

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on MONDAY, 17 SEPTEMBER 2018**

Present: Councillor Rory Colville (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor Graham Archibald	Councillor Richard Trail
Hardie	

Attending: Charles Reppke, Head of Governance and Law
Graeme McMillan, Trainee Solicitor
Ally Evans-Jones, Trainee Solicitor
David Haddow, Applicant
John Black, Objector
Jim Scott, Objector's Agent

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Robin Currie, George Freeman, David Kinniburgh, Roderick McCuish and Jean Moffat.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

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

The Chair welcomed everyone to the meeting and introductions were made. The Head of Governance and Law then outlined the procedure that would be followed.

Professor Black intimated that he did not accept the procedure that was being followed and this was noted.

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

APPLICANT

Mr Haddow referred to everyone knowing that TOA had recently taken over Trident Taxis. He advised that in their opinion Helensburgh did not have enough wheelchair accessible taxis as there were only 2 covering the area. He said that one Operator only worked Saturdays and the other Operator was changing his car so that from this point tomorrow there would only be one car which was not contactable as the Operator did not work out of an office. He said that he would like to put a wheelchair accessible vehicle on the road, which he had already purchased. He referred to a number of care homes and Dr surgery appointments and said that he believed that once it was known there was a wheelchair accessible taxi available 24/7 there would be an increase in demand for it and that he may well be back in 6 months or a year

to ask for another plate for a wheelchair accessible vehicle. He advised it was his personal point of view that just now there was definitely a demand for a wheelchair accessible taxi for the Helensburgh area.

QUESTIONS FROM OBJECTOR

Professor Black referred to Mr Haddow's comment "as everyone will know". He questioned how everyone knew as the matter had not been reported in the Helensburgh Advertiser. He advised that when you phone up Trident Taxis the controller advises that you are through to TOA. Mr Haddow explained that the employees in their office have been working for TOA for years and that this was just a mistake as they have always been used to answering the phone in this way.

OBJECTOR

Professor Black advised that everyone would know that Trident Taxis was sold for an undisclosed sum to Mr Berry and his company. He advised that Trident Taxis was formally owned by Councillor Ellen Morton. He referred to having a scientific background and that he was used to reading and analysing scientific data. He suggested to the Members of the Committee that they all lacked the same sort of skills as it was suggested at a previous hearing that as the number of taxis in Helensburgh and Lomond in 2013 was 55 that it would be okay to return to this number. He advised that the Halcrow report published at that time had indicated that 55 taxis was too much. He suggested that 45 would be more accurate and pointed out that the Committee had granted another Taxi Operator Licence today at an earlier hearing.

Professor Black said that the Council was in default as the Halcrow report was published in 2013 and the Council had no current data to make their decisions. He pointed out that Council Douglas had indicated that she did not use taxis and he queried how many taxis the other Members of the Committee used. He advised that he had read the Halcrow report 3 times and said that it was a piece of nonsense which the Council paid £10,000 for.

Professor Black then read out his critique of the Halcrow report which, he advised, referred to an excess in supply of taxis. He said that he agreed something should be done about making wheelchair accessible taxis available but at this moment this was not a statutory requirement. He said that he thought it should be mandatory but it was not. He referred to the definition of significant unmet demand and explained the use of queue theory. He also referred to the seasonal factor and pointed out that the survey had been carried out one week in November and did not take account of what happened during the summer months in this seaside town. He advised that the Helensburgh taxi drivers were earning less than the minimum wage. He pointed out misspellings of street names and villages in the report. He advised that it was his opinion that the owner of TOA was operating illegally.

He advised that the stance figures in the report did not make sense and said that there was no data to support the outcome of the survey. He advised that there were more taxis sitting at the rank doing nothing which was environmentally damaging and reducing the wages of taxi drivers. He said that the Committee issuing more plates was making it worse. He said that the conclusion of the survey was wrong. He referred to an Operator who was recently granted a licence for Kilcreggan and advised that he was not working in Kilcreggan, he was working from the rank in

Helensburgh. He advised that in conclusion there were too many taxis in Helensburgh. He then invited his Agent to provide further information to support the objection he had lodged.

Mr Scott advised that he has worked in the Helensburgh area for 12 years. He said that one Saturday night there were 48 taxis out in Helensburgh and that taxis were sitting on the rank for up to 1.5 hours without a hire and that the situation was getting worse. He said that he was getting worried as taxi drivers were struggling to make a living. He referred to Trident Taxis being sold to TOA and advised that he was getting upset listening to all that was being said. He pointed out that the Council were ploughing ahead granting plate after plate. He advised that TOA were coming into the Helensburgh area, sitting on the Helensburgh ranks with West Dunbartonshire plates which was leading to confrontation with his company. He advised that Trident Taxis was not offered to local taxi drivers and that they had been unaware of the situation. He said that TOA were coming into the area sending 8 seater taxis and lifting passengers in front of Helensburgh taxi drivers which, he said, was illegal. He advised that they (Helensburgh taxi drivers) were sitting on the rank and were getting no protection from the Council. He advised that if this continued to happen he would use his own money to take a case to the ombudsman. He said that he was confounded at the attitude of the meeting today.

