

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE on WEDNESDAY, 21 APRIL 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor George Freeman	Councillor Jean Moffat
Councillor Kieron Green	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Richard Trail

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor
Morgan Tyreman, Applicant
Kenneth McAuley, Objector
George Finlay, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mary-Jean Devon, Audrey Forrest, Donald MacMillan and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI CAR LICENCE (M TYREMAN, 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 Video call and he initially joined the meeting by Skype. Due to connection issues he then joined the meeting by telephone. Two of the Objectors, Mr McAuley and Mr Finlay, opted to proceed by way of Audio call and they both joined the meeting by telephone. A third objector, Mr Brabender, made a written submission which was contained within the Supplementary Agenda Pack issued to the Committee.

The Chair advised that an objection had been received from Mr Finlay outwith the time period allowed by the Civic Government (Scotland) Act 1982 for making objections or representations.

The Chair invited Mr Finlay to explain why his objection had been submitted late.

Mr Finlay advised that he had posted his letter on 3 December 2020 and that the closing date was 7 December 2020. He said that he was not aware that his letter was late until he received notification of the hearing originally scheduled for March. He advised that he did not send the letter by registered mail or recorded delivery. He said he did not know why it had not arrived until 24 December 2020.

The Chair sought the view of the Applicant as to whether or not this late objection should be taken into consideration.

Mr Tyreman confirmed that he had no issues with the Committee taking Mr Finlay's objection into consideration.

The Chair sought the views of Members as to whether or not this late objection should be taken into consideration.

The Committee agreed to accept the late objection from Mr Finlay. A copy of his letter was shared on screen and the Committee Manager read out the contents of it.

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

APPLICANT

Mr Tyreman said he was here today to apply for a Taxi Car Licence. He said he was looking to put a wheelchair accessible vehicle on the rank. He referred to it being said that there were 7 or 8 other wheelchair accessible vehicles in the Helensburgh and Lomond area, and advised that they were nowhere to be seen. He said the Council had not produced a list of these vehicles and that they could not identify how many there were. He referred to the LVSA survey document and pointed out that it stated that Argyll and Bute Council needed to make a list of those vehicles. He said his taxi would be a London cab style vehicle and that it would be completely accessible. He said he was not debating that there were no wheelchair accessible vehicles out there but commented that some were vans which were not acceptable. He said that due to having to put on the application which vehicle he would be using, he actually wanted to put a 100% electric vehicle on the licence rather than the vehicle applied for. He said that this vehicle would have zero emissions and was one step away from being ordered if his application was successful today. He advised that he was also looking to open a taxi office in Helensburgh. He said it was set to open from 1 May 2021 if his licence was granted. He said that he would be employing 4 staff and that there was the opportunity for 2 more drivers. He said that his vehicle would be a cleaner, greener car.

QUESTIONS FROM OBJECTORS

Mr McAuley asked Mr Tyreman to confirm which type of vehicle he was applying to licence. He asked if it was the London Taxi TX2 or an electric one. Mr Tyreman confirmed it would be the electric one. He said he was one step away from ordering the vehicle and that all the finances were in place. He said that as it would cost the best part of £55,000 he could not order the vehicle until he had a licence for it. He said it would be the first 100% electric taxi in Scotland.

Mr Finlay asked Mr Tyreman what volume of customers he predicted would require a wheelchair accessible vehicle. Mr Tyreman said that Helensburgh was an aging town and that a lot of customers had difficulty getting in and out of vehicles, especially vans. He said that this vehicle would have a level access and that there was certainly a need for it. He said that the LVSA report had stated that a quarter of the population was over 60.

OBJECTORS

Mr McAuley

Mr McAuley referred to Mr Tyreman commenting about the number of wheelchair accessible vehicles. He said that Mr Finlay had said in his letter of objection that there were now 7 or 8 wheelchair accessible taxis which was more than enough. He referred to the LVSA survey and pointed out that this was carried out in pre COVID times and had stated then that there were too many taxis already. He advised that since then everyone knew what COVID had done to the taxi business which had required government grants and handouts. He said the business was non-existent and that everyone knew that. He said that if the Council was to grant anymore licences this would make an already difficult situation worse.

