

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 20 FEBRUARY 2013**

Present: Councillor Sandy Taylor (Chair)

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

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Jane MacLeod, Applicant's Representative
Inspector Watson, Strathclyde Police
Ms Heather Murray, Strathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Blair, Rory Colville, Robin Currie, Mary-Jean Devon, George Freeman and Fred Hall.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR'S LICENCE (D LAIRD, KINGARTH, ISLE OF BUTE)

The Chair welcomed everyone to the meeting and introductions were made. Thereafter he outlined the procedure that would be followed and invited the Applicant's representative to speak in support of the Application.

Applicant

Mrs MacLeod apologised for Mr Laird's absence at this hearing and explained the reason for this. She advised that Mr Laird was born in Dunoon in 1963 and moved to Bonnybridge during his school years. She advised that he moved to Rothesay in 1984 where he worked as mechanic in a garage owned by an ex Provost of Argyll and Bute District Council. She advised that he worked as a mechanic during the week and in the evenings and at weekends worked as a taxi driver for the garage. She advised that Mr Laird settled down and married in Rothesay and had three children who have since left school. She advised that Mr Laird moved to Inverness when his marriage broke down and that he returned to Rothesay in 2008 and was able to get his job back with the garage. She advised that he returned to this job just before Christmas and on a work night out he foolishly had a drink and then drove his car resulting in him being banned from driving for 18 months and losing his job with the garage. She advised that Mr Laird received two endorsements on his licence and not three as stated by the Police. Mrs MacLeod advised that Mr Laird had no previous convictions and has had none since this incident over 4 years ago and that he

was a law abiding citizen. She advised that he has been self employed since then doing car repairs and cutting grass and had the lease for the putting green. She advised that Mr Laird was anxious to return to taxi driving and that he was well known and well respected in Rothesay and referred to 30 letters of support for this taxi application. She advised that she was aware of a taxi petition against this operator's licence which has come from other taxi operators on Bute which was understandable as no one wants competition. She advised that all of the letters of support were from all over Bute which suggested there were not enough operators or drivers at the moment on the island. She advised that in terms of provision across Argyll and Bute the Oban area was best served with 177 people per taxi and that Mid Argyll was at the bottom with 500 people per taxi. She advised that Bute was somewhere in the middle with 344 people per taxi which suggested there was neither an under or over provision of taxis on Bute. She advised that the provision of a taxi service on an island like Bute, Mull or Tiree was even more important as quite often visitors to the islands arrive on foot and make use of local taxi services and that it was essential that services were available to promote the economic and tourist activity in an area. She advised that Mount Stuart on Bute was one of the best tourist attractions in Scotland. She advised that it was important to have a good and efficient transport service which included a good and efficient taxi service. She advised that Mr Laird had hopefully proved he is suitable to hold an operator's licence and taxi driver's licence and that he is very sorry for this one incident which he deeply regrets. She advised that for 4 years he has been conviction free and now wished to move on with his life and start up a new business at a time when this was a difficult thing to do. She commended the Committee to grant Mr Laird his Taxi Operator's Licence.

As Inspector Watson had no questions the Chair invited him to speak in support of the Police objection.

Police

Inspector Watson advised that he and Ms Murray were representing the Area Inspector for Rothesay and that they were not recommending that this application be endorsed for a number of reasons. He advised that as a public service the Police demand a high standard of integrity from a taxi driver and that there were two issues that required to be addressed. The first was in relation to endorsements. He advised that the Applicant had only listed two endorsements on his application form and that he was in fact charged with three separate offences, one for drink driving, one for careless driving and one for failing to stop and report a road accident. The second issue was that the Applicant had still to apply for insurance which the Applicant will find will be high as a result of the drink driving offence. Inspector Watson advised that for the reasons stated above the Police were not recommending that the Applicant be granted a Taxi Operator's Licence.

As Mrs MacLeod had no questions the Chair invited questions from Members.

Members' Questions

Councillor Kinniburgh referred to three judgements being handed out at the Sheriff Court but the Applicant's Agent advising there were only two and sought clarification on this.

Mrs MacLeod advised that she did not think it was Mr Laird's intention to deceive and that this was down to a lay person filling out the application form.

Inspector Watson confirmed that there were three endorsements and that he was not sure why only two were on the Applicant's driving licence.

Councillor McNaughton sought clarification on where Mr Laird would be operating his business and Mrs MacLeod advised that it was his intention to operate throughout Bute.

The Chair reminded Members of the need to consider the issue of over provision and that there had been no evidence presented to show that there was unmet demand.

The Chair invited Inspector Watson and Mrs MacLeod to sum up.

Summing Up

Police

Inspector Watson advised that the Police were not recommending that this application be granted.

Applicant

Mrs MacLeod advised that Mr Laird deeply regretted what had happened and that he has made sure he has not been in trouble since or before then. She advised that he was a hard working man who wanted to provide a service on Bute and that he sees a gap in the market. She advised that he has learnt his lesson and asked Members to give him a chance to set up his business and serve the local community.

The Chair asked Mrs MacLeod and Inspector Watson to confirm they had received a fair hearing and they both confirmed this to be the case.

Discussion

Councillor Trail advised that this was quite a difficult hearing. He stated that Mrs MacLeod had given a very good character reference for the Applicant who had made a mistake. Against that there was the Police recommending that he was not a fit and proper person to hold a Taxi Operator's Licence and that he had to give a fair bit of weight to that and therefore he was really reluctant to agree to give Mr Laird a licence.

Councillor Kinniburgh advised that he was like minded to his colleague. He advised that the Police have given a statement that Mr Laird is not a fit and proper person to hold a Taxi Operator's Licence and that he was of that opinion too. He advised that he found it hard to believe that Mr Laird had forgotten to include the third endorsement on his application form and that he felt he was trying to hide this information from the Members.

Councillor McNaughton advised that he was prepared to accept Mrs MacLeod's

reasoning and that Mr Laird had accepted that he should not have driven the car. If Mr Laird now wished to make something of his life he was minded to give him a chance and asked if it would be possible to grant a licence for a shorter period.

The Head of Governance and Law confirmed that if the Committee wished they could grant a licence for a shorter period than the normal period.

Councillor MacDougall advised that he supported what Councillor McNaughton was saying.

Councillor MacMillan advised that he had sympathy for the people who wished to give Mr Laird a chance.

Motion

That Mr Laird was a fit and proper person and to grant him a Taxi Operator's Licence for a period of 12 months.

Moved by Councillor Alex McNaughton, seconded by Councillor Donald MacMillan

Amendment

That Mr Laird was not a fit and proper person to hold a Taxi Operator's Licence and that even if the survey about to be carried out establishes that there was an unmet demand for taxis on Bute Mr Laird would still not be a fit and proper person to hold a Taxi Operator's Licence and that his application should be refused.

Moved by Councillor David Kinniburgh, seconded by Councillor Richard Trail

The Motion was carried by 5 votes to 3 and the Committee resolved accordingly.

Decision

To grant Mr Laird a Taxi Operator's Licence for a period of 12 months.

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