

Notice of meeting and agenda

Regulatory Committee

9.30 am, Friday, 21 June 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 3 May 2013 (circulated – submitted for approval as a correct record).
- 4.2 Licensing Sub-Committees of 24 and 26 April and 22 and 24 May 2013 (circulated – submitted for approval as correct records).

5. Key decisions forward plan

- 5.1 None

6. Business bulletin

- 6.1 None

7. Executive decisions

- 7.1 Review of Taxi Fare Structure – Outcome of Consultation - report by the Director of Services for Communities (circulated).
- 7.2 Licensing Policy Development: Member Officer Working Group - report by the Director of Services for Communities (circulated).

8. Routine decisions

None

9. Motions

If any

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 4261, e-mail stephen.broughton@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.

Regulatory Committee

10.00 am, Friday 3 May 2013

Present

Councillor Barrie (Convener), Aitken, Cairns, Bill Henderson, Heslop, Main (substituting for Councillor Burgess) and Redpath.

1. Public Entertainment Licensing Public Consultation on Amendments to the Resolution - Deputation

The Committee considered a deputation request from Neil Mackinnon, on behalf of the Edinburgh Festival Fringe Society, in relation to a report by the Director of Services for Communities on the public consultation on proposed amendments to City of Edinburgh Public Entertainment Resolution.

Mr Mackinnon thanked the Committee for the work that they had undertaken in regard to reviewing public entertainment licensing and advised that he agreed with the conclusions reached in regard to free events in the report.

The main concern of the Festival Fringe Society was the cost to venue operators coming to Edinburgh. Festivals in Edinburgh were coming under increasing pressure to attract world class shows due to competition from other festivals. Edinburgh was the most expensive local authority for public entertainment and theatre licensing in Scotland. A licence for a capacity of three hundred in Brighton would be between £150 and £300 as opposed to Edinburgh's fee of £900. He acknowledged that by law licensing costs had to be covered by fees and agreed that the service provided was extremely professional, but requested that the Committee as part of its work plan review the fee structure for these type of licences, to take effect for the 2014 Festival Fringe.

Decision

The Convener thanked the Deputation for his presentation and invited him to remain for the Committee's consideration of the report by the Director of Services for Communities at item 4 below.

(Reference – e-mail dated 6 March 2013, submitted.)

2. Review of Taxi Fare Structure - Deputation

The Committee considered a deputation request from Kevin Woodburn, on behalf of Edinburgh City Private Hire Limited, in relation to a report by the Director of Services for Communities on the review of the taxi fare structure.

Mr Woodburn indicated that he had no concerns regarding the proposals in the report, his concern was in relation to descriptions within the existing fare table. The first was the description of the “airport inner drop off zone”, and requested that this be referred to as the “designated drop off zone”. Due to the redevelopment of the airport the present drop off zone may be required to be moved and this could cause confusion for drivers as to whether they were complying with the conditions of licence when dropping passengers off. The second point referred to the extra charges for “airport pickups” and “the call out charge” which were both eighty pence. In his view these should be consolidated into one single charge to stop customers being charged one pound sixty pence when cars were pre-booked for a pick up at the airport.

Decision

The Convener thanked the Deputation for his presentation and invited him to remain for the Committee’s consideration of the report by the Director of Services for Communities at item 8 below.

(Reference – e-mail dated 6 March 2013, submitted.)

3. Minutes

Decision

- 1) To approve the minute of the Regulatory Committee of 1 February 2013 as a correct record.
- 2) To approve the minutes of the Licensing Sub-Committees of 30 January, 1 February and 6 and 8 March 2013 as correct records.

4. Public Entertainment Licensing Public Consultation on Amendments to the Resolution

Details were provided of the responses to the public consultation on proposed amendments to City of Edinburgh Public Entertainment Resolution.

Decision

- 1) To note the outcome of the statutory consultation.