Mr Finlay

Mr Finlay said that he was of the same view as Mr McAuley. He advised that the LVSA survey stated that there was no need for more taxis to be issued as there was no significant unmet demand. He advised that since the survey was carried out there were now 7 or 8 wheelchair accessible vehicles between taxis and private hires. He said it might be nice to have an electric car. He commented that it was quite a significant cost to undertake at this time. He referred to competition and advised that there were 10 companies in the area and also competition outwith the area. He said that taxis from Dumbarton were constantly in and out of the area. He said he could not see a justification for any more public hire licences.

QUESTIONS FROM APPLICANT

Mr Tyreman asked Mr Finlay how many taxis he believed were out and about because it appeared to him there was a distinct lack of taxis on the rank. He said they were claiming there were too many in the town, but a large majority were choosing not to come out. He questioned why Mr Finlay only worked from 6 pm till the last train arrived into Helensburgh. Mr Finlay said that there were normally 7 or 8 vehicles on the rank. He advised that how he was prepared to work was his business. He said he did not work for a company and that he varied his hours to suit himself.

MEMBERS' QUESTIONS

Councillor Trail asked Mr Tyreman what he meant by a level access taxi. Mr Tyreman explained that if the vehicle was against a kerb it would be level with the kerb and have wide open doors. He said that if there was no kerb there was a small electric ramp. He said that 2 of the other wheelchair accessible vehicles in town were rear loading vans.

Councillor Trail asked Mr Tyreman if he had done all his calculations about how he was going to pay for this vehicle, when the taxi trade, as other taxi drivers were saying, was almost on its face due to a lack of business. Mr Tyreman said that he currently drove for another Operator. He said that the amount he would save in fuel per month would be about the same as the monthly repayments. He advised that despite it being lockdown he was still making money with the vehicle we was using just now. He said his car would be clean, green and 100% battery powered. He

also advised that Cardiff Council had bought 60 of these vehicles to hire back to drivers. He said that he would be putting this vehicle on the road at full cost to himself.

Councillor McCuish asked Mr Tyreman to comment on what the LVSA report had said about there being no unmet demand for taxis. Mr Tyreman said a lot of what was said in the report was a little bit from the truth and outdated. He said it was clear there were not enough taxis on the rank and that people expected taxis to be there. He said that there was a distinct lack of cars and that he was not sure if this was through the choice of the driver. He said a lot of drivers were taking private hire work. He commented that he believed Mr Finlay was not on the private hire system.

Councillor Kinniburgh asked Mr Tyreman which aspect of the survey report was outdated. He said that the only aspect he could see was that the number of taxis and private hire vehicles had increased. Mr Tyreman said that quite a number of drivers were not working full time and it was not what was stated in the report. He advised that the survey said that there was a need for more wheelchair accessible vehicles and that there should be more clean and green taxis. He said that was what he was trying to do.

Councillor Kinniburgh asked Mr Tyreman if he would agree that there were now more wheelchair accessible vehicles on the road than when the survey was carried out. Mr Tyreman said that he would beg to differ. He referred to a previous hearing in February when it could not be confirmed how many were on the road. He advised that he had made 7 test calls over 2 months to a company to hire a wheelchair accessible vehicle and he was told there were none available.

Councillor Colville sought clarification from Mr Finlay on what he had said about taxis coming into the area and taking work away from Taxi Operators in Helensburgh. Mr Finlay advised that if taxis were bringing people into Helensburgh from Dumbarton they were returning later to take them home again. He said that Dumbarton taxis also tended to pick up early morning hires to Glasgow and the airport.

Councillor Colville sought and received confirmation from Mr Finlay that people living out with the area would come to Helensburgh for leisure and would tend to take the same taxi to get back home.

