

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 MARCH 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor Graham Archibald Hardie	Councillor Richard Trail
Councillor Donald MacMillan	

Attending: Charles Reppke, Head of Governance and Law
Graeme McMillan, Solicitor
Allegra Evans-Jones, Trainee Solicitor
Colin Henry, Applicant
Gordon MacGillivray, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mary-Jean Devon, Lorna Douglas, George Freeman 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 (TARTAN TOURS OBAN, OBAN)

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

APPLICANT

Mr Henry advised that he was Co-Director of Tartan Tours along with his colleague Gordon MacGillivray. He said that he had 30 years background with Strathclyde Police and was latterly an Inspector in Argyll and Bute. Subsequently he worked for Argyll and Bute Council and was now running a bed and breakfast. He advised that Mr MacGillivray has held at Street Trader's Licence for 18 years and operates MacGillivray's Seafood in Oban. Mr Henry advised that they wished to proceed with this application to operate a taxi business from Oban pier. They wished to offer a taxi service and tours for tourists. He confirmed that their vehicle was wheelchair accessible. He said that they were hoping to operate a taxi service and tour service, providing trips for the local area. He said that they also hoped to provide trips, tours and visits for disabled people from care homes and hospitals. He advised that their vehicle was a Citroen Berlingo which had a ramp at the rear and an electronic winch which would facilitate a disabled person in a wheelchair. He advised that there was

also sufficient space in the car for a carer and the driver. He advised that they have already received an enquiry from the NHS to provide a trip for a disabled person to the shops and that they had not been in a position to do that at the moment. He said that it was their intention to provide these types of trips at the rank and also through the use of social media and from knocking on doors and making contacts. He advised that if this proposal was successful then he and Mr MacGillivray would apply for Taxi Driver's Licences so that they could drive the vehicle themselves. He advised that they would also look to employ ex Police Officers as drivers, commenting that they would be honest, reliable and presentable.

Mr MacGillivray said that they were basically looking to provide a service for people who could not get about. He advised that they could give a tour of a castle or take them to the city and then wait on them and then take them back to the hospital or their care home. He said that if they got more successful they would look to buy a bigger vehicle with more seats so that they could bring their friends. Mr Henry advised that this was one aspect of their proposal and the other was to offer a service to the general public as from his own observations he believed there were only two other vehicles with disabled access in the area.

Mr MacGillivray advised that he has had this car for four years and that it had been bought by his Uncle so that he could be taken him about. He advised that he had also taken his friends out and that there had been a big demand for this and they had enjoyed getting out and about. Mr MacGillivray advised that he had first set up Tartan Tours as a business four years ago but his car had been stolen and he did not have the money to put another on the road. He advised that now he was in business with Mr Henry he wanted to re-establish this business. He advised that he still had the website for the business from when it was first set up and that he still got comments and queries on it.

MEMBERS' QUESTIONS

Councillor Trail referred to the clientele the Applicants were aiming at and suggested that he did not think their customers would be at the taxi rank. He asked why they were applying for a Taxi Licence rather than a Private Hire Licence. Mr Henry explained that the business would be dual purpose. He said that there would be a limited amount of disabled people attracted to the business. He advised that they wanted to be available to the general public as well as tourists.

Councillor Redman asked if they saw their business bringing extra business to the shops. Mr Henry advised that one of their provisions would be to advertise through Visit Scotland and Airbnb. He advised that from his own personal experience when going abroad he was always looking for experiences in the area. He advised that they also knew from their own observations that there was not much in the way of land based tours in the Oban area. He said that he thought their business would be a way of attracting more people to the area.

Councillor Colville referred to the Applicants mentioning that they would work from the rank. He indicated that the Council were in the process of carrying out a new survey to gauge the demand for taxis. He advised that he was not convinced from what had been said that there was the demand for another taxi on the rank and he asked the Applicants to comment. Mr Henry referred to business in Oban being seasonal and that the tours would only last a few months of the year and that they intended offering a service 12 months of the year. From the tours point of view, he

advised that from talking to Visit Scotland there was a lack of provision to come in off the street and organise a tour and that they wanted to be in a handy position to do that.

Councillor Colville asked Mr MacGillivray what size his previous vehicle was. Mr MacGillivray advised that it was a four seater and that he had a very successful first year just doing trips to and from McCaig's Tower.