- 2) To agree to vary the City of Edinburgh Council's Public Entertainment Resolution (Number 1 of 2013) as detailed in appendix 4 of the report by the Director of Services for Communities, to bring into effect an exemption for small events and free-to-enter events.
- 3) To agree to further vary the City of Edinburgh Council's public Entertainment Resolution (Number 2 of 2013) as detailed in appendix 5 of the report by the Director of Services for Communities, to bring in new categories of place of entertainment nine months thereafter.
- 4) To agree to further revise the fee structure, to add new fees, as set out in paragraph 2.12 of the report by the Director of Services for Communities.
- 5) To discharge the outstanding remit in relation to the review of public entertainment licensing.
- 6) To refer the report to the Culture and Sport Committee for information.
- 7) To note that the Director of Services for Communities would report to a future meeting of the Committee on the fee issues raised by the deputation.

(References – Regulatory Committees of 27 January 2012 (item 2), 9 March 2012 (item 4), 20 April 2012 (item 2), 22 June 2012 (item 2) and 16 November 2013 (item 3), report by the Director of Services for Communities, submitted.)

5. Proactive Impact Noise Standard in Houses in Multiple Occupation Properties

At the Regulatory Committee on 9 March 2012 the Committee adopted revised Houses in Multiple Occupation (HMO) Property Standards in response to new Scottish Government Statutory Guidance.

The Director of Services for Communities provided details of a proposed amendment to the application of this standard by authorising officers to set aside this requirement in circumstances clearly identified as non-contentious. These would be considered on a case by case property basis.

Any decision to set aside the requirement would apply up to the determination of the next HMO application, or until such times as it was decided that the requirement should be re-instated following an investigation into a noise complaint.

Decision

- 1) To amend the House in Multiple Occupation (HMO) Property Standards to authorise the Director of Services for Communities to set aside the requirements prescribed in the HMO licensing impact noise standard in circumstances clearly identified as non-contentious.

- 2) To agree 'non-contentious circumstances' would be identified by means of receipt of a representation from the applicant, which included a written statement confirming that the existing floor structure and impact noise mitigation arrangements had been in place throughout a period of time, during which a proven track record of no impact noise complaints existed, together with a written statement from the occupier(s) of the property below confirming that they considered the impact noise levels experienced by them to be acceptable.
- 3) To agree that officer contact with the landlord and neighbouring occupiers may be part of a verification process, as considered necessary, in order to assist in deciding whether the circumstances should be identified as non-contentious.
- 4) To agree that living areas, for the purpose of the impact noise standard, included hallways and other areas that received regular footfall but did not include storage.
- 5) The Director of Services for Communities to report on an annual basis providing statistics of the number of applications for exemption made with information on grants/refusals, and neighbour refusal to agree with the landlords written statement.

(References – Regulatory Committee 9 March 2012 (item 3), report by the Director of Services for Communities, submitted.)

6. Refund of License Application Fees – Proposed Policy

Details were provided of a proposed policy for the refund of Licence Application Fees.

Decision

- a) To approve a short consultation on the proposed policy for Refund for Licence Application Fees as detailed in appendix 1 of the report by the Director of Services for Communities.
- b) To agree that the proposed policy on Refund of Licence Application Fees as detailed in appendix 1 of the report by the Director of Services for Communities. be used as an interim measure whilst the consultation is ongoing.
- c) To agree to receive a further report following the consultation recommending a final version of the Policy.

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

7. Survey of Demand for Taxis Within the City of Edinburgh Council

The Council has a policy of limiting the number of taxi licences issued within the City,

utilising the powers available to it under Section 10 (3) of the Civic Government (Scotland) Act 1982. This power can only be used if the Council is satisfied that there was 'no significant demand' for taxis which is unmet. The Council was required to keep this position under regular review.

The Regulatory Committee on 16 November 2012 approved as part of its work plan to commission consultants to review the provision of taxis within the city, and specifically to identify whether there was any 'significant unmet demand' for taxis.

Halcrow Ltd was commissioned in November 2012 to undertake this work and undertook the research between December 2012 and February 2013.

The Committee received a presentation from Halcrow on the research and consultations carried out and considered a report by the Director of Services for Communities on the outcomes of the work undertaken.

