

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 24 OCTOBER 2018**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Lorna Douglas	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor George Freeman	Councillor Richard Trail
Councillor Graham Archibald Hardie	

Attending: Patricia O'Neill, Central Governance Manager
Sheila MacFadyen, Senior Solicitor
Allegra Evans-Jones, Trainee Solicitor
Graeme McMillan, Trainee Solicitor
Iain Craig, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Robin Currie, Mary-Jean Devon, Roderick McCuish and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR LICENCE (I CRAIG, OBAN)

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

APPLICANT

Mr Craig advised that this was a new venture for him which he thought he could make a success of. He confirmed that he had his Taxi Driver's Licence and currently transported customers to work at fish farms, young mothers and their children, the elderly and those with wheelchairs. He said that he did not spend a lot of time in Oban and mostly did country work. He advised that he hoped to purchase a purpose built vehicle which was wheelchair accessible, with 7 seats and zero emissions.

MEMBERS' QUESTIONS

Councillor Moffat advised that she had noted Mr Craig wanted a licence to work 24 hours per day, 7 days per week. She asked if he would be employing anyone else to work with him. Mr Craig confirmed that he would be employing another driver.

Councillor Trail sought and received confirmation from Mr Craig that he held a Taxi Driver's Licence. Mr Craig added that he also had PSV coach driver licence and an HGV licence. Councillor Trail pointed out that Mr Craig had not listed his Taxi Driver's Licence on his application form. Mr Craig advised that a girl in the office had said this was not required. He confirmed that he was working for Lorn Taxis at the moment as a Taxi Driver.

Councillor Colville commented that Mr Craig had mentioned applying for a disabled accessible vehicle. He pointed out that this application was for a Ford Mondeo vehicle and sought clarification on this. Mr Craig explained that he needed to continue working just now to raise funds for the new vehicle. He confirmed that he would come back to the Council to arrange to transfer the plate to the new vehicle.

Councillor Colville advised that he had noted Mr Craig had indicated that he would work mostly in the country and pointed out that if the application was granted Mr Craig would still be able to sit on the rank. He referred to the Halcrow report which concluded that there was no unmet demand for taxis in the Oban, Lorn and the Isles area and asked Mr Craig if he could give him some comfort as to why he thought the report may be out of date and why the Committee should consider granting this licence. Mr Craig advised that he had figures that showed that if working at the rank you could make a very good living out of this. He referred to 200 houses being built in Dunbeg in the future and said that there was potential there for a lot of customers as at the moment houses there were not served by a local bus service.

Councillor Colville said that he admired Mr Craig's anticipation of future demand. He pointed out that when the planning application for the housing came before the Committee they were assured that the development would be on a bus run. Mr Craig advised that at the moment people had walk into the village of Dunbeg to catch the bus. He said that he was finding that 2 or 3 people were hiring a taxi together to travel into Oban.

Councillor Colville referred to Mr Craig advising that he anticipated most of his work would be in the country. Mr Craig confirmed that at the moment he mostly did country work. Councillor Colville said that he was unclear why Mr Craig had highlighted country work as he assumed that any Taxi Operator could pick up this work. Mr Craig explained that he was getting a lot of this work at the moment through people phoning Lorn Taxis and also through people phoning him directly on his own phone.

Councillor Redman said that it was his understanding that this was a business man looking to expand his business with this licence. Mr Craig said that at the moment he worked for Lorn Taxis and drove an 8 seater mini bus. He said that this vehicle was not ideal for the job as it was quite high off the ground and the very elderly found it awkward to get in and out of it. He advised that the vehicle he intended to purchase would be virtually level to the ground. He said that he believed there was a big demand for this service and in future there would be even more demand. He said that at the moment if you were travelling to the city by bus you had to book your journey from Oban and that you could not get on at Connel and you could only be let off the vehicle at Buchanan Street. He advised that sometimes people were coming off the coach at Connel then waiting for a taxi to come and get them. He said there was not a great deal of frequent vehicles and a person could be waiting 15 to 20 minutes.

Councillor Redman sought and received confirmation from Mr Craig that he would be creating employment for one other person.

Councillor Hardie asked how much tourist business Mr Craig got. He replied that he did a lot of tours.

Councillor Douglas sought and received confirmation that Mr Craig was driving a taxi and that he wanted an Operator's Licence for a Ford Mondeo. Mr Craig advised that he had not bought the other vehicle yet as he was waiting to see if this licence was granted. He said that if his licence was granted today he could then purchase the new vehicle which would take 14 weeks to arrive which would be January 2019. He confirmed that he would not be looking for Operator's Licences for two vehicles, it was just the one which in time would be the accessible vehicle.

Councillor Trail asked Officers if there were any comparable stats regarding the number of taxis currently in Oban and how many were there 5 years ago. Mr McMillan referred to the Halcrow report dated December 2013 and confirmed that at that time there were 45 taxis in the Oban, Lorn and the Isles area and at the moment there were 52.

Councillor Freeman sought and received clarification from Officers that the Halcrow report was dated December 2013 and this went to the PPSL Committee for consideration in February 2014.

Councillor Redman said that he had noted there were no objections to this application and advised that he assumed that if there was over provision there would have been objection. He asked Mr Craig if he had approached any of the other drivers and operators. Mr Craig confirmed that he had and that they had no objection as they thought the type of vehicle he hoped to use would be beneficial to them. Mr Craig said that it was his understanding that may be 5 or 6 Operator Licences were going to be handed back due to retirement.

Councillor Douglas referred to the Halcrow report dated December 2013 and asked Mr Craig if it was his opinion that there has been an increase in demand for taxis since that time. Mr Craig said yes. He confirmed that he has been driving taxis since 28 July 2018 and that before then he was a coach driver. He advised that he had to give up coach driving due to health problems.

