

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on MONDAY, 3 JUNE 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Rory Colville	Councillor Jean Moffat
Councillor Robin Currie	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Graham Archibald Hardie	

Attending: Charles Reppke, Head of Governance and Law
Graeme McMillan, Solicitor
William Tucker, Licence Holder

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mary-Jean Devon, Audrey Forrest and Councillor Roderick McCuish.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NO. 3735) (W TUCKER, INNELLAN, DUNOON)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and as the Complainant was not present he invited the Licence Holder to present his case.

LICENCE HOLDER

Mr Tucker advised that on the day in question he was dropping off pupils from his taxi at the Guide Hall, Victoria Hall, Dunoon for attendance at the After School Club, Escape. He explained that it was a compact area and after doing a 3 point turn he was in the process of leaving the grounds when the complainant came up to the side of his window and tried to stop him from leaving. He advised that she had crossed the road with approximately 16 children 200 yards from the entrance to the Guide Hall and that it was his opinion that she was putting the children in danger by not holding them back until his taxi had left the vicinity of the hall. He said that she gave him verbal abuse and told the children to squeeze by his taxi. He advised that as a responsible person she should have kept the children out of the area till the taxi left. He pointed out that this incident happened on the 3rd of the month but she did not complain until the 17th of the month. He showed a photograph of the location to the Committee to highlight the confined space.

Mr Tucker also advised of a previous incident which involved this person when he had gone into the Escape office to be paid after dropping children off at the club.

MEMBERS' QUESTIONS

Councillor Trail asked if this was a usual taxi drop off for Mr Tucker. Mr Tucker explained that another taxi driver had the contract but he was giving him a hand on this occasion.

Councillor Moffat sought and received confirmation from Mr Tucker that he was coming out of the entrance to the hall and instead of keeping the children back until he had left the complainer had asked the children to squeeze past the vehicle.

Councillor Kinniburgh sought and received confirmation from Mr Tucker that he has been asked to provide this taxi service for Escape 3 or 4 times.

Councillor Colville sought and received confirmation from Mr Tucker that all of the children were on his side of the main road and that they had crossed the main road 200 yards away from the entrance to the guide hall.

Councillor Hardie sought and received confirmation from Mr Tucker that he had previously been a taxi driver for Inverclyde for 10 years and that he was now a taxi driver for Argyll and Bute and has held this licence for 19 years.

Councillor Blair referred to Escape previously working out of the school. He commented that the pavements were quite narrow in parts leading to the guide hall. He asked Mr Tucker if he had received a copy of the club's risk assessment regarding transport of children. Mr Tucker advised that the club had been moved to the guide hall while Dunoon Primary was being renovated and that this was a temporary measure. He advised that he dropped off 6 or 7 children and another taxi driver dropped off 5 or 6 children. He explained that children coming from other primary schools also walked to the club. He said that the children he transported came from Kirn Primary.

Councillor Blair asked if the Council should be requesting a copy of Escape's risk assessment and could the Committee have access to it. Mr Reppke advised that this request could not be made formally as part of this Committee but he would raise this issue with the Head of Education.

Councillor Douglas sought and received confirmation from Mr Tucker that the complainant had already crossed the road with the children. Mr Tucker pointed out the location on the photograph. He advised that there were 2 adults with about 18 children.

Councillor Freeman sought and received confirmation from Mr Reppke that Police Scotland were not asked to comment on this issue as it would not have been appropriate.

Councillor Freeman asked why there was a delay. Mr Reppke explained that discussions had taken place with the complainer and as she was not happy with the views expressed by Officers the matter was therefore before the Committee.

Councillor Kinniburgh sought and received confirmation from Mr Tucker as to where the taxi was, where the children were and when the complainer approached the taxi. Mr Tucker confirmed that when he tried to leave the grounds of the hall the complainer had tried to stop him and had then asked the children to squeeze past the vehicle.

SUMMING UP

Licence Holder

Mr Tucker said that he was not sure why he was here as it was his opinion that he had done nothing wrong. He said that he did not put the children in danger but he thought that the complainant had. He pointed out that the incident happened on the 3rd of the month but the complaint was not made until the 17th of the month. He questioned what happened in between those dates and said that if it had been him complaining he would have been on the phone straight away.

Mr Tucker confirmed that he had received a fair hearing.

DEBATE

Councillor Moffat advised that she saw no reason to uphold anything against Mr Tucker.

Councillor Freeman referred to the time it had taken between the incident happening the complaint being made. He advised that as far as he was concerned the Committee should agree to take no action.

Councillor Colville also agreed that no action should be taken.

DECISION

The Committee unanimously agreed to take no action.

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