

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 19 JUNE 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Graham Archibald Hardie
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Graeme McMillan, Solicitor
Calum Gallacher, Applicant
Jenny Wild

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon, George Freeman, Roderick McCuish, Jean Moffat and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR LICENCE (ISLAY TUK TUK LIMITED, LONDON)

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 Gallacher referred to the growth in tourism on Islay and Scotland with around 1.2 million visitors coming to Scotland over the last 2 years to visit whisky distilleries. He advised of a huge influx of people visiting Islay on whisky pilgrimages and also of repeat visitors to the island. He said there were issues with taxis on Islay and advised that during 2018 12,500 visitors came by ferry. He advised that there had been a notable reduction in visitors coming over in their own vehicles and that around 28,000 visitors flew to the island during 2018. He said that it was quite problematic getting taxis generally on Islay as a person living there, regardless of the increase in visitors during the summer when the population went up to about 20,000. He advised that he was not envisaging Islay Tuk Tuk operating as a private hire business and they did not intend competing with other taxi drivers on the island. He explained that they planned to offer experiential tours – something bespoke and memorable for returning visitors who wanted something different. He advised that the tours would not just be limited to the distilleries as they would offer bespoke island tours. He said that they had a website ready and waiting to go live.

MEMBERS' QUESTIONS

Councillor Trail asked what type of vehicle the Tuk Tuk was. Mr Gallacher explained that it was a 3 wheeled car which was highly efficient on fuel and better for the environment. He advised that it was surprisingly robust and sturdy on the road. He said there would be room for one driver in the front and 2 passengers in the rear with seatbelts. He confirmed that it could get up to 45 mph.

Councillor Redman asked what employment would be generated by the business and what benefits it would bring to the island. He also asked that if the licence was not granted would this lead to an increase in the problem of getting transport on Islay. Mr Gallacher referred to the increase in footfall to the island due to flights now coming from Edinburgh. He said that they would like to be flexible in the services they offered but primarily it would be for pre-arranged bespoke tours. He pointed out that the vehicle was not entirely wind proof but he did have sides on order which would help seal the vehicle but could change the experience for the passengers. He said that he would like to approach companies such as the Woollen Mill to ask if they would tailor some garments for the passengers to use in the rear of the vehicle such as sheep skins and tartan blankets. He advised that he had also spoken to some local hoteliers and restaurants owners to see if they would be able to offer a set menu for customers if they broke up the day with a stop for lunch as part of the tour. He said that they hoped to involve as many other businesses as possible. In terms of employment he said that he had some friends willing to invest so there was the possibility of expansion in the future. He confirmed that they only had one vehicle at the moment.

Councillor Hardie pointed out that the objector painted a different picture regarding demand for taxis on Islay and he asked Mr Gallacher to comment. Mr Gallacher said that he has used this taxi business before and was charged £25 to travel from his home to Port Ellen. He advised that another taxi business charged £15 for the same journey and he suggested that perhaps the objector's pricing was the reason for a lack of demand for his service.

At the request of Councillor Currie a picture of the vehicle was circulated around the Committee.

Councillor Currie referred to Mr Gallacher applying for a Private Hire Car Operator Licence and pointed out that the holder of this type of licence would be able to take calls to pick up someone wanting a lift home. He asked Mr Gallacher if he envisaged offering this type of service. Mr Gallacher advised that in the first instance he wanted to provide something unique that tourists did not have at the moment. He advised that he was not saying he would not provide a taxi service but he did not think that was something they would want to concentrate on. He advised that they proposed setting their hours of operation as they did not want to disrupt the peace of the island or give anyone just cause to complain about the service.

Councillor Douglas asked if there was a similar service operating anywhere else in Scotland. Mr Gallacher did not think so. He advised of his experience of using Tuk Tuk vehicles during his travels to India. He also advised of a recent holiday to Sri Lanka where, he said, the roads were quite similar to Islay and that they did quite well there. He said it was always an enjoyable experience being on a Tuk Tuk.

Councillor Trail asked if the vehicle would be legal on the road as according to the application form the MOT for the vehicle ran out in 2012. Mr Gallacher advised that this was typographical error. He confirmed that this was a brand new vehicle and that it had recently passed an independent vehicle assessment.

Councillor Colville advised that he was struggling to share the Applicant's enthusiasm. He referred to the annual rainfall and average wind speeds on Islay and asked why it had to be a Tuk Tuk. He said that he could not see the cultural connection with whisky on Islay. Mr Gallacher said that it was not about a cultural connection but more of a connection to the environment as passengers would be more aware of what was outside. He advised that he thought it would be a unique experience that tourists could enjoy and talk about when they returned back home.

