

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY SKYPE
on WEDNESDAY, 18 NOVEMBER 2020

Present: Councillor David Kinniburgh (Chair)

Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor Kieron Green	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Shona Barton, Committee Manager
Graeme McMillan, Solicitor
Paul Cowin, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Lorna Douglas, Audrey Forrest, George Freeman, Donald MacMillan BEM, Jean Moffat 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 (P COWIN, HELENSBURGH)

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 Audio Call and joined the meeting by telephone.

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

APPLICANT

The Applicant made reference to the LVSA report on Taxi Unmet Demand and Private Hire Overprovision in Argyll and Bute and noted that although the report did state that there no significant unmet demand for taxis, it did advise that there was unmet demand in the evenings which was when the Applicant intended to work. The Applicant advised that when operating under his private hire licence, he was unable to use the taxi rank and therefore unable to gain business from people waiting in the street for taxis. The Applicant outlined other factors within the report which he considered relevant including the observation that some cars were dirty and not well kept; the recommendation that some taxis should be younger cars; and the recommendation that some cars should be able to offer card payment options. The Applicant advised that his own car was only 3 and a half years old and immaculately kept, noting that he had also had a card reader available in his

car for 1 and a half years although this was used rarely as many people were unaware that this was an option.

The Chair then invited Members' questions.

MEMBERS' QUESTIONS

Councillor Trail asked the Applicant to confirm why he felt that there was business in Helensburgh for another taxi operator, despite the LVSA report stating that there was no significant unmet demand in the area. The Applicant advised that the report did indicate that there were persistently people waiting for taxis at night and noted that many taxi drivers did not work in the evenings. The Applicant advised that many of the taxi drivers in Helensburgh were elderly and chose not to work at night as some clients in the evenings could be difficult to deal with, noting that he was 37 and happy to deal with some of the more difficult clients and expressing his belief that having more young drivers would benefit the taxi trade.

Councillor Trail advised that one reason that less drivers were working at night was likely to be due to the restrictions in place causing pubs and restaurants to close early, noting that he did not feel that it was the time to grant a new operator's licence. The Applicant agreed that it was quieter than it had been but advised that he felt that it would pick up again eventually and noted that Helensburgh had been doing better than most places and was still generally busy with people eating in restaurants and a number of pubs beginning to sell food to encourage custom.

The Chair advised that he was aware that the Applicant held a private hire operator licence and noted that the LVSA report alluded to the fact that some taxis appeared to be operating as private hire vehicles, with some leaving the rank with no passengers to answer calls to pick up pre-booked hires. The Chair asked the Applicant to confirm if the reason he wanted a taxi operator licence was purely to be able to use the taxi rank. The Applicant responded that he would be surrendering his private hire licence if he was successful in his application for a taxi operator licence as this would give him the ability to pick up business from the taxi rank when people were leaving bars and restaurants. The Applicant advised that many people walk to a taxi rank to get into the nearest car rather than phoning to book a private hire car, reiterating that a taxi operator licence would allow him to pick up business from the taxi rank in the evenings.

The Chair sought and received confirmation from the Applicant that he operated through Trident Taxis, owned by TOA Taxis, and received work through an app on his phone. The Chair advised that he was of a similar mind to Councillor Trail, noting that the LVSA report had indicated that there was no significant unmet demand for taxis and that since the report had been published 6 further private hire vehicles had been put on the road, representing a significant increase in private hire cars in the area. The Applicant advised that he had been familiar with the taxi trade over the last 20 years and was aware of an increase in private hire vehicles. The Applicant provided details of his knowledge of the illegal trading of licence plates and advised that he felt that due to this and a number of cars not being used while they waited for people to pay for their licence plates there were less cars on the road to meet client demand. The Applicant noted that although the LVSA report may have been accurate at the time it was published with regards to demand, many drivers had since stopped operating and this had also been impacted by the effects of Covid-19 and the average age of taxi and private hire drivers in the area likely being particularly high.