Councillor Kinniburgh sought and received confirmation from the Council's Solicitor, Mr McMillan that at the time the LVSA survey was carried out there were 48 taxi licences. Since then 3 more had been granted and one had been surrendered, bringing the total to 50. In terms of wheelchair accessible taxis, going from Government guidelines, and going by the information held on the make and model of vehicles, there were around 7 taxis operating in the Helensburgh and Lomond area. There were also wheelchair accessible private hire vehicles but information on how many there were was not available. Mr McMillan said that the consideration for the Committee today was for a Taxi Operator Licence and the test of significant unmet demand related to taxis.

Councillor Kinniburgh commented that even considering that the number of private hire vehicles had increased since the survey had been carried out, the total number of vehicles available for hire had increased significantly. He asked Mr McMillan if that was correct. Mr McMillan said they have increased but he was not sure if it was a significant increase.

Councillor Trail commented that the application form did not contain the vehicle registration number. He asked Mr McMillan how the Committee could be sure which vehicle the licence was being applied for. Mr McMillan advised that the Licensing Team picked up this information through the processing of the application.

Councillor Trail asked Mr McMillan how the Committee could be sure it would be used for an electric vehicle. Mr McMillan referred to the Committee report which stated that the Applicant was applying for a taxi car licence for a London Taxi TX2, registration number LS06 LYA. He explained that Mr Tyreman had an alternative electric vehicle lined up and should this application be granted he would look to substitute, and make an application for the electric vehicle. Mr McMillan said he believed that at the time the application was made this was for a London Taxi but Mr Tyreman's plan was now to substitute this for an electric vehicle.

Councillor Freeman said that it was not the number of vehicle approvals that increased the number of taxis on the road, it was the number of taxi drivers that determined how many cars were on the road at any given time. Mr McMillan confirmed that the number of drivers available to work was a factor that played into the demand. He said there were also other factors, for example, the times or days that taxi drivers worked, the level of customers etc. He advised that all this detail was set out in the LVSA survey report.

Councillor Freeman sought and received confirmation from Mr Tyreman that he thought the purchase of the electric vehicle would be viable. He referred to the rising cost of fuel prices and the cost of rapid charging coming down. He said that this vehicle would be cleaner and greener. He said that there would be less servicing costs and less wear and tear on tyres. He advised that he failed to see what the objection to this vehicle would be apart from bringing the fleet of taxis in Helensburgh into the 21st century.

Councillor Freeman said it appeared that in the future diesel cars would not be allowed on the road and that there was a strong push for vehicles, including taxis to be electric. He asked Mr Tyreman if he would agree. Mr Tyreman said he agreed and that he was future proofing his business. He said he would be happy to work with the Council on this. He said the TX2 would never touch the taxi rank.

Councillor Freeman referred to the LVSA survey and asked Mr McMillan if it was correct to say that 40% of people were delayed waiting for taxis. Mr McMillan said he believed that the report did talk about delays, in particular at peak times in the evenings and at weekends. He said a key finding of the report was that there was no significant unmet demand for taxis, but in the evening and at weekends there was sometimes a peak in customers waiting at the rank.

Councillor McCuish asked Mr Tyreman why he did not originally apply for the licence for the electric vehicle. Mr Tyreman said that this application has dragged on for a while and it had only been in the last month or 2 he had looked into purchasing the electric vehicle. He said that in order to apply for the licence you have to state the make, model and registration number of the vehicle. He said that the electric vehicle did not have a registration number yet and it was not taxed or insured. He said he could not commit to it unless this licence was granted.

Councillor McCuish sought and received confirmation from Mr McMillan that the Committee could place a condition on the licence that the vehicle had to be electric.

Councillor Freeman sought and received confirmation from Mr McMillan that a condition could be placed on the licence giving a timeframe for when the application for substitution of the vehicle had to be submitted.

Councillor Freeman sought and received confirmation from Mr Tyreman that he would be happy for a condition to be attached to the licence stating that the transfer application should be submitted within 6 months.

