

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY SKYPE on WEDNESDAY, 17 MARCH 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan BEM
Councillor Rory Colville	Councillor Alastair Redman
Councillor Kieron Green	Councillor Sandy Taylor
Councillor Graham Hardie	

Attending: Stuart McLean, Committee Manager
Sheila MacFadyen, Senior Solicitor
Derek Barbour, Applicant
Kenneth McAuley, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mary-Jean Devon, Lorna Douglas, Audrey Forrest, George Freeman, Roderick McCuish, Jean Moffat and Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR
AMENDMENT TO TAXI CAR LICENCE NUMBER 4902 (D BARBOUR,
HELENSBURGH)**

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 and Objector opted to proceed by way of Audio Call and both joined the meeting by telephone.

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

APPLICANT

Mr Barbour said that he wanted to apply to have Mr Singh as a business partner on his Licence because he needed another driver. He advised that he has been a taxi driver for nearly 30 years and has had his own Operator Licence for about 20 years. Since lockdown happened, he said that he had found it difficult to make enough money with not being on the radio system. He said that he had been off work for a while as he did not wish to catch Covid-19. He advised that certain members of his family were vulnerable and that he could not take the risk of passing any infection on to them. He said that he now needed to get back to work and in order to do so he would need to get a radio system. He advised that having Mr Singh as a business partner would enable him to share the cost of overheads, maintenance, and the general running costs of the car and business. He advised that he has known Mr

Singh for close to 10 years and knew that he was a reliable and dependable character. Mr Singh used to live in Helensburgh and worked at a takeaway business, the Palace, Sinclair Street, Helensburgh. He had moved away but had always expressed an interest in driving taxis and working for Mr Barbour. Mr Barbour advised that at that time he was working full time so could not accommodate Mr Singh. Nowadays, he said that he wished to reduce his hours of working and as Mr Singh had tired of working 7 nights a week at the takeaway business, and was still interested in driving his car and sharing the costs, this would be more of a commitment. He advised that in the past he'd had drivers working for him on commission but that had not really worked out as it was difficult to get good, dependable drivers who would show a commitment. He said that if Mr Singh was involved in the business he would have that commitment. He said that he used to do deliveries for him when he had his takeaway business and he knew that he was a decent person and that he would be an asset to the taxi trade in town.

QUESTIONS FROM OBJECTOR

Mr McAuley advised that he had been under the impression that Mr Barbour was giving up and that his objection was in no way a personal thing. He sought and received confirmation from Mr Barbour that he was not giving up his taxi business.

OBJECTOR

Mr McAuley said his objection had been based on a number of things. Firstly, the LVSA survey stated that there were too many taxis and that was pre-Covid. He advised that if Mr Barbour was giving up his business, he felt that he should be handing the plate back to the Council to address the balance of too many taxis as, certainly since Covid, the taxi business had been decimated and was on its knees. He advised that was why he had objected and that it was nothing personal to Mr Barbour or Mr Singh.

QUESTIONS FROM APPLICANT

Mr Barbour referred to being a taxi operator for at least 20 years and asked Mr McAuley why he thought he should hand back his plate and not anyone else because of the situation of Covid and too many taxis. Mr McAuley said he wasn't aware of anyone else possibly giving up. He said that anyone that was thinking of giving up should hand their plate back to the Council. Whether due to Covid or any other reason, he said he believed that a plate should be taken back into the Council to redress the balance of too many taxis.

Mr Barbour wondered why Mr McAuley had not come and spoken to him personally. He referred to Mr McAuley stating in his letter that money would be changing hands. He asked Mr McAuley where he had got this information from. Mr McAuley said this was something that another Applicant had stated at their hearing. He said he was not sure how this person knew this, but that was why he had put this statement into his letter. He advised that the other Applicant did not show any evidence to support his claim but he had stated it very strongly at his own hearing.

MEMBERS' QUESTIONS

Councillor Redman referred to talk about money changing hands and sought and received confirmation from Mr McAuley that he did not have any concrete evidence about that. He advised that a previous Applicant had said he knew this was happening.

Councillor Green sought and received confirmation from Mr McAuley that if Mr Barbour was just wanting a partner he would have no objection to that. He said he had been under the impression that Mr Barbour was giving up.

Councillor Kinniburgh sought clarification from the Council's Senior Solicitor about whether or not it was illegal to form a partnership if the intention was to give the plate up. Mrs MacFadyen said a partnership would be to run a business as a partnership. She advised that if someone was retiring as a taxi driver then they should hand their plate back to the Council. She confirmed that it was possible to take on a partner to run a business together.

Councillor Kinniburgh sought and received confirmation from Mr McAuley that he had objected as he thought Mr Barbour was retiring and that he was moving his plate on to Mr Singh.

Councillor Kinniburgh sought and received confirmation from Mr McAuley that as he now knew that Mr Barbour was going to continue to drive then his objection no longer stood.

Councillor Colville sought and received confirmation from Mrs MacFadyen that the partnership agreement had been submitted to the Council as it was a requirement to submit this along with this application.

SUMMING UP

Objector

Mr McAuley confirmed that if it was Mr Barbour's intention to take on a partner and continue to drive then he had no problem with that. He said that he had previously been under the impression he was giving up for good.

Applicant

Mr Barbour thanked the Committee for hearing him and giving him the chance to explain the situation. He confirmed that this was about him forming a partnership and getting back into work and helping someone else into work. He said that he was sorry that Mr McAuley had not come to speak to him and that he wished he had. He advised that he did not think his partnership would have any detrimental effect on the taxi trade in Helensburgh especially now that restrictions were beginning to ease and be lifted, with pubs and restaurants shortly able to open again. He also referred to the promise of additional submarines coming to Faslane which he hoped, in the not too distance future, would bring more business.

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

DEBATE

Councillor Redman said that it appeared the objection had been withdrawn. He also referred to hearing that Helensburgh would grow and with an increase in military spend, he believed people would need more taxis so he was minded to approve the application.

Councillor Green said that as the one objection was no longer in place he was also minded to approve the application.

Councillor Kinniburgh acknowledged that Mr Barbour intended to keep working and that the partnership agreement had been received by the Council. He confirmed that he would have no hesitation in approving this application.

DECISION

The Committee agreed to approve Mr Barbour's application for Amendment to Taxi Car Licence Number 4902 to add Mr Singh as a partner.

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