Councillor McCuish commented that he remembered these trips to the tower being extremely popular. He asked if it was the case that the Applicants were requesting a Taxi Licence in order to subsidise their business when they did not have tours during the slack time in the winter. Mr Henry advised that was a fair summary. He added that they also wanted to attract passing trade with tours by being in position at the pier.

Councillor McCuish asked if they had considered looking at the cruise ships and Mr Henry replied that they would absolutely give that consideration.

Councillor Currie asked the Applicants if they would agree that having a business on the railway pier they were probably the best judges of the demand for taxis. He asked if they would also agree that there were often no taxis at the rank for an hour or so. He also asked if they would agree that there have been no objections to their application which said a lot. Mr Henry confirmed that he agreed with all three statements and commented that Mr MacGillivray had observed a lack of taxis especially at peak periods.

Councillor Moffat sought and received confirmation that the Applicants' vehicle had a ramp and winch.

Councillor Moffat asked if they believed there were only two other vehicles with this facility. Mr Henry advised that it was case from their observations there were only two with disabled access.

Councillor Moffat commented on the possibility of passengers arriving by train with wheelchairs. Mr Henry advised that this was their understanding and at the moment provision for them was difficult and that they felt that if they were able to fill this gap it would be an advantage.

Councillor Trail sought and received confirmation from Mr McMillan that at the time the Halcrow survey was carried out there were 45 taxi plates in the Oban, Lorn and the Isles Area and that there were currently 52 plates in the area.

Councillor McCuish asked Officers if they would agree that the survey was done in December 2013 and that since then Oban has grown significantly. Mr Reppke confirmed that the survey was carried out in December 2013 and that he believed the town had grown as have the number of taxis.

Councillor Kinniburgh asked the Applicants if this was a tour operation or a taxi business they would be running and Mr Henry replied that it would be both. He said that in the summer it would mostly be tours running from wherever a call was picked up and that they would be on the taxi rank when idle. He confirmed that it would be a taxi with a tour business.

Councillor Kinniburgh referred to the numbers given in respect of taxi plates and also talk about the Halcrow survey and the intention to carry out a new survey. He confirmed that at the moment the Committee needed to take account of the findings of the current survey. He asked the Applicants if they thought there was currently an unmet demand for taxis in the Oban area. Mr Henry advised that there was an unmet demand for disabled people. He advised that there was no denying the number of taxis that existed but they hoped to build other ties where there is no provision. Mr Henry advised that the tour business would operate from 10 am and if idle would do taxis and then the tour business would close at 6 pm and if they got sufficient drivers would look to cover the peak periods with their taxi.

Councillor Kinniburgh sought and received confirmation that the Berlingo could put one wheelchair in the back with the disabled person sitting in it and that there was room for one other passenger in the front. Mr Henry advised that if their business became successful, and there was demand for it, they would propose getting a bigger vehicle.

Councillor Kinniburgh asked what evidence the Applicants had that people preferred being taken into the taxi by winch rather than having their chair folded up and put in a boot. Mr Henry advised that he got this from personal experience with relatives that were wheelchair bound. He commented that if the chair required to be folded there was a need for the person to be able to stand up from the wheelchair and that this can be uncomfortable for them. He advised that with Mr MacGillivray's car they could get straight into the car without coming out of the chair. Councillor Kinniburgh asked what percentage of business would require this and Mr Henry replied about 10% but it was difficult to judge at the moment. He referred to receiving a call from NHS looking to pick someone up to take them shopping and that was the only evidence they had at the moment. Mr MacGillivray confirmed that on that occasion they had been asked to collect someone from Campbeltown, take them to Glasgow and then back to Campbeltown. He advised that there were not many of these vehicle across the whole of Argyll and Bute.

Councillor Kinniburgh sought and received confirmation from Mr McMillan that if the Applicant's application was successful they would be able to pick up someone from Campbeltown as long as the booking was taken in Oban.

Councillor Kinniburgh asked the Applicant's if they thought this would be a viable proposition. Mr Henry replied that at the time they were unable to facilitate so did not explore costs. He confirmed that it would be viable in the Oban area.

Councillor Currie asked the Applicants if they would be surprised to hear that now on a regular basis people hired a taxi on Islay for trips to Glasgow. Mr Henry confirmed that he did have knowledge of that.

