.

Miss MacKinnon asked that the Committee ignore references to Gordon Campbell. She advised that an application has been submitted for Donald Campbell and that she has no idea why Ms Fletcher refers to Gordon Campbell.

Councillor McNaughton referred to the statements made by Ms Fletcher regarding the Council's part in this and asked for clarification.

Mr Reppke advised that there had been difficulties with carrying out inspections at the depot in Helensburgh for a period of time which had been resolved. He advised that he could not comment further on the reference to a meeting with a Council official but believes this was a discussion which took place with someone who no longer works for the Council. He advised that the role of the Council should not be the Committee's concern at this time and that they should be looking at the merits of the Application before them today.

Councillor Kinniburgh sought and received clarification that Miss MacKinnon's taxi was currently operating and that it was being driven by Mr Ken Mercer.

Councillor MacDougall noted that the Application date was 26 June 2012 and that the MOT and Insurance had expired in August and sought clarification that up to date certificates had been submitted.

Miss MacKinnon confirmed that these had been submitted.

Councillor Freeman asked if the Committee were minded to approve the Application could a condition be attached restricting the transfer of the licence for a period of time.

Mr Reppke explained the procedure for seeking amendments to licences and that attaching a condition to this Application would not assist the Committee as there would be nothing to stop an amendment to the Application being

submitted.

The Chair invited both the Objector and Applicant to sum up.

Summing Up

Objector

Ms Fletcher advised that she did not have much else to add other than her objection to this application still stood and that she had the support of others in this respect. She asked that the Committee uphold her objection.

Applicant

Ms Rosie spoke on behalf of Miss MacKinnon. She advised that everything that had been said by Ms Fletcher was based on rumour, second hand information or hearsay and there was no evidence of any statement of fact and that the Committee should not base their decision on hearsay.

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

Debate

Councillor Devon advised that based on what was in front of her today she would not hesitate to grant this Application.

Councillor Currie advised that the Objector seemed to be looking into the future and asked for clarification on what grounds an Application could be refused.

Mrs MacFadyen read out these grounds and Councillor Currie advised that none of these applied in this case and that he saw no reason to refuse the Application.

Councillor Freeman advised that in the past the only reason Applications were refused in Helensburgh was in relation to demand based on a survey carried out in 2003 which advised that there was no unmet demand. However this did not apply in this case as this was not for an additional licence but for the renewal of an existing licence.

Councillor Kinniburgh and Councillor MacMillan both agreed that they saw no reason to refuse the Application.

Councillor Freeman moved to grant the Application on condition that any subsequent Application relating to this Application submitted within the next 12 months be brought for consideration by the Committee rather than under delegated powers.

Decision

It was unanimously agreed to grant the Application for renewal of Taxi Licence to Miss Mackinnon on condition that if any subsequent Application relating to this one is submitted within the next 12 months this be considered by the Committee rather than under delegated powers.

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