

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY MICROSOFT TEAMS on WEDNESDAY, 18 SEPTEMBER 2024**

**Present:** Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Graham Hardie
Councillor Gordon Blair	Councillor Fiona Howard
Councillor Jan Brown	Councillor Andrew Kain

**Attending:** Stuart McLean, Committee Manager  
Fiona Macdonald, Solicitor  
Heather Shephard, Applicant  
Sergeant Ben Rushden, Police Scotland

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Audrey Forrest, Amanda Hampsey, Daniel Hampsey, Mark Irvine, Paul Kennedy, Liz McCabe, Dougie Philand and Peter Wallace.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR RENEWAL OF A TAXI DRIVERS LICENCE (H SHEPHARD, TAYNUILT)**

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant opted to proceed by way of video call and Ms Shephard joined the meeting by MS Teams.

Police Scotland opted to proceed by way of audio call and Sergeant Ben Rushden joined the meeting by telephone.

The Chair outlined the procedure that would be followed and invited the Applicant to speak in support of her application.

**APPLICANT**

Ms Shephard advised that she has been a taxi driver for nearly 10 years. She first worked for Tower Taxis and then Mid Argyll Taxis. She confirmed that she now worked for herself as it allowed her to be more flexible. She apologised for the incident that had taken place. She said that she relied on her taxi job as her source of income to provide for herself and her family. She said that she had never had any incidents, nor even small bumps, apart from this incident. She added that she had never had any incidents when working. She advised that this had happened out with her working hours and was not in the car that she uses as a taxi and was unrelated to work in any way. She confirmed that she appreciated the seriousness of the incident and the need for this hearing. She apologised for not notifying the Council earlier of the incident. She said she was in complete turmoil about

the whole thing and that she had not intended to hide anything and that she was sorry for that.

## **QUESTIONS FROM POLICE SCOTLAND**

Sergeant Rushden confirmed that he had no questions.

## **POLICE SCOTLAND**

Sergeant Rushden referred to a letter of representation dated 30 May 2024 from the Divisional Commander which advised that the Applicant had been convicted of a road traffic offence on 9 October 2023. She received a fine, a victim surcharge and had her licence endorsed as a result of an incident which had taken place on 15 May 2022.

## **QUESTIONS FROM APPLICANT**

Ms Shephard confirmed that she had no questions.

## **MEMBERS' QUESTIONS**

Councillor Brown sought and received confirmation from Ms Shephard that she had been driving for about 7 years prior to being a taxi driver.

Councillor Brown asked Ms Shephard if she could explain what happened at the time of the incident. Ms Shephard advised that she was coming along the road and felt the back wheels skid. She said that she had never been in a skid before and did not know what to do. She advised that she tried to control the car which went onto the road verge. She managed to bring the car back onto the road but it started to skid again and she lost control of the car and it spun round.

Councillor Brown asked Ms Shephard if she had thought about undertaking any additional training courses on how to react when a car went into a skid. Ms Shephard confirmed that she had phoned the local driving instructor but they had been unable to assist. She said she tried to get in touch with Driving Skills Scotland but had not received a reply. She confirmed that if there was something available like that she would like to do this.

Councillor Hardie sought and received confirmation from the Applicant that she had been driving at about 55 mph when the incident occurred. She said she did not think it was about speed and advised that she was driving on a straight bit of road. She said she did not know what caused the wheels to spin. She pointed out that the car was new to her and that may have been a factor. She said she was not sure if it was working properly at the time but advised that was no excuse.

Councillor Green sought and received confirmation from Sergeant Rushden that the offence under Section 3 of the Road Traffic Act related to careless driving. Sergeant Rusden advised that in general terms careless driving ranged from 'without causing serious injury' at the lower end, which generally resulted in a fine with endorsement of points on a driving licence. It was noted that the Applicant had received 8 penalty points on her licence.

Councillor Blair sought and received confirmation from Sergeant Rushden that there would have been an option for the Sheriff to instruct Ms Shephard to undertake a further driving assessment. He advised that from reading the report this was not done. Sergeant

Rushden also advised that it was specialist Road Police Officers that attended the scene and they would have been in the best position to make such a recommendation. He confirmed that no such recommendation was made.

Councillor Blair questioned whether there were other incidents that had occurred on that stretch of road around the same time. Sergeant Rushden said he did not have any specific details. He pointed out that the area of road in question was notorious for having serious accidents which tended to be down to driving too fast for the road conditions. He advised that at that section of road the corner was very tight, was surrounded by trees, and, at points, narrow.

Councillor Hardie commented that 8 points on a licence for an incident seemed quite a lot. He asked Sergeant Rushden if this reflected the severity of the incident. Sergeant Rushden said it suggested that the Sheriff had taken it seriously based on what was presented in the report. He advised that final comments in the report advised of careless driving and that it was only luck they were not dealing with a more serious incident.

## **SUMMING UP**

### **Police Scotland**

Sergeant Rushden advised that he had nothing further to add.

### **Applicant**

Ms Shephard advised that she had passed Strone Point when the accident happened. She said that she was on a straight bit of the road when driving at 55 mph. She said she was not driving too fast going round the corner and that she did not know what had caused the accident. She pointed out that although it had not been a long time since passing her test, she had done a lot of driving as part of her job. She said that she had panicked on that occasion.

When asked, both parties confirmed that they had received a fair hearing.

## **DEBATE**

Councillor Kain said he was minded to say yes to this. He commented that there had been a huge degree of honesty from the Applicant. He said that anyone that has been driving for a long time would know that there can be road conditions that would confound you. He noted that Police Scotland were not saying Ms Shephard was an unfit driver and that he was minded to approve the application.

Councillor Brown said that she had no reservations in approving this application. She advised that she appreciated that Police Scotland had to bring this information to the Committee's attention. She said that she felt the Applicant had been open and honest about what had happened and she confirmed that she would like to approve the application.

Councillor Hardie said that he thought this was a one off incident and that the Applicant had been very honest about that. He confirmed that he would have no problem with approving this application.

Councillor Green said that he agreed with Councillor Kain in terms of people driving for a while and said he knew this type of accident could happen as it had happened to him. He advised that he could see this had shaken the Applicant and that she understood the seriousness of the situation. He confirmed that he would be happy to grant the application.

Councillor Blair agreed with his colleagues. He referred to being a member of advanced motorists and said that he still made mistakes while driving. He asked if the Applicant could reassure him that, under her own validation, she would take some sort of additional driving assessment. He said that would give reassurance to her passengers that she had done something to ensure this type of incident did not happen again.

Councillor Green pointed out that there was no opportunity in the procedure for the Applicant to respond to Councillor Blair.

Councillor Armour said he agreed with colleagues. He said that this looked like a one off and that everyone had probably been there. He said that he thought the severity of points and the fine showed that it was pretty serious and, as the Police Officer had said, it was only pure luck that it was not more serious. He said that he thought everyone could accept that, and that he was sure that Ms Shephard also accepted that. He advised that like Councillor Blair he thought if Ms Shephard undertook an advanced driving assessment this would do no harm and that he hoped that she would consider that.

Councillor Howard agreed with all that had been said. She said she was quite sure that anyone in an accident like that would become a much better driver and be more aware of what was going on. She said she would be happy to grant the application.

## **DECISION**

The Committee unanimously agreed to grant the renewal of Ms Shephard's taxi driver licence and noted that she would receive written notification of this within 7 days.

(Reference: Report by Head of Legal and Regulatory Support, submitted)