

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 20 SEPTEMBER 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Gordon Blair	Councillor Andrew Kain
Councillor Jan Brown	Councillor Liz McCabe
Councillor Audrey Forrest	Councillor Luna Martin
Councillor Graham Hardie	Councillor Peter Wallace

Attending: Shona Barton, Governance Manager
Fiona Macdonald, Solicitor
Morgan Romilly, Applicant
Hayley Romilly, Applicant
Stephen McIntyre-Stewart, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Amanda Hampsey, Daniel Hampsey, Paul Kennedy and Dougie Philand.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A TAXI CAR LICENCE (M ROMILLY AND H ROMILLY, 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 Applicants opted to proceed by way of audio call and Morgan and Hayley Romilly joined the meeting by telephone.

Stephen McIntyre-Stewart, Objector, also opted to proceed by way of audio call and joined the meeting by telephone.

All of the other objectors (Mark Franks, Paul Dornan, Colin McNeill and Kimberley Clerk) were unable to attend today and had asked Mr McIntyre-Stewart to speak on their behalf.

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

APPLICANT

Mrs Romilly read out the contents of an email which Mr Romilly had submitted to the Licensing Team prior to the start of this hearing. The email addressed their concerns about the objections that had been submitted in respect of this application.

Mr Romilly then spoke in support of their application. He advised that they had been operating successfully in the town for a number of years and it had come to the point that demand exceeded their capacity. He said they no longer had the spare capacity and that their regular customers sometimes had to wait for around 40 minutes for a taxi, especially on Friday and Saturday nights. He referred to issues in the past with the current vehicle needing repairs and that the dealer was in Edinburgh. He advised that an extra plate would also act as a safety net when the other vehicle was transporting customers to Glasgow and further afield. He advised that quite regularly after 2 am when the trains stopped there were no taxis available in town. He said that their vehicle was regularly the only taxi active around 2 am – 6 am. He said that they regularly took fares to Edinburgh and Glasgow which left Helensburgh without a taxi for up to an hour in the middle of the night. He said there was plenty trade during the night.

He advised that this vehicle was a fully electric Nissan Leaf. He said that they'd had great success with their current vehicle.

Mr Romilly referred to the LVSA survey and commented that it was a number of years out of date. He said that this was a busy town and he could justify the need for a second car. He said he was confused as to why Mr McIntyre-Stewart was objecting as he was just granted a plate himself. Referring to the number of plates in Helensburgh, he advised that these vehicles were not available 24 hours as a lot of the Operators had full time jobs and seen taxi work as a hobby.

QUESTIONS FROM OBJECTOR

Mr McIntyre-Stewart referred to claims made that he had taken photographs of Mrs Romilly and her vehicle. He asked Mr Romilly if he had a copy of the photograph he took. Mr Romilly advised there was CCTV footage. Mr McIntyre-Stewart asked if that footage had been submitted today. Mr Romilly advised that it could be submitted.

Mr McIntyre-Stewart referred to comments that he reversed into a petrol pump. He commented that Mrs Romilly was hanging onto his vehicle at that point and this could be seen from the CCTV footage. He asked Mr Romilly to confirm if this was the CCTV footage that he had seen. Mr Romilly replied that Mr McIntyre-Stewart would need to ask the Police and Tesco about that.

Mr McIntyre-Stewart questioned Mr Romilly about whether his current vehicle was an electric vehicle or a plug in hybrid, commenting that he advertised his vehicle as fully electric. Mr Romilly commented that he could not see why this was being brought up at this meeting.

Mr McIntyre-Stewart asked Mr Romilly to confirm if he had phoned Mr McNeil last night to ask him to withdraw his complaint. Mr Romilly advised that he had tried to contact him about covering a job.

Councillor Gordon Blair raised a point of order on the relevancy of the questions.

The Governance Manager, Mrs Barton, pointed out to Mr McIntyre-Stewart that his questions should relate to the submission from the Applicant and she encouraged Mr McIntyre-Stewart to remain focussed on the points that have been made by Mr Romilly.

