

Notice of meeting and agenda

Regulatory Committee

9.30 am, Friday, 1 February 2013

Dean of Guild Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

Contact

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1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Deputations

- 3.1 If any.

4. Minutes

- 4.1 Regulatory Committee of 16 November 2012 (circulated – submitted for approval as a correct record).
- 4.2 Licensing Sub-Committees of 7, 14 and 16 November and 12 and 14 December 2012 (circulated – submitted for approval as correct records).

5. Key decisions forward plan

- 5.1 None

6. Business Bulletin

- 6.1 Regulatory Committee Business Bulletin 1 February 2013 (circulated)

7. Executive decisions

- 7.1 Commercial Dog Walking – report by the Director of Services for Communities (circulated).

(Councillor Ricky Henderson invited in regard to his motion)
- 7.2 Workplan: Review of Taxi Advertising Controls – report by the Director of Services for Communities (circulated).

- 7.3 Scottish Government Consultation: Taxi and Private Hire Licensing – report by the Director of Services for Communities (circulated).

8. Routine decisions

- 8.1 None.

9. Motions

- 9.1 None

Carol Campbell

Head of Legal, Risk and Compliance

Committee Members

Councillors Barrie (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Cairns, Gardner, Bill Henderson, Heslop and Redpath.

Information about the Regulatory Committee

The Regulatory Committee consists of 9 Councillors and is appointed by the City of Edinburgh Council. The Regulatory Committee usually meets every eight weeks.

The Regulatory Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Aileen McGregor, Committee Services, City of Edinburgh Council, City Chambers, High Street, Edinburgh EH1 1YJ, Tel 0131 529 4325, e-mail aileen.mcgregor@edinburgh.gov.uk

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

Item 4.1 Minutes

Regulatory Committee

9.30 am, Friday, 16 November 2012

Present

Councillor Barrie (Convener), Aitken, Cairns, Corbett (substituting for Councillor Burgess), Bill Henderson, Heslop, Keil (substituting for Councillor Gardner), Lunn (substituting for Councillor Blacklock) and Redpath.

1. Minutes

Decision

- 1) To approve the minute of the Regulatory Committee of 14 September 2012 as a correct record.
- 2) To approve the minutes of the Licensing Sub-Committees of 12 and 14 September and 10 and 12 October 2012 as correct records.

2. Regulatory Committee Work Plan

The proposed Work Plan for the Regulatory Committee for the next twelve months was presented. The Work Plan sought to address outstanding policy issues within the remit of the Committee.

Decision

- 1) To approve the Work Plan.
- 2) In regard to the Council's Street Trading Policy:
 - a) To note that demand for street trading pitches in the High Street and Hunter's Square far exceeded space available and that the current practice of allocation had caused considerable concern.
 - b) To agree that pending a complete review of this policy that a ballot be introduced for these pitches and the current practice of accepting bulk requests of dates are discontinued and that these interim arrangements be administered by the Director of Services for Communities.

- 3) To agree as an interim measure that the existing policies on Street Trading and Late Hours Catering be strictly implemented for any new application received, pending the completion of the policy reviews, in order not to limit the Committee's options for future policies.
- 4) The Director of Services for Communities to arrange a briefing for members on 12 December 2012 to inform on options available to the Licensing Sub-Committee following consideration of representations received from neighbouring proprietors when determining applications for House in Multiple Occupation Licences.

(Reference – report by the Director of Services for Communities, submitted.)

3. Public Entertainment Licensing – Recommendations of Member Officer Working Group

Approval was sought to carry out a public consultation on the recommendations brought forward by the Member Officer Working Group on Public Entertainment Licensing.

Decision

- 1) To approve the recommendations of the Member Officer Working Group to undertake consultation.
- 2) To note that consultation would take place until mid January 2013 and that a report of the findings would be submitted to the Regulatory Committee.
- 3) To discharge the outstanding remit from the Regulatory Committee of 22 June 2012.

(References – Regulatory Committees of 27 January 2012 (item 2), 9 March 2012 (item 4), 20 April 2012 (item 2) and 22 June 2012 (item 2), report by the Director of Services for Communities, submitted.)

4. Public Registers

A pilot scheme had operated since August 2012 publishing Public Registers on the Council's web site for all major categories of licences.

Approval was sought to launch and publicise the availability of this service.

Decision

To approve the launch of the online public registers and to note that further development would be undertaken in future.

(Reference – report by the Director of Services for Communities, submitted.)

5. Street Trading in South Queensferry – Motion by Councillor Work

The following motion by Councillor Work was submitted in terms of Standing Order 29.1:

“That the Committee amend the policy on street trading adopted December 2004 to insert a presumption against the grant of street trading licences at Hawes Car Park and Edinburgh Road, South Queensferry subject to a provision that temporary street trader’s licences (for up to six weeks) might be granted for special events being held in the car park.”

Decision

To include the proposal in the review of the Street Trading policy agreed as part of the Committee’s Work Plan.

Item 4.2 Minutes

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 7 November 2012

Present

Councillor Barrie (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Cairns, Gardner, Bill Henderson, Heslop and Redpath.

1. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

The Director of Corporate Governance advised of a late letter of objection received from Zero Tolerance on 6 November 2012 and requested the Sub-Committee's to determine whether they wished to consider it at this meeting

Details were provided of 13 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

1. Not to accept the objection letter from Zero Tolerance as there was insufficient time to give due notice of it to the applicants as required by law
2. To determine the applications as detailed in the Appendix to this minute.

(Reference – list of applications, submitted.)

2. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

3. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982

Details were provided of an application for a miscellaneous licence under the Civic Government (Scotland) Act 1982.

Decision

To determine the application as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – application details, submitted.)

4. Application for a grant of a Taxi Licence

Details were provided of an application for a new Taxi Licence.

Decision

To determine the application as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Community Safety Senior Manager, submitted.)

