

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY MICROSOFT TEAMS on WEDNESDAY, 21 AUGUST 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour
Councillor Gordon Blair
Councillor Jan Brown

Councillor Fiona Howard
Councillor Andrew Kain
Councillor Liz McCabe

Attending: Shona Barton, Governance Manager
Katie Clanahan, Solicitor
Colin McNeill, Applicant
Paul Cowin, Objector
Morgan Romilly, Objector
Hayley Romilly, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Daniel Hampsey, Graham Hardie, Mark Irvine, Paul Kennedy, Dougie Philand and Peter Wallace.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATIONS FOR GRANT OF TAXI CAR LICENCES

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 video call and Mr McNeill joined the meeting by MS Teams.

Paul Cowin, Objector, opted to proceed by way of audio call and joined the meeting by telephone.

Morgan and Hayley Romilly, Objectors, also opted to proceed by way of audio call and joined the meeting by telephone.

There were 3 Taxi Car Licence Applications before the Committee for consideration and the Chair outlined the hearing procedure that would be followed in respect of each Application.

(a) Glasgow Coach Drivers Limited, Helensburgh (C McNeill) - Mercedes Vito

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

APPLICANT

Mr McNeill said he was applying for a licence for a wheelchair accessible taxi to

help supplement the other taxis in the area. He advised that a few nursing homes had contacted him about using his company as they were currently using a company outwith Argyll and Bute. He referred to a letter from a nursing home which he said he had sent to the Licensing Team this morning and had asked that this be passed onto the Committee. He referred to the distinction between a private hire car and a taxi. He said that as private hire cars could operate anywhere in Argyll and Bute they may not be available when required in the Helensburgh and Lomond area. He advised that he thought it best to have a taxi car licence so that drivers could supplement their income with private hires by being able to pick up fares on the street and alleviate pressure when taxis were not available after midnight. He said he hoped to help the nursing homes out and the various other locations that required wheelchair accessible taxis.

QUESTIONS FROM OBJECTORS

Mr Romilly commented that he had one of the only wheelchair accessible vehicles in the area. He said he did not get a lot of work from the rank with the majority of customers pre booking for a wheelchair accessible vehicle. He asked Mr McNeill how many customers he expected to get as a taxi instead of a private hire.

Mr McNeill explained that if this was private hire vehicle it could go anywhere in Argyll and Bute and if someone phoned up to request it, it may not be available in the Helensburgh and Lomond area, where a taxi would only be able to operate. He said a taxi could not operate outside the zone it was licenced to unless, for example, it was taking someone to hospital and bringing them back. If the vehicle was operated as a private hire it could have a job in Campbeltown or Oban and so would not be available in the Helensburgh and Lomond area.

Mr Romilly said he failed to see the difference as a taxi could also be out of the area and if it was busy it would not be available either.

Mr McNeill said that with taxis, people could pick up these from the street and with his advanced booking system coming along soon, he would be able to allocate one of the licensed taxis to pick up the person in minutes. A private hire would have to be pre booked and could not do normal street work and could be anywhere within Argyll and Bute. He said that was why he was applying for taxi car licence. He also commented that the number of taxis in the area had dropped since June this year.

OBJECTORS

Mr Cowin

Mr Cowin advised that his objection had been submitted a few months ago. He noted that there had been 52 taxi plates in the area but that had reduced to 47. He felt his objection no longer carried any weight.

Mr Romilly

Mr Romilly said that he had noted the slight decrease in the number of plates but advised that this did not change his view that Mr McNeill was an unfit operator. He advised of having many dealings with the Council and said that none of his issues

raised had been resolved. He referred to personal attacks and said he felt Mr McNeill was an unfit operator within the town. He referred to Mr McNeill's response to the objections and said that he felt this was a personal attack on him by Mr McNeill and that it had nothing to do with his plate or his business. He said this demonstrated that Mr McNeill was an unfit character.

Mrs Romilly

Mrs Romilly advised that she echoed what Mr Romilly had said. She said that from her own experience Mr McNeill was an unfit operator. She said the statement he had submitted was a personal attack. She advised that there were a lot of false complaints from Mr McNeill which they have always had to go back to legal about and that they were always innocent. She said there seemed to be a lot of false allegations and she could not understand why this was the case. She said that they had never submitted any false complaints to the Council about Mr McNeill. She referred to complaints they had put in which she alleged had not been resolved.