Councillor Kinniburgh sought and received confirmation from Mr Gallacher that the roof of the vehicle was covered in canvass which was attached to a solid frame. He confirmed that the roof was fixed and could not be brought down. He advised that the sides he has ordered would help shut out any bad weather. He said that they would need to evaluate when it was possible to operate and that he was not suggesting that they would be taking it out in howling gales. He confirmed that they had road tested the vehicle in most conditions on roads across the island. He said that the journeys would take a bit longer as they would not be hammering about at top speeds. He confirmed to Councillor Kinniburgh that there was no requirement for crash helmets to be worn and that seatbelts were the only safety requirement. He also confirmed that he felt very safe when travelling in a Tuk Tuk.

SUMMING UP

Mr Gallacher referred to the growth in tourism, particularly on Islay where, he said, this was increasing each year. He advised that a lot of visitors were repeat visitors and he suggested that they became bored with the same thing and frustrated with the limited options for transport across the island. He said that the Tuk Tuk could offer a unique and memorable experience which could be advertised by word of mouth when the visitors turned home. He advised that this would be good for the economy as it may attract more visitors. He confirmed that they were looking to involve as many local businesses as possible, such as the Woollen Mill and local hotels and restaurants and that this could help to advertise these other businesses. He advised that he thought this would be a positive service for the island. He referred to the enjoyment his friends have had travelling in his Tuk Tuk and he suggested that it was good for a person's mental health. He said that it would be good if he was able to run the service on a voluntary basis, for example, on the first Saturday of every month, for older adults living in the community who may not have the opportunity of taking a Tuk Tuk ride abroad. He said that he thought this would be good for the local community and economy.

Mr Gallacher confirmed that he had received a fair hearing.

DEBATE

Councillor Redman said he did not believe that the taxi business on Islay was full, especially now with regular flights to and from Edinburgh. He referred to the growth in tourism on Islay and commented that a lot of visitors were coming from South East Asia. He said he could not see a problem with operating a Tuk Tuk on the island and advised that this would be something unique and different from a regular taxi

service. He said that he did not think competition was a valid objection in this case. He said he could not see it being in competition with other taxis and that he was minded to approve this application. He said that he had no concerns about safety issues.

Councillor Hardie thought this was a novel idea which he very much welcomed and that he was happy to approve the application.

Councillor Colville advised that he took a slightly different view. He pointed out that the Committee were here to protect the public with regard to taxis and private hires. He said that he did not think a Tuk Tuk would be appropriate 12 months of the year in all weathers. He said the Committee had a responsibility to offer a service to the public that was all embracing. He said that he admired the enthusiasm of the Applicant but did not think this was a suitable vehicle for public use as a private hire. He advised that taking account of the objection submitted he would recommend refusal of this application.

Councillor Douglas said that she took on board what Councillor Colville had said about the weather but she thought that this was a fun idea that could do well. She said that this was quite novel and if the vehicle was road worthy she wished the Applicant luck.

Councillor Currie advised that if the Committee were considering an ordinary private hire operator licence he would be having a different discussion from a few years ago when there were hardly any private hire operator cars or taxis. He said that the situation now was that there were a lot of them. He said that he saw this as a bespoke service and one aimed at the tourism market rather than for locals getting about from A to B in the quickest possible time. He said that he was in favour of granting the application.

Councillor Kinniburgh advised that he too found himself in a dilemma with this application. He said that he appreciated what the Applicant was trying to do and that he took on board the comments from Councillor Currie and that if this private hire vehicle was a regular car he would have reservations in granting the licence. He said that he did have concerns around what Councillor Colville had said and he advised that he was not 100% satisfied that this would be the safest of vehicles. He said that he had noted that Mr Gallacher was comfortable travelling in this type of vehicle and advised that at the end of the day it would come down to a person's choice whether or not they would want to go in the vehicle or not. He advised that he thought it was a novel idea but was not convinced that Islay was the right place for it but at the end of the day that was a business decision the Applicant has taken on whether or not he can make it work. He advised that he was satisfied that the vehicle was road worthy.

DECISION

The Committee agreed to grant a Private Hire Car Operator Licence to Islay Tuk Tuk Limited.

Have moved an Amendment which failed to find a seconder, Councillor Rory Colville asked for his dissent from the foregoing decision to be recorded.

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