QUESTIONS FROM APPLICANT

Mr Haddow stressed that he refuted that TOA were sending taxis across to Helensburgh as he said this was simply not the case. He asked Mr Scott where he was getting his information from. Mr Scott advised that he was sitting on the rank 2 weeks ago when one of the Dumbarton taxis was on the rank. He said that when a naval person came along he had told the Dumbarton taxi driver that he was not allowed to sit on the rank and at that point he had become aggressive towards him. Mr Scott advised that he told the naval person that he should not get into the Dumbarton taxi and at that point the Dumbarton taxi sped off the rank.

Professor Black also referred to a Mr Smith phoning from Carrick for a taxi. He said that Mr Smith phoned the Trident taxi number but a person from TOA answered and referred to Mr Smith by his first name which, he believed, was being over familiar. He advised that Mr Smith was informed that the fare would be £22 and when he protested he was told that this was because the machine need to be turned on when the taxi reached Balloch as the taxi was coming from there. Professor Black advised that the taxi that arrived was a Helensburgh taxi and he suggested that this was fraud. He confirmed that he had recently left a copy of this information for Mr Haddow.

MEMBERS' QUESTIONS

Councillor Trail asked Mr Scott if other members of the taxi trade in Helensburgh were suffering why had they not objected to this application. Mr Scott explained that he was on holiday and missed the deadline for submitting an objection. He said that Councillor Trail had raised a very good point and that he has discussed this with several taxi drivers and in future they would be objecting to every application. Professor Black said that Councillor Ellen Morton had made it clear that if anyone objected they would be doing a stupid thing. Councillor Trail advised that if they do have objections then they should make them known to the Committee. Mr Scott confirmed that in the future that will happen.

Councillor Colville advised that he was aware there were 48 taxis operating and that in the Halcrow report it stated there were 55. He said that he was interested to know why the other 7 taxis were no longer operating. He referred to someone suggesting that there were now only 48 taxis as that was what there was the demand for. Professor Black said that it was nothing to do with demand and that it was to do with the sale of Trident Taxis to TOA. He advised that 4 of these licences came back from Trident Taxis and 2 came back from Mr Cromar. He suggested that Councillor Morton wanted to transfer the plates to TOA and that her son was a Director of TOA for 2 months and then resigned. He said that Mr Cromar was lent on by someone not to put the plates on the open market.

Councillor Colville advised that he was trying to understand why the taxis have reduced to 48 since the Halcrow report was published. Mr Haddow said that he had looked into this since the start of the year. He advised that as far as he could tell from the information in their system Trident Taxis have 21 vehicles working out of the Trident office and Neptune have 9 so that leaves 20 odd plates in Helensburgh doing nothing. He commented that on the surface it looked like there was more than enough to cover the work but in actual fact there was not.

Councillor Redman asked Mr Haddow how many jobs would be created if this application was granted. Mr Haddow said that if the 3 plates for TOA were granted there would be a maximum of 6 jobs created and a minimum of 3. He said that he hoped for at least 4 fresh jobs to be created. He said that they were hoping to attract younger drivers with some get up and go. He pointed out that they have seen people waiting 40 minutes for taxis. He advised that if they were able to attract a younger element this could lead to providing a more comprehensive service.

Councillor Douglas referred to there being 21 Trident Taxis and Neptune having 9 and asked of the Applicant and the Objector where the rest were? Mr Haddow said that they have driven around Helensburgh and could not find these taxis. Mr Scott advised that Mr Berry and his colleagues have been in Helensburgh for about 2 weeks. He suggested that they did not know the running of Helensburgh and that he has been here for 12 years. He advised that on Saturday there were 42 taxis out and that there was not enough work for these taxis. He advised that they have TOA coming into the area as they have the ability to send as many as they wish to Helensburgh (it was noted that Mr Haddow had confirmed that TOA had 150 taxis working out of the Dumbarton office). He pointed out that this company were also working to a different tariff from Argyll and Bute and this was confusing customers. He advised that TOA were charging a lower price. With regard to the number of taxis in the Helensburgh area he did not know where the other 18 were. He said that they all go out on a Saturday and there were also plenty going out during the week to cover the level of service required. Mr Scott indicated that he agreed with the disabled side of things but to add another 2 would cause more problems in Helensburgh.

Councillor Douglas sought and received confirmation from Mr Scott that TOA took over Trident Taxis. He said that the Helensburgh drivers that were with Trident were unaware that the company had been sold to TOA which had caused chaos in the Helensburgh area. He advised that there were enough taxis to supply the Helensburgh public and that the Council were going down the wrong road of issuing more plates.