Councillor Hardie referred to Mr Craig's health problem and received confirmation from Mr Craig that this did not affect his taxi driving.

Councillor Freeman sought and received confirmation from Mr McMillan that notification of submission of the application was displayed publicly in the area for the statutory period of 28 days.

Councillor Colville stated that there was a need for the Committee to pay attention to the Halcrow report. He referred to a section of that report which said that the Council were keen to make Oban a visitor destination and therefore taxi drivers should increase their knowledge of the area. He asked Mr Craig to elaborate on his use of the country area and to advise what his knowledge of the area was. Mr Craig referred to various visitor attractions which Oban had to offer.

Councillor Kinniburgh sought and received confirmation from Mr Craig that he drove a taxi for Lorn Taxis and that this was an 8 seater. Mr Craig advised that he worked the rank around 50% of the time. He confirmed that he was employed by Lorn Taxis and that he used their telephone number and paid a fee to use the radio.

Councillor Kinniburgh referred to the number of taxis when the Halcrow report was published and the number of taxis now. He pointed out that the report had concluded that there was no unmet demand at that time and that since then an additional 7 taxis were now on the road which, he said, was quite a large percentage. He asked Mr Craig to explain why he thought the demand was there when the report tells us its not. Mr Craig advised that even although 52 taxi licences have been issued, there were only around 27 or 28 Operators working taxis. He advised that on Friday and Saturday nights, which were the busiest times, there were only 20 taxis out on these nights.

Councillor Kinniburgh asked if there was any legislation that required a licence to be returned if it was not being used. Mrs MacFadyen advised that she was sure this was only the case if the vehicle was being disposed of.

Councillor Kinniburgh sought and received confirmation from Mr Craig that he expected to get about 50% of the country work through his own personal phone.

Councillor Kinniburgh referred to the other Taxi Operators not objecting. He suggested that perhaps this was the case because the Taxi Operators in Oban felt it was pointless objecting as the Committee were always granting licences. He asked Mr Craig what his thoughts were on this. Mr Craig advised that it was his view that no one was objecting to his application because he would be offering a service that would help them out as well. He said that at the moment if someone wants a taxi for 6 people and taxi company has to send out 2 vehicles as the taxis can only carry 4 passengers.

SUMMING UP

Applicant

Mr Craig advised that he had nothing further to add and he confirmed that he had received a fair hearing.

DEBATE

Councillor Moffat advised that she has always had a problem with the Halcrow report as the figures were based on a 2013/2014 collation which was a few years ago. She said that Oban has become hugely busy in the last 4 years. She confirmed that she had no problem with issuing this licence particularly as going forward it would be used with a wheelchair accessible vehicle. She advised that she had no hesitation in supporting the application.

Councillor Freeman referred to the Halcrow report and advised that although dated December 2013 the survey was carried out during 2013. He said that the report was now 5 years old and only a reflection of what was happening 5 years ago and did not tell what was happening now. He said that no one objecting did not raise concerns for him and that he was happy to support the application.

Councillor Hardie advised that having listened to all the evidence today and from previous hearings, it was his opinion that the Halcrow report needed updating. He confirmed that he agreed with Councillors Moffat and Freeman and was happy to grant the application.

Councillor Redman said that Oban was a growing town and that it was great to see its economy growing and that this was something that should be encouraged without putting hurdles in the way. He commented that granting this licence would lead to the creation of a job and the provision of a wheelchair accessible vehicle and that there needed to be more of this. He confirmed that he supported this application.

Councillor Trail advised that he took a slightly different view. He referred to Mr Craig saying that the current Taxi Operators were not working the streets of Oban and he questioned why this was. He suggested that there may not be enough business to provide a livelihood for them. He advised that he did not think there was scope for another licence in Oban.

Councillor Colville advised that Members should be aware as he has previously reminded them that less than 6 months ago the Committee approved the Halcrow report as still being fit for purpose. He advised that while he was impressed by the Applicant and his honesty, he found himself in a difficult position. He said that he was not convinced about the demand and that he tended to agree with Councillor Trail that there was no unmet demand. He referred to Mr Craig advising that there was a reasonable living to be made and said that if this was the case why were the current Operators not working. He said that he was having reservations about this application and that he was minded not to approve.

Councillor Kinniburgh advised that he also had reservations and agreed with the comments made by Councillors Trail and Colville. He said that there was a need to remember that this Committee agreed that the Halcrow report was fit for purpose a matter of months ago and that to his mind it was still relevant. He pointed out that the application before them was for a Ford Mondeo and not a wheelchair accessible vehicle. He said that even though it was the Applicant's intention to purchase a wheelchair accessible vehicle the Committee had no guarantee that this would happen. He referred to the increase in licences granted since publication of the Halcrow report. He acknowledged that Oban was booming but commented that whenever he has been there he has never seen anyone struggling for a taxi and very rarely were there none on the rank.

Motion

To agree to refuse the application for grant of a Taxi Operator's Licence due to there being no significant unmet demand for taxis in the Oban, Lorn and the Isles area.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville

Amendment

To agree to grant the application for a Taxi Operator's Licence.

Moved by Councillor Alastair Redman, seconded by Councillor Jean Moffat

A vote was taken by a show of hands. On there being an equality of votes the Chair gave his casting vote to the Motion and the Committee ruled accordingly.

DECISION

The Committee agreed to refuse the application for grant of a Taxi Operator's Licence as there was no significant unmet demand for taxis in the Oban, Lorn and the Isles Area.

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