

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 21 FEBRUARY 2018**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor George Freeman
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Richard Trail
Councillor Audrey Forrest	

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
John Duncan, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Graham Archibald Hardie, Roderick McCuish and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR LICENCE (A DUNCAN AND J DUNCAN, ROTHESAY, ISLE OF BUTE)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

APPLICANT

Mr Duncan advised that he and his wife have been in the taxi business for 28 years and that they ran a reliable service for the community. He said that they regularly replaced their cars and kept them in good condition. He confirmed that none of their 3 existing taxis were over a year old and that they have all passed their taxi tests. He advised that the taxis were the first out in the morning and the last home in the evening. He confirmed that they had 5 free phones to cover in the town and that they were regularly hired for weddings which took a car off the road and left them short to provide a service to their customers. He said that they have had to refuse wedding jobs in the past as they were unable to cover the other work with just 2 cars. He advised that when they were under pressure they have had to pass airport runs off to a taxi firm in Wemyss Bay. He advised that Mount Stuart was open all year round and he also referred to other regular events on the island such as The Bute Fest, Bute Highland Games and New Year. He referred to the creamery taking on more staff who required lifts to work and that these were early morning starts. He advised that if they had a car getting tested or repaired this left only 2 cars on the road. He advised of one that had hit a deer which resulted in it being off the road for

6 weeks. He referred to the Halcrow survey carried out in 2013 which made reference to the state of taxis. He confirmed that they kept new cars most of the time. He also advised that the survey referred to driver attitude and he confirmed that they have never had a problem with their drivers. He stated that when the survey was carried out there were 16 cars on the island and that there were now only 12. He advised that they would like a fourth taxi operator licence if possible.

MEMBERS' QUESTIONS

Councillor Kinniburgh sought and received confirmation from Mr Duncan that they currently had 3 taxis and that the cars were all under one year old. He confirmed that the taxi operator licence they were applying for would be for a car that was older but was in excellent condition. He confirmed that this car used to be a taxi but he had sold it in order to purchase 2 new cars. He said that he had since bought this car back as they wished to have a fourth taxi operator licence and he knew that this car was in good condition. He confirmed that this car was not operating as a taxi at the moment.

Councillor Colville sought and received confirmation from Mr Reppke that Mr Duncan had 2 existing taxi operator licences in his own right and that he had a third in partnership with his wife.

Councillor Kinniburgh referred to the Halcrow survey and explained to Mr Duncan that the Committee needed to take account of what the survey said. He pointed out that the survey had concluded that there was no significant unmet demand in the Bute and Cowal area and he asked Mr Duncan to comment. Mr Duncan replied that there were 16 licences in the town when the survey was carried out and that until 2 months ago there were only 11 and that there were now 12. He said that the creamery in Rothesay employed over 100 people and that they all went to work early in the morning. He advised that there were lots of young people spending money in the town and that they needed another licence. He advised that when he took his Mercedes off the road for weddings this left them with only 2 cars and they usually had bookings for guests attending the weddings. He said that things have changed since the survey was carried out. He confirmed that they could do up to 12 weddings per year. He advised that Mount Stuart held weddings every weekend and that even if the Mercedes was not required for a wedding they were still getting customers from it.

Councillor Kinniburgh referred to Mr Duncan saying it was an issue for them when the Mercedes was off the road and asked why this was the case. Mr Duncan advised that weekends were a lot busier now and that there has never been a weekend when they didn't need 4 cars. He confirmed to Councillor Kinniburgh that 3 cars were not sufficient.

Mrs MacFadyen confirmed that there were 12 taxis on Bute. She advised that there were 59 taxis across the whole of Bute and Cowal when the survey was carried out but she could not confirm how many of these were taxis on Bute. She added that there were now 56 taxis across Bute and Cowal.

SUMMING UP

Mr Duncan advised that he and his wife needed another licence to keep their business moving ahead.

Mr Duncan confirmed that he had received a fair hearing.

DEBATE

Councillor Freeman referred to the Halcrow report being 4 years old and advised that how relevant it was after 4 years was for the Members of the Committee to determine. He said that indications were that there were more taxis on the road when the survey was carried out. He referred to written responses received regarding the survey and pointed out that 3 of these were anonymous. He suggested that these may have come from other taxi operators with a vested interest. He advised that he put less weight on the survey now than he would have done 2 or 3 years ago and confirmed that he had no concerns about approving this application.

Councillor Moffat confirmed that she lived on the island and that she knew Mr Duncan and his wife. She advised that she did not use their taxis. She referred to the refurbishment of the Glenburn to a high standard. She also referred to the vegan company which took over the creamery and advised that they were doing extremely well and had over 100 employees. She said that the island needed decent taxis and advised that as far as Mr and Mrs Duncan's taxis were concerned, they always had new ones. She confirmed that she thought there was a requirement for a fourth car and said that the island was not over run with taxis.

Councillor Colville said that he was delighted that Rothesay was doing so well.

Councillor Kinniburgh advised that he had initially had difficulties with this application, however, having noted that the number of taxis had dropped and that things were picking up on the island, he was happy to move that the application be granted.

DECISION

The Committee unanimously agreed to grant Mr and Mrs Duncan a Taxi Operator's Licence given the number of taxis had reduced since the survey had been carried out and on the evidence of the uptake in trade.

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