

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 22 JUNE 2016**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Alex McNaughton
Councillor Rory Colville	Councillor James McQueen
Councillor Robin Currie	Councillor Sandy Taylor
Councillor Robert G MacIntyre	Councillor Richard Trail
Councillor Donald MacMillan	

Attending: Patricia O'Neill, Central Governance Manager
Kate Connelly, Solicitor
Ronald Telfer, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors George Freeman, Roderick McCuish, Alistair MacDougall and Neil MacIntyre.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR'S LICENCE (R TELFER, 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 Telfer confirmed that he currently held a Taxi Driver's Licence for the Oban, Lorn and the Isles area. He referred to previously working as a long and short distance HGV driver across Scotland and that for the past couple of months he has been working for another Taxi Operator which he has enjoyed. He explained that he would like to have his own Taxi Operator's Licence and gave his reasons for this. He advised that he had recently purchased a 6 seater vehicle and pointed out that there had been no objections made to his application. He explained his reason for applying for a Taxi Operator Licence rather than a Private Hire Licence. He stated that he did not intend sitting at the rank when it was congested and that it was his plan to tour about the area and be flagged down. He referred to the survey report of November 2013 regarding taxi provision. He referred to the increase in the population of Oban and an increase in tourism since the report was published. He advised of his plans to offer a service to his customers taking them to tourist attractions out with the area which may be difficult to get to by bus. He also advised of working with the local hotels to offer this service to their customers. He advised that he would be able to be flexible and affordable to customers and said that he believed that he had an extremely good knowledge of the area. He referred to

previously working with the Hebridean Princess giving tours and to also being able to offer a service on Mull by being able to pick up customers at the ferry terminal which he would not be able to do if he had a Private Hire Operator's Licence rather than a Taxi Operator's Licence. He stated that he recognised that the Operator's plate was valuable and advised that he believed there was currently a gap in the market which he would like to fill.

Members' Questions

Councillor Trail sought and received confirmation from Mr Telfer that he planned to generate business online, by telephone and through advertising his business in local hotels in the surrounding area as well as by sitting at the taxi rank. He stated that it was too early to say how much of his business would be generated online and by telephone.

Councillor Trail pointed out that having a Taxi Operator's licence would mean that Mr Telfer would be entitled to sit at the taxi rank and sought comment on this. Mr Telfer confirmed that he would sit at the rank as there were times when there was demand at the rank, for example, when trains arrived at the station.

Councillor Currie referred to Mr Telfer advising that he would sit on the rank and commented that he had earlier said he would not sit at the rank. Mr Telfer explained that he would not sit at the rank if it was already congested and that at these times he would travel around the town so that customers walking on route to the rank could flag him down.

Councillor Kinniburgh referred to congestion at the rank and asked Mr Telfer to comment. Mr Telfer advised that there could be up to 20 taxis at the rank but usually only on Saturday nights. Mr Telfer advised that the way the system worked, taxis joined the rank and the taxi at the head of the queue took the first fare and that once passengers were dropped off the taxi would head straight back to the rank and join the queue again. Mr Telfer advised that if he had his own Taxi Operator's Licence he would be able to travel up and down the town and be flagged down. When asked he confirmed to Councillor Kinniburgh that other taxis could be flagged down on their way back to the rank. Mr Telfer advised that the Taxi Operator's Licence would give him more freedom to pick up fares as a Private Hire Operator's Licence would not allow him to do that.

Councillor Blair sought and received confirmation from Mr Telfer that he had approached a number of hoteliers in the area who had confirmed that there was a demand for the type of service he was offering. He referred to 15% of employment within the Oban, Lorn and the Isles area being related to tourism as opposed to 8% across the whole of Scotland. Mr Telfer advised that out of season he would be able to go back to driving lorries part time. Mr Telfer also referred to the benefits of purchasing a new 6 seater vehicle.

Councillor Colville referred to the letter of support from his lawyer which advised of a previous business arrangement Mr Telfer had been part of and asked for more detail on why this business arrangement had come to an end. Mr Telfer explained that the business owner had no capital and had other business interests in mind and was planning on selling his vehicle.

