

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 14 DECEMBER 2016**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Alistair MacDougall	Councillor Alex McNaughton
Councillor Neil MacIntyre	Councillor Richard Trail
Councillor Robert G MacIntyre	

Attending: Charles Reppke, Head of Governance and Law
Kate Connelly, Solicitor
Brian Gallagher, Objector
Kenneth McAuley, Objector
Kenneth Barlas, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Colville, Currie, Freeman, McCuish, McQueen and Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR LICENCE (K BARLAS, BASINGSTOKE - TO OPERATE TAXI WITHIN HELENSBURGH & LOMOND AREA)

The Chair welcomed everyone to the meeting and introductions were made.

The Committee were advised of late objections received outwith the time period allowed by the Civic Government (Scotland) Act 1982 for making objections or representations. It is competent under Paragraph 3(2) of the 1982 Act for the licensing authority to entertain a late objection or representation if they are satisfied that there is sufficient reason for it not having been made within the time period allowed.

Mr Barlas advised that the late objectors had had ample time to get their objections in timeously and to attend the hearing and as such, the objections should be disregarded.

As Mr Ross, Mr Haddow and Mr Morley were not present to provide an explanation as to why the objections had been submitted out of time, the Committee agreed not to take these into consideration.

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

Applicant

Mr Barlas asked if he could pass round some literature for the Committee in support of this application which the Committee agreed to consider.

Mr Barlas advised that he had a London Hackney taxi badge for over 13 years and that his taxi had features for the disabled and wheelchair access. He thought that his taxi would be a useful addition to the area as there was only one other taxi in the area that had this facility. He had written to a number of care homes and nursing homes in the area and they had written to him to say that they would make use of his service. He will also apply for school runs to assist with children with disabilities. If he was successful in receiving work from these areas he would not have to sit at the rank affecting other taxi drivers. He further advised that he was from Helensburgh and had moved away at 19 and was now looking to move back to the area.

Questions from Objectors

Mr Gallagher asked Mr Barlas why he did not just apply for a private hire licence as there would be no objections to that. Mr Barlas advised that he also needed to get income from the rank.

Mr Gallagher asked whether the bulk of his work would come from the rank. Mr Barlas advised that he needed work from both.

Objectors

Mr Gallagher stated that the first survey had concluded that there were sufficient taxis and in fact there were 6 over what was required, since that survey and including the last one completed, the conclusion is the same, there is no unmet demand. As he left Helensburgh this morning there were 14 taxis at the rank and they were moving very slowly. The applicant intends to have wheelchair access but most can easily fold their chairs and put in the back of taxis. Another licence holder has wheelchair access and covers nursing and care homes which is only 5% of his workload so there is no need for another one. Helensburgh was busier in years gone by with Faslane but that was not the case now and there was less financial gain for everyone. He asked the Committee to take on board the results and the costs of the survey and that he had no objection to a private hire licence.

Questions from Applicant

Mr Barlas asked how they deal with electric wheelchairs. Mr Gallagher advised that there were not many electric wheelchairs and the majority of them don't need taxis. Mr Barlas asked what if they required to go further distances. Mr Gallagher replied that they could book the existing taxi that takes wheelchairs.

Members' Questions

Councillor Trail asked how he was going to run his business from Basingtoke. Mr Barlas explained that he would be moving to the Kilcreggan area if he was granted his licence. Councillor Trail asked after hearing from Mr Gallagher and that care / nursing homes would only be a small % of work, did he think his model was workable. Mr Barlas said he had received feedback from the homes to say that they would use his service although he couldn't say how much.

Councillor N MacIntyre asked Mr Gallagher, with 55 drivers in the area, how many firms were there. Mr Gallagher advised there were 2 firms.

The Chair asked about the two licences granted in Basingstoke. Mr Barlas advised that one was for his badge and the other for his plate for the same vehicle.

Summing Up

Objectors

Mr Gallagher advised that he had previously outlined the situation, the costs of the survey, there was no unmet demand and that the Committee take on board the results of the survey.

Applicant

Mr Barlas believed that the wheelchair access in his vehicle would be beneficial as customers could phone ahead and book. He could take on work from care homes, nursing homes and school transport. He advised that he would be adding a mini bus service for private hire at a later stage if his business was successful. He stated that the Policy and Resources Committee meeting in August had agreed the rural settlement fund to support businesses moving into the area and that he would be employing drivers.

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

Debate

Councillor Trail stated that although it would be advantageous to have an additional wheelchair taxi he felt that the business model as proposed would not work as the applicant had not investigated the true demand and that most of this time would be spent at the rank. He was minded not to grant the licence.

Councillor N MacIntyre was sympathetic to the applicant wanting a job but felt there was no unmet demand in Helensburgh and that the applicant should apply for a private hire licence. He was also minded not to grant the licence.

The Chair advised that he agreed with Councillors Trail and MacIntyre that 4 care homes would not provide enough work and there was no unmet demand at the rank. He advised that the applicant should apply for a private hire licence as a Hackney cab would be unique for the area and could attract advance booking business.

Decision

The Committee unanimously determined not to grant Mr Barlas a taxi operator licence on the basis that there was no unmet demand at this time having regard to the Halcrow study and the submissions made the taxi association objectors as to the further decline in the market since the study was completed.

(Reference: Report by Head of Governance and Law, submitted)