The Council's Solicitor, Ms Macdonald, referred to both parties alluding to previous complaints which did not form part of this hearing. She advised that complaints had been

made against Mr Romilly to the Licensing Team and that these had been investigated and not upheld. She advised that Mr McIntyre-Stewart was bringing up some of those complaints again in this forum and reiterated that he should be focussing on the application and matters relevant to this hearing and the application.

The Chair supported the points made in the point of order. He advised that he was trying to give both parties a full opportunity to present their case and asked that they could both keep to points that were really relevant.

Mr McIntyre-Stewart asked Mr Romilly if he was aware of where these complaints came from.

Councillor Mark Irvine raised a point of order and said he was struggling to see the relevancy of these complaints and allegations. He said this appeared to be a civil matter between 2 parties and that he did not think it was relevant to this application and should be taken offline between the 2 parties.

The Chair advised that he was trying to give both parties the fullest opportunity to present their case. He said he had given the Applicant the opportunity to raise a number of points which he had and in the interests natural justice it was only right that the Objector should also be able to put reasonable questions to the Applicant in terms of their submission.

Councillor Irvine said he was uncomfortable with the unsubstantiated allegations and questioned whether the constant back and forth was advancing the process of determining this application.

OBJECTOR

Mr McIntyre-Stewart referred to there being a lack of trade. He commented on the cost of living crisis and said that the full difficulty of that had still to be seen. He advised that people were already stopping using taxis in the Helensburgh and Lomond area. He said that his business chose to go out to Arrochar and Kilcreggan for short journeys and that they were losing money just to fill these gaps. He said that he has heard nothing in Mr Romilly's submission that he would be prepared to do the same.

He referred to the points raised in relation to the allegations made by a member of the public. He said he had sought advice from the Council and had been told to refer to this person as a member of the public rather than naming them. He said that Mr and Mrs Romilly had given names in their statement and he said these were quite serious allegations. He commented that the Committee had a duty of care to the public and he hoped that they would not ignore these for other reasons.

Mr McIntyre-Stewart said there was clearly a lot of money being made by Mr Romilly's business and he questioned why he was not VAT registered.

Mr McIntyre-Stewart advised that Mr McNeil had called him today to advise that Mr Romilly had asked him to submit an email to say that he was withdrawing his objection. Mr McIntyre-Stewart said he was clearly not withdrawing his objection. He commented that Mr Romilly had also asked Mr Dornan to do the same. Mr McIntyre-Stewart advised that Mr Dornan had asked him to inform the Committee of an incident that had occurred when Mr Dornan had been at Mr Romilly's house and he explained the circumstances around that. Mr McIntyre-Stewart said there were clearly questions as to whether or not Mr Romilly was a fit and proper person. Mr McIntyre-Stewart said he was not saying the

same of Mrs Romilly as he did not know her well enough and that he had no reason to say she was not a fit and proper person.

Mr McIntyre-Stewart alleged of times when Mr Romilly had been intimidating toward the other objectors. He said that Mr Romilly had a reputation for not being suited to the taxi industry and said that summed up what everyone had been saying to him.

Mr McIntyre-Stewart referred to the minutes from a previous meeting in respect of the application for his current vehicle, and said that Mr Romilly had contradicted himself in respect of a number of issues. He said this pointed to the fact that Mr Romilly was known to embellish the truth and he advised that he believed he had done so again today.

QUESTIONS FROM APPLICANT

Mr Romilly referred to Mr McIntyre-Stewart continuing to go back to a past meeting of the PPSL Committee and to him making allegations that he was not a fit and proper person. He asked Mr McIntyre-Stewart to point out where these allegations have come from as he had not received anything about them. Mr McIntyre-Stewart said that on the day the 5 letters of objection were submitted someone from Garelochhead had come forward with allegations and he explained what these were. He also referred to an incident which he had witnessed at the taxi rank. He said he was aware of at least one complaint that had been submitted to the Council about Mr Romilly's behaviour.

Mr Romilly sought and received confirmation from Mr McIntyre-Stewart that he had hand delivered the 5 objections to the Council. Mr McIntyre-Stewart said the wording of the objections was given to him and that he had typed them up. He said that Mr McNeil, Mr Franks and Ms Clerk had come together to decide the best wording and that was why the contents of their objections were similar. Mr McIntyre-Stewart said that he had not met with the objectors to discuss the wording. He advised that they had sent the wording to him via WhatsApp and he had then typed the objections up and sent them back for them to sign off.