QUESTIONS FROM APPLICANT

Mr McNeill questioned why it was being said that he was an unfit operator. He referred to the allegations and said he did not know where they were coming from and that they were not from him.

MEMBERS' QUESTIONS

Councillor Armour referred to Mr McNeill advising that he had submitted a letter to legal that the Committee should have had sight of. He sought comment from Officers. Mrs Barton advised that a letter was received. Ms Clanahan confirmed she received a copy of the letter shortly before the hearing started and that she was not aware if this had been distributed to the Committee.

Councillor Green sought and received confirmation from Ms Clanahan that it would not be appropriate for the Committee to consider this letter at the last moment as there had been no opportunity to review it before hand and there was no opportunity for the Objectors to consider it. She advised that it was a general letter from a care home and referred to some sort of gap in wheelchair provision in the area. She reiterated that as it was sent in so late that it would not be appropriate to include it today.

Councillor Green noted that it was a general statement made about demand which had also been made by Mr McNeill in his representation to the Committee.

SUMMING UP

Objectors

Mr Cowin

Mr Cowin advised that he had nothing further to add.

Mr Romilly

Mr Romilly referred to a previous meeting held in June and said that there were a number of issues that needed to be looked at for the future. He referred to asking for help from the Council's licensing team. He said that they were only made aware of allegations made after they were submitted. He referred to a letter which had been submitted about an incident he said took place at Tesco's, and said this had still to be resolved. He said he did not believe there was any issue with wheelchair accessible taxis at the moment.

Mrs Romilly

Mrs Romilly acknowledged that there were 47 taxi plates at the moment for the Helensburgh and Lomond area. She referred to a letter she had received from the Council's Roads Officer that the Council would be looking to re-determine the front taxi rank. She said that if they did this there would be no space for more taxis at the rank. She said she understood that the Council were looking to remove the front taxi rank to make more room for disabled parking spaces. She said that if this rank was taken away it would only leave one in the town of Helensburgh.

Mrs Romilly referred to approaching the Council many times for help. She said that they had never made false allegations about Mr McNeill but he had done this to them. She said the Council's legal team had all the information. She said they had been asking for help for 2 years now. She asked the Committee to consider this. She said she believed Mr McNeill was an unfit operator.

Applicant

Mr McNeill referred to Mrs Romilly's comments about the taxi rank. He advised that the Helensburgh and Lomond zone covered around 20 miles and said that he was aware of locations at the top of Loch Lomond where people could not get a general taxi so needed to use private hire vehicles. He said that he was aware that Mr Romilly was granted a taxi licence for that area but advised that he has had phone calls from people not able to get a taxi in that area. He advised that if he got this licence he would be happy to have taxis located across the Helensburgh and Lomond zone. He said he would prioritise any bookings for wheelchair accessible taxis made online or by telephone. He said he would liaise with the nursing homes and other establishments so that they could contact his company if they required a taxi immediately. He said that if this licence was granted he would be able to supply a service on demand.

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

DEBATE

Councillor Brown asked if there was the capacity within Helensburgh and Lomond at the present time to allow for another licence to be granted. Ms Clanahan confirmed that there were currently 47 taxi licences in the Helensburgh and Lomond area. She said this was one less than September last year and one less than that referenced in the LVSA report. In terms of private hire vehicles, there were 13 with addresses within the Helensburgh and Lomond area. She pointed out that as these were not zoned to a particular area it was difficult to know how many of these operated within Helensburgh and Lomond. She also advised that 4

of the private hire licences and 4 of the taxi car licences were for wheelchair accessible vehicles.

Councillor Green advised that he had difficulty in finding any reason to refuse this licence and on that basis he was minded to approve application.

Councillor Armour said he agreed that he found this difficult. He commented that he thought there were a lot of underlying issues between the Applicant and Objectors. He said he had no idea what was correct and what was not. He said the Committee had to take the application at face value and that Councillor Green had summed it up that there was nothing in the application that the Committee could go against.

Councillor Green commented that it came down to “he said” “she said”.