Mr Telfer advised that he did not wish to sum up and confirmed that he had received a fair hearing.

Debate

Councillor Currie stated that a really good presentation had been made by the Applicant. He referred to there being no objections to this application and said he found it surprising that there was not one objection from the other Taxi Operators. He stated that he was very impressed that it was Mr Telfer's intention not to sit at the rank and to tour around as he believed there was a need for a taxi service at the north end of the town. He advised that he was prepared to support this application.

Councillor Colville advised that unfortunately he did not agree. He advised that if the Committee were to grant an Operator's Licence they needed to be confident that there was unmet demand. He stated that he was not convinced that there was currently unmet demand. He said that it seemed to him that a lot of Taxi Operator Licences had been granted for this area recently and that there was a need to take account of the taxi survey which indicated that there was no unmet demand. He suggested that there was a need to stop issuing Operator Licences in the Oban area.

Councillor McNaughton advised that he was also impressed with the presentation given and that he totally agreed with the comments made by Councillor Currie.

Councillor MacIntyre stated that he also agreed with Councillors McNaughton and Currie. He stated that he understood the comments that Councillor Colville had made but advised that Mr Telfer should be given a chance.

Councillor Taylor referred to the ongoing problem with over provision of taxis and stated that this was why the survey was carried out in the first place and then repeated and he advised that there continued to be a problem. He advised that he did not think Mr Telfer had presented a unique case. He referred to there already being pressure on the rank. He referred to the success of Uber taxis taking off elsewhere. He stated that he understood that a Private Hire vehicle could not be flagged down. He advised that the Committee had recently granted a Taxi Operator Licence for Oban as the Applicant had presented a unique case by providing a disabled access vehicle. He advised that in this case a unique case had not been brought forward.

Councillor MacIntyre advised that he could not remember a time when objections to applications for Taxi Operator Licences had not been received from current Operators and stated that may be this meant that they were happy on this occasion for the licence to be granted.

Councillor Trail stated he did not agree. He referred to a unique case not being made and that this would just be another taxi for Oban. He stated that if the Committee kept granting Taxi Operator Licences he believed that this would undermine the taxi trade and that this would not be good for the people who use taxis.

Councillor Kinniburgh advised that he agreed with the comments made by Councillors Colville, Taylor and Trail. He referred to the Halcrow report advising that there was no significant unmet demand and stated that there was a need for the

Committee to draw a line under this. He advised that the case presented by the Applicant was not unique and that Mr Telfer had admitted that there was regularly 20 taxis sitting at the rank which confirmed to him that there was no unmet demand. He advised that all the other taxis would be able to be flagged down.

Motion

To refuse Mr Telfer's application for a Taxi Operator's Licence as there was no significant unmet demand in the Oban, Lorn and the Isles area.

Moved by Councillor Kinniburgh, seconded by Councillor Taylor

Amendment

To grant a Taxi Operator's Licence to Mr Telfer

Moved by Councillor Robin Currie, seconded by Councillor MacIntyre

In support of his Amendment, Councillor Currie referred to the survey being 3 years old. He advised that a lot had changed in Oban since then. He commented on the increase in tourism in the town and to the difficulty booking hotel accommodation. He advised that there was a need for taxi provision at the north end of the town. He stated that visitors to the town did not know the numbers of Private Hire Operators but they would be able to flag a taxi down. He pointed out that no one from the trade had objected to this application.

In support of his Motion, Councillor Kinniburgh advised that he took the opposite view. He advised that when he stayed in Oban he always booked the same hotel overlooking the rank and that there were always taxis sitting at the rank. He referred to the survey carried out in 2013 and published in 2014 which stated that there was no significant unmet demand. He advised that the original survey was carried out in 2002 which advised of no significant unmet demand and pointed out that over the years between these surveys this situation had not changed. He referred to no objections submitted by the taxi trade and suggested that as quite a number of Operator Licences had been granted recently then may be the trade thought there was no point in objecting.

The Motion was carried by 6 votes to 4 and the Committee resolved accordingly.

Decision

The Committee agreed to refuse Mr Telfer's application for a Taxi Operator's Licence on the grounds that there was no significant unmet demand in the Oban, Lorn and the Isles area.

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