Councillor Kinniburgh referred to Mr Tyreman saying he had taken photographs of taxis on the rank and that it was on very rare occasions there were more than 5 or 6 taxis on the rank. Mr Tyreman advised that this was correct and that the photographs were taken on random occasions. Councillor Kinniburgh pointed out that one of the objectors had said there could be 10 or 12 cars on the rank at any one time. Mr Tyreman said he had never seen 10 or more cars on the rank.

Councillor Kinniburgh asked Mr Tyreman if he would agree that 5 or 6 cars on the rank was adequate in this climate and time in the Helensburgh and Lomond area. Mr Tyreman said no. He asked the Committee to strongly disregard COVID. He said that a lot of taxis did private hire work too. He advised that the majority of taxis in Helensburgh and Lomond worked off a system and did private hire work and that a very large percentage left the rank to pick up hires.

Councillor Kinniburgh pointed out that the LVSA survey had picked up that this was the nature of the taxi business these days and he asked Mr Tyreman if he would agree. Mr Tyreman said yes and that especially in these times, he strongly believed taxis needed to be on the taxi rank. He commented that on Sunday mornings there were not a lot of drivers prepared to work. He advised that it was his intention to have his vehicle out 24/7 and that there would be employment for one other driver.

Councillor Kinniburgh commented that in this area the number of taxis outweighed the number of private hire vehicles, which was different to other areas. He said that this pointed to him that the taxi business was evolving and that there was not going to be the same demand for taxis in the future. He asked Mr Tyreman if he would agree. Mr Tyreman said that taxis would always be needed and that they were a crucial and critical public transport service. He said that Helensburgh had a high demand of visitors and that they would be looking for taxis on the rank when they came out of the train station.

Councillor Kinniburgh said that the LVSA report had stated that the majority of hires were done through a telephone call. Mr Tyreman said that method was taking resources away from the taxi rank. He advised that more than one person was coming off the train looking for a taxi on the rank and finding only one taxi there.

SUMMING UP

Objectors

Mr McAuley referred to Mr Tyreman saying drivers were not out every night. He advised that this was due to many reasons such as, COVID, no business, and being scared for their own safety until this disease died down. He referred to the difference

in cost between a TX2 car and the electric car. He advised that the electric car would still need maintained. He questioned how Mr Tyreman would be able to make a wage and run this car. He commented that Cardiff was a big city and Helensburgh was a small town. He said that there were far too many cars on the road now with current licence holders struggling.

Mr Finlay said that hardly any one was coming off the train just now and that other drivers were doing takeaway deliveries because there was not enough work. He referred to Mr Tyreman phoning up companies for wheelchair accessible vehicles and none being available. He suggested that this was a Council issue if companies were not going to pick up customers. He referred to what had been said in the LVSA report about peak times and advised that this visual part of the survey was carried out over the beer festival weekend and that delays were noted between 10 pm and 2 am on Friday and Saturday night. He commented that taxis don't always return to the rank and relocate to where the hires are coming out. He said that the taxi app was taking away the need for taxis on a rank. He said that was no need for any more taxis.

Applicant

Mr Tyreman said that this was an application for a 100% wheelchair accessible vehicle with a greener vehicle arriving within weeks. He said he was not asking for 6 months to put this vehicle on the licence and that it would come at the first opportunity once the finance agreement was in place. He said it would not be the Council taking the risk and that he would be more than happy to share with the Council the information on the vehicle and to work with them to make improvements to the vehicles in Helensburgh. He advised that if this application was approved, arrangements would be made to order the vehicle this week and that he would confirm with the Council when this was done. He said this 100% green, emission free vehicle would show the way for other drivers to improve their vehicles.

When asked, all parties confirmed that they had received a fair hearing.

DEBATE

Councillor Freeman said it was his view that this was a fairly straightforward application for a vehicle not for a taxi driver so it would not actually increase the number of vehicles on the road at any given time as drivers could only drive one car at a time. He referred to hearing from one of the objectors that they would welcome an electric car. He said he believed that this was the way forward and was the biggest topic of conversation these days and that it was only going to get bigger as time went on. He advised that the motor trade was looking at moving to electric vehicles and that there was a need for the Council to look at converting the taxi fleet to all electric. He said he believed this should be welcomed and that he would certainly support the application with a condition attached that the application to substitute the vehicle be made within 6 months for this licence to be transferred to an all electric vehicle.

