

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE
on WEDNESDAY, 16 DECEMBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Graham Hardie
Councillor Mary-Jean Devon	Councillor Donald MacMillan BEM
Councillor Audrey Forrest	Councillor Roderick McCuish
Councillor George Freeman	Councillor Alastair Redman
Councillor Kieron Green	Councillor Richard Trail

Attending: Stuart McLean, Committee Manager
Graeme McMillan, Solicitor

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Lorna Douglas, Jean Moffat and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR LICENCE (D HADDOW, ALEXANDRIA)

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 a written submission. A copy of this was circulated to the Committee in advance of the hearing in a supplementary Agenda pack.

The Chair outlined the procedure that would be followed and invited questions and comments from Members.

MEMBERS' QUESTIONS AND DEBATE

Councillor Colville referred to the Applicant advising in his submission that he had a wheelchair accessible private hire vehicle which allow him to sit at the taxi ranks if the licence was granted. He commented that he would have thought that the majority of requests for a wheelchair accessible vehicle would come through phone calls. He said he questioned the reasoning behind the request for a taxi operator licence and advised that he was not convinced by the Applicant's argument.

Mr McMillan said that he guessed the point the Applicant was trying to make was that access to the rank would make his venture more viable in terms of him getting wider access to customers. Councillor Colville acknowledged that the Applicant had a private hire car and had put forward arguments why a taxi operator licence would be more appropriate to meet his needs.

Councillor Freeman said it could not be assumed that people with disabilities could only get taxis from their own homes. He advised that he saw lots of people with disabilities out and about.

Councillor Kinniburgh referred to the Applicant advising that since publication of the LVSA survey report some elderly drivers were retiring due to the ongoing pandemic which had led to a reduction in taxi services. He pointed out that this did not address the number of private hire vehicle licences that have been granted since the survey was carried out. He commented that at the last hearing held by the Committee it was noted that there had been close to a 50% rise in private hire vehicles for the Helensburgh and Lomond area since the survey was carried out. He advised that he would like to hear the Applicant's views on that as there was now significantly more vehicles on the road. He said that when he passed the rank in Helensburgh there were always taxis at it and that he could not recall the last time it was empty, especially in these times.

Mr McMillan advised that it was important to note that whilst private hire car numbers were a factor to take into account, when considering whether or not there was a significant unmet demand for taxis and whether or not to restrict taxi licences on that basis, regard should be given to the number of taxis. He pointed out that the statutory regimes for taxis and private hire cars were different. In terms of the survey report, he confirmed that this concluded that there was no significant unmet demand in terms of taxis for the Helensburgh and Lomond area. He advised that when the survey was carried out there were 48 taxi licences and since that time 3 additional taxi car licences have been granted and one has been surrendered, leaving a total of 50, therefore there were 2 additional taxi car licences since the survey was carried out.

Councillor Kinniburgh commented that due to the way the businesses were operated in Helensburgh, private hires and taxis went hand in hand. He pointed out that it had been noted in the survey report that a number of taxis operated in the Helensburgh and Lomond area as private hire vehicles.

Councillor Forrest asked Mr McMillan if he knew how many of the 50 taxis were wheelchair accessible. Mr McMillan advised he did not have a definite number but in terms of the make and model of the vehicles licenced, this indicated that there were 5 wheelchair accessible vehicles in Helensburgh and Lomond at the moment.

Councillor Kinniburgh asked if this number included private hire vehicles. Mr McMillan advised that there were an additional 7 private hire vehicles to add to the 5 which were wheelchair accessible. It was noted that Mr Haddow's private hire vehicle would be one of those.

Councillor Freeman commented that although there were 5 taxis they would not be available 24 hours per day. He suggested that there would be approximately 2.5 available at any given time. He also said that it was important not to confuse taxis with private hire vehicles and pointed out that private hire vehicles could not sit on the rank and if any of them did the taxi drivers would be up in arms over that.

Councillor Kinniburgh agreed that there was a difference between taxis and private hire vehicles but pointed out that there was evidence, even in the survey report, that taxis were operating as private hire vehicles. He said that a lot of private hire

operators were working off of apps now and that taxi operators were also working off these apps. He acknowledged that it was important not to confuse the 2 types of hire, but said they were more in line in operational terms than they were before.

Councillor McCuish commented that the difference between this application and the one considered at an earlier hearing, was there were no wheelchair accessible vehicles on Bute. He questioned whether 5 was enough for Helensburgh and Lomond or if more were required or not, given what had been said about the number of private hire vehicles.

Councillor Freeman said it may be helpful to note that in Helensburgh and Lomond the population figure was 30,000 but in Bute this was only 5,000, so only about a 6th of the population of the Helensburgh and Lomond area.

Councillor Colville advised that in the summer on Bute the population figure greatly increased.

Councillor Trail said that it would be good to have more wheelchair accessible vehicles but that these should replace the current ordinary vehicles that were being used because there were plenty of cars for hire available in Helensburgh.

Councillor Freeman referred to the comment Councillor Colville made about the population of Bute in the summer time and pointed out that Helensburgh, on a summer's day, was hoatching with people from the central belt.

Councillor Kinniburgh advised that from what he could see in the paper presented to him, and with regard to the information provided by Mr McMillan, that taxis have increased in the Helensburgh area by 2 since the survey was carried out and concluded that there was no significant unmet demand for taxis in the Helensburgh and Lomond area, he would move the following Motion:

Motion

To agree to refuse Mr Haddow's application for a Taxi Operator Licence as there was no significant unmet demand for taxis in the Helensburgh and Lomond area.

Moved by Councillor David Kinniburgh, seconded by Councillor Richard Trail.

Amendment

To agree to grant a Taxi Operator Licence to Mr Haddow.

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

A vote was taken by calling the roll.

Motion

Councillor Colville
Councillor Devon
Councillor Forrest
Councillor Green
Councillor Hardie

Amendment

Councillor Freeman
Councillor Redman

Councillor Kinniburgh
Councillor MacMillan
Councillor McCuish
Councillor Trail

The Motion was carried by 9 votes to 2 and the Committee resolved accordingly.

DECISION

The Committee agreed to refuse Mr Haddow's application for a Taxi Operator Licence as there was no significant unmet demand for taxis in the Helensburgh and Lomond area.

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