APPENDIX

Applications for Miscellaneous Licences

Agenda Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 3.1(1) - Application for Public Entertainment Licence - Charles Stuart Haig - 42 -44 Albion Road	N/A	<p>1) To accept the police representation submitted outwith the statutory period</p> <p>2) To repel the objection and grant the renewal of licence subject to:</p> <p>(i) The Council's Standard Conditions for this category of licence and.</p> <p>(ii) The following conditions requested by the Chief Constable</p> <ul style="list-style-type: none"> • The Licence Holder will ensure that no other business will be conducted from the licensed premises outwith the hours granted by virtue of the application • The premises will not be used as a place of residence • Persons under the age of eighteen years shall not be permitted access to the premises
Item 3.1(2) - Application for Public Entertainment Licence - Thomas Edward Punton - 320 - 322 Easter Road	N/A	<p>1) To accept the police representation submitted outwith the statutory period</p> <p>2) To repel the objection and grant the renewal of licence subject to:</p> <p>(i) The Council's Standard Conditions for this category of licence and.</p> <p>(ii) The following conditions requested by the Chief Constable</p> <ul style="list-style-type: none"> • The Licence Holder will ensure that no other business will be conducted from the licensed premises outwith the hours granted by virtue of the application • The premises will not be used as a place of residence • Persons under the age of eighteen years shall not be permitted access to the premises

<p>Item 3.1(3) - Application for Public Entertainment Licence - Muirlane Ltd - 17B Hart Street</p>	<p>N/A</p>	<p>1) To accept the police representation submitted outwith the statutory period</p> <p>2) To repel the objection and grant the renewal of licence subject to:</p> <p>(i) The Council's Standard Conditions for this category of licence and.</p> <p>(ii) The following conditions requested by the Chief Constable</p> <ul style="list-style-type: none"> • The Licence Holder will ensure that no other business will be conducted from the licensed premises outwith the hours granted by virtue of the application • The premises will not be used as a place of residence • Persons under the age of eighteen years shall not be permitted access to the premises
<p>Item 3.1(4) - Application for Public Entertainment Licence - Elizabeth Muir - 168 Dundas Street (Reports, PDF, 445.75 KB)</p>	<p>N/A</p>	<p>1) To accept the police representation submitted outwith the statutory period</p> <p>2) To continue consideration of the matter at the request of the Director of Services for Communities and to allow the Chief Constable to investigate the allegation which has been brought to his attention and to report the outcome of this to the Sub-Committee</p> <p>3) To instruct the Director of Services for Communities to seek an extension of time to consider the application from the Sheriff Court to allow the investigation to be undertaken and for the Sub-Committee to reconsider the application</p>

<p>Item 3.1(5) - Application for Public Entertainment Licence - Ambassador leisure Limited - 91 Lothian Road</p>	<p>N/A</p>	<p>1) To accept the police representation submitted outwith the statutory period</p> <p>2) To repel the objection and grant the renewal of licence subject to:</p> <p>(i) The Council's Standard Conditions for this category of licence and.</p> <p>(ii) The following conditions requested by the Chief Constable</p> <ul style="list-style-type: none"> • The Licence Holder will ensure that no other business will be conducted from the licensed premises outwith the hours granted by virtue of the application • The premises will not be used as a place of residence • Persons under the age of eighteen years shall not be permitted access to the premises • Appropriate stewarding will be in place to provide appropriate control of the premises and those persons engaged in such duties are registered as door stewards with the Security Industry Authority
<p>Item 3.1(6) - Application for Public Entertainment Licence - Kathleen Tulloch - 87 - 89 Rose Street Lane North</p>	<p>N/A</p>	<p>1) To accept the police representation submitted outwith the statutory period</p> <p>2) To repel the objection and grant the renewal of licence subject to:</p> <p>(i) The Council's Standard Conditions for this category of licence and.</p> <p>(ii) The following conditions requested by the Chief Constable</p> <ul style="list-style-type: none"> • The Licence Holder will ensure that no other business will be conducted from the licensed premises outwith the hours granted by virtue of the application • The premises will not be used as a place of residence • Persons under the age of eighteen years shall not be permitted access to the premises

<p>Item 3.1(7) - Application for Public Entertainment Licence - Merchant Street Leisure Services Ltd - 9 Merchant Street</p>	<p>N/A</p>	<p>1) To accept the police representation submitted outwith the statutory period</p> <p>2) To repel the objection and grant the renewal of licence subject to:</p> <p>(i) The Council's Standard Conditions for this category of licence and.</p> <p>(ii) The following conditions requested by the Chief Constable</p> <ul style="list-style-type: none"> • The Licence Holder will ensure that no other business will be conducted from the licensed premises outwith the hours granted by virtue of the application • The premises will not be used as a place of residence • Persons under the age of eighteen years shall not be permitted access to the premises
<p>Item 3.1(8) - Application for Public Entertainment Licence - Nutbush Services Limited - 30 Blair Street</p>	<p>N/A</p>	<p>1) To accept the police representation submitted outwith the statutory period</p> <p>2) To repel the objection and grant the renewal of licence subject to:</p> <p>(i) The Council's Standard Conditions for this category of licence and.</p> <p>(ii) The following conditions requested by the Chief Constable</p> <ul style="list-style-type: none"> • The Licence Holder will ensure that no other business will be conducted from the licensed premises outwith the hours granted by virtue of the application • The premises will not be used as a place of residence • Persons under the age of eighteen years shall not be permitted access to the premises

<p>Item 3.1(9) - Application for Public Entertainment Licence - Daniel Donoghue - 43 - 45 Comely Bank Place</p>	<p>N/A</p>	<p>1) To accept the police representation submitted outwith the statutory period</p> <p>2) To repel the objection and grant the renewal of licence subject to:</p> <p>(i) The Council's Standard Conditions for this category of licence and.</p> <p>(ii) The following conditions requested by the Chief Constable</p> <ul style="list-style-type: none"> • The Licence Holder will ensure that no other business will be conducted from the licensed premises outwith the hours granted by virtue of the application • The premises will not be used as a place of residence • Persons under the age of eighteen years shall not be permitted access to the premises
<p>Item 3.1(10) - Application for Public Entertainment Licence - Jayne Donoghue - 40 Argyle Place</p>	<p>N/A</p>	<p>1) To accept the police representation submitted outwith the statutory period</p> <p>2) To repel the objection and grant the renewal of licence subject to:</p> <p>(i) The Council's Standard Conditions for this category of licence and.</p> <p>(ii) The following conditions requested by the Chief Constable</p> <ul style="list-style-type: none"> • The Licence Holder will ensure that no other business will be conducted from the licensed premises outwith the hours granted by virtue of the application • The premises will not be used as a place of residence • Persons under the age of eighteen years shall not be permitted access to the premises

