

**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)

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| 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 Evan-Jones, Trainee Solicitor  
Michael Rainey, 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 (M RAINEY, ALEXANDRIA)**

The Chair welcomed everyone to the meeting and introductions were made. The Head of Governance and Law outlined the procedure that would be followed and Professor Black advised that he accepted the procedure with reservations. The Chair then invited the Applicant to speak in support of his application.

**APPLICANT**

Mr Rainey advised that he was applying for a Taxi Operator's Licence for Helensburgh as it was his understanding that so many were handed back in and he believed there was a shortage of vehicles in Helensburgh due to unmet demand.

**OBJECTOR**

Professor Black referred to everyone having a copy of the Halcrow report which should be clear in describing the situation in Helensburgh which, he said, has apparently been adopted as valid. He advised that the report was out of date from 2013 and stated that the Council had a legal requirement to have an up to date report and that it was not for the Applicant or Objectors to show what was happening. He said that the Committee Members, with the support of staff, should have all the information to hand. He said that 3, 4 or 5 Members should have

knowledge of the situation in Helensburgh. He said that he was totally sympathetic regarding the issues raised by Councillor Blair and agreed that there must be provision for the disabled, both housing and transport. He pointed out that there was no legal requirement for wheelchair accessible vehicles in Argyll and Bute and that this was a matter for the Council to take up with the Scottish Government. He advised that the system that TOA operate was modern technology direct to taxis. He advised that Councillor Blair was misplaced using UBER and instead should have used a black cab as they were regulated and were being disadvantaged by UBER. He advised that TOA/Trident was being run by Mr Berry and he referred to him being "a cowboy". He referred to Mr Haddow, in the earlier hearing, denying that cabs were coming from Dumbarton to serve Helensburgh. He pointed out that he proved that on Friday morning when a taxi was called from Carrick to Helensburgh it was TOA that responded. He said the company was not set up separately and that they were co-mingling. He also referred to Dumbarton taxis arriving in Helensburgh and picking up and delivering within the same zone and he said that this was illegal. He said that the Committee were aware of a number of illegal things and that nothing has been done. He referred to another person as being a con man and said that he was currently driving a taxi in Helensburgh and was in contact with people. He said that if he cons someone the Committee were liable. He advised that a GPS system was the way forward but was not being used correctly by TOA. He then read out the contents of a letter he had sent to Mr Haddow.

Professor Black said that he disputed that existing taxi drivers were too old. He advised that Mr Berry did not consult the drivers during the takeover process. He referred to alleged actions made by Councillor Ellen Morton to taxi drivers and to the Helensburgh Advertiser. He referred to existing drivers suffering from unfair competition as set out in his letter of objection.

## **QUESTIONS FROM APPLICANT**

Mr Rainey asked Mr Scott if he worked from a booking office. Mr Scott replied that he worked independently and not from a booking office.

## **MEMBERS' QUESTIONS**

Councillor Douglas asked Mr Scott if he knew how many independent taxi drivers were operating in Helensburgh and Lomond. Mr Scott said about 9 or 10 were independent.

Councillor Douglas asked Mr Scott if he was representing all of these. Professor Black pointed out that Mr Scott was representing him at this hearing to present evidence to support his objection. He added that there were 23 independent plates in Helensburgh. He suggested that if they were all members of the same GPS system it would work better and be efficient as supply and demand could be monitored and the controller could organise who needed to be on the rank and who could go home.

Councillor Trail asked Mr Rainey to develop the earlier statement he had made. He advised that discussion at the hearings to date had been around experience at the taxi rank and pointed out that Mr Rainey had referred to demand beyond the taxi rank. Mr Rainey advised that the controllers had an oversight of the system and that Dumbarton taxi drivers got knowledge of jobs in Helensburgh but they could not access these. He advised that in the Helensburgh area there were jobs available

nearly all day on his screen and that he could see jobs waiting constantly in Helensburgh. He advised that it was not unusual for Helensburgh customers to phone back after 20 minutes asking where their taxi was. He said that Helensburgh customers were relying on family to take them to the Doctors, train station and airport as the current service was not reliable. He advised that he has been led to believe that it has been like that for a long time and that if you phone the base you could be waiting up to 30 minutes. He said that they knew there was definitely unmet demand.

Councillor Colville sought and received confirmation from Mr Scott that he held a Taxi Operator's Licence and a Taxi Driver's Licence.

## **SUMMING UP**

### **Objector**

Professor Black read out an email that he had supplied to all the Committee Members, Mr Berry, Mr Haddow and Mr Rainey, the Applicant for this hearing. The email referred to a phone call made on Saturday for a taxi for Mr Jones which did not turn up on time. The email also referred to a Mr Smith calling for a taxi from Carrick to Helensburgh. He pointed out that Mr Rainey had said that fares could not be taken from Dumbarton and said that the Carrick case demonstrated that it did. He then said that the taxi came from Helensburgh and did not go near Balloch so there was no need to put the fare on from Balloch.

Mr Scott advised that as he had said at the previous hearing, he felt there was insufficient demand for more taxis in Helensburgh. He advised there was more than enough to supply the Helensburgh community. He felt that this plate should not be issued.

### **Applicant**

Mr Rainey advised that as previously stated he believed there was unmet demand and that if this gentleman could see the system he would see this and that it was not something you could see from the street. He advised that when working with the system and listening to the controller you knew where the work was. He advised that the controller was not there to tell a driver when they could and could not work. He pointed out that the controller saying TOA instead of Trident when answering a call was just a mistake. He stressed that once a job went into the machine, depending on the telephone number, the job was either despatched to Trident or to TOA. He said that he had not had time to read the letter but advised that from what he had heard it was a fabrication as far as he was concerned. He stated that the machine/computer despatched the job and that was why they got the system. He advised that a man working off the rank would have no idea whether there was unmet demand and if he was on the system he could guarantee he would double his money. He referred to wheelchair accessible vehicles and advised that there were only 2 with one coming off today. He said that the other one only worked around Garelochhead and only worked on Saturdays and did not work on the system. He advised that at this time there were no wheelchair accessible vehicles in Helensburgh that you could phone.

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

It was noted that Professor Black did not feel he had received a fair hearing and the Committee determined to proceed to debate the merits of the application.

## **DEBATE**

Councillor Hardie advised that he did not read Professor Black's email. He said that he would like to trust what the Applicant has said and approve the application.

Councillor Redman agreed with Councillor Hardie. He advised that as it stood right now all the Councillors had their own opinions. He said that if there were very few taxis working as wheelchair accessible vehicles then this should be encouraged and that he was minded to approve the application.

Councillor Colville said that he had found this morning invigorating. He advised that there had been a good debate with different points of view coming forward. He stated that as Councillors they had recently endorsed that the Halcrow report was still fit for purpose. He advised that it was possible from what they had heard this morning that this new system made it clear whether or not there was unmet demand and that he hoped that a future report would take cognisance of that. He advised that the fact remained that the Halcrow report was still relevant and whether or not it was up to date was a matter of opinion. He said that the Councillors had agreed it was still valid very recently and on the basis of all that he had heard he moved refusal of the application on the basis that there was no significant 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 Gordon Blair

## **Amendment**

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

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' Licence as there was no evidence of significant unmet demand.

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