MEMBERS' QUESTIONS

Councillor Kain sought and received confirmation from Officers that this hearing was being held to consider the application for a taxi car licence for car registration T400 WLF and the next hearing scheduled for 2.45 pm being held to consider the application for a taxi car licence for car registration T500 WLF.

Councillor Kain referred to a photograph contained within the Agenda packs which showed a licence plate T300 WLF. Mr Romilly confirmed that this was his electric London Taxi which he held a licence plate for (no. 6578). He said the current plate was under his name.

Councillor Brown sought and received confirmation from Mr Romilly that he currently held one Taxi Car Licence and that he was applying for 2 more car licences to add to his business.

Councillor Wallace referred to claims about inappropriate behaviour and sought and received confirmation from Mr Romilly that he'd had no involvement with either the Police or the Licensing Team in regard to any claims made.

Councillor Green asked Officers if Police Scotland would have been made aware of this application and given the opportunity to comment if they wished. Ms Macdonald confirmed that Police Scotland had not submitted a representation or objection in respect of this application. In relation to any allegations of impropriety, she said that the Council would not disregard any allegations in that regard.

Councillor Irvine sought and received confirmation from Ms Macdonald that there were currently 47 car licences in the Helensburgh and Lomond area and at the time of the LVSA report in 2014 there were 48.

SUMMING UP

Objector

Mr McIntyre-Stewart said that complaints have been made to Police Scotland. He said that one of these was some years ago when Mr Romilly first arrived in Helensburgh. He referred to the details of this and said that nothing had come of it. He also referred to the details of another complaint submitted. He said he could not name the person from Garelochhead but knew that they had made an approach to the Council and had received no response. He said it was important for the Committee to be aware that there had been some Police involvement.

Applicant

Mr Romilly thanked the Committee for their time. He said he hoped the Committee could see how much of a witch hunt this was. He said that he has had no involvement with the Police and that he was not aware of any of the allegations mentioned.

He said that all the vehicles he would run would have internal tracking systems installed. He advised that this plate would allow his business to operate to the high standard they have been rated as. He advised that he had a lot of regular customers and that the current vehicle was wheelchair accessible. He said that they could not serve the amount of customers they had at the moment. He said he hoped the Committee would see how much of a witch hunt this was and that all of the claims were just hearsay.

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

DEBATE

Councillor Irvine raised a point of order. He asked if Officers could confirm if any written objection against the Applicant had gone unanswered. Ms Macdonald advised that there had been previous complaints in relation to the Applicant along similar lines to those raised today. She said these were investigated by the Licensing Team and Legal Services and it was considered that there were no arguable points in relation to these complaints that would be taken to the Committee and that the complaints lodged were not upheld. She referred to comments about a couple of complaints submitted recently which she said she was unaware of. She confirmed that the complaints that have been investigated were not upheld.

Councillor Armour commented on hearing a lot that had little to do with this application. He said that he would assume that it would be normal for Police Scotland to have had sight of this application and that they would have had sight of these objections. He commented that some of these objections and allegations were pretty serious and had the

Police thought they needed investigating, he would have thought they would have put an objection in. The fact that they had not done so, he said, led him to believe that the application was valid and that the taxi provision would allow it. He said he could see no problem in accepting that this application go through.

Councillor Hardie commented that there was no Police objection and a lot of hearsay. He said he would be happy to grant this application.

Councillor Martin agreed that on the basis of what had been stated and also being comforted that the Police had no objection, she would be happy to grant the application.

Councillor Blair said that it was important to take complaints seriously. He commented that the Committee wanted the best quality vehicles and drivers in all areas. He said that he felt there was a lot of conjecture today. He added that if there were any issues about taxi drivers or vehicles there were procedures there to deal with these. He confirmed he would be happy to grant the application.

DECISION

The Committee unanimously agreed to grant a Taxi Car Licence to Mr and Mrs Romilly for Car Registration T400 WLF and noted that they would receive written confirmation of this within 7 days.

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