

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 23 OCTOBER 2019**

Present: Councillor David Kinniburgh (Chair)

| | |
|---------------------------------|----------------------------|
| Councillor Gordon Blair | Councillor Jean Moffat |
| Councillor Rory Colville | Councillor Alastair Redman |
| Councillor Robin Currie | Councillor Sandy Taylor |
| Councillor Lorna Douglas | Councillor Richard Trail |
| Councillor Donald MacMillan BEM | |

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor
Sgt Iain McNicol, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mary Jean Devon, Audrey Forrest, George Freeman, Graham Archibald Hardie and Roderick McCuish.

2. DECLARATIONS OF INTEREST

The Chair, Councillor Kinniburgh declared a non-financial interest in item 3 of the agenda (Civic Government (Scotland) Act 1982: Application for grant of a Taxi Driver Licence (J Osborne, Helensburgh)) due to the fact that he was a work colleague of Mr Osborne at Helensburgh Toyota. He left the meeting and took no part in the discussion of this item of business. The Vice Chair, Councillor Colville assumed the role of Chair for the remainder of the meeting.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (J OSBORNE, HELENSBURGH)

The Chair welcomed everyone to the meeting.

Mr McMillan advised that the applicant, Mr Osborne, had contacted the licensing team to advise that he could not attend the hearing as he was still in the process of instructing a Solicitor to act on his behalf in relation to the matter before the Committee. In this connection, Mr McMillan suggested that the Committee may wish to consider a short continuation to allow him the opportunity to be represented.

Having noted that the letter of representation from Police Scotland also referred to a pending case, Councillor Taylor suggested that the continuation should be until such time as the matter has been determined by the Scottish Court System.

Councillor Trail reminded the Committee of the need to determine the application within 9 months from the date it had been received by the licensing team.

Councillor Colville suggested that by inviting the applicant to the next meeting, the Committee may be in a position to grant the licence, he advised that by waiting until

the matter is determined by a Court, he was concerned that they may be denying the applicant the opportunity to earn money for a prolonged period of time.

Councillor Currie advised that he was in agreement with Councillor Taylor and would prefer to wait until such time as the pending case has been determined by a Court.

Councillor Douglas advised that her concern was with the incident that had already been determined and sought advice from the Council's Solicitor as to whether it was possible to refuse the application at this stage. Mr McMillan reiterated his earlier advice of continuing consideration of the application, for a short period to afford Mr Osborne the opportunity to be represented.

DECISION

The Planning, Protective Services and Licensing Committee agreed to continue consideration of the application to their next meeting to allow the applicant to be represented.

(Reference: Report by Head of Legal and Regulatory Support, submitted)