

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 21 OCTOBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan BEM
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Sandy Taylor
Councillor Audrey Forrest	Councillor Richard Trail
Councillor Graham Hardie	

Attending: Patricia O'Neill, Governance Manager
Sheila MacFadyen, Senior Solicitor
Stuart McLean, Committee Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Robin Currie, George Freeman and Alastair Redman.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR LICENCE (S MCINTYRE-STEWART, GARELOCHHEAD)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the Applicant was given 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 a written submission and this was circulated to the Committee in a Supplementary Agenda Pack for this hearing.

Councillor Kinniburgh commented on the increase of Private Car Hire Operator Licence applications in relation to Taxi Operator Licences and expressed his concerns in this regard. He acknowledged that there needed to be evidence to back up over provision especially in view of Covid. He noted that the current survey concluded that there was no over provision of Private Hire Car Operator Licences. He sought and received confirmation from Mrs MacFadyen that a further survey would be required to establish whether or not the current situation with the Covid pandemic had a bearing on whether or not there was now an over provision of Private Hire Car Operator licences. Mrs MacFadyen pointed out that Private Hire Car Operators could operate anywhere in Argyll and Bute. She advised that she could enquire if LVSA would be able to undertake a small survey for Helensburgh but there may still be a requirement to go out to tender for any future surveys.

Councillor Kinniburgh asked if it would be possible for the Council to put a cap on the number of private hire vehicles. Mrs MacFadyen advised that there would need to be a justification for doing that. She said there would also need to be consideration of whether or not to move to localities for private hire cars as was the case for taxis.

Councillor McCuish asked if there was any Covid legislation or emergency powers that would allow the Council to pause the processing of Private Hire Car Operator applications. Mrs MacFadyen explained that there was existing emergency legislation, some of which applied to Civic Government Licensing. This was in respect of holding hearings and the timescale for processing applications. There was nothing in relation to reducing the number of taxis or private hire cars and it would not be possible to refuse the receipt of applications.

Councillor Colville referred to the letter submitted by the Applicant which said that he had previously held a Private Hire Licence which expired in 2017. He sought and received confirmation that TfL stood for Transport for London.

Councillor Kinniburgh sought and received confirmation from Mrs MacFadyen that the Applicant had an Argyll and Bute Council Taxi Driver Licence. This was granted in May 2020 and was due to expire in May 2023.

Councillor Colville expressed his surprise that there had been no representations or objections received in respect of this application and asked if these were being advertised in the same way due to Covid. Councillor Kinniburgh advised that these applications were currently being advertised online. He added that he believed no objections were being submitted as due to the most recent survey advising there was no over provision of private hire cars there were limited grounds for refusing an application and, therefore, limited point in objecting.

Councillor Blair referred to the questions asked on application forms and asked if these could be changed or added to in order to obtain more background information on an applicant. He also asked if applications could be completed online. Mrs MacFadyen advised that applications for Private Hire Car Operator Licences could not be submitted online as the Applicant had to provide evidence that they were allowed to work in the UK. She pointed out that application forms were different in each local authority area and said that in terms of questions asked these needed to be relevant and reasonable.

Councillor Colville asked why this application had come to a hearing when there had been no representations or objections received from anyone. Mrs MacFadyen advised that Members had previously requested that all Private Hire Car Operator Licence applications come before the Committee irrespective of objections. She advised that the Committee could reverse this position.

Councillor Colville questioned whether it was a good use of Officer and Committee time to have applications before the Committee that had no objections.

Councillor Kinniburgh advised that he shared Councillor Colville's concerns, but he found it beneficial to know how many Private Hire Vehicles were out there. He commented that if the applications did not come to Committee licences would get granted and the Committee would not be aware of these. Mrs MacFadyen advised that if Members were minded to delegate to Officers Private Hire Car Operator

Licence applications which had not been objected to, a report could be provided to the Committee advising on applications granted.

Councillor Kinniburgh advised it was his opinion that the Committee had no option but to grant this application as there was no evidence available to justify refusing the application.

DECISION

The Committee agreed to grant a Private Hire Car Operator Licence to Mr McIntyre-Stewart.

(Reference: Report by Head of Legal and Regulatory Support and Applicant's written submission, submitted)