

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 21 SEPTEMBER 2011**

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

Councillor Robin Currie  
Councillor Vivien Dance

Councillor Mary-Jean Devon  
Councillor James McQueen

**Attending:** Charles Reppke, Head of Governance and Law  
Sheila MacFadyen, Senior Solicitor  
Mr Forrest, Applicant (arrived late to Hearing)  
Mr MacIntyre, Objector  
Mr Darroch, Objector  
Mr Tucker, Objector  
Mr Morrison, Objector  
Mr Gemmell, Objector  
Mr Gemmell, Objector  
Ms S Galt, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Gordon Chalmers, Rory Colville, David Kinniburgh, Bruce Marshall, Neil Mackay, Donald MacMillan, Alister MacAlister, Roderick McCuish, Alex McNaughton and Al Reay.

**2. DECLARATIONS OF INTEREST**

None declared.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR TAXI LICENCE - A FORREST (DUNOON)**

The Chair introduced himself and invited those present at the meeting to do likewise and then outlined the procedure that would be followed.

Mr Reppke advised that a late letter of objection had been received from Mr James Anderson. He explained that Mr Anderson had originally sent the letter in on time but without his home address which is a requirement of the Civic Government (Scotland) Act 1982. The letter was returned to Mr Anderson and he re-submitted this outwith the timescales. He advised that if the Committee wished to take Mr Anderson's objection into consideration they should continue consideration of this application for a least 14 days to allow the Applicant to make comments on the objection. The Chair ruled, and the Committee agreed, that they would not consider Mr Anderson's correspondence.

As the applicant was not present the Chair invited the Objectors to state their case.

**Objectors**

Mr MacIntyre advised that he had sent in his objection on behalf of the Dunoon Taxi Driver Association and made reference to various points within his letter of objection. He stated that his objection was mainly due to his belief that there was currently over provision in the Dunoon area and a lack of trade. He referred to the survey carried out by Argyll and Bute Council in 2003 on the Demand for Taxis in Argyll and Bute and stated that nothing had changed since then.

Mr Gemmell advised that trade was much worse since 2003 and this was not helped by the current financial climate.

Mr Darroch advised that taxi drivers were having to do longer hours to make a decent income.

### **Members Questions**

Councillor Devon asked if there were any periods of unmet demand for taxis in Dunoon. Mr MacIntyre advised there was no unmet demand. He referred to the previous afternoon when he and Mr Darroch had sat at the taxi rank outside Morrisons for over an hour without having to move and that 2 drivers that worked for the Applicant were also there at this time. He referred to weekends being very difficult and drivers having to work very long hours. He advised that in the last two weeks he has been available for hire for approximately 84 hours each week and only worked 10 hours in the first week and 10.5 hours in the second week. Mr Darroch advised that there was also no unmet demand for taxis with wheel chair access.

Councillor Devon asked how working 84 hour weeks compared with 2 years ago. Mr MacIntyre advised that drivers were having to work more hours for less money.

Councillor Dance referred to there being no take up of taxi driver vacancies. Mr MacIntyre advised that Thistle Taxis had received no take up or enquiries in respect of the last 3 adverts they had placed in the Dunoon Observer.

Councillor McQueen asked Mr MacIntyre if he had a family would he be able to survive financially. Mr MacIntyre advised that if he had a wife or partner they would need to be in full time employment.

Councillor McQueen asked Mr Gemmell how long he had been in the taxi business and if his business was doing well. Mr Gemmell advised that he had been in the taxi business for 50 years. He advised that it would be hard on existing drivers if there were more taxi licences approved. He stated that you couldn't get drivers as there was no money in the taxi trade. He advised that a driver needed 4 or 5 jobs per day to make it worthwhile. He also made reference to the fare increase and the VAT increase.

Councillor Currie asked if the Applicant already operated taxis in Dunoon and the Objectors advised that he did.

Councillor Currie asked the Objectors if they knew why the Applicant was applying for more licences. Mr Gemmell advised that he could only assume this was maybe to try and steal his drivers as 2 of his drivers had already moved to

work for the Applicant.

### **Summing Up**

Mr MacIntyre advised that trade was poor and the Applicant already had 2 taxi licences. He stated that the country was still in the grip of a recession and there would be more job losses to come. He advised that the summer trade was very poor this year and business was quieter than normal. He advised that Cowal Games was very quiet this year. He also referred to the cost of living being high stating that diesel was 20p per litre higher than the previous year and that VAT had gone up to 20%. He also referred to car insurance premiums going up which added to further hardship. He advised that he felt the 20p increase on the flag fall had led to a drop in demand. He stated that it took from mid December last year to May this year to cover 10,000 miles and that was working 7 days per week. He referred again to no responses being received to 3 adverts for taxi drivers. He advised that they were also losing business to Interlock Transport Services and the Red Cross. He also referred to a complaint he had made about the taxi survey not being re done and that he had received a response from the Chief Executive advising that there was no requirement to carry out another survey as the Planning, Protective Services and Licensing Committee considered all taxi applications and that they would take into account the findings of the survey.

Mr Darroch and Mr Gemmell confirmed that Mr MacIntyre had covered everything they would wish to say.

Mr Reppke advised the Committee that the Applicant had arrived late to the meeting and, as the Applicant had not had the opportunity of presenting his case and as the Applicant was the same for both cases, he recommended to Members that they adjourn this meeting and convene the next meeting at 2.30 pm when the Applicant would have the opportunity of presenting his case and that a decision on the application before them at the 2.00 pm meeting could be determined after a decision is made on the application to be considered at the 2.30 pm meeting.

The Chair ruled, and the Committee agreed to adjourn the meeting at 2.25 pm.

The Committee reconvened at the conclusion of the 2.30 pm PPSL Committee meeting on Wednesday 21 September 2011.

### **Debate**

Councillor Kelly advised that having heard from both the Applicant and the Objectors he did not consider there to be an unmet demand for Taxis in Dunoon.

### **Decision**

It was unanimously agreed to refuse Mr Forrest's request for a taxi licence on the basis that the Committee did not consider there to be any evidence of an unmet demand for taxis in Dunoon.

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