Councillor McCabe sought and received confirmation from Ms Clanahan that this vehicle was insured.

DECISION

The Committee agreed to grant a Taxi Car Licence to Glasgow Coach Drivers Limited for a Mercedes Vito registration number LA11 EOU and noted that Mr McNeill would be notified of this in writing within 7 days.

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

(b) Glasgow Coach Drivers Limited, Helensburgh (C McNeill) - London Taxi TX4

Chair invited the Applicant to speak in support of his application

APPLICANT

Mr McNeill advised his presentation was the same as that for the previous hearing (at item 3a above) and that he had nothing further to add.

QUESTIONS FROM OBJECTORS

Mr Cowin asked what would happen if a person needed to go to hospital in Glasgow which was within the Low Emission Zone (LEZ). Mr McNeill advised that there were no hospitals in Glasgow within the LEZ.

Mr Romilly commented on the number of vehicles Mr McNeill would have and asked how he would utilise all of these vehicles at the same time. Mr McNeill said that he had drivers waiting on the decisions that would be taken today. He pointed out that if the licences were granted he would not be able to operate until the time had passed for any Appeal to be submitted by the Objectors. He said that would be enough time for the drivers to apply for taxi driver licences to allow them to drive the vehicles.

Mr Romilly commented that the Committee could see the factual evidence in front of them but no one had referred to the objections he had submitted. He sought

reassurance that the Committee had seen this evidence. It was explained to Mr Romilly that it was not for him to ask questions of the Committee. Nor was this the appropriate forum for him to air grievances about the Council. He was advised that if he had any complaints regarding the Council, then the complaints procedure was the appropriate avenue to explore this further. The hearing today was limited to issues which could be considered in terms of the licencing regime for the particular licence application to which the hearing relates.

OBJECTORS

None of the Objectors and anything further to add.

QUESTIONS FROM APPLICANT

There were no questions from the Applicant.

MEMBERS' QUESTIONS

There were no questions from the Committee.

SUMMING UP

Objectors

Mr Cowin

Mr Cowin advised that he had nothing further to add.

Mr Romilly

Mr Romilly said he had nothing further to add other than to point out his question had not been answered.

Mrs Romilly

Mrs Romilly referred to the re-determination of the taxi rank and pointed out that there would be nowhere for taxis to sit if they took one of the ranks away. She said the other one had a major hangover, especially at peak times when the trains were busy. She said she believed Mr McNeill was an unfit operator.

Applicant

Mr McNeill said that as far as he was concerned he was willing to work with other taxi operators to alleviate anything in the area. He said he could cover it. He said he did this with his private hire vehicles and would continue to do so and work with any operator that wanted to work with him and not against him.

All parties were asked to confirm if they had received a fair hearing.

Mr McNeill and Mr Cowin confirmed that they had received a fair hearing.

Mr Romilly said he had not received a fair hearing. He advised that he was still

waiting for his question to be answered about whether or not the Councillors had seen the evidence that he had submitted.

Ms Clanahan advised that she considered that all parties had been given the opportunity of putting their points across and she confirmed that everyone had been sent the full facts and details of issues raised. She advised that it was for all parties to put across their points to the Committee and it had been open to the Objectors and the Applicant to refer to their evidence in support of their arguments and to make their case. It was also open to the Committee Members to ask any questions regarding the documents lodged by the parties, but they were not required to ask questions of the evidence if they felt it to be unnecessary, having reviewed the content of the written evidence.

Councillor Green acknowledged that there was no mechanism within the hearing procedure for Members to answer questions. The Committee agreed to note the opinion of Mr Romilly.

Mrs Romilly advised that she did not think she had received a fair hearing. She said she felt that she and Mr Romilly had been treated like children and not listened to.

DEBATE

Councillor McCabe said she tended to agree with the Objectors. She said she felt they should have been able to answer their question. She commented there was a lot in Agenda pack that had not been discussed.

Councillor Green pointed out that it was Councillor McCabe's opportunity to speak now if she wished. Ms Clanahan confirmed that this was an opportunity for Members of the Committee to discuss what had been presented to them including the information in the Agenda pack, despite the fact that the Objectors had failed to raise points about the evidence they had submitted themselves.

