

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 NOVEMBER 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Robin Currie	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Donald MacMillan BEM	Councillor Richard Trail
Councillor Jean Moffat	

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor
Allan MacGillivray, Applicant

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR LICENCE (A MACGILLIVRAY, 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 MacGillivray advised that he was applying for a taxi licence as he has been driving taxis for a firm in Oban for 7 or 8 years. He said that he had been employed as a skipper on a yacht for the last 7 years taking charters around the West Coast. He explained that the yacht was up for sale and that he would be unemployed. He advised that the company he drove taxis for was always looking for cars and they had assured him that he would have a job with them. He said that he had a family with children to support and a mortgage and that he did not want to look for work away from the town. He said that the obvious choice was to go for a taxi licence and to do this full time.

MEMBERS' QUESTIONS

Councillor Trail sought and received confirmation from Mr MacGillivray that he worked as a driver part time for a local company. Mr MacGillivray said that he did fill ins when he was not a sea. He confirmed that he skippered a private yacht and that the yacht was being sold. He said that he was seeking to go full time as the company he drove for, Oban Taxis, had assured him that he would be able to work through them.

Councillor Currie sought and received confirmation from Mr MacGillivray that he would be an owner and driver under Oban Taxis. Mr MacGillivray advised that he would work through them when they needed him if they were short of cars. He confirmed that for 90% of the time he would work for them as they were constantly looking for owner drivers. He advised that it would not matter to him whether it was days or nights and that he would do whatever was needed at the time.

Councillor Kinniburgh referred to the taxi and private hire survey recently carried out by the Council which had concluded that there was no significant unmet demand for taxis in the Oban area. He asked Mr MacGillivray for his thoughts on this. Mr MacGillivray advised that he did not believe it was the case that there was no unmet demand as the company have phoned him on a number of occasions and that they have also placed an advert in the Oban Times looking for drivers and car owners. He said that the town's other main taxi company, Lorn Taxis, had also been advertising for drivers/owners. He said that there was a shortage of cars. He added that there has been many times when he has been phoned while working at sea and therefore could not go. He advised that he was phoned every weekend to see if he could come out because he had a taxi driver licence. He said that there still seemed to be a fair demand for taxis.

Councillor Kinniburgh asked if the companies were short of drivers as well as cars. Mr MacGillivray advised that it was mostly cars rather than drivers. He said that they were short of owner/drivers. He said again that both companies had placed adverts in the local paper. He advised that from what he had seen it was his opinion there was still a demand.

Councillor Kinniburgh commented that any time he had been in Oban there were always taxis at the rank. He said that he could not recall being in Oban and seeing no taxis there. Mr MacGillivray advised that at weekends and when it was busier at night there seemed to be more demand at certain times, eg when licence premises closed. He said that there tended to be a shortage at times when there were events on in town. He advised that it was his opinion that there was definitely an opportunity for more taxis.

Councillor Kinniburgh referred to the taxi survey which recorded when taxis were waiting at the rank. He said that the findings of the survey appeared to go against what Mr MacGillivray had said about there being no taxis late at night on Fridays and Saturdays. Mr MacGillivray advised that as a taxi driver he was constantly on the go and did not always get the chance to return to the rank. He said that this was certainly the case on Saturday nights. He also referred to people coming off the train and having to queue at the rank.

Councillor Kinniburgh suggested that people coming off the train would be going somewhere within Oban itself so it would not be long before a car arrived back at the rank. Mr MacGillivray advised that some visitors went out of town to chalets and Airbnbs. He said that there could be runs out of the town itself to campsites which would take a while to get to and return from.

SUMMING UP

Applicant

Mr MacGillivray said he thought there was an opening especially with the company he drove for. He advised that he has been assured that he would get work with them all the time. He added that Oban Taxis had asked him to let them know as soon as possible if he was granted his licence as he would get work right away.

Mr MacGillivray confirmed that he had received a fair hearing.

DEBATE

Councillor Redman advised that he had a different experience in Oban from Councillor Kinniburgh. He said that many taxis were not always there day and night. He said that granting another taxi plate in Oban would be good for the economy and good for competition and consumer choice. He advised that he was minded to approve this application.

Councillor Currie referred to the survey being carried out over 3 days in a year. He said that he would rather rely and put more weight on personal experience. He advised that if the Applicant said its busy then he had no reason to doubt that. He said that if adverts in the local paper were asking for owner/drivers then that was powerful evidence that there was a need. He advised that he also had many experiences of waiting for long periods of time, sometimes over an hour in the pouring rain. He said that he felt there was an opportunity here and that he would be minded to grant the application.

Councillor Moffat said that she would be surprised if Mr MacGillivray was putting £276 towards applying for his licence, not to mention all the other costs to ensure his car was fit for purpose without the work to support it. She confirmed that she had no hesitation in granting Mr MacGillivray a licence for his taxi car.

Councillor Kinniburgh advised that he took a different view from what had been said. He said that these taxi surveys were carried out to enable the Committee to take an informed decision. He commented that he had been in Oban recently and had passed comment to his colleague on the number of taxis at the rank when they arrived by train. He advised that was his experience any time he was in Oban. He pointed out that Members would recall that for a number of years now the validity of the Halcrow report was questioned and that it was for this reason a new survey was carried out which had concluded the same as the Halcrow report that there was no unmet demand for taxis. He advised that he had not heard anything from Mr MacGillivray that made him presume anything other than that. He commented that he knew Mr MacGillivray had a taxi driver licence and that if the company had work they would give it to him. He advised that a letter of support from the firm would have been helpful.

DECISION

The Committee agreed to grant a Taxi Operator Licence to Mr MacGillivray.

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

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