Councillor Trail said he disagreed with Councillor Freeman's analysis of what would make for more cars on the road. He said that if there were 50 taxi cars in Helensburgh there would probably be 100 drivers. He said he did agree with the other point made and that he would be keen to see the taxi trade move to electric

vehicles and that he would not like to stand in anyone's way to start the process to gain momentum. He confirmed he would agree to grant this licence.

Councillor Colville advised that while electric vehicles were very commendable, this was still another taxi and he had not heard where the increase in demand would come from and for that reason he was minded to refuse the application.

Councillor Green echoed the comments made in terms of welcoming a move towards electric vehicles. He said that he was not sure this would be the deciding factor for him on whether to grant or not. Having listened to the various arguments, he said he would be inclined to grant anyway. He said he welcomed the move towards electric vehicles.

Councillor Moffat said she agreed with what Councillor Freeman said about encouraging other drivers to go electric in Helensburgh. She advised that she could see having one would have a positive effect.

Councillor Hardie advised that having listened to all the arguments he was not convinced by the Applicant's argument and was more convinced by the objectors' arguments so, like Councillor Colville, would reject the application.

Councillor Redman referred to other taxi drivers objecting and said that made sense as they would not want the increased competition. He said there had been no objection from the consumers. He advised that the notion that the Committee must continually intervene to allow some people to have licences and some not was worrying. He advised that this was someone looking to invest their own money to invest in Helensburgh and create jobs, competition and choice. He said that the move to electric was something that should be commended. He advised that the population of Helensburgh will grow as a result of lockdown ending. He said people would move to Helensburgh, the base would grow and the economy would grow. He advised that he was minded to approve the application.

Councillor Kinniburgh said that there was legislation in force which applied to taxis and private hire vehicles and the consideration for a taxi application was whether or not there was significant unmet demand for taxis. The survey reports are carried out by professional people and the latest report found there was no unmet demand. He said that the number of taxis had increased since that report. He advised that he fully supported electric vehicles and thought that was the way it would go in the future. He said that at the present time there were other types of vehicles on the road that went part way to addressing the climate problem, in hybrid vehicles. He said there was a good number of those in the Helensburgh and Lomond area. He advised that what this boiled down to was whether there was unmet demand. He said that the survey report stated there was no unmet demand irrespective of what type of vehicle was being put on the road. He said that he took cognisance of the report and on that basis would move that the application be refused at the appropriate time.

Councillor Redman said he thought competition and choice was a good thing and that he believed Helensburgh would continue to grow so the demand was there. He said the person taking the risk was the Applicant and that was their choice.

Councillor Kinniburgh advised that he had heard from drivers all over Argyll and Bute about how trade was. He said the report was carried out and that there was a methodology for doing that and the same was carried out by other authorities.

Motion

To agree to refuse the application for grant of a Taxi Operator's Licence as there was no unmet demand for taxis in the Helensburgh and Lomond area at this time.

Moved by Councillor David Kinniburgh, seconded by Councillor Graham Hardie.

Amendment

To agree to grant a Taxi Operator Licence to Mr Tyreman on condition that an application to substitute the vehicle for an electric vehicle was made within 6 months.

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

A vote was taken by calling the roll.

Motion

Councillor Colville
Councillor Hardie
Councillor Kinniburgh
Councillor McCuish

Amendment

Councillor Freeman
Councillor Green
Councillor Moffat
Councillor Redman
Councillor Trail

The Amendment was carried by 5 votes to 4 and the Committee resolved accordingly.

DECISION

The Committee agreed to grant a Taxi Operator Licence to Mr Tyreman on condition that an application to substitute the vehicle for an electric vehicle was made within 6 months.

(Reference: Report by Head of Legal and Regulatory Support and written submission dated 20 April 2021, submitted)