Councillor McCabe said she was not happy. She said she was minded not to grant the application, having read the contents of the Agenda pack. She commented that a lot of things had been said, which, she advised, she did not think were right.

Councillor Armour said that some of the allegations made were unsavoury. He sought clarification from Officers if the Police were aware of these. Ms Clanahan said she did not have that information so could not comment.

Councillor Brown referred to reading through the paperwork. She noted there was a long history between both operators. She said the Committee could only go with what was in front of them and that she had noted that no objection had been submitted by Police Scotland.

Councillor Green said that unless Police Scotland had submitted a complaint this was not something the Committee could consider when presented in terms of evidence in the Agenda Pack. He said that he had read all the paperwork but could personally only give it limited weight.

Ms Clanahan confirmed that everything was cross checked and Police Scotland

were approached but had no comment. She said it was not possible to know what their knowledge was about any alleged activities. Police Scotland reported no concerns in relation to this application or in relation to the Applicant. She reminded the Committee that the test was the balance of probability and the evidence before them was there for them to review and make up their own minds in relation to both content and the reliability of that evidence.

Councillor Armour advised that if Police Scotland have not objected then it made it difficult for the Committee to object to something the Police have already looked at. He agreed that the Committee had to deal with the facts in front of them. He acknowledged that there were a lot of unsavoury comments but felt that as they were not acted on by the Police or in any legal way, he could not attribute any great weight to them and so he could see no reason to object to the granting of this licence.

Councillor Green advised that based on what was in front of him he could see no reason to oppose this application. He pointed out that did not mean he condoned any behaviours that may have taken place, but he advised he was not commenting on it as he did not know if anything had been taken further so therefore he was giving it limited weight. He said he was not disregarding the comments, he was only giving them limited weight.

DECISION

The Committee agreed to grant a Taxi Car Licence to Glasgow Coach Drivers Limited for a London Taxi TX4 registration number LM60 0TV and noted that Mr McNeill would be notified of this in writing within 7 days.

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

(c) Glasgow Coach Drivers Limited, Helensburgh (C McNeill) - London Taxi TX4

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

APPLICANT

Mr McNeill advised his presentation was the same as that for the first hearing (at item 3a above) and that he had nothing further to add.

QUESTIONS FROM OBJECTORS

There were no questions from the Objectors.

OBJECTORS

Mr Cowin

Mr Cowin said it was worth pointing out the comments made in Mr Romilly's objection contained within the Agenda pack about Mr McNeill's vehicles having bald tyres. He also referred to an approach by Mr McNeill to Companies House.

Mr Romilly

Mr Romilly referred to complaints he had made to the licensing team not being dealt with. He advised that not everything they had complained about would have been a Police Scotland matter.

QUESTIONS FROM APPLICANT

Mr McNeill referred to a company being bought out by another company in Dumbarton but this had been removed by the Committee as a proper partnership had not been formed.

MEMBERS' QUESTIONS

Councillor Howard asked if there was still the demand for a third taxi car licence, noting the other 2 that had just been granted.

Councillor Green commented that the Committee had previously taken the view that the LVSA report produced some time ago was outdated and that a replacement report was requested. Ms Clanahan confirmed that the number of taxi car licences was now 49, taking account of the 2 granted today. She said this was an increase of 1 since September last year and an increase of 1 since the LVSA report was produced. She advised that it was at the Committee's discretion to decide whether or not there was an over provision.

Councillor Brown commented that a lot of the issues the objectors have flagged up were from people that had come to them. She noted that Mr and Mrs Romilly had raised these issues with the Council and asked if they were aware if the people concerned had flagged up their own issues to the Council. Mr Romilly said that any complaints that have come to them they had reverted the complainants back to the licensing team. He referred to the complaint in relation to an incident outside Tesco's, and said this had still to be resolved. He said he was aware of complainants that had gone direct to the Council.

Councillor McCabe asked if the person involved in the incident at Tesco had contacted the licensing team. She also asked why no one had responded to the complaints. Ms Clanahan advised that she could not comment on any complaint from a third party due to GDPR. She advised that it was her understanding that Mrs Romilly's was the subject of an internal investigation and that there was an outcome. She confirmed that all relevant complaints received by the Council are looked into.

