

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 18 DECEMBER 2019**

**Present:** Councillor David Kinniburgh (Chair)

|                                 |                            |
|---------------------------------|----------------------------|
| Councillor Lorna Douglas        | Councillor Alastair Redman |
| Councillor Donald MacMillan BEM | Councillor Sandy Taylor    |
| Councillor Jean Moffat          | Councillor Richard Trail   |

**Attending:** Stuart McLean, Committee Manager  
Graeme McMillan, Solicitor  
Mark Franks, Applicant

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Robin Currie, Audrey Forrest, George Freeman, Graham Archibald Hardie and Roderick McCuish.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR LICENCE (M FRANKS, HELENSBURGH)**

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed.

The Chair advised of a preliminary matter that needed to be addressed in respect of a withdrawn objection and invited Mr McMillan to advise.

Mr McMillan advised that he had received notification the day before that the objection received from Lisa and Allan McCandlish had been withdrawn and asked the Committee to disregard the information at paragraph 3.3 and in Appendix 5 of the submitted report.

The Chair invited the Applicant to speak in support of his application.

**APPLICANT**

Mr Franks told the Committee that he was applying for a private hire plate as there was under provision of private hire plates in the Helensburgh area. He advised the Committee that in the Helensburgh area there were 46 known plates, 90 drivers and 17 private hire plates, a few of which didn't get used. He referred to another owner of a private hire plate who drove for another taxi operator. He asked that the Committee consider granting him a private hire plate.

**OBJECTORS**

There were no objectors present.

## **MEMBERS' QUESTIONS**

Councillor Redman asked Mr Franks if the addition of his private plate would increase the choice of taxis available in the area. Mr Franks replied that there were not enough taxis in the area and advised that some are available during the day but not at night and some were not available over weekends. He told the Committee that private hires pick up from phone calls and that there were not enough in the area.

Councillor Trail asked Mr Franks for his opinion on the objections that had been received that conveyed a different view about the number of private hire plates in the area. Mr Franks replied that there were only 17 in the area and that not all of them were being used therefore he did not agree with the objection. He advised that taxi drivers didn't know enough about private hire and were scared that they would take over their business. Councillor Trail questioned if this was a sign that there was not enough business. Mr Franks disagreed by saying that they received plenty phone calls and that there were not enough in the area.

The Chair asked Mr Franks if he drove private hire at the moment. Mr Franks advised that he worked for Mr McNeill currently and if his plate was granted he would require to give Mr McNeill 30 days' notice. The Chair asked Mr Franks if he intended to work by himself and have no tie to Mr McNeill. Mr Franks replied yes but he would remain on the system like everyone else.

## **SUMMING UP**

### **Applicant**

Mr Franks said that he hoped he had addressed the concerns raised by objectors. He advised he had read the objections including one that suggested he wanted a plate for someone else which he confirmed was not true. He re-affirmed that there was not an over provision of private hire in the Helensburgh area.

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

## **DEBATE**

Councillor Redman advised that it was true there were objections but Helensburgh had a large number of people and therefore the objections were a small number. He advised that he did not believe there was over provision and that granting the plate would give people more variety and choice. He advised that he was minded to approve the application.

Councillor Trail referred to the LVSA report that said there was no specific unmet demand which was contrary to what the applicant had said. He advised that he was not minded to approve as he did not feel the business was increasing to justify unmet demand.

Councillor MacMillan advised that with new houses being built there was more demand for taxis and therefore he agreed with the applicant.

The Chair referred to the LVSA report that advised that there was no unmet demand for taxis but also said that there was no overprovision. He advised that he felt that in terms of the legislation that it had been left behind in the way that the taxi business had moved forward. He referred to how the report had mentioned that there was no unmet demand but this was relevant to taxi licences and not private hire licences.

Mr McMillan confirmed that the test for taxi licences was unmet demand and the test for private hire, which was relevant to this case, was over provision.

Councillor Moffat said that if the licence was granted that it would not necessarily mean that there would be additional usage as Mr Franks was already driving for someone else.

Councillor Taylor advised that it was difficult to see past what was in the report which had stated that there was no over provision.

The Chair advised that in his opinion granting the licence would mean another vehicle on the road and advised that he had a reluctance to approve. However, he felt that he had no option but to approve the application due to the LVSA report stating that there was no over provision.

## **DECISION**

The Committee agreed to grant a Private Hire Car Operator Licence to Mr Franks.

Councillor Trail who had moved an amendment which failed to find a seconder requested that his dissent be recorded from the foregoing decision.

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