

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the HOLYROOD SUITE, QUEEN'S HALL, DUNOON
on WEDNESDAY, 20 OCTOBER 2010

Present: Councillor Daniel Kelly (Chair)

Councillor Robin Currie	Councillor Donald MacMillan
Councillor David Kinniburgh	Councillor Roderick McCuish
Councillor Bruce Marshall	Councillor Alex McNaughton
Councillor Alister MacAlister	Councillor James McQueen

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Trainee Solicitor
Mr Tucker, Applicant
Mr MacIntyre, Objector
Mr Darroch, Objector

Apologies: Councillor Rory Colville Councillor Neil Mackay
Councillor Vivien Dance Councillor Al Reay
Councillor Mary-Jean Devon

1. DECLARATIONS OF INTEREST

Councillor MacAlister declared a financial interest in relation to item 2 of these minutes on the basis that he is the holder of a taxi car licence. He left the room during discussion of the item and accordingly took no part in the decision making.

2. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A PRIVATE HIRE CAR OPERATOR'S LICENCE: W TUCKER, DUNOON

The Chairman introduced himself and invited those present at the meeting to do likewise. He outlined the procedure that would be followed and invited the applicant to make his case.

Mr Tucker was unclear why he had been invited to attend a hearing on the basis that he had been told at a previous hearing that there would be no objection to him applying for a private hire car licence. With regard to the objections he advised that 1. the survey did not deal with disabled access vehicles, 2. that there were other taxi car licences in Dunoon that could transfer their licences to saloon vehicles, 3. he questioned where luggage was stored on both the E7 Eurobuses and that these vehicles were not suitable for transporting a three wheeled scooter.

The objectors confirmed that they had no questions for the applicant on his submission and the chair then invited them to present their grounds for objection.

Mr MacIntyre advised that after the meeting had taken place on 18 August 2010 he felt there was no choice but to lodge a further objection to any private hire car licence application on the basis that if this were granted it would still leave two

vehicles on an already overcrowded taxi rank.

Mr Darroch accepted that his disability access vehicle was more awkward than Mr Tucker's vehicle as he had to remove seats to accommodate a wheelchair. He then responded to Mr Tucker's comments about the three wheeled scooter advising the Committee that he had been donated a third ramp to allow him to accept this type of fare. He advised that with 3 current disabled access vehicles, he was sure that Dunoon would meet the requirements in terms of European Legislation.

Mr Tucker asked Mr Darroch where luggage was stored within his taxi. Mr Darroch advised that there was a space for luggage behind the seat.

Mr Tucker asked Mr Darroch if there was a guard behind the seats or harnesses. Mr Darroch advised that there were harnesses.

Mr Tucker queried why there had been a change in mind about objecting to a Private Hire Car Licence application. Mr MacIntyre advised that there were 13 objectors and that it was in relation to Mr Tucker's other 2 cars being used on the rank.

The Chairman invited Members of the Committee to raise questions.

Councillor Marshall asked Mr Tucker about his previous ownership of a 3rd licence. Mr Tucker explained that he had entered into a partnership which had broken down and as a result the plate had gone to his business partner.

Councillor Marshall questioned the objectors on how serious it was with regard to demand in Dunoon. Mr MacIntyre advised there was no significant unmet demand due to being in the grip of a recession. He commented that trade was down a third on last year and that drivers were making less than the minimum wage.

Councillor McCuish asked what the reason was behind requiring a third licence. Mr Tucker advised that the new vehicle would be full accessible and that he required a back up for his Social Work and Hospital contracts. Councillor McCuish followed up his question by querying whether this licence would be exclusively for contract work. Mr Tucker advised that a Private Hire Car was not permitted on a taxi rank and it would be for his contract work.

Councillor McCuish then asked how many taxis were in Dunoon and how many were disabled access. It was established that there were in the order of 43 plates and Mr Darroch advised that guidance suggested that 5% were required to be disabled access and therefore the 3 licences currently in operation met this requirement.

Councillor Kinniburgh asked whether the new vehicle would be used only for disabled customers. Mr Tucker advised that it would be available for any person to use.

