

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY SKYPE
on WEDNESDAY, 21 OCTOBER 2020

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan BEM
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Audrey Forrest	Councillor Richard Trail
Councillor Graham Hardie	

Attending: Patricia O'Neill, Governance Manager
Sheila MacFadyen, Senior Solicitor
Thomas O'Donnell, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Robin Currie, George Freeman and Alastair Redman.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR LICENCE (T O'DONNELL, DUMBARTON)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the Applicant was given 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 Audio Call.

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

APPLICANT

The Applicant advised that he had been asked to work in the area a few years ago but had not taken the opportunity at this time, he had now agreed to apply for a licence to work in the area to allow him to get back into work. The Applicant stated that he currently held a licence for the Dumbarton area but had not been using it since before March as he lived with an elderly relative and did not want to risk infection being brought into the house.

The Chair then invited Members questions.

MEMBERS' QUESTIONS

Councillor Colville sought and received confirmation from the Applicant that it was his intention to operate in the Helensburgh area and not across Argyll and Bute as a whole.

Councillor Moffat sought and received confirmation from the Applicant that he currently held a licence to operate in the Dunbarton area and asked why he would like to operate in Helensburgh. The Applicant advised that he would like to operate in the area using his own vehicle.

Councillor Colville sought clarity around the involvement of the applicant with Trident Taxis, as outlined in the application. The Applicant confirmed that he would likely work with Trident Taxis. Councillor Colville sought and received confirmation from the Applicant that he would not encourage people to come to Helensburgh to take advantage of the recent changes in licencing laws.

Councillor Kinniburgh confirmed with the Applicant that he currently held a licence as a taxi driver for West Dunbartonshire Council. Councillor Kinniburgh asked the Applicant why he would like to operate a private hire licence in Helensburgh, instead of in West Dunbartonshire. The Applicant advised that he had been asked by friends who had bought Trident Taxis to work with them a few years ago and had declined, however he had agreed to apply when they had asked again for assistance recently. Councillor Kinniburgh received confirmation from the Applicant that he worked for another party in West Dunbartonshire and asked the Applicant if he intended to continue working with them. The Applicant advised that it would be his intention to work in Helensburgh full time.

Councillor Kinniburgh noted that based on a recent survey carried out by LVSA, there was no overprovision of private hire vehicles in the Helensburgh area, however this could have been affected by the Covid19 pandemic. Councillor Kinniburgh sought clarification around the Applicants views on the impact of Covid19 on this industry and on what basis the Applicant believed that there was enough business in the area to make it viable. The Applicant advised that he believed there to be enough business in the area due to what he had been told by a number of people who work in the area for Trident who had confirmed that they were busy and at times could not cover all the work.

Councillor McCuish asked if it was the Applicant's intention to use his licence in West Dunbartonshire and Argyll and Bute. The Applicant advised that he did not intend to renew his licence with West Dunbartonshire.

Councillor Devon sought and received confirmation from the Applicant that it was his intention that he would use his own car when operating in Helensburgh.

Councillor Kinniburgh sought and received clarification from the Applicant that he would be using his own car but working for Trident and using their app to get hires.

Councillor Kinniburgh requested information from the Applicant around what measures would be in place in the vehicle to comply with Covid19 regulations. The Applicant confirmed that he would wear a face mask when driving, ask passengers to wear a face mask where appropriate and fit a screen to the car.

Councillor Blair expressed concerns around the cost effectiveness of the business given the size and age of the vehicle and noted that he did not understand why there had been no objections to the application when it was his belief that usually, under the same circumstances, there would have been. Councillor Blair noted that a requirement for more

private hires was not reflected in the statistics of the recent LVSA survey and that this information was available to all local drivers and companies.

Councillor Kinniburgh noted that it was his belief that Covid19 has had a negative impact on the taxi and private hire trade and asked Mrs MacFadyen if any weight could be given to this when considering the application, despite the fact that the LVSA report carried out prior to the Covid19 pandemic advised that there was no overprovision of private hire vehicles in Argyll and Bute. Mrs MacFadyen advised that there was no evidence before the Committee to reflect this view and that the Committee could only consider the information before them which stated that there was no over provision of private hire vehicles in the Argyll and Bute or Helensburgh area.

Councillor Colville questioned whether the MOT for the private hire vehicle would be updated prior to operating as it was noted on the application form that the MOT had expired in June 2020. The Applicant confirmed that he would arrange for the MOT to be renewed prior to operating as a private hire. Mrs MacFadyen noted that she was unsure whether this would be affected by the extension to MOTs put in place due to the Covid19 pandemic, and confirmed that the MOT would require to be renewed prior to operating as a private hire. Councillor Kinniburgh advised that the vehicle in question currently had an MOT in place until 28th December 2020 due to the extension. Councillor Colville expressed concern that vehicles carrying members of the public as private hire vehicles or taxis fit into the same category as private cars in this sense. Councillor Kinniburgh noted that in terms of the extension, it was up to the owner of the vehicle to ensure that it was in roadworthy condition.

SUMMING UP

Applicant

The Applicant confirmed that he would arrange for the car to obtain a new MOT certificate prior to being used as a private hire vehicle and noted that it should pass as the vehicle was in good condition.

When asked, the Applicant confirmed that he had received a fair hearing.

DEBATE

Councillor McCuish advised that he was comforted by the fact that the Applicant had confirmed that he was not intending to operate in both Dumbarton and Helensburgh. Councillor McCuish noted that based on the evidence in front of the Committee today, he could see no reason not to grant the application.

Councillors Moffat, Hardie and Blair confirmed that they were in agreement with Councillor McCuish.

Councillor Kinniburgh noted that he had difficulty with this application as he felt that there were a lot of taxis and private hire vehicles on the road in Helensburgh, however as there was no evidence to back this view he stated that it was not possible to move that the licence not be granted. Councillor Kinniburgh noted that in light of the Covid19 restrictions it may come to a point where evidence is required to confirm whether there is an overprovision of taxi and private hire vehicles in the area, however based on the current information he would agree with other Members views to grant the licence.

Mrs MacFadyen requested that evidence of the new MOT certificate for the vehicle was forwarded by the Applicant to the licencing team when available.

DECISION

The Committee unanimously agreed to grant a Private Hire Car Operator Licence to Mr O'Donnell.

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

Councillor Taylor joined the meeting during the foregoing item and refrained from participation in determining this application.