

**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
Mr MacIntyre, Objector
Mr Darroch, Objector
Mr Gemmell, Objector
Mr Tucker, Objector
Mr Morrison, 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 Licensing Act. 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.

Applicant

The Chair invited the Applicant to speak in support of his Application.

Mr Forrest apologised for arriving late to the previous meeting and explained his

reason for this. He advised that he was having to apply for 2 more taxi licences as his business was getting busier and he had been approached by more drivers interested in working for him. At the moment he had 5 drivers, which included himself and his wife, and only 2 cars. At the very least he advised that he would need 1 more car. He advised that he was trying to provide a better service for his customers and that he has never had to advertise his business it has all been through word of mouth. He advised that his drivers seemed happy and they always had plenty of work. He had never experienced his drivers complaining that they were not earning enough money. He advised that he would like to provide a variety of cars and ideally have a 6 seater car also which was the subject of the application discussed at the 2.00 pm meeting today. He referred to the Objectors' comments in their letters of representation regarding there being too many taxi licence holders in Dunoon. He advised that he had contacted Argyll and Bute Council and had been advised that there were currently 44 taxi licences for the Cowal and Bute area. He advised that there can not be 44 taxi cars in Dunoon at anytime in a single day and that a lot of these would be part time drivers. He also referred to there being 22 taxi rank spaces in Dunoon and that this was enough for all the cars. He advised that on a Thursday, Saturday, Sunday and Tuesday he had travelled round Dunoon at different times of the day on each of those days and there was always spaces at the taxi ranks. He advised that there was very rarely taxis sitting at the ferry terminal. He advised that he had not influenced drivers coming from other companies to work for him. He referred to the The Demand for Taxis in Argyll and Bute survey carried out by the Fraser of Allander Institute for Argyll and Bute Council and said that this was now too long in the tooth to be relevant. He advised that a lot of the survey results had come from posted or phone surveys and felt that it would have made more sense to ask the people who use the taxis, for example, by handing out survey forms at the taxi ranks. He referred to the Taxi Driver Association and advised that after being in the business for 3 years he was not aware of this company. He advised that he did not agree with Mr MacIntyre's comment in his letter of objection that the increase in fares of 20p and been a problem for business. It was his experience that people just accepted an increase in prices and that the 20p increase was a maximum charge which did not need to be implemented in full. He also advised that on the previous Sunday one of his drivers had earned £240.

Questions to Applicant

The Chair invited the Objectors to ask the Applicant questions.

Mr Gemmell asked what percentage of work Mr Forrest got off the street. Mr Forrest advised that it was quite high and that he didn't advertise.

Objectors

The Chair invited the Objectors to speak in support of their objections.

Mr Darroch advised that he thought the survey carried out in 2003 was still relevant and so the results of this still stand and asked that the Council cap the number of operator licences for 2 years then review this and referred to what has been done by Perth and Kinross Council. He referred to the number of cars which sat at the taxi ranks and confirmed that very few sat at the cenotaph. He advised that it was difficult for individual taxis and small businesses at Morrisons

as Morrisons refused to open the side door of their building next to the taxi rank. He confirmed that the previous day he had sat for an hour with other taxi drivers outside Morrisons and that no one had moved in that time. He advised that he was one of 3 drivers that visited the ferry terminal regularly and that discussions had been held with Roads regarding getting a proper taxi rank painted out there. He advised that since Argyll Ferries took over he had seen a 50% drop in business as buses were timetabled to pick up passengers. He referred again to the empty taxi rank spaces and advised that the spaces that were empty were where people were not looking for taxis.

Mr Gemmell advised that most of the work was through people phoning and that was why cars were not at the taxi ranks.

Questions to Objectors

The Chair invited Mr Forrest to ask the Objectors questions.

Mr Forrest asked Mr Darroch if he had a booking office and licensed premises. Mr Darroch advised that he did not and that he worked with individual operators.