<p>Item 3.1(11) - Application for Public Entertainment Licence - Northkyle - 5 Broughton Market</p>	<p>N/A</p>	<p>1) To accept the police representation submitted outwith the statutory period</p> <p>2) To repel the objection and grant the renewal of licence subject to:</p> <p>(i) The Council's Standard Conditions for this category of licence and.</p> <p>(ii) The following conditions requested by the Chief Constable</p> <ul style="list-style-type: none"> • The Licence Holder will ensure that no other business will be conducted from the licensed premises outwith the hours granted by virtue of the application • The premises will not be used as a place of residence • Persons under the age of eighteen years shall not be permitted access to the premises
<p>Item 3.1(12a) - Application for Street Trader Licence - Avatar Foil Ltd - Catering Unit Outside/adjacent to Tron Church, High Street, Edinburgh</p>	<p>Sun – sat 9 am – 11 pm</p>	<p>To note the application had been withdrawn</p>
<p>Item 3.1(12b) - Application for Late Hours Catering Licence - Avatar Foil Ltd - Catering Unit Outside/adjacent to Tron Church, High Street, Edinburgh</p>	<p>Sun – sat 9 am – 1 am</p>	<p>To note the application had been withdrawn</p>

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 14 November 2012

Present

Councillors Barrie (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Cairns, Gardner, Bill Henderson, Heslop and Redpath.

1. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

2. Taxi Driver's Licence – Renewal (Agenda item B3)

Decision

To authorise the Director of Services for Communities to grant the licence, subject to the medical by Capita being undertaken and passed. The application to be reconsidered at the meeting on 12 December 2012 if this did not happen.

(Reference – report by the Community Safety Senior Manager, submitted.)

3. Applications for Miscellaneous Applications – Civic Government (Scotland) Act 1982 (Agenda Item B4.1)

The Director of Services for Communities provided details of 5 applications for Miscellaneous Licences under the Civic Government (Scotland) Act 1982 and 6 Police Comments.

Decision

That the applications be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(References – list of applications, submitted.)

4. Suspension Requests (Agenda item B5.1)

The Head of Service for Community Safety advised the Sub-Committee of requests from the Chief Constable to suspend five licences.

Decision

That the requests be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Head of Service for Community Safety, submitted.)

5. Suspension of License Following Emergency Suspension (Agenda item B5.2)

The Head of Service for Community Safety advised the Sub-Committee of his decision to suspend a Private Hire Car Driver's License under delegated powers and requested the Sub-Committee to consider whether or not to suspend the licence.

Decision

That the request be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Head of Service for Community Safety, submitted.)

Licensing Sub-Committee of the Regulatory Committee

10.00 am, Friday, 16 November 2012

Present

Councillor Barrie (Convener), Aitken, Cairns, Corbett (substituting for Councillor Burgess), Gardner, Bill Henderson, Heslop, Keil (substituting for Councillor Gardner for agenda items 1 to 3.10), Lunn (substituting for Councillor Blacklock) and Redpath.

1. Request for Reduction of Fees – Renewal of Public Entertainment Licence – 8 Jacksons Entry, 11 Holyrood Road (Serenity Café)

Details were provided of a request for reduction in the fee charged for the renewal of a Public Entertainment licence for the Serenity Café premises at 11 Holyrood Road.

Decision

To transfer the fee paid to any new application submitted.

(Reference – report by Head of Service, Community Safety, submitted.)

2. Request for Reduction of Fees – Renewal of Public Entertainment Licence – 156-158 Lanark Road West (Currie Kirk)

Details were provided of a request for reduction in the fee charged for the renewal of a Public Entertainment licence for the Currie Kirk premises at 156-158 Lanark Road West.

Decision

To refund the fee paid.

(Reference – report by Head of Service, Community Safety, submitted.)

3. Request for Reduction of Fees – Renewal of Public Entertainment Licence – Units D and E, Leith Walk Trading Estate, 160 Leith Walk (Urban Paintball)

Details were provided of a request for reduction in the fee charged for the renewal of a Public Entertainment licence for the Urban Paintball premises at 160 Leith Walk.

Decision

To refuse the request.

(Reference – report by Head of Service, Community Safety, submitted.)

4. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 26 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – list of applications, submitted.)

Declaration of Interests

Councillor Corbett declared a non financial interest as an objector for agenda item 4.1(1) - Application for Late Hours Catering Licence - Tian Tian, Seafood Harbour - 171 Dundee Street and left the room during its consideration.

5. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

6. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 8 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – application details, submitted.)

APPENDIX

Applications for Miscellaneous Licences

Agenda Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 4.1(1) - Application for Late Hours Catering Licence - Tian Tian, Seafood Harbour - 171 Dundee Street	Sun - Sat 12 Noon – 3 am	To refuse the licence in terms of paragraph 5(3)(c)(ii) and (d) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Item 4.1(2) - Application for House In Multiple Occupation Licence - Grant West Properties - 4 (3F4) Melgund Terrace	5 Occupants	To note that the application had been withdrawn following the sale of the property.
Item 4.1(3) - Application for House In Multiple Occupation Licence - Andrew Abram - 56 (2F2) India Street (Reports, PDF, 824.78 KB)	4 Occupants	To continue consideration of the application to the meeting of 14 December 2012 to allow further discussions between the applicant and the objectors to resolve outstanding issues
Item 4.1(4) - Application for Public Charitable Collection - North Merchiston Club - Festival Square	Permission to conduct a 24hr street collection from 1 February 2013 until 2 February 2013	To grant the permit subject to the Council's Standard Conditions for this category of licence.
Item 4.1(5) - Application for Street Trading Licence - George Sneddon - Ingliston Road	0700-1900 Hot & cold food	To repel the objections and grant the licence for one year subject to the Council's Standard Conditions for this category of licence and to an additional condition that when large events are held at the Royal Highland Centre the applicant shall cease trading and remove the vehicle from Ingliston Road if requested by Public Safety, with a report to be submitted at this time on any problems that may have arisen during the lifetime of the licence.

