

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 21 NOVEMBER 2012**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Robin Currie	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
Councillor Alistair MacDougall	Councillor Richard Trail
Councillor Robert G MacIntyre	

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme Forrester, Solicitor  
Patricia O'Neill, Central Governance Manager  
Donald Simpson, Applicant  
David Morrison, Objector  
George Darroch, Objector  
Norma Birtles, Objector  
Susan Gauld, On behalf of William Tucker, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Mary Jean Devon and George Freeman.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR'S LICENCE (T SIMPSON, TIGNABRUAICH)**

The Chair invited the Committee and all parties present to introduce themselves.

Mr Reppke advised that 2 late objections had been received and that the applicant had received prior notification of these. He advised that the Committee should hear from the objection as to why these objections had been late.

Susan Gauld advised that Mr Tucker believed that he had sent his objection in on time, that it had been faxed from the Council's Hill Street Office and also sent in the mail. Mr Forrester advised that he had a date stamped copy in front of him which had been received in the mail and had been received later than the deadline. He advised that he was not aware of a faxed copy. Mr Reppke asked Mr Forrester to check with the Licensing office regarding the faxed copy.

Norma Birtles advised that she had also been under the impression that her objection had been submitted on time, she advised that she had posted the letter on 16 August 2012 but had not been sure of the exact deadline for submission. Mr Reppke explained that there had been some confusion over Mrs Birtles objection; he explained that the objection had been received on time but that it had contained no signature on one page and no name and address on the other page. He advised that these details were required in terms of the regulations

and by the time these details had been added, the deadline for submissions had passed. Councillor Kinniburgh enquired as to when the deadline had been and was told by Mr Reppke that it was 3 September 2012. Mrs Birtles confirmed that when she sent the objection in only one page had been received, the page that had not contained the name and address, the second page, that had contained her address had not been received and she had not been told on the telephone when she was asked to add the name and address to the submission to make it valid that the deadline had passed. She advised that it had been a misunderstanding.

After receiving confirmation from Mr Forrester, Mr Reppke advised the Committee that a fax had been received with Mr Tucker's objection on 4 September 2012. He advised that the deadline had been 3 September 2012 and therefore the objection had been late.

Mr Simpson was invited to speak. He advised that in his view these were not reasonable excuses for late submissions as both objectors had been taxi operators for a long time and were well aware of the procedures. He asked the Committee to reject the late objections.

After debate the Committee agreed not to take into consideration the late objections.

Mr Simpson was invited to speak in support of his application.

Mr Simpson advised that his application had been based on safety. He advised that private hire cars do not have signs and it is not clear to customers if the cars are in fact taxis. He advised that there had been two public hire operators in the Tighnabruich area which now ceased to operate and advised that Mrs Birtles operated from Innellan and worked in Dunoon. He advised that if he was awarded a public hire licence then this would replace one of two vacancies in the Tighnabruich area and there would still be an opportunity for one more public hire. Mr Simpson advised again that his application was from a safety aspect, that he would be paying £400 for the sign for the roof of his taxi and that he would not be using the fact that he would be public hire to stop in the street and pick up customers; he would continue to operate as he had been as a private hire, taking jobs by telephone. Mr Simpson advised that his main business came from Portavadie Marina and mainly from staff. He advised that he spent a lot of time outside the marina waiting on people to come out because they do not recognise that the car is a taxi. He added that most of the time he would need to go inside the establishment to let customers know that he was there. He advised that a sign would make this clearer to customers. Mr Simpson highlighted that he had no intention to work in Dunoon from the taxi rank, that he would continue to work from Tighnabruich area and no where else. He advised that there was a need for taxis in the Tighnabruich area as folk should be able to choose when they travel and not have to wait around on bus services. He advised that his local knowledge was a great advantage as he could take visitors to places they wished to visit and did not know how to get to. He added that operators from Dunoon did not have this advantage. Mr Simpson told the Committee about two bus hire services available in the area and that sometimes folk preferred a personal approach a taxi gave to them. He added that no objections had been received from either bus service. Mr Simpson concluded by saying that the main reason for his application was for safety and highlighted that

usually folk would not approach a car if they weren't completely sure that it was a taxi, that it was not obvious to customers if the taxi did not have a sign on it. He asked that the Committee grant his application.