Councillor Kinniburgh advised that he has been in Oban and did not concur with the view Councillor Currie had. He commented that when he has been in Oban he had never seen the rank empty and has not observed anyone standing for up to 1 hour. He asked Mr Henry if this was his experience. Mr Henry referred to a storm in Oban last week when he got a call from his daughter who had been standing at the rank at 1 am for 30 – 40 minutes. Mr Henry advised that he was staying at Knipoch and his daughter was looking for a lift back to Taynuilt and looking for him to pick her up. He advised that when he phoned one of the taxi companies he was told that there would be a 40 minute wait. On that basis, he confirmed that there was a lack of provision

at certain times in the morning. He advised that they would hope to be able to cover the early hours of the morning.

Councillor Kinniburgh asked if this was a normal occurrence or was it because of the storm. Mr Henry advised that if he has been at the rank it has always been difficult to get a taxi in the early hours especially on Fridays and Saturdays.

SUMMING UP

Applicant

Mr Henry confirmed that they were keen to get up and started if possible. He advised that if the application was approved they would look to getting further employees or for he and Mr MacGillivray to get Taxi Driver's Licences and then they would be ready to go.

When asked the Applicants confirmed that they had received a fair hearing.

DEBATE

Councillor Redman advised that it was his view that this business would benefit Oban economically and that he did not think the Committee should be putting hurdles in the way of people trying to improve Argyll and that he was minded to approve this application.

Councillor Colville advised that the reality was if this application was for a private hire and there had been no objections then it would not have come to Committee. He commented that he believed they were keeping a pace with the growth in population on Oban. He advised that the only reason it was here was because of the Halcrow report. He advised that there was a need to protect the incomes of the existing Operators and in view of what was contained within the Halcrow report he was minded to refuse.

Councillor McCuish advised that he disagreed with Councillor Colville and that he did not believe they were keeping a pace with the growth of Oban. He said that he especially liked how the Applicants were showing initiative. He said that it was difficult to get short tours to Ganavan and McCaig's Tower or to Dunstaffnage and that the service buses could not cope with this. He said that he understood the need to subsidise with a taxi licence as well. He said that he was fully supportive of this application as it showed initiative to do both types of business. He commented that Mr MacGillivray was in a prime position on the pier. He said that it was important to get people in hospital and care homes out and about.

Councillor Redman advised that he disagreed with what had been said about defending other Operators' incomes. He advised that this was a free market and that it was unfair if Councillors were picking winners and losers in a competition and that it was for the consumers to decide.

Councillor Currie advised that the main issue was to protect visitors and people in Oban. He said there was a need for this type of taxi. He referred to the person who came from Colonsay on a wheelchair and had been unable to get a wheelchair accessible taxi and as there were unable to come out of their chair they had to travel

in their chair along a busy road to the hospital. He said that he would have no hesitation in granting the application.

Councillor Hardie agreed with Councillor Currie and had no hesitation in approving.

Councillor Forrest said that she thought this had the potential to be a good thing and that there was a similar business in the Dunoon area and that she had no hesitation in granting.

Councillor Trail said that he would have been much happier if this had been an application for a private hire and the Applicants were concentrating their efforts on the tour business. He said the Applicants had made a good case and with some reluctance he was in favour of granting.

Councillor Kinniburgh advised that he disagreed with a lot of the comments that had been made. He said that he thought this was crying out for a Private Operator's Licence. He advised that he thought that was what it should be if the main part of the business was tours but he did not think that would be the case. He said that he thought this would be a taxi doing occasional tours. He said that it concerned him that there was evidence of people waiting 40 minutes as that was not what he had observed when in Oban. He referred to the Halcrow report which concluded there was no unmet demand and commented that since publication of the report a further 9 Licences had been granted. He said that it would be interesting to see what came out of the new survey but at the moment the Committee needed to be mindful of the current survey.

Motion

To agree to refuse the application for grant of a Taxi Operator's Licence to Tartan Tours on the basis there was no unmet demand for taxis in this area.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville

Amendment

To agree to grant a Taxi Operator's Licence to Tartan Tours.

Moved by Councillor Roderick McCuish, seconded by Councillor Alastair Redman

The Amendment was carried by 8 votes to 2 and the Committee resolved accordingly.

DECISION

The Committee agreed to grant a Taxi Operator's Licence to Tartan Tours.

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