Item 4.1(6) - Application for Street Trading Licence - James N Watt - Grassmarket	1000 – 2000 Handmade clothes, accessories and handicrafts	To continue consideration of the application to the meeting of 14 December 2012 to allow the applicant to attend.
Item 4.1(7) - Application for Market Operators Licence - Victoria MacDonald, Edinburgh Markets - Royal Commonwealth Pool, Dalkeith Road	30 stalls	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence and subject to the applicant complying with any requirements of the Acting Head of Planning and Building Standards
Item 4.1(8)(a) - Application for Second Hand Dealer Variation - Game Group Limited - 11 Kinnaird Park, Fort Kinnaird Retail Park	Request for variation of condition 1 – variation to exempt the applicant from recording items where the re-sale value is less than £50. Request for exemption of condition 9 – acquiring/disposing of goods in relation to persons appearing to be under 16 years of age.	1) To note the variation request of condition 1 to exempt the applicant from recording items where the re-sale value is less than £50 had been withdrawn. 2) To grant the variation of condition 9 – acquiring/disposing of games in relation to persons appearing to be under 16 years of age for a trial period of twelve months but that anyone disposing of hardware appearing to be under 16 years of age must be accompanied by an adult.

<p>Item 4.1(8)(b) - Application for Second Hand Dealer Variation - Game Group Limited - 33 Gyle Centre, Gyle Avenue</p>	<p>Request for variation of condition 1 – variation to exempt the applicant from recording items where the re-sale value is less than £50.</p> <p>Request for exemption of condition 9 – acquiring/disposing of goods in relation to persons appearing to be under 16 years of age.</p>	<p>1) To note the variation request of condition 1 to exempt the applicant from recording items where the re-sale value is less than £50 had been withdrawn.</p> <p>2) To grant the variation of condition 9 – acquiring/disposing of games in relation to persons appearing to be under 16 years of age for a trial period of twelve months but that anyone disposing of hardware appearing to be under 16 years of age must be accompanied by an adult.</p>
<p>Item 4.1(8)(c) - Application for Second Hand Dealer Variation - Game Group Limited - Unit 22 Cameron Toll Shopping Centre, 6 Lady Road</p>	<p>Request for variation of condition 1 – variation to exempt the applicant from recording items where the re-sale value is less than £50.</p> <p>Request for exemption of condition 9 – acquiring/disposing of goods in relation to persons appearing to be under 16 years of age.</p>	<p>1) To note the variation request of condition 1 to exempt the applicant from recording items where the re-sale value is less than £50 had been withdrawn.</p> <p>2) To grant the variation of condition 9 – acquiring/disposing of games in relation to persons appearing to be under 16 years of age for a trial period of twelve months but that anyone disposing of hardware appearing to be under 16 years of age must be accompanied by an adult.</p>

<p>Item 4.1(8)(d) - Application for Second Hand Dealer Variation - Game Group Limited - 32 St James Centre</p>	<p>Request for variation of condition 1 – variation to exempt the applicant from recording items where the re-sale value is less than £50.</p> <p>Request for exemption of condition 9 – acquiring/disposing of goods in relation to persons appearing to be under 16 years of age.</p>	<p>1) To note the variation request of condition 1 to exempt the applicant from recording items where the re-sale value is less than £50 had been withdrawn.</p> <p>2) To grant the variation of condition 9 – acquiring/disposing of games in relation to persons appearing to be under 16 years of age for a trial period of twelve months but that anyone disposing of hardware appearing to be under 16 years of age must be accompanied by an adult.</p>
<p>Item 4.1(9) - Application for Late Hours Catering Licence - Huseyin Eren - 256 Leith Walk</p>	<p>Sun 2300-0100; Mon/Thurs 2300-0100; Fri & Sat 2300-0200</p>	<p>To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.</p>
<p>Item 4.1(10) - Application for Late Hours Catering Licence - Partnership of Cesidio Crolla and Teressa Crolla - 49 Home Street</p>	<p>Sun 2300-0200 Mon/Thurs 2300-0200 Fri & Sat 2300-0300</p>	<ol style="list-style-type: none"> 1. To refuse the licence in terms of paragraph 5(3)(a)(ii), and (c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. 2. To decline to accept the supplementary objection from Angela Dawson as it had been submitted to late give due notice to the applicants as required by law
<p>Item 4.1(11) - Application for House In Multiple Occupation Licence - Aileen N Cuthbertson - 40 (2F2) Learmonth Crescent</p>	<p>3 Occupants</p>	<p>To continue consideration of the application to the meeting of 14 December 2012 to allow the applicant to attend.</p>

Item 4.1(12) - Application for House In Multiple Occupation Licence - Tahir Ahmed - 50 (2F1) Montpelier Park	4 Occupants	<p>1. To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.</p> <p>2. The managing agents details to be submitted to the Council's Licensing section within 28 days.</p>
Item 4.1(13) - Application for House In Multiple Occupation Licence - Orla Properties Limited - 3 (3F1) Lonsdale Terrace	4 Occupants	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 4.1(14) - Application for House In Multiple Occupation Licence - William McPherson - 62 Strathern Road	4 Occupants	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 4.1(15) - Application for House In Multiple Occupation Licence - Keith Montgomery - 38 (2F1) Rankeillor Street	4 Occupants	<p>1. To note the objection had been withdrawn</p> <p>2. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.</p>
Item 4.1(16) - Application for House In Multiple Occupation Licence - Paul Taylor - 29 (3F3) Barony Street	4 Occupants	To continue consideration of the application to the meeting of 14 December 2012 to allow the applicant to attend
Item 4.1(17) - Application for House In Multiple Occupation Licence - Miles Hedges and Margaret Hedges - 17 Gayfield Place Lane	4 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item 4.1(18) - Application for House In Multiple Occupation Licence - John Russell and Mrs Linda Russell - 20 (2F2) Royal Crescent	3 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item 4.1(19) - Application for House In Multiple Occupation Licence - Emma Elias - 20 (3F2) Royal Crescent	4 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.

Item 4.1(20) - Application for House In Multiple Occupation Licence - Stephen B Gray - 17 (3F2) London Street	4 Occupants	To continue consideration of the application to the meeting of 1 February 2013 to allow further discussions between the applicant and the objectors to resolve outstanding issues.
Item 4.1(21) - Application for House In Multiple Occupation Licence - Gordon and Ann Graham - 88 (Flat 11) Mcdonald Road	3 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item 4.1(22) - Application for House In Multiple Occupation Licence - Alex Brewster and sons - 6 Coates Place	3 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item 4.1(23) - Application for House In Multiple Occupation Licence - Alex Brewster and sons - 6A Coates Place	3 Occupants	To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 12 December 2012

Present

Councillors Barrie (Convener), (Vice-Convener) Aitken, Booth (substituting for Councillor Burgess), Cairns, Gardner, Bill Henderson, Heslop and Lunn (substituting for Councillor Blacklock).

1. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

2. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982

The Director of Services for Communities provided details of 16 applications for Miscellaneous Licences under the Civic Government (Scotland) Act 1982.

The Sub-Committee agreed, in the interests of public safety, to hear those objections to applications submitted outwith the 28 day period in terms of Paragraph 3(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

That the applications be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(References – list of applications, submitted.)

3. Requests for Suspension of Licences (Agenda Item B4)

The Head of Service, Services for Communities, advised the Sub-Committee of requests from the Chief Constable to suspend seven licences.

Decision

That the requests be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Head of Service, Services for Communities, submitted.)

Licensing Sub-Committee of the Regulatory Committee

10.00 am, Friday, 14 December 2012

Present

Councillor Barrie (Convener), Blacklock (Vice Convener), Aitken, Cairns, Corbett (substituting for Councillor Burgess), Gardner, Bill Henderson, Heslop, and Redpath.

1. Request for Refund of Taxi Licence Application Fee – Alfred Grady

Details were provided of a request for a refund of a taxi licence application fee.

Mr Grady's application for a new taxi licence was refused by the Licensing Sub-Committee on 18 April 2012 on the grounds that there was no significant unmet demand for taxi services in the city.

Mr Grady had asked for a refund of 80% of the application fee of £1,567.

Decision

To continue consideration of the matter to the meeting of 1 February 2013 at the applicant's request.

(Reference – report by Head of Service, Community Safety, submitted.)

2. Request for Refund of Taxi Licence Application Fee – Margaret Brand

Details were provided of a request for a full refund of a taxi licence application fee.

Ms Brand's application for a new taxi licence was to be considered by the Licensing Sub-Committee on 18 April 2012. Mrs Brand withdrew her application on the morning of the committee.

Decision

To continue consideration of the matter to the meeting of 1 February 2013 at the applicant's request.

(Reference – report by Head of Service, Community Safety, submitted.)

3. Request for Refund of Booking Office Licence Application Fee – Connect Private Hire Cars (Scotland) Limited

Details were provided of a request for a full refund of a Booking Office licence application fee of £500.

An additional licence application had been required to ensure the licence was held by the correct person as the business had made an error in the original application.

Decision

To refuse the request.

(Reference – report by Head of Service, Community Safety, submitted.)

4. Request for Reduction of Fees – Renewal of Market Operator Licence – 149/9 Buccleuch Street, Edinburgh (Edinburgh Markets)

Details were provided of a request seeking a reduction in the application fee for the renewal of a Market Operator's licence for the Edinburgh Market's premises, 149/9 Buccleuch Street, Edinburgh.

Decision

To refund the fee of £509.00

(Reference – report by Head of Service, Community Safety, submitted.)

5. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 12 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – list of applications, submitted.)

6. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

7. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 6 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – application details, submitted.)

8. Revocation Request (agenda item B2.1)

Details were provided on a request by the Director of Services for Communities for the revocation of a House in Multiple Occupation Licence.

Decision

To continue consideration of the request to the meeting of 1 February 2013, to allow the calling letter to be re-served.

(Reference – report by Director of Services for Communities, submitted.)

9. Request for Suspension of Taxi Driver's Licence and Private Hire Car Driver's Licence (agenda item B3.1)

The Head of Service for Community Safety advised the Sub-Committee of his decision in consultation with the Convener of the Regulatory Committee to suspend a Taxi Drivers Licence and a Private Hire Car Driver's License under delegated powers and requested the Sub-Committee to consider whether or not to suspend the licences.

The licence holder was heard.

Decision

1. To note the action taken under Committee Terms of Reference and Delegated Functions 3.1 on 20 November 2012 by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee to suspend the Taxi Drivers Licence and Private Hire Car Drivers Licence with immediate effect.
2. To suspend the Taxi Drivers Licence and Private Hire Car Drivers Licence with immediate effect until expiry.

(Reference – report by Head of Service, Community Safety, submitted.)

APPENDIX

Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 4.1(1) - Application for House In Multiple Occupation Licence - Aileen Cuthbertson - 40(2F2) Learmonth Crescent	3 Occupants	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 4.1(2) - Application for House In Multiple Occupation Licence - Andrew Abram - 56(2F2) India Street	4 Occupants	To continue consideration of the application to the meeting of 8 March 2013 to allow further discussions between the applicant and the objectors to resolve outstanding issues.
Item 4.1(3) - Application for House In Multiple Occupation Licence - Paul Taylor - 29(3F3) Barony Street	3 Occupants	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 4.1(4) - Application for House In Multiple Occupation Licence - Alan Buchanan - 39(1F1) Thirlestane Road	4 Occupants	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 4.1(5) - Application for House In Multiple Occupation Licence - F I MacDonald - 72(3F1) Dundas Street	4 Occupants	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 4.1(6) - Application for House In Multiple Occupation Licence - Scott and Eileen Craig - 5(2F1) Comiston Gardens	4 Occupants	<p>1. To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.</p> <p>2. The tenants and any proposed new tenants be reminded/advised of the landlords no smoking policy in the property and the common stair.</p>

Item 4.1(7) - Application for House In Multiple Occupation Licence - Khawja Akbar Mir - 26 Pilrig Street	16 Occupants amended to 12 occupants	<p>To continue consideration of the application to the meeting of 8 March 2013 for:</p> <ol style="list-style-type: none"> 1. A report by the Director of Services for Communities on the tenancy management at the property. 2. A representative from the Temporary Accommodation Service to attend. 3. Details of the inspection and staff training regimes to be provided and circulated to the Sub-Committee. 4. The fabric of the property to be inspected in particular the rear steps and chimney referred to in the objector's letters. 5. The Director of Services for Communities to undertake monitoring. 6. To note that the number of occupants had been amended from 16 to 12
Item 4.1(8) - Application for House In Multiple Occupation Licence - Stephen Senior - 9(2F4) Merchiston Grove	3 Occupants	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 4.1(9) - Application for Street Trading Licence - David Hamilton - Picardy Place	<p>0800 – 2000</p> <p>Hot and Cold Food and Drink</p> <p>Gourmet Hot and Cold Food</p>	To refuse the licence in terms of paragraph 5(3)(c)(i) and (d) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Item 4.1(10) - Application for Street Trading Licence - Edinburgh Art Market - Rose Street/ Hanover Street or Rose Street/ Fredrick Street	<p>0800 – 2400</p> <p>Arts</p>	To authorise the Director of Services for Communities to grant the licence for one of the proposed stances subject to the required clearances being received from departments by close of business on 19 December 2012 with the trading hours of 0800 – 2000. If the required clearances were not received by that time the application to be refused in terms of paragraph 5(3)(c)(i) and (d) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Item 4.1(11) - Application for Street Trading Licence - James N Watt - Grassmarket	1000 – 2000 Handmade clothes, accessories and handicrafts	To refuse the licence in terms of paragraph 5(3)(c)(i) and (d) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Item 4.1(12) - Application for Late Hours Catering Licence - Andrew Watson T/A McDonalds - 63 Craigentenny Avenue North	Sunday 2300 -0500 Mon – Thurs 2300 -0500 Friday 2300 -0500 Saturday 2300 -0500	1. To grant the licence for the drive thru operation only subject to the Council's Standard Conditions for this category of licence. 2. To note that this decision did not guarantee that these hours would be granted after the review of the Council's Late Hours Catering Policy had been completed. (On a division see note below)

