

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**  
**held in the HOLYROOD SUITE, QUEEN'S HALL, DUNOON**  
**on WEDNESDAY, 20 OCTOBER 2010**

**Present:** Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor James McQueen
Councillor Alister MacAlister	

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme Forrester, Trainee Solicitor  
Mr Hunter, Applicant  
Mr Duff, Objector

**Apologies:** Councillor Vivien Dance                      Councillor Neil Mackay  
Councillor Mary-Jean Devon                      Councillor Al Reay

**1. DECLARATIONS OF INTEREST**

Councillor MacAlister declared a financial interest in relation to item 2 of these minutes on the basis that he is the holder of a taxi car licence. He left the room during discussion of the item and accordingly took no part in the decision making.

**2. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR A TAXI CAR LICENCE: J HUNTER, OBAN**

The Chairman introduced himself and asked his fellow colleagues to do likewise. He outlined the procedure that would be followed at the meeting and asked the applicant, Mr Hunter, to present his case to the Committee.

Mr Hunter advised he had applied for a Taxi Car Licence in order to make a living. He advised that despite the survey, he considered there was an unmet demand for taxis during week nights when there were only 5/6 cars out due to the fact that many of the licence holders had full time jobs. He often received complaints from the public about the lack of taxis, particularly when the bus and train arrived in. On this basis he considered that there was a place for him on the rank. He advised the Committee that there had been two taxi plates handed in and commented that the public did not get a good service.

The Chairman asked Mr Duff who had objected to the grant of the licence, whether he had any questions for Mr Hunter following his submission. Mr Duff questioned Mr Hunter where his proof was about a lack of taxis during week nights. He commented that he often worked nights from 3am to 6am. Mr Hunter replied that he was out until 2/3am and that he never seen Mr Duff despite his car being quite distinctive.

Mr Duff then set out the grounds for his objection advising that he had nothing against the applicant and that his objection related to their being no significant unmet demand. He found it hard to believe that there was any night shift demand on the basis that his firm supplied 4 cars per night and another firm were putting out 2 if not 3 per night. He also referred to the lack of space during the day on the taxi rank. Stating that the rank has 13 spaces and there was 25/26 each day trying to get onto the rank.

Mr Hunter referred to an advert in the local paper for a car and driver and questioned if there was no demand why this advert had been placed. Mr Duff advised that his submission was on the basis of the survey findings and that he couldn't comment on this as he was not the person who placed the advert.

The Chairman then invited questions from Members of the Committee.

Councillor MacMillan asked how many taxi car licences Mr Duff had. Mr Duff advised that he had one.

Councillor Marshall asked how many taxi car licences there were in Oban. Mr Hunter was unsure about this but thought there would be in the region of 40. Councillor Marshall then asked Mr Duff if this number was deemed to be suitable to deal with the amount of business. Mr Duff advised that the survey indicated that it was and that there had also been further licences granted since the survey had been carried out.

Councillor Marshall asked how the licences that had been handed in had affected business. Mr Duff advised that there had been licences handed back to the Council but that these had been issued again.

Councillor McCuish referred to a petition previously presented to the Committee and asked if the feeling was still there. Mr Duff advised that the majority of owners felt there were sufficient taxis to cope with demand. Councillor McCuish then asked Mr Hunter if he had signed the petition at the time. Mr Hunter stated that he had not signed this petition and was unaware of it.

Councillor McCuish asked Mr Hunter if he had ever approached any of the licence holders who handed back their plates to attempt to buy into their business. Mr Hunter confirmed he had not and commented that he had previously held a taxi car licence that he had failed to renew due to personal circumstances.

Councillor Currie commented that he felt there were a lot of taxis through the day but very few at night. He asked Mr Hunter to comment on this. Mr Hunter confirmed this was the case and it was lucky if there were more than 6 taxis available on weeknights.

Councillor Colville queried whether the findings of a survey from 2003 were still relevant. Mr Duff advised that in his opinion the survey was certainly relevant and that around 6 licences had been granted since then.

Councillor Colville asked Mr Hunter if he had been using his taxi car licence up to one year ago. Mr Hunter advised that he had ceased using his licence 6 months before it had expired and confirmed in a follow up question that he had

operated a taxi for two and a half years.

Councillor Kinniburgh asked Mr Duff whether he agreed with Mr Hunter that there were few taxis available during weeknights. Mr Duff refuted this stating that his company alone put out around 3 and sometimes 4 taxis. Mr Duff accepted that there could be demand when the bus or train arrived from Glasgow but that that people having to wait was not a frequent occurrence.

Councillor McCuish asked Mr Hunter whether he drove a taxi at the moment. Mr Hunter confirmed that he did. Councillor McCuish asked if he considered there was adequate space at the taxi rank for cars. Mr Hunter confirmed that at the weekend there was but accepted that there was not adequate space most days having agreed taxis often parked at the bus stop.

The Chairman then invited parties to sum up.

Mr Duff advised that he had covered everything and that he hoped the Committee would follow the findings of the survey and take account of the health and safety implications for the overcrowded taxi rank.

Mr Hunter advised that he considered there was a need for more taxis on the rank and that if he got his own licence it would take another car off the rank.

Both parties confirmed they had received a fair hearing and the Committee moved on to debate the application.

Councillor Marshall stated that it would have been helpful to know the number of taxis licensed at the moment. Mr Reppke advised that if he wanted this information it was open to the Committee to continue the application.

Councillor Currie referred to Mr Hunter's comment about there being no extra vehicle. Mr Reppke advised that there was no indication that the plate was being surrendered and could therefore be used by another driver.

Councillor McNaughton felt that there could be demand and that the survey was too old to be considered.

Councillor McCuish personally considered there was no unmet demand and that there were occasions where people had to wait for a taxi. He had particular concerns about the state of the taxi rank.

The Chairman commented that he had observed plenty of taxis in Oban.

Councillor Currie advised that he considered there was a problem with unmet demand during week nights. He stated that the Committee should support someone trying to get on. In response the Chairman stated that if the demand was there then the taxis would be out at night to address this. Councillor Currie replied to this stating that it was for operators to decide when to send out their cars and that it was important to note that a number of licence holders had full time jobs through the week.

**Motion**

That the application be refused on the basis of there being no significant unmet demand.

Moved by Councillor Kelly, seconded by Councillor McQueen

**Amendment**

That the application be granted for a three year period.

Moved by Councillor Currie, seconded by Councillor McNaughton

**Decision**

The motion was carried by 6 votes to 2 and the Committee resolved accordingly.

(Ref: Report by Head of Governance and Law dated 20 October 2010, submitted)