SUMMING UP

Objector

Professor Black advised that he thought he had failed and that he had tried to present an analysis of the Halcrow report. He said that there were actually 20 odd independent Taxi Operators in Helensburgh. He advised that ideally the Council should regulate the number of taxis and do this by issuing taxi plates. He said that too many plates reduced the wages of taxi drivers but too few would mean not enough taxis for customers. He indicated that TOA had a control room able to monitor where all the taxis were and if there was unmet demand they should phone up taxi drivers to come out on the streets. He said that the examples of people waiting 40 minutes and was due to taxis being sent to the wrong place as the Operators from Alexandria were unfamiliar with the territory. He said that they had an incompetent running system and that 40 minutes waiting was due to this and not to unmet demand. He advised that all the Helensburgh and Lomond Members should know this.

Professor Black pointed out that the Committee had already issued one or two extra plates for Helensburgh and Lomond which, he said, has reduced the income of Helensburgh taxi drivers. He said that the Council were expecting taxi drivers to work for less. He advised that there was no evidence to support the conclusion of the Halcrow report and that the Council was in default of not supplying an up to date survey.

Mr Scott advised that as he had said before, they were categorically struggling out there and that if this continues to go on they may as well all be unemployed. He referred to Trident and Neptune and advised that an outside company was now operating from another area to control this taxi area and that he has never known this to happen before. He said that if we were to carry on down this road it would cause lots of problems for the Council and the taxi drivers in the area.

Professor Black said that the Council had a moral responsibility to look after the taxi drivers.

Applicant

Mr Haddow advised that from TOA's point of view, talking to their long term drivers about the new system put in, they were seeing an increase in business due to the new technology fitted to the cars. He said that this could be seen as hearsay but he did not know where the 2 gentlemen were getting their figures from. He referred to comments about TOA moving into Helensburgh and said that this was nonsense. He pointed out that the software did not allow that to happen. He advised that if a Helensburgh number phones it is directed to Trident Taxis and the system will only dispatch a Trident taxi. He said that the software has been tried and tested and has been available and has worked for years. He referred to the issue on the rank and said that this should have been reported to West Dunbartonshire Council as it was not allowed.

The Chair asked both parties to confirm if they had received a fair hearing. Mr Haddow and Mr Scott confirmed that they had received a fair hearing.

Professor Black advised that he had not received a fair hearing for the same reasons as intimated at the previous hearing as detailed below.

He referred to a previous hearing and said that the minute did not accurately reflect his input and that he suspected the same would happen today. He advised that this was a flawed system. He said that the Committee comprised of Members outwith the Helensburgh and Lomond area and that he had to travel to this meeting at his own expense whilst the Committee Members received expenses. He also referred to the absence of some Members from the meeting and questioned why meetings were scheduled on dates which clashed with other commitments. He suggested that Officers needed to be better organised. He referred again to Members representing other areas and stated that this meeting should have been held in Helensburgh as it took 5 hours there and back to attend in Lochgilphead.

Professor Black's comments were noted by the Committee who determined to proceed to debate the merits of the application.

DEBATE

Councillor Hardie commented that this had been a very interesting debate. He advised that he personally knew 3 or 4 taxi drivers and they had never once mentioned there were too many taxis. He advised of the last time he took a taxi. He confirmed that he would like to approve this application.

Councillor Blair referred to procedures and advised that from an auditor's perspective some of the issues mentioned would need to be proven. He said that he could not read minds so if what was being said to the Committee was happening there was a need for this to be proven. He advised that this also applied to Council Officers. He referred to the Halcrow report and advised that for the Committee to be basing its decisions on a document which some were saying was wrong, then there may be a need for another survey to be commissioned but to do that input would be required from the taxi drivers. He advised that there was a need for some future review to enable the Committee to do its best for the trade.

Councillor Redman referred to Helensburgh being a growing town and said that it would continue to grow. He said that the Committee may not have a legal obligation but they did have a moral obligation to see an expansion of wheelchair accessible taxis and to see an expansion in employment so for those reasons he supported the application.

Councillor Trail advised that if he had heard what was said at this hearing during the last hearing then his decision would have been different then. He commented that at last they had heard a voice from the taxi trade and that he was minded this time not to grant the application.

Councillor Colville advised that as with the previous application he was quite clear that the Committee reviewed the Halcrow report less than a year ago and agreed that it was fit for purpose. He said that he agreed that Helensburgh was growing but at this time he was not convinced there was no unmet demand.

Motion

To agree to refuse the application for a Taxi Operator's Licence as there was no evidence of significant unmet demand.

Moved by Councillor Rory Colville, seconded by Councillor Audrey Forrest

Amendment

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

Moved by Councillor Alastair Redman, seconded by Councillor Graham Archibald Hardie

The Motion was carried by 5 votes to 2 and the Committee resolved accordingly.

DECISION

The Committee agreed to refuse the application for a Taxi Operator's Licence as there was no evidence of significant unmet demand.

(Reference: Report by Head of Governance and Law, submitted)