

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 17 APRIL 2013

Present: Councillor Sandy Taylor (Chair)

Councillor Robin Currie	Councillor Alistair MacDougall
Councillor Mary-Jean Devon	Councillor Donald MacMillan
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor James McQueen
Councillor David Kinniburgh	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Patricia O'Neill, Central Governance Manager
Graeme Forrester, Solicitor
Inspector McLeish, Police Scotland
M Munro, Applicant
Applicant's Partner

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Gordon Blair, Councillor Rory Colville and Councillor Iain MacDonald.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (M MUNRO, OBAN)

The Chair welcomed all those present to the meeting and outlined the procedure that would be followed. He invited the applicant to speak in support of her application.

Ms Munro's partner spoke on her behalf. He advised that all of the charges had been the result of a past relationship and that no offences had been committed since. He advised that Ms Munro had an alcohol problem at the time of the charges and had since joined AA. He told the Committee that she now had her problem under control and that he was of the opinion that she would make a great taxi driver and was ready to go back to work.

Inspector McLeish confirmed that she had no questions for the applicant and the Chair invited Inspector McLeish to speak on behalf of the representation from the Police.

Inspector McLeish advised that Ms Munro had been very open on her application form and had been very agreeable to the charges against her but advised that the Police representation was due to concerns that the charges were from May 2012 which had been very recent and therefore they were

concerns over her suitability as a taxi driver.

Ms Munro advised that not long after submitting her application she had been contacted by the Police and told that they would not be objecting to her application and questioned why they had objected.

Inspector McLeish explained that the Police were not objecting to the application but were obliged to submit a representation due to their concerns over the recentness of the charges.

The Chair invited Members to ask questions of the applicant and of the Police.

Councillor Freeman referred to the road traffic offence detailed in the Police representation on page 6 of the agenda pack stating that the applicant had received a fine of £80, and asked if this was the same offence the applicant had disclosed on page 5 of the agenda pack in which she had detailed receiving a £60 fine. Inspector McLeish confirmed that this was the same offence.

Councillor Freeman referred to the domestic assault offence and asked if this was still a conviction given that it had been admonished and dismissed. Mr Reppke confirmed that it was a conviction.

Councillor Kinniburgh asked the applicant to expand on the breach of the peace incident. Ms Munro advised that this had been a minor incident for which she had received a £40 on the spot fine but had included it in her application as she had wished to disclose everything. Councillor Kinniburgh asked Ms Munro how long she had been a member of AA to which she replied she had been a member since June 2012; straight after the convictions had taken place.

The Chair invited Inspector McLeish to sum up.

Inspector McLeish advised the police representation had been due to concerns regarding Ms Munro's suitability as a taxi driver as a result of alcohol related incidents that had taken place fairly recently.

The Chair invited Ms Munro to sum up.

Ms Munro advised that the convictions she had were minor and had been a result of a bad relationship and had been fuelled by alcohol, which she was now addressing; and that there had been no incidents since. She advised that the assault charge against her, which seemed the worst, had not resulted in any injury and that she had pled guilty out of fear. She advised that she now wished she had pled not guilty.

The Chair asked both parties to confirm that they had received a fair hearing to which they confirmed that they had.

The Chair invited Members to debate the application.

Councillor Freeman advised that he had been partly reassured by what he had heard but given that the offences had been so recent he suggested the grant of a licence for one year. Councillor Hall agreed.

Councillor Devon advised that the road traffic offences had been a long time ago and given that Ms Munro was now addressing her alcohol issues; that she agreed that a licence should be granted for a period of 1 year.

Decision

The Committee agreed to grant Ms Munro a taxi driver's licence for a period of 1 year.

(Reference: Report by Head of Governance and Law dated April 2013, submitted)