Mr Darroch was given the opportunity to ask Mr Simpson any questions relevant to his statement. Mr Darroch advised that he had no questions. Mr Darroch was invited to speak to his objection.

Mr Darroch advised that the basis of the objection from the taxi drivers association was related to a review of taxi operators which had shown there was no demand in the Dunoon area for additional public hire taxi operators. He advised that it was hard to make a living from a taxi business working only standard hours and from the recent increase in fuel prices. Mr Darroch referred to the comment made by Mr Simpson about having to knock on customers doors to let them know that he was there; he advised that he ran a public hire taxi and did this regardless and therefore the argument made by Mr Simpson regarding safety had been weak. Mr Darroch advised the Committee that in Glasgow private hire taxi companies will phone customers and tell them the make, colour and registration of the car when the booking is made so that they know what car to expect. Mr Darroch advised that there was already a public hire operator in the Tighnabruaich area, that there was no need for another and that there was no taxi rank. Mr Darroch told the Committee that Mr Simpson seemed to be very busy and had enough business as a private operator. He asked the Committee to refuse the application.

Mr Simpson was given the opportunity to ask Mr Darroch questions regarding his statement. Mr Darroch advised he had no questions.

Councillor Kinniburgh highlighted the facts that Mr Simpson was currently operating as a private hire and that there was no taxi rank in Tighnabruaich; and asked Mr Simpson if he intended operating from the Dunoon taxi rank. Mr Simpson confirmed that he would not be using the rank and that he would continue to operate from the house as he always had; the only change would be the sign on the car.

Councillor Robert Graham MacIntyre asked what the cash difference was between an application for a public hire licence and a private hire licence was to which he was told by Mr Reppke that there was very little.

Councillor Hall asked Mr Darroch if overprovision was the main basis on his argument based on the fact that at the moment Mr Simpson could not currently enter the tax rank in Dunoon and pick up passengers whereas if he obtained a public hire operators licence he would be able to do this. Mr Darroch confirmed that it was.

Councillor Taylor asked Mr Simpson if he obtained a public hire operators licence would he pick people up in the street to which he replied that he would due to the safety aspect but he would not enter the taxi rank.

The Chair invited Mr Darroch to sum up.

Mr Darroch summed up by saying that Mr Simpson had a healthy business at the moment and that he believed that the safety argument was a red herring. He

again made reference to private taxi operators in Glasgow and how they notify customers of the car that will pick them up or knock on the customers' door when they arrive. He advised that this was the way he operated himself in Dunoon and that upgrading customer service levels would ensure that there was no safety issue.

The Chair invited Mr Simpson to sum up.

Mr Simpson summed up by saying that the cost of fuel has risen for everyone. He said that when a taxi had a sign on top of it 99% of people would come out of premises when they seen it. He advised the private hire was different; it was not obvious to customers that the car was a taxi. He advised that the only objection had been from operators in Dunoon and not in the Tighnabruaich area. He added that his application would replace one of two vacancies for operators in the Tighnabruaich area.

The Chair asked both parties if they considered that they had received a fair hearing to which they both confirmed that they had. The Chair invited the Committee to debate the application.

Councillor Currie advised that he had been in favour of granting the application for a private hire against the objections made by operators when it had come before the Committee in June or July. He advised that he could not understand Mr Simpsons reasons for the change from private to public hire as when he had used private hires in the past he had always been told by text or on the phone what car to expect. He advised that he would not recommend approval of the application.

Councillor Trail advised that he did not find the safety argument convincing and that there may be a secondary reason for the application; and therefore he would not support the application.

Councillor Kinniburgh said that he agreed with his colleagues and that he could not get his head around why Mr Simpson wanted to change from a private hire to a public hire and that he had found his reasoning weak. He added that he thought there was secondary reasoning for the application and that he did not support the application.

Councillor McNaughton advised that Mr Simpsons reasoning was not the best but that there was space for a public hire in Tighnabruaich and public hire was needed for functions.

Councillor McQueen advised that he did not support the application.

## **Decision**

The Committee agreed to refuse Mr Simpson's application for a taxi operators licence and noted that notification of this would be issued to Mr Simpson within 7 days.

(Ref: Report by Head of Governance and Law dated November 2012, submitted)