Councillor Kain commented that a lot of this was "he said" "she said" and personal between the Applicant and the Objectors. He said the important issue was if the vehicles were safe.

Councillor Blair referred to comments made about bald tyres and asked Mr McNeill if he had a vehicle maintenance schedule. Mr McNeill advised that at that time they used a local garage. He confirmed that they were now using a compliant garage that did a lot of work with Renfrewshire Council. He said that his vehicles were sent over there every 4 weeks to ensure everything was above board. He confirmed that they had a regular recorded regime for each vehicle.

Councillor Blair referred to the comments made about how businesses were being ran and asked Mr Romilly if he would agree that no one should be concerned about what was said as long as a person was working within the law and the rules of the licence. Mr Romilly advised that some of the comments made had been derogatory. He questioned the fitness of Mr McNeill as an operator based on the derogatory comments he advised that Mr McNeill has said. Councillor Blair suggested that if this happened to him then he would sue for defamation of character and then he would have the evidence of this in the form of a solicitor's letter and queried why no legal advice was ever sought if the alleged incidents had indeed occurred.

Councillor Blair asked Ms Clanahan if routine spot checks were carried out on vehicles by the Council. Ms Clanahan advised that she did not know the particulars of how any spot checks were conducted, further advising that there had been some changes in enforcement officers, with a new person starting next week and this could change current processes anyway. Ms Clanahan advised that she understood that there were regular scheduled checks carried out on vehicles by local authority mechanics.

Councillor Armour sought and received confirmation from Mr McNeill that he had not made any comments to a Tesco employee.

Councillor Liz McCabe left the meeting during the Members' Questions.

SUMMING UP

Objectors

Mr Cowin advised that he had nothing further to add.

Mr Romilly advised that he had nothing further to add.

Mrs Romilly said she would like to emphasise that she did not like being treated as a child. She said that it was not a case of "he said" "she said" and that they had provided all the evidence ahead of this meeting. She said there had been a lot of false allegations. She said she was not here to lie and that she had nothing personal against Mr McNeill.

She referred to the re-determination of the front taxi rank and advised that if more taxi car licences were granted there would be nowhere for the vehicles to sit.

She said that she believed that Mr McNeill was an unfit operator. She referred to his submission in response to their objections and said that his submission was a personal attack against Mr Romilly and his business. She said they were not here to personally attack Mr McNeill.

Applicant

Mr McNeill said there had been no personal attack. He said he used to work with Mr Romilly before he married Mrs Romilly. He said he had no objection to working with any other operator and that he would be happy to work with other operators to

alleviate demand.

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

DEBATE

Councillor Armour sought and received confirmation that the Committee were dealing with an application for a London Taxi TX4 registration number LO58 JXG.

Councillor Blair said he would be keen not to approve a third licence for the Helensburgh and Lomond area at this time.

Councillor Green agreed that maybe 2 was enough.

Councillor Armour was also in agreement that a third licence should not be issued at this time. He referred to feeling uncomfortable with all the comments that had been made and said he did not know who was telling the truth and who was not. He said there was no proof to go one way or another. He said he appreciated the objectors' feelings but the Committee had to go with the information in front of them. He said there was nothing the Committee could object to, on the basis of the information before them today, other than over provision. He advised that the fact that the Committee had already granted 2 licences today led him to feel that this one should not be granted. He said he was minded not to grant the licence on the basis for over provision.

Councillor Howard said clarification was required on the complaints procedure and what checks were done by Officers. She referred to a question over the future of the sea front taxi rank and said she did not think the Committee should grant this application today.

Councillor Armour said he was quite certain Officers will have done what needed to be done in terms of investigating a complaint. He said he had no issue with what Officers would have done.

Councillor Green moved refusal of the application on the basis that it was the opinion of the Committee that there was no significant unmet demand locally to support the granting of another licence.

DECISION

The Committee agreed not to grant a Taxi Car Licence to Glasgow Coach Drivers Limited for a London Taxi TX4 registration number LO58 JXG on the basis that it was the opinion of the Committee that there was no significant unmet demand for taxis in the Helensburgh and Lomond area.

It was noted that Mr McNeill would be notified of this in writing within 7 days.

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