Note: Agenda Item 4.1 (12)

Motion

To grant the licence drive thru operation only for the hours permitted in the Council's Late Hours Catering Policy and subject to the Council's Standard Conditions for this category of licence.

Moved by Councillor Corbett, Seconded by Councillor Aitken.

Amendment

1. To grant the licence for the drive thru operation only for the hours applied for and subject to the Council's Standard Conditions for this category of licence.
2. To note that this decision did not guarantee that these hours would be granted after the review of the Council's Late Hours Catering Policy had been completed.

Moved by Councillor Blacklock, Seconded by Councillor Cairns.

Voting

For the Motion 2 Votes

For the Amendment 7 votes

Decision

1. To grant the licence for the drive through operation only, subject to the Council's Standards Conditions for this category of licence.
2. To note that this decision did not guarantee that these hours would be granted after the review of the Council's Late Hours Catering Policy had been completed.



Item No 6.1 Business Bulletin

Regulatory Committee

9.30am, Friday, 1 February 2013

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

Regulatory Committee

Convener:	Members:	Contact
<p>Councillor Gavin Barrie</p>  <p>Councillor Blacklock</p> <p>Vice Convenor</p> 	<p>Councillor Barrie (Convener) Councillor Blacklock (Vice Convener) Councillor Aitken Councillor Burgess Councillor Cairns Councillor Gardner Councillor Bill Henderson Councillor Heslop Councillor Redpath</p>	<p>Stephen Broughton, Committee Officer, 529 4261</p>

Recent Updates	Work plan objectives achieved
<p>Services for Communities has commenced a public consultation on the draft resolution for Public Entertainment. An advert has appeared in the Edinburgh Evening News and the consultation is available on the Council website. Communication regarding the consultation has gone to all community councils and people who responded to the previous consultation.</p>	<p>On track to report April 2013 Committee.</p>
<p>A contractor has been appointed to review whether there is any 'significant unmet demand' for the provision of taxis within the city. Observations at ranks have taken place during December 2012 and January 2013. The report commissioned</p>	<p>Procurement complete, on track to report April 2013 Committee.</p>

<p>will include feedback from public consultation and other interested groups.</p>	
<p>A contractor has also been appointed to undertake three reviews of taxi fares over the next four and a half years. The report commissioned will include feedback from public consultation and other interested groups on any proposed increase of fares.</p>	<p>Procurement complete, on track to report April 2013 Committee.</p>
<p>Services for Communities has commissioned an extensive survey of customers of the Licensing Service. This survey will be the base line from which service improvement will be measured. The survey will include feedback from Taxi/PHC licence holders, HMO Licence holders and other Civic Licence holders. Survey commenced in January 2013 and continues until February 2013. Outcomes will be subject of future Committee report.</p>	<p>Modernisation of the Licensing Service covers this action.</p>

Forthcoming activities:

Regulatory Committee

9.30 am, Friday, 1 February 2013

Commercial Dog Walking

Item number	7.1
Report number	
Wards	All Wards

Links

Coalition pledges	P15
Council outcomes	CO8
Single Outcome Agreement	SO1

Mark Turley

Director of Services for Communities

Contact: Susan Mooney, Head of Service

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Executive summary

Commercial Dog Walking

Summary

The purpose of this report is to discharge the Motion from Councillor Henderson from the Regulatory Committee on 9 March 2012.

"Committee notes the steady increase in commercial dog walking in the city's parks and open spaces.

Committee further notes that many commercial dog walking businesses that have been recently created are successful and well run.

Committee also notes a number of incidents where members of the public have been alarmed and in some cases attacked by dogs seemingly not under the control of their "walker" and agrees that there may be a need to consider licensing arrangements that would regulate this activity in the interests of good commercial dog walking businesses, dogs and their owners and the general public.

Such licensing arrangements may include the maximum number of dogs being walked by one person; training and insurance arrangements.

Therefore Committee requests a report looking at these issues and whether or not proposals to introduce a licensing regime for this business activity should be subject to consultation and possible implementation."

This report explains that there are currently no powers available to the Council to introduce such a licensing regime. The report recommends that officers engage with officials of the Scottish Government to explore possible options to introduce a licensing regime for Commercial Dog Walking or similar controls.

Recommendations

1. That Committee notes that there are no powers available to the Council to introduce a licensing regime for Commercial Dog Walking and instructs officers to write to the Scottish Government to request that they consult on introducing such a licensing regime or similar controls.
2. That the Committee discharges the outstanding remit.

Measures of success

That the Scottish Government agree to consult on proposals to introduce a Commercial Dog Walking licensing regime.

Financial impact

None arising from this report.

Equalities impact

There is no relationship to the public sector general equality duty to matters described in this report and no direct equalities impact arising from this report.

Sustainability impact

Not applicable.

Consultation and engagement

Not applicable.

Background reading / external references

Not applicable.

Commercial Dog walking

1. Main Report

- 1.1 The Council has a statutory duty to discharge the functions of a Licensing Authority under a number of Acts of Parliament, most notably the Civic Government (Scotland) Act 1982.
- 1.2 At its meeting on 20 April 2012 the Committee agreed the following motion tabled by Councillor Henderson.

"Committee notes the steady increase in commercial dog walking in the city's parks and open spaces.

Committee further notes that many commercial dog walking businesses that have been recently created are successful and well run.

