

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 FEBRUARY 2013

Present: Councillor Sandy Taylor (Chair)

Councillor David Kinniburgh Councillor Alex McNaughton
Councillor Alistair MacDougall Councillor James McQueen
Councillor Robert G MacIntyre Councillor Richard Trail
Councillor Donald MacMillan

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Patricia O'Neill, Central Governance Manager
Inspector Watson, Strathclyde Police
Heather Murray, Strathclyde Police
Michael Gray, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Robin Currie, Mary Jean Devon, George Freeman and Fred Hall.

2. DECLARATIONS OF INTEREST

There were no declarations of interested intimated.

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

The Chair welcomed everyone to the meeting. Thereafter he outlined the procedure that would be followed and invited the applicant to speak in support of his application.

Mr Gray advised that he had previously held a taxi driver's licence for 3 years which had run out. He advised that he was a joiner to trade and that the building trade had been poor recently. He advised that holding a taxi driver's badge would assist him financially.

Inspector Watson asked Mr Gray why if he had held a licence before was it not disclosed on his application form and Mr Gray advised that he had missed the renewal date by two days and this had required him to submit a fresh application. Inspector Watson asked him to confirm if the fact that this had not been shown on the application form was an oversight to which Mr Gray replied that it was.

The Chair invited Inspector Watson to speak to the representation submitted by Strathclyde Police.

Inspector Watson advised that Mr Gray had held his driving licence for 11 years

and in that time had received 14 penalty points, 3 of which were now spent. He advised that this showed a disregard to road traffic legislation. Inspector Watson advised that the applicant had declared 3 offences on his application totalling 7 points and the Police letter a further case in which Mr Gray had pled guilty at Dunoon Sheriff Court for driving at 83mph in a 60mph limit for which he had received an £180 fine and 4 penalty points. This resulted in a current total of 11 penalty points on his licence.

Mr Gray did not have any questions for Inspector Watson.

Councillor McNaughton asked for clarification on what the offences were that Mr Gray had declared on his application and Inspector Watson advised that the first offence had been for speeding for which he had received 3 penalty points, the second for failing to obey a stop sign for which he had received 3 penalty points and the third for speeding for which he had received 4 points.

Councillor Trail asked Mr Gray if any of the offences had been committed while he had been driving a taxi to which he replied yes, on one occasion.

Councillor Kinniburgh asked Mr Gray when his original taxi driver's licence had been applied for to which he replied that it had expired on 21 October 2012 so it must have been October 2009. Councillor Kinniburgh commented that the September 2009 offence could have been taken into account when Mr Gray originally applied for a licence but the majority had happened after that.

Councillor MacMillan asked Mr Gray why he had failed to pay the fixed penalty ticket for the first offence. Mr Gray advised that his lawyer had advised him to pay his two fines at once, which he had done, he had then received a letter back informing him that he could not pay the two together and by this point he was out of time and his lawyer had then advised him not to pay and to let it go to a court date.

The Chair then invited both parties to sum up.

Inspector Watson advised that the Police representation was due to the number of offences in a short period of time, in the Glasgow area. He advised that policing in Glasgow was much higher profile than in the Argyll and Bute area and he was concerned that any further offences may go undetected in the area, possibly resulting in an accident.

Mr Gray advised that all the offences had been over the past 4 years and having the taxi badge had meant that he had been driving a lot more and it had taken him to other places. He advised that the failure to obey a stop sign offence had been for driving through a red light and that he had wanted to appeal against it, his lawyer had advised him not to. He advised that Councillor Robert G MacIntyre knew of him.

The Chair confirmed from both parties that they had been given a fair hearing.

Discussion

Councillor Robert G MacIntyre advised that Mr Gray was not a bad boy, he did not have a criminal background and that he did a lot for the community. He

advised that the application was to allow Mr Gray to cover for a man who was ill and to help a family taxi business. He added that his perception was that Mr Gray was an asset to the village and to the family taxi business.

Councillor Trail advised that although he had some sympathy for what Councillor MacIntyre had said he was disturbed that a professional driver had such a casual attitude to road traffic legislation.

Councillor Kinniburgh advised that he agreed with Councillor Trail and added that he was concerned over the frequency of the offences. He added that he was also concerned at the fact that the speeding offences had been massively over the speed limit, 83mph in a 60mph limit and 50mph in a 30mph limit. He advised that he had no doubts that Mr Gray was not criminal but was concerned at the fact most of the offences had taken place in Glasgow where police presence was prominent. Councillor Kinniburgh that he was swayed towards possibly granting the licence due to the fact that Mr Gray now had 11 points on his licence and 1 more offence would result in him losing his driving licence completely but he was not 100% sure that Mr Gray had learned his lesson and was not convinced that he wouldn't offend again.

Councillor MacDougall asked about the possibility of reducing the time the licence was granted for to allow Members to review it. Mr Reppke advised that this would be possible but the fact Mr Gray had 11 points on his licence reduced the need for this as it may encourage him not to reoffend. He advised that it would be at the Committees discretion.

Councillor Kinniburgh asked how many years it would be until the points came off Mr Gray's licence. Mr Reppke advised that points stayed on a licence for 3 years and Inspector Watson advised that the first of the points would come off the licence in January 2014.

Councillor Robert G MacIntyre advised that it would be another year until the points would come off the licence and the fact that he may lose his licence if he committed one more offence would always be at the back of Mr Gray's mind.

The Chair advised that he supported Councillor Trail and added that he would not like to see people applying for licences through the Committee with 9, 10 or 11 points on their licence all the time. People applying for licences would be responsible for the safety of others who they carry in their taxis and should be able to demonstrate that they are safe drivers, who know and comply with the law.

Motion

To grant the application for a taxi driver's licence for a period of 3 years.

Moved Councillor R G MacIntyre, seconded Councillor MacDougall

Amendment

To refuse the application for a taxi driver's licence on the basis of the concerns raised by Strathclyde Police.

Moved Councillor Trail, seconded Councillor Taylor.

Decision

Following a show of hands vote the Motion was carried by 5 votes to 3 and the Committee resolved accordingly.

(Reference: Report by Head of Governance and Law dated February 2013, submitted)