The Chair asked the Applicant to clarify why he believed that many drivers were applying for private hire licences as opposed to taxi licences. The Applicant advised that he believed that this was due to local knowledge that it was easier for the Council to issue a private hire licence than a taxi licence. The Applicant expressed his belief that a lot had changed since the LVSA report had been published and it would be easier to get money from work on the street than from private hires.

The Chair advised that although he did not operate a taxi or private hire, his knowledge of the industry indicated that the trade was changing to be more suitable for private hire vehicles than taxis, referencing Uber as an example. The Chair indicated that he was intrigued due to this that anyone would be interested in applying for a taxi licence, as opposed to continuing with a private hire licence. The Applicant advised that he believed there to be plenty work for both taxi and private hire operators, noting that Helensburgh was particularly well placed for taxi operators to get business on the street due to the placement of a taxi rank outside the train station and around the corner from a number of pubs and restaurants. The Applicant made reference to the LVSA report which indicated that 50% of the work for drivers in the area was on the street, advising that he still believed this to be the case.

The Applicant noted his belief that he would not be upsetting the balance in the area very much due to the fact that he would be surrendering his private hire licence if he was successful in his application for a taxi operator licence. The Chair clarified to the Applicant that he would not be required to surrender his private hire licence, the Applicant responded to confirm that if he was successful in obtaining a taxi operator licence he would surrender his private hire licence.

The Chair advised that although he was not in Helensburgh late at night due to the Covid-19 restrictions, he did pass the taxi rank early in the evening each day and the taxi rank was never empty of taxis at that time. The Applicant advised that he had recently went out for dinner with his family and on their return at 7pm had witnessed a number of people waiting at the taxi rank when there were no taxis present, noting that if he had held a taxi operator licence he would have been able to go back out to pick people up from the rank. The Applicant advised that there would often be waits for taxis at various times, particularly in line with the train timetables. The Applicant advised that it was hard to book a taxi reliably for a Friday or Saturday night and made reference to the LVSA report stating that it may be appropriate to grant an additional licence to drivers willing to work on Friday and Saturday nights, which the Applicant confirmed he was willing to do and had been doing as a private hire operator.

SUMMING UP

Applicant

The Applicant confirmed that much of what he had to say had been covered throughout the Hearing. The Applicant advised that a local supermarket which was due to open soon were including a taxi rank within their car park which he believed would increase demand for taxis.

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

DEBATE

Councillor Redman thanked the Applicant for providing a detailed report and advised that also having come from a business background, he believed that the Applicant knew what he was talking about. Councillor Redman expressed his personal belief that small businesses should not have to explain their business to elected officials for them to make a decision on the basis of a short meeting when business encompassed years of experience and knowing the demand for a product. Councillor Redman expressed concern at the idea of overprovision, advising that he believed in competition and the free market and noting that the taxis currently in operation may not be going out at times of high demand or providing good service. Councillor Redman advised that on this basis, he was of a mind to grant the application as he felt that choice, enterprise and competition were good things to be encouraged rather than stifled.

Councillor Trail advised that he did not believe that people would come out of pubs and restaurants and walk to a taxi rank and wait in the rain, and would instead use a mobile phone to call a taxi to pick them up. Councillor Trail noted that local taxi drivers had advised him that many drivers were avoiding taxi ranks as they were rarely used, with most people using their phones to contact taxis.

The Chair advised that he was of the same opinion as Councillor Trail and did not believe that there was any significant unmet demand for taxis, noting that he passed the taxi rank on a regular basis and taxis were almost always present. The Chair acknowledged the Applicant's point in relation to a new taxi rank at a local supermarket and recognised that this could be an additional source of income for drivers, however noted that this was likely to be during supermarket opening hours when it was recognised in the LVSA report that there was no significant unmet demand for taxis. The Chair advised that on that basis, and based on the Committee granting a number of private hire licences since the LVSA report was published, he was of a mind to refuse the application.

DECISION

The Committee agreed to refuse the application from Mr Cowin for a Taxi Operator Licence.

Having moved an Amendment which failed to find a seconder, Councillor Alastair Redman asked for his dissent from the foregoing decision to be recorded.

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