

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 16 DECEMBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Graham Hardie
Councillor Mary-Jean Devon	Councillor Donald MacMillan BEM
Councillor Audrey Forrest	Councillor Roderick McCuish
Councillor George Freeman	Councillor Alastair Redman
Councillor Kieron Green	Councillor Richard Trail

Attending: Stuart McLean, Committee Manager
Graeme McMillan, Solicitor
Norman Ferris, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Lorna Douglas, 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 (N FERRIS, RENFREW)

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 he joined the meeting by telephone.

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

APPLICANT

Mr Ferris advised that he was currently living in Rothesay since moving his family there in July. He said that they'd had a holiday home there for over 20 years and they now wanted to move there from Renfrew for a fresh start. He commented that his daughter had enrolled at Rothesay Academy and was doing well. He said that they had still to sell their house in Renfrew and that they currently had an application on hold for a shared ownership house with Fyne Homes.

He advised that when he applied for this Taxi Operator Licence he was advised by the Licensing Team that due to Covid it may be some time before the application could be brought to a hearing. He was told that it would be acceptable for him to apply for the licence for his personal car, which was a Kia Rio, and then apply for a change of vehicle if the application was successful. He explained that it was his

intention to drive a wheelchair accessible vehicle and that he had sourced a Citroen Berlingo which was rear loading and had a fixed ramp. He advised that he has been a taxi driver for 20 years and that he regularly picked up passengers from Glasgow Airport. He said he was used to picking up passengers who required a wheelchair accessible taxi.

Mr Ferris indicated that before he was a taxi driver, he was a private hire driver and that over all those years there has never been any complaints about him. He said that he had a credit card machine so was able to take payments by card. He advised that to his knowledge, there were no wheelchair accessible taxis on Bute.

He said that he had approached other taxi owners but as they had no shifts he was looking to start up on his own. He referred to demand at the taxi rank and commented that from observing the rank he could see there was demand late in the afternoon and in the evening when people returned to the island. He commented that demand was also higher at the weekends. He advised that he felt there would be enough work to go round on the island.

MEMBERS' QUESTIONS

Councillor Kinniburgh referred to Mr Ferris applying for a taxi operator licence for his Kia Rio and indicating that if his application was successful he would change his vehicle to a wheelchair accessible Citroen Berlingo. He sought clarification from the Council's Solicitor on the process that would be undertaken to deal with this proposal. Mr McMillan explained that if Mr Ferris' application was successful he could then make an application for a substitution. He said this was quite a common thing to do if a taxi operator wished to change from an old car to a new car. He advised that a substitution application would normally be dealt with administratively.

Councillor Kinniburgh asked if the Committee were minded to grant the licence today, would it be possible for a condition to be attached stating that the licence had to be used for a wheelchair accessible vehicle. Mr McMillan confirmed that the Committee had two options. Such a condition could be attached or the Committee could receive an undertaking from the Applicant to do as he planned.

Councillor Trail commented that taxis across the country were finding it very difficult to make a living at the present time. He asked Mr Ferris why he thought he had a business case in Rothesay that could support him and his family. Mr Ferris referred to there being no wheelchair accessible vehicles on the island at the moment. He advised that he had been keeping an eye on the rank and that he was aware of the times when there was demand. He advised that at the airport he always made a point of working at the busiest times when demand was at its highest. He also pointed out that he had noticed that the property market on Bute has gone 'crazy' with properties that had previously been unable to be sold now gone. He commented that more people have wanted to move over to the island during the second half of this year.

Councillor Trail asked Mr Ferris if he would be working as an individual or if he would make use of the systems used by taxi companies. Mr Ferris advised that initially he would work on his own. He said that he would pick up passengers from the rank and then hand them a business card with his contact details on it so that he could grow his business. He commented that he was not sure what the policy in Argyll and Bute

was for taxis using Uber. He advised that only private hire operators could use Uber in the Renfrewshire Council area.

Councillor Kinniburgh sought and received confirmation from Mr Ferris that he had renewed his taxi driver licence with Renfrewshire Council in November for a further 2 years.

Councillor Kinniburgh referred to the taxi survey carried out by LVSA and the outcome of the report which concluded that there was no unmet demand for taxis in the Bute and Cowal area. He asked Mr Ferris to comment on these findings and explain why he thought that the demand was there. Mr Ferris confirmed that he had read the report and that one thing that had stood out for him was the waiting time at the rank for Rothesay was between 8 and 10 minutes. He said he was surprised that the waiting time was as low as that. He referred to the fact that Bute was an island and said he was surprised to learn that there were no wheelchair accessible taxis on the island. He said that this was the type of vehicle that he was used to driving as all public hire taxis in general in Renfrewshire had to be wheelchair accessible.

Councillor McCuish sought and received confirmation from Mr Ferris that he believed he would be providing a service that was not currently available on Bute. Mr Ferris also confirmed that he would be happy for a condition to be attached to the licence stating that the taxi had to be wheelchair accessible.

SUMMING UP

Mr Ferris thanked everyone for giving him a chance to explain his situation and the reason why he had submitted his application in the way he had.

Mr Ferris confirmed that he had received a fair hearing.

DEBATE

Councillor Freeman said that this appeared to be a genuine application. He commented that he had heard that some drivers had left the business in recent times and suggested that clearly there was a restricted market when talking about Rothesay and Bute. He advised that he saw no problem with this application and said he did not think the licence required a condition to be attached to it. He referred to the waiting times at the rank of 8 – 10 minutes and commented that he would not want to wait that long for a taxi. He confirmed that he would be happy to move approval of the application at the appropriate time.

Councillor McCuish agreed with Councillor Freeman and said he would welcome Mr Ferris and his family to Argyll and Bute. He commented that he would be providing a service that was not there at the moment and that he would have no hesitation in granting the licence.

Councillor Redman confirmed that he was in line with what others were saying. He said that he believed there was unmet demand on the island and that he would not want to wait 8 – 10 minutes for a taxi. He advised that he thought this would be an improvement and help the population of Bute.

Councillor Forrest said she was shocked to hear there were no wheelchair accessible taxis on Bute and that she would very much support this application in order to provide a service that was not currently available.

Councillor Green echoed the same points made and said that wheelchair accessible taxis were something in this day and age you would want.

Councillor Devon said she would like to reiterate what everyone else had said and advised that this was good news for Rothesay.

Councillor MacMillan confirmed that he would have no problem with granting this licence.

Councillor Hardie advised that he would welcome this application.

Motion

To agree to grant a Taxi Operator Licence to Mr Ferris.

Moved by Councillor George Freeman, seconded by Councillor Alastair Redman.

Amendment

To agree to grant a Taxi Operator Licence to Mr Ferris on condition that it was for a wheelchair accessible vehicle.

Moved by Councillor David Kinniburgh, seconded by Councillor Audrey Forrest.

A vote was taken by calling the role.

Motion

Councillor Freeman
Councillor Redman

Amendment

Councillor Colville
Councillor Devon
Councillor Forrest
Councillor Green
Councillor Hardie
Councillor Kinniburgh
Councillor MacMillan
Councillor McCuish
Councillor Trail

The Amendment was carried by 9 votes to 2 and the Committee resolved accordingly.

DECISION

The Committee agreed to grant a Taxi Operator Licence to Mr Ferris on condition that it was for a wheelchair accessible vehicle.

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