Mr Forrest asked Mr Darroch if he advertised his mobile number and if so, this would suggest that he answered the phone while driving. Mr Darroch advised that he used blue tooth to take calls.

Members Questions

The Chair then gave Members of the Committee the opportunity to question the Applicant and Objectors.

Councillor Devon asked Mr Forrest if he believed there was unmet demand in Dunoon. Mr Forrest advised that yes there was and that his whole business was generated by unmet demand. He advised that he did not advertise and that demand was great when there were fewer drivers working.

Councillor Devon referred to the £240 made by his driver, and asked Mr Forrest if this was more than normal. Mr Forrest advised that the driver had a lucky night as there were fewer drivers working and that this was the high end of an average day. He advised that the average was just over £100, but could be higher if some other cars were not out.

Councillor Devon asked Mr Forrest to clarify how many licences he held and how many hours he worked. Mr Forrest advised that he did not work and that he had 2 licences and the average number of hours his drivers worked was 11 or 12 hours per day.

Councillor Devon asked the Objectors if they thought £240 was an exceptional amount to earn in one day and they replied that it was.

Councillor Devon asked Mr Forrest to expand on his statement that he did not work. Mr Forrest advised that he did not drive taxis in Argyll at the moment and that he ran a taxi business in Bishopbriggs and travelled there Monday to Friday and that he worked in the Office. He advised that he was hoping to move his business to Dunoon so that he didn't have to travel long distances to work.

Councillor Currie asked Mr Forrest to clarify how many licences he held. Mr Forrest advised that he held 2 licences in Argyll and Bute and 2 licences in East Dunbartonshire.

Councillor McQueen asked Mr Forrest how many drivers he had. Mr Forrest advised that he had 2 part time drivers and 1 full time driver plus his wife and himself.

Councillor McQueen asked if Mr Forrest made a good living and Mr Forrest advised that he did.

Councillor McQueen asked the Objectors if they made a good living. Mr MacIntyre advised that he made a living but it was not good. Mr Darroch advised that he got by.

Summing Up

The Chair then invited the Objectors and Applicant to sum up.

Mr Darroch advised that there was no unmet demand and that this was stated clearly in the 2003 survey and still stood. He advised that £240 on a Sunday was exceptional that maybe on a Cowal Games Sunday you would receive this but on a regular weekday it was very unlikely. He referred to Morrisons not opening their side door and not being busy at the ferry terminal and that he could not see a justification for having more licences.

Mr MacIntyre advised that Argyll and Bute Council had taken half the taxi ranks away and replaced them with drop off points at the Argyll Ferries terminal and that a request had been made to place the taxi ranks nearer to the ferry and that this had been agreed by Bute and Cowal Area Committee and that they were waiting for the taxi ranks to be painted out. He advised that he would like to see another survey carried out and referred to the response to his complaint 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. He referred to meetings of the Taxi Driver Association and confirmed that Mr Forrest was more than welcome to attend these and that notes advising of these meetings were handed out to Mr Forrest's drivers. He confirmed that he used blue tooth to take calls.

Mr Gemmell referred to hours worked on a Sunday.

Mr Darroch advised that he had met with the Police before Cowal Games to set up a system to deal with visitors and that Mr Forrest's drivers had been given copies of the arrangements.

Mr Forrest advised that he would be happy to join the Taxi Driver Association. He advised that he was more than a bit surprised at the objections that had been raised about taking on more licences. He advised that he was unaware there was a problem for other drivers and he only knew what his experiences were. He advised that he regularly had to get up in the middle of the night when people couldn't get a taxi. He advised that he was getting busier and needed another

car to expand business to meet the unmet demand of his customers.

The Chair invited the Applicant and Objectors to confirm that they had received a fair hearing. Both confirmed that this had been the case.

Debate

Councillor Devon advised that from what she had heard today she could not agree to adding another licence as there was no unmet demand.

Councillor Kelly advised that he agreed with Councillor Devon's comments.

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)