

**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. He advised that as the same parties were present for this hearing as the previous one held at 2.00 pm, the Committee would take account of the information presented before.

APPLICANT

Mr Romilly advised that this application was for a Taxi Car Licence for a 9 seater vehicle (registration number T500 WLF), capable of carrying 8 passengers. He said that it was fully diesel at this time. The sole purpose of this vehicle, as well as supporting the others,

would be to stay on the Loch side. He referred to the LVSA survey report and everything referring to Helensburgh and Lomond and to Mr McIntyre-Stewart advising at the previous hearing of the need to serve Arrochar, Luss and Tarbet. He said that you could constantly see West Dunbartonshire cars going up and down so some did provide a service there. He commented that Mr McIntyre-Stewart had previously referred to the difficulties of serving an area 35 minutes up the road from where a vehicle was located. Mr Romilly advised that if this plate was granted they had contracts in place up the Loch side and that the vehicle would permanently reside in Arrochar. He said that he and his wife were considering a move to Arrochar.

He said that he had received massive support for this vehicle from businesses such as Luss Estates, Lennox of Lomond and the Golf Club. Mr Romilly advised that he had also received fantastic support from the Three Villages Hall Committee.

He advised that the vehicle may appear in Helensburgh on occasions but the sole purpose would be to be based in Arrochar and serve the people of the three villages from there. He referred to regularly getting customers looking for transport from Arrochar train station to distances of less than half a mile and that it could not be justified sending a car up there for a £3 or £4 hire. He said it seemed that the people of these villages had been forgotten about.

He said there was huge support for a taxi dedicated to these villages. He referred to the local bus service being infrequent and did not allow locals and tourists to move about. He said this 8 seater vehicle would be capable of carrying people between businesses and he believed the Council would have received an email about how much this service was needed in the area.

QUESTIONS FROM OBJECTOR

Mr McIntyre-Stewart asked Mr Romilly if he would intend charging a call out fee and, if not, how would he make his business model work. Mr Romilly advised that he did not intend to charge a call out fee. He said the vehicle would remain in the area and that the driver would live there so the vehicle would have a permanent base in the village.

Mr McIntyre-Stewart referred to Mr Romilly's plans to move to Arrochar and asked how that would work for him covering the whole of Helensburgh and Lomond. He said it did not make a lot of sense. Mr Romilly said he would use his vehicles wherever they were needed and that if wanted to operate dead mileage he would.

Mr McIntyre-Stewart referred to Mr Romilly saying he operated a 24 hour service and asked if he had received many complaints about calls going unanswered. Mr Romilly said that he always returns calls to customers. He referred to loss of mobile signal at times when driving.

OBJECTOR

Mr McIntyre-Stewart said the main point was that as a plate was granted at the previous hearing this brought the number of plates for the Helensburgh and Lomond up to 48. He said that business in Helensburgh and Lomond had dramatically reduced compared to pre Covid times and he advised that it was likely to fall further due to the cost of living crisis. He said that he was seeing taxi drivers dropping out. He said that what was needed was competition and that he believed granting another plate to an already operating business, instead of a separate individual, would stifle competition.

QUESTIONS FROM APPLICANT

Mr Romilly advised that he had no questions.

MEMBERS' QUESTIONS

Councillor Blair asked the Applicant how many taxis in total there were in Arrochar and if the area was now up to capacity. Mr Romilly advised that as far as he was aware there were no taxis operating in the area. He referred to a survey carried out by the Three Villages Hall Committee, which stated they found it extremely difficult to get a taxi and that there was no taxi service based in Arrochar or Tarbet. He referred to the LVSA report saying there was 48 taxis and said this was heavily focussed on Helensburgh.

Mr McIntyre-Stewart advised of having one taxi for the Arrochar and Tarbet area. He said the difficulty people had was not about getting a taxi, it was about not getting a taxi without being charged a call out. He said his business was affected by this.

SUMMING UP

Objector

Mr McIntyre-Stewart referred to Mr Romilly indicating that he intended to work in the Arrochar area and that he understood he had work coming out from some parts of Arrochar and Tarbet. He said that this new taxi licence would severely curtail his opportunities. He said that he had one vehicle designated for that area and that they also covered the Loch side. He said that the only service that Mr Romilly would add to the area was that this vehicle could take 8 passengers. He suggested that due to the short journeys, customers were quite happy to hire 2 vehicles to do a run.

Applicant

Mr Romilly said that this 8 seater vehicle would be dedicated to the north of Loch Lomond, Arrochar, Tarbet and Luss. He said there were contracts in place to make this a sustainable vehicle for the area. He advised that he had received positive responses from the Three Villages Hall Committee and the evidence of this had been submitted to the Licensing Team this morning. He referred to 48 vehicles now covering the Helensburgh and Lomond area and he said that he believed this area should be seen as 2 separate areas. He said that Luss and Tarbet were the forgotten villages.

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

DEBATE

Councillor Brown sought and received confirmation that the total number of taxi licences in the Helensburgh and Lomond area was 48, following the granting of a licence at the previous hearing. This brought the total to the same number of taxis that operated when the LVSA survey was carried out.

Councillor Brown asked if there was any leeway for the Committee to grant another licence, given the intention to only run this taxi at the north end of Loch Lomond.

Councillor Green said that the Committee always had leeway. He said it was up to the Committee to determine whether or not it would be appropriate and the Committee could choose whatever information was relevant to determine whether an exception could be made.

The Governance Manager, Mrs Barton, advised that the LVSA survey was taken forward by the PPSL Committee and an agreement was made that any future applications for taxi car licences would come to the Committee for consideration regardless of any objections. She said it was not her view that the report was binding in terms of numbers and that it was there for information. She said that she believed there had been occasions when the Committee have granted licences that have taken an area above the numbers in the report.

Councillor Kain said he would be inclined to approve this application as it seemed that it would benefit Arrochar and other smaller locations which were not properly served at the moment.

Councillor Irvine agreed with Councillor Kain and said he would be happy to support the application. He said that Arrochar was within his Ward and that he was familiar with the geography of the area. He said there were lots of short-term lets and Airbnbs in the area and that there had been a lot of local support for a taxi based in Arrochar at a Community Council meeting and on social media. He said he was sure there was demand and that it would be up to the Applicant to justify his business model and, if he could support that, then he was minded to support the employment of a driver in these areas.

Councillor Blair said he was minded to support this application on the basis of support from the community and the rural nature of that area. He questioned whether a condition could be put on the licence or if the Committee should just take the Applicant's word about where the taxi would operate. He said that a taxi in this area would help service the public transport network and from a connectivity aspect that was good. He commented that it was only up and over the hill to Lochgoilhead and that he was minded to support the application on this occasion.

Councillor Green said that he thought placing a condition on the licence would be overly onerous on the Operator and this would prevent them from picking anyone up from Helensburgh after dropping someone off from Arrochar.

DECISION

The Committee unanimously agreed to grant a Taxi Car Licence to Mr and Mrs Romilly for Car Registration T500 WLF and noted that they would receive written confirmation of this within 7 days.

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