

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on MONDAY, 27 AUGUST 2018**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Audrey Forrest
Councillor Rory Colville	Councillor Graham Archibald Hardie
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Lorna Douglas	

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Solicitor
Kathleen McMann, Applicant's Agent

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mary Jean Devon, George Freeman, Roderick McCuish, Jean Moffat, Alastair Redman, Sandy Taylor and Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR LICENCE (H WERNER, 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's agent to speak in support of his application.

APPLICANT

Ms McMann spoke on behalf of the applicant Mr Werner advising that he had hoped to attend the hearing but had to be in Oban due to business.

Mr Werner was applying for a taxi operator licence for a Mercedes Vito 111 CDI multipurpose vehicle registration number H15 ETV. The vehicle was currently operated under a private hire licence which was due to expire and at this point Mr Werner had decided to apply for an operator's licence due to a large demand for taxis in Oban. He had attributed this to the recent changes in drink driving laws and the fact that Oban was being marketed as an all year round tourist destination. Ms McMann made reference to a reduction in taxi licenses in the Oban area since June.

Mr Werner had started his business 15 years ago in North Connel and still had regular business in that area. The 8 seater vehicle would be used for bigger jobs that would normally require 2 cars and this would allow one of the cars to stay on the rank. With regard to wheelchair access, Mr Werner had recently purchased a ramp which would allow access for both wheelchairs and mobility scooters. According to the Halcrow report there was only one wheelchair accessible vehicle in the Oban

area in 2013 and now there were 3; 4 if the application was to be approved. Mr Werner had made an application in the past for this type of vehicle and objections had been received; however this time no objections had been received. In his 15 years of operation he had received no complaints, his drivers had worked for him between 5 and 7 years and he had trackers and dash cams fitted to all his vehicles for safety. Ms McMann advised that Mr Werner took responsibility for a good and safe service and commended the application for granting.

MEMBERS' QUESTIONS

Councillor Kinniburgh asked for confirmation of the number of taxi licences in the Oban Area. Mrs MacFadyen advised that there were currently 51. Councillor Kinniburgh highlighted that this meant that there had been a raise of 6 licences since the Halcrow report and asked Ms McMann to explain why there was an unmet demand based on this information. Ms McMann advised that Mr Werner would not have gone to the expense of purchasing wheelchair access for the 8 seater had there not been demand. She added that when the vehicle had been used as a private hire there had been plenty demand for it. Councillor Kinniburgh asked why Mr Werner had not moved one of his other cars to a private hire. Ms McMann advised that she was unsure of this and that given there had been no objections that there must be a demand.

Councillor Currie asked Ms McMann if she found it strange that no objections had been received in relation to the application given that taxi operators are usually quick to object. Ms McMann replied that it would be a benefit as there was a demand there for that type of vehicle.

Councillor Colville asked Ms McMann if she agreed that demand for taxis doubled during the tourist season and if she believed that for 6 months of the year the Halcrow report was incorrect. She replied yes and that the demand was now there all year round due to the winter festival and new premier inn with no allocated parking.

Councillor Douglas asked if the Council kept records of how many taxis had wheelchair access. Mr Reppke replied that the Council did not keep a list but could access the information through records. Ms McMann advised that there were currently 3, and would be 4 should the application be approved.

Councillor Kinniburgh asked if the reason other taxi operators hadn't objected was because the Committee had approved a further 11 licences on top of those in the Halcrow report and that they felt they would not be listened to if they did object. Ms McMann advised that they may not have objected due to the benefit this vehicle would bring to the town and that this was different to those previously submitted.

SUMMING UP

Ms McMann summed up by saying that Mr Werner had applied for the operators licence due to unmet need given the calls received from the rank which he could not fulfil, and due to the fact that Oban was developing into an all year round tourist destination. He wanted to meet this unmet demand.

When asked, Ms McMann confirmed that she had received a fair hearing.

DEBATE

Councillor Colville advised that he felt he needed to ensure that trade was economical for all taxi operators. He felt that taxi operators had given up objecting to applications. He advised that he did not want to support the application.

Councillor Hardie advised that due to the rapid increase and tourism and the fact that he had worked with disabled people and knew how hard it was to get a taxi, he supported the application.

Councillor Currie advised that he felt there was unmet demand. He felt that tourism was in Oban all year round and that it was a hub for all the islands off the west coast. He advised that he supported the application as it could cater for mobility scooters.

Councillor Blair advised that the Halcrow report was now 4 years old and that there had been a lot of developments in Oban during that time. He referred to a recent decision by the Committee which approved 300 new homes in the Dunbeg area and advised that he supported the application.

Councillor Douglas referred to the fact that there were few cases for larger cars like that of the application and for those with wheelchair access. She advised that it was clear there were places in Argyll and Bute that were doing very well and that the report could only be used as guidance. She advised that the 8 seater could do the job of 2 taxis and that they needed to think of the impact of this.

Councillor Forrest advised that as the vehicle had held a private hire licence previously this did not mean that it was an additional car on the road. She referred to the point made by Councillor Blair about additional housing in Dunbeg. She also advised that she felt Mr Werner would not have gone to the expense of buying a ramp if there was no demand.

Councillor Kinniburgh advised that he agreed with many of the comments made by members. He advised that he felt there was already enough operators in the Oban area to meet demand even with the application for 300 extra homes. He advised that he felt the approval of another operators licence would be wrong and that Mr Werner had the opportunity to move one of his other cars to a private hire car in order to use the vehicle in question under an operator's licence.

MOTION

Councillor Kinniburgh moved that the application for an operator's licence be refused. This was seconded by Councillor Colville.

AMENDMENT

Councillor Currie moved that the application for an operator's licence be granted. This was seconded by Councillor Hardie.

DECISION

On a show of hands vote the Amendment was carried by 5 votes to 3 and the Committee agreed to grant a taxi operator's licence to Mr Helmut Werner.

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