Committee also notes a number of incidents where members of the public have been alarmed and in some cases attacked by dogs seemingly not under the control of their "walker" and agrees that there may be a need to consider licensing arrangements that would regulate this activity in the interests of good commercial dog walking businesses, dogs and their owners and the general public.

Such licensing arrangements may include the maximum number of dogs being walked by one person; training and insurance arrangements.

Therefore Committee requests a report looking at these issues and whether or not proposals to introduce a licensing regime for this business activity should be subject to consultation and possible implementation"

- 1.3 Officers have looked at the available legislation and taken advice from legal services on possible options. There are a number of ancillary pieces of legislation which allows the Council to license certain activities relating to animals, for example Animal Boarding Establishments, Pet Shops and Dog Breeding. These are, however, quite specific, and in some cases quite old pieces of legislation. None would allow the Council to introduce a Commercial Dog Walking Licensing regime.
- 1.4 The Civic Government (Scotland) Act 1982 (the Act) allows a licensing authority to license 'street trading' but it is unlikely that this would bring within scope any commercial dog walking business, and therefore does not seem to address the concern. The Act does, however, at Section 44 allow 'additional activities ' to be included within the Licensing provisions of the Act. This power has been most recently used by the Scottish Government to introduce licensing of 'Knife Dealers' and 'Taxi booking offices'. These changes were made by introducing a statutory instrument at the Scottish Parliament.

- 1.5 Use of Section 44 of the Act would require the Scottish Government to introduce a Statutory Instrument which would enable a local authority to license Commercial Dog Walking as an optional licensing activity. It is anticipated that this process may take some time.
- 1.6 In the absence of a power being directly available which would allow the Council to address these concerns, the Committee may wish to raise the issue directly with the Scottish Government.
- 1.7 Alternatives that the Council could consider if no progress was made towards a licensing regime could be the introduction of a specific bye-law, under either a) Section 201-204 of the Local Government (Scotland) Act 1973 or b) Section 12 of the Land Reform (Scotland) Act 2004. In both cases the Council would be required to consult interested parties, and would require the consent of Scottish Ministers. Officers would cover these points in any discussions with Scottish Government Officials.
- 1.8 In the meantime, the Committee Members can be reassured that the local Neighbourhood Team is working closely with the Park Rangers from the Pentlands Regional Park to do what they can to encourage responsible use of the Park in accordance with the Scottish Outdoor Access Code the original concerns by alternative methods.
- 1.9 Although not within the remit of this Committee there are powers available to deal with dangerous dogs under the Dangerous Dogs Act 1991 and for the council under the Control of Dogs (Scotland) 2010. This legislation is limited to dealing with dogs after an incident has occurred and would not assist in implementing the objectives of the motion.

2. Recommendations

- 2.1 That Committee notes that there is no power available to the Council to introduce a licensing regime for Commercial Dog Walking, and instructs an officer to write to the Scottish Government to request that they consult on introducing such a licensing regime.
- 2.2 That the Committee discharges the outstanding remit.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
Council outcomes	Edinburgh's economy creates and sustains job opportunities
Single Outcome Agreement	Edinburgh's economy delivers increased investment, jobs, and opportunities for all
Appendices	None

Regulatory Committee

9.30 am, Friday, 1 February 2013

Workplan: Review of Taxi Advertising Controls

Item number	7.2
Report number	
Wards	All Wards

Links

Coalition pledges	P15
Council outcomes	CO8
Single Outcome Agreement	SO1

Mark Turley

Director of Services for Communities

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Executive summary

Workplan: Review of Taxi Advertising Controls

Summary

As Licensing Authority the Council has a system of controls over the advertising which can appear in any Taxi vehicle. This report reviews the effectiveness of these controls and seeks guidance on options to change these rules.

Recommendations

- 1 That Committee approves Option 2 as the preferred option and delegates to officers the process of consulting on the required changes to the relevant conditions of licence.
- 2 That the Committee will receive a final report on this subject thereafter.

Measures of success

That the current rules controlling advertising in Taxi vehicles licensed by the Council are updated to reflect the priorities of the Council and that the burden on licence holders is equal.

Financial impact

Removal of advertising controls would reduce the licence fee income collected but also would reduce associated administrative costs. The options in this report are cost neutral for the Council's budget as they would only effect licence fees collected. Licence fee income cannot be spent on other Council Services.

Equalities impact

There is no relationship to the public sector general equality duty to matters described in this report and no direct equalities impact arising from this report.

Sustainability impact

Not applicable.

Consultation and engagement

This report arises from consultation between some trade bodies and the Council. Any permanent change to the controls would require to be fully consulted upon.

Background reading / external references

Appendix 1: Relevant Council Conditions relating to appropriate adverts on Taxi Vehicles.

Workplan: Review of Taxi Advertising Controls

1. Main report

- 1.1 The Council acts as Licensing Authority under the Civic Government (Scotland) Act 1982 for the purpose of licensing Taxis and Private Hire vehicles within the City. The current conditions for licences applicable to Taxi vehicles provide for control of advertising on or within the Taxi. Representations have been received from relevant Trade Groups that this control of advertising is unnecessary and restrictive. The Committee's agreed workplan includes a commitment to review these controls.
- 1.2 The Council's current conditions of licence for taxis require that all adverts or personalised marks be approved prior to being placed on the taxi. Should the owner or operator wish to display any advert these must be approved by the Council Solicitor. An application must be made and a fee is payable.
- 1.3 These controls on adverts are unique to Taxis and do not apply to any other form of transport in the City or any other type of licence issued by the Council. It is believed that the only other Local Authority in Scotland which has a similar control is Glasgow City Council.
- 1.4 The current system is difficult to monitor and allows for a number of application rates and charges. In some instances individual taxi licence holders are applying directly to the Council for permission for an advert unique to their vehicle, whereas some advertising agencies are making one application to the Council which, if approved, is applied to a number of vehicles within the fleet.
- 1.5 The current fees range from £7 for an advert on the underside of a seat to £91 for an advert which is 'complete livery' for a Taxi. Income generated over a 12 month period is modest, totalling £23,000 which is approximately 2% of the current £1M income generated from Taxi/PHC licences. Regrettably, ICT systems at the Cab Office and within the Licensing Service do not allow more detailed statistics to be provided.
- 1.6 Should the Committee be minded to retain the controls it is likely that significant work will be required to ensure that all advertising on Taxi vehicles is regulated in accordance with the current conditions of licence. To do so will require additional administrative costs for the Licensing Service (and indirectly the Cab Office) and these may require the fees to be increased. In turn this will undoubtedly increase the financial costs on the taxi trade itself.

