

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on MONDAY, 25 FEBRUARY 2013**

Present: Councillor Sandy Taylor (Chair)

Councillor Rory Colville	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Alex McNaughton
Councillor Alistair MacDougall	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Kate Connelly, Trainee Solicitor
Inspector Harper, Strathclyde Police
Mr Berry, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Blair, Devon, Freeman, Kinniburgh and McQueen.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (C BERRY, CRAOBH HAVEN, BY LOCHGILPHEAD)

The Chair welcomed everyone to the meeting and introductions were made. He thereafter outlined the procedure that would be followed and invited the applicant to speak in support of his application.

Mr Berry advised that he currently stayed in Croabh Haven with his father, who was the General Manager of the Marina. He advised that there was a requirement for a taxi service within the Croabh Haven and Craignish area and that there was one other service currently operating in the area but it was not regular or reliable. He added that his father had offered to fund the business as it would benefit the Marina. Mr Berry advised that he recognised that he had problems in the past but was now addressing them and would like to get back into employment to give him something to focus on.

Inspector Harper had no questions for Mr Berry.

Inspector Harper advised that the Chief Constable's objection was based on the applicant's previous convictions and recent history involving the Police. Inspector Harper gave details of the convictions as listed on the letter from Strathclyde Police and gave information on a further three incidents which had taken place on 14 August 2011, 28 June 2012 and 21 August 2012. Inspector

Harper advised that Strathclyde Police were concerned that the safety of the public would be compromised as a result of these convictions and incidents.

Mr Berry had no questions for Inspector Harper.

Councillor Colville noted that there had been an objection to this application from Strathclyde Police as opposed to a representation and asked if an objection from the Police should be given more weight than a representation. Inspector Harper advised that normally representations are submitted to draw the Committees attention to previous convictions whereas an objection would be submitted should the Police feel that public safety may be compromised. He advised that in this case the objection was submitted due to the nature of the incidents and due to how recent they had been.

Councillor Colville asked Mr Berry if he was attending recognised treatment and Mr Berry advised Councillor Colville of two organisations he was currently receiving treatment from.

The Chair invited both parties to sum up.

Inspector Harper advised that the Police objection was due to the nature of the incidents and the fact that they had taken place recently.

Mr Berry advised that he had nothing to add.

The Chair asked both parties to confirm that they had received a fair hearing to which they both confirmed that they had.

Discussion

Councillor Trail advised that normally he would be willing to give a second chance but in this case he felt that the incidents had been too recent and that it was too early for Mr Berry to have benefited from any treatment he was receiving.

Councillor Hall advised that conveying the public from one place to another was a very responsible job and due to the types of convictions Mr Berry held he was of the opinion that the licence should not be granted.

Councillor McNaughton advised that he felt Mr Berry should be given a second chance and suggested the use of conditions to control the grant of a licence to Mr Berry.

Councillor Currie advised that he agreed with Councillor McNaughton and suggested a probationary period or some strict conditions should be placed on the grant of any licence.

Mr Reppke advised that the licence could be granted for a shorter period which would result in the need for a new application to come before Members at the point when the licence ran out. Mr Reppke advised that he was unsure of what strict conditions could be placed on the grant of a licence and advised that any further incidents similar to Mr Berry's previous behaviour would be dealt with by the Law and flagged up to Members at the stage of reapplication.

Councillor Colville advised that he would have liked to see some clear evidence of Mr Berry maintaining his rehabilitation programme over a longer period of time before he granted him with a licence.

Councillor Taylor advised that he was receiving a general feeling amongst Members that they felt some sympathy towards Mr Berry but felt that more time was needed to ensure that Mr Berry was benefiting from his treatment before awarding a licence to him.

Decision

The Committee unanimously agreed to refuse the application for a taxi driver's licence on the basis of the objection received from Strathclyde Police.

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