Councillor Currie asked whether there was anything to support either side of the argument as to whether there was or was not significant unmet demand. Mr Tucker commented that the survey said there was no unmet demand and also

that his vehicle was the only devoted disabled access vehicle as he had a condition on his licence to this effect. The other two licences could revert to other non disabled vehicles if their owners saw fit.

Councillor Kinniburgh asked what percentage of customers using disabled access vehicles were in wheelchairs. Mr Tucker did not know the exact figure but that the percentage would be quite high. Councillor Kinniburgh asked about the percentage of use of Mr Tucker's existing disabled access vehicle – what percentage was on the rank and what percentage was the vehicle working. Mr Tucker advised the split was 40% on the rank and 60% working.

Councillor McCuish asked for confirmation that the new licence would only be available to people who had phoned to book the vehicle. Mr Tucker confirmed this was correct.

Councillor Marshall asked whether Mr Tucker found it difficult to make a living given comments from the objectors. Mr Tucker said he did not.

Councillor McQueen asked how many hours per week did Mr MacIntyre work per week. Mr MacIntyre advised he worked about 84 hours per week to make a living.

Councillor Currie asked whether a 3rd plate was necessary. Mr Tucker advised that he had to purchase the car before he could apply for the licence and he therefore had purchased the vehicle.

The Chairman invited both parties to sum up.

Mr Macintyre advised that the Taxi Owners Association objected on the basis that there would be 2 taxis sitting on the ranks longer if this licence is granted. He commented that Mr Tucker could have bought out his partner to have kept his third licence and that if Mr Tucker was so busy why his taxi was unavailable on 18 and 19 September as there was no day shift driver. He also advised that the letter of support Mr Tucker had obtained could have been given to any taxi operator in the area if they'd asked for support regarding putting a disabled vehicle on the road. He added that Mr Darroch and Mr Anderson had been taken into cover the contract and that this enabled 24 hour, 7 day per week cover.

With regard to the Cowal Care Forum comments about the number of disabled taxis, he suggested that the basis for this was blatantly wrong as there are 3. He then suggested that the Committee put a condition on any licence to restrict the use of the vehicle to use for Mr Tucker's contract work only.

Mr Tucker reiterated comments about the other two vehicles reverting to saloon vehicles.

The Chairman asked both parties to the hearing to confirm that they had received a fair hearing. Both the applicant and the objectors confirmed this was the case and the Committee proceeded to debate the application.

Councillor Marshall advised that he had real concerns with this application following representations by the objectors that the situation was perilous in

Dunoon. He felt that in granting this licence it could only make this situation worse. He commented that he had had a discussion with a taxi driver in Edinburgh who advised that there was legislation on the way to ensure all vehicles were disabled access and that this had been implemented in Edinburgh and that it was only a matter of time before this permeated into small towns.

Councillor McQueen advised that he agreed with Councillor Marshall's comments.

Councillor Currie felt that if the Committee were minded to grant the licence it would be appropriate to restrict by condition that the operation was for disabled or hospital work only.

Councillor McCuish referred to the survey regarding unmet demand. Mr Forrester advised that this survey only referred to taxis and was not relevant in consideration of this licence. The grounds for refusal of a licence were either that the applicant was not a fit or proper person or that the application premises were not suitable. This being the case, the only grounds for refusal would be on the basis that the applicant was not a fit and proper person. Mr Forrester also advised that the Committee could impose any reasonable condition on any licence.

Councillor Marshall commented that he was dissatisfied that in granting this licence it would increase the number of taxis sitting on the rank. Mr Reppke indicated that if Mr Tucker was minded to he could put both his taxi vehicles on the rank which would also give an increase and that there was no power to prevent this.

The Committee discussed possible conditions noting that it would not be easy to enforce a condition limiting hires for disabled use only as some disabilities were not readily discernable.

Members then discussed restricting the use of the 3rd vehicle for contracts for the hospital and Cowal Care Forum Customers and were advised that they would be an unusual condition to place on a Private Hire Car Licence ie. Restricting the passengers that could be carried.

Decision

It was unanimously agreed to grant Mr Tucker's Private Hire Car Licence for a three year period subject to the undernoted condition:-

That this Private Hire Car licence be restricted for use only in connection with the Licence Holder's current and future contracts with the hospital and Cowal Care Forum.

(Ref: Report by Head of Governance and Law dated 20 October 2010, submitted)