- 1.7 Given the need to improve the application and monitoring of current system which are likely to increase costs to the Council the current system is not seen as currently viable, therefore to assist, a number of options are outlined below.
- Option 1: Remove controls and relevant conditions. Thereafter rely on other regulatory systems, e.g. the Advertising Standards Authority, or general consumer protection legislation.
 - Option 2: Remove all existing controls, but retain a condition which allows the Licensing Sub-Committee to direct that a particular advert is removed after a complaint has been referred.
 - Option 3: Retain the current system, but with enhanced checks to ensure that all adverts are approved and each taxi licence holder is paying equal fees.

Options 1 and 2 would allow the Committee to deregulate existing controls. Option 2 allows the Committee, if it felt appropriate to do so to ban an advert on receipt of a complaint. Option 3 would increase the cost of the current system and is likely to place an additional burden on the taxi trade. On balance Option 2 is a practical measure and therefore is recommended.

- 1.8 Officers will then propose to consult with the Taxi trade and the Cab Inspector, to provide a final report within two cycles for the Committee to reach a decision.

2. Recommendations

- 2.1 That Committee approves Option 2 as the preferred option and delegates to officers the process of consulting on the required changes to the relevant conditions of licence.
- 2.2 That the Committee will receive a final report on this subject thereafter.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
Council outcomes	Edinburgh's economy creates and sustains job opportunities
Single Outcome Agreement	Edinburgh's economy delivers increased investment, jobs, and opportunities for all
Appendices	None

Appendix 1: Relevant Council conditions relating to appropriate adverts on Taxi Vehicles.

All advertisements must comply with The British Code of Advertising Practice issued by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if they contain **political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.**

If the Council Solicitor is not satisfied as to the non-contentious nature or placement of an advertisement then any such application will be submitted to the Council for consideration, it being understood that in no case will the Council Solicitor refuse any application.

Regulatory Committee

9.30 am, Friday, 1 February 2013

Scottish Government Consultation: Taxi and Private Hire Licensing

Item number	7.3
Report number	
Wards	All Wards

Links

Coalition pledges	P15
Council outcomes	CO8
Single Outcome Agreement	SO1

Mark Turley

Director of Services for Communities

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Executive summary

Scottish Government Consultation: Taxi and Private Hire Licensing

Summary

The Scottish Government has launched a consultation on possible changes to the structure of Taxi and Private Hire licensing currently in operation under the Civic Government (Scotland) Act 1982.

Options for change include strengthening the qualifications required of Private Hire drivers, introducing licensing objectives under the Act, and placing the onus on applicants to show that they are fit and proper.

Recommendations

- 1 That Committee notes that an elected Member Officer Group session has been arranged to consult with Members on the Council's response to the consultation.
- 2 That Committee is asked to note the final version will reflect the outcome of the Member Officer Group session and in order to meet the required timescales delegate authority to the Director of Services for Communities, in consultation with the Convener, to sign off the response.

Measures of success

This consultation allows the Council to seek to influence possible changes to the licensing regime for Taxi and Private Hire vehicles. A measure of success would be to see the Council's priorities implemented by the Scottish Government.

Financial impact

None at this stage. Should amendments be made to the Act at a later stage, these may increase the costs of administering the licensing of Taxi and Private Hire Vehicles.

Equalities impact

There is a relationship to the public sector general equality duty to matters described in this report. The consultation requests views on whether more could be done to make a greater number of Taxi and Private Hire vehicles suitable for disabled access.

Sustainability impact

Not applicable

Consultation and engagement

[Taxi and Private Hire Licensing Consultation](#)

Background reading / external references

Not applicable.

Scottish Government Consultation: Taxi and Private Hire Licensing

1. Main report

- 1.1 The Council acts as Licensing Authority under the Civic Government (Scotland) Act 1982 for the purpose of licensing Taxis and Private Hire vehicles within the City. The Scottish Government has launched a consultation into possible reforms of the Civic Government (Scotland) Act 1982, to strengthen the provisions of the Act in this area.
- 1.2 The consultation outlines a wide range of possible changes - some are significant and others are technical. A summary of these are as follows:
- Proposals to allow local authorities to limit the number of Private Hire vehicles (PHV) and to introduce a training requirement for PHV drivers.
 - Proposals to introduce national mandatory licence conditions for both Taxis and PHVs.
 - Removing loopholes which allow certain booking offices to remain exempt from the requirement to obtain a licence.
 - Requiring the police to respond to licence applications notified to them within a specified timeframe.
 - Introducing 'Licensing Objectives' under the Act, similar to those which apply to the licensing system for liquor.
 - Requiring an applicant to show they are fit and proper to hold a licence.
- 1.3 In addition to possible changes, the consultation asks for views on a number of areas:
- What could be done to increase access to taxis by those who have a disability?
 - Should local authorities have a greater role in enforcement of the rules relating to taxis and PHVs? This would be similar to the role Licensing Standards Officers play in the Liquor Licensing regime.
 - Should there be other categories of vehicle hire, e.g. Wedding Hire, which should be brought into the scope of the current licensing system?
- 1.4 The closing date for responses is 15 March 2013. Officers are preparing draft responses to the detailed technical questions. However, responses to the broad policy questions will need to be informed by the views of the Committee - for example, whether Councils should have a greater role in enforcement. A session will be arranged to allow members of the Committee to discuss the consultation prior to the response being submitted.

- 1.5 However, in these circumstances the timeline would not allow the finalised response to return to Committee prior to the closing date. Therefore it is proposed that the Committee delegates to the Director of Services for Communities, in consultation with the Convener, authority to sign off the response.

2. Recommendations

- 2.1 That Committee notes that an elected Member Officer Group session has been arranged to consult with Members on the Council's response to the consultation.
- 2.2 That Committee is asked to note the final version will reflect the outcome of the Member Officer Group session and in order to meet the required timescales delegate authority to the Director of Services for Communities, in consultation with the Convener, to sign off the response.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
Council outcomes	Edinburgh's economy creates and sustains job opportunities
Single Outcome Agreement	Edinburgh's economy delivers increased investment, jobs, and opportunities for all
Appendices	None