Decision

- 1) To note the presentation by Halcrow Ltd.
- 2) To note the content of the report by the Director of Services for Communities.
- 3) To accept the conclusion from the commissioned Halcrow study that there was no 'significant unmet demand' for taxis within the city.
- 4) To agree that no new taxi licences require to be issued at this time.
- 5) To agree that the next demand survey will take place in three years and to authorise the Director of Services for Communities to procure interim demand monitoring arrangements as specified in paragraph 1.5 of the Directors report.
- 6) To refer the report to the Transport and Environment Committee for information.
- 7) To note that the Director of Services for Communities would consult on the disability access issues raised in the report.

(Reference – Regulatory Committee 16 November 2012 (item 2) report by the Director of Services for Communities, submitted.)

8. Review of Taxi Fare Structure

The Council, as licensing authority for taxis, was required to review and fix the scale of fares and other charges which may be used by taxis licensed within the City. The review must take place at intervals not greater than 18 months.

The current fees were last reviewed by the Regulatory Committee in October 2011 and at that time fares were increased. In May 2010 the committee authorised the passing on of the £1 fee for drop off at the Airport.

In its work plan the Committee agreed to commission consultants to review the fare structure and to make recommendations on any changes. Halcrow Ltd was commissioned in November 2012 to undertake this work and undertook the research between December 2012 and February 2013.

The Committee received a presentation from Halcrow on the research and consultations carried out and considered a report by the Director of Services for Communities on the outcomes of the work undertaken.

Decision

- 1) To note the presentation by Halcrow Ltd.
- 2) To agree a fare increase of 3.6% based on the Consumer Price Index with a proposed implementation date of 29th July 2013.
- 3) To agree to use the Consumer Price Index as the basis for future price reviews.
- 4) To agree to increase the fee for soiling of Taxi's to £50.
- 5) To agree further consultation with the taxi trade and other stakeholders on a simplified festive tariff.
- 6) To agree further consultation on an enhanced tariff between 12 am and 5 am, specifically to examine whether this would increase the available number of taxi's at this time.
- 7) To agree to receive a further report on the outcome of consultations as outlined in 5 and 6 above.
- 8) In respect of the wording in the Fare Table For Taxis, to instruct the Director of Services for Communities:
 - a) To consider an alternative for the description of the airport drop-off zone.
 - b) To further consult on consolidating the call out charge and the airport pick up charge to a single charge of 80p.
- 9) To note that a report would be submitted to the June meeting of the Regulatory Committee following the advertisement of the proposed fare increase.

(Reference – Regulatory Committee 16 November 2012 (item 2) report by the Director of Services for Communities, submitted.)

9. Medical checks for Taxi or Private Hire Car Drivers

The Licensing Sub-Committee had requested that the Director of Services for Communities investigate concerns raised regarding the complaint handling procedures

at Capita (the Council's chosen medical advisor), and the applicants ability to recover the fees charged by GPs for providing information to Capita.

Details were provided on the outcome of the Directors investigation into the processes that were in place.

Decision

- 1) To note that the matter had been investigated and that appropriate measures were in place.
- 2) To note that communication with new applicants had been revised to highlight that the cost of medical tests would be refunded.
- 3) To discharge the outstanding remit from the Licensing Sub-Committee.

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

10. Visit by the Convener to an Event Regarding Public Entertainment Licensing

Details were provided of the action taken by the Director of Services for Communities in consultation with the Council Leader in accordance with Committee Terms of Reference and Delegated Functions 3.1 to approve the attendance of the Convener of the Regulatory Committee at an event regarding Public Entertainment Licensing in Glasgow on 23 January 2013.

Decision

To note the report

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

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 24 April 2013

Present:-

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

1. Applications for Grant of Booking Office Licences – Edinburgh City Private Hire Cars Limited

Applications for the grant of two Booking Office licences by Edinburgh City Private Hire Cars Limited at Edinburgh Airport had been received, one application related to the existing booking office, and the second application related to a new location outside the International Terminal.

The Director of Services for Communities provided details of the applications. No objections had been received from Police Scotland, The Scottish Fire and Rescue Service or any Council department that had been consulted. Two letters of objection to the grant of the applications had been submitted.

The Sub-Committee firstly considered a request by the applicant to discard the letters of objection, as in their opinion they were not competent as they lacked the necessary specification to comply with the terms of the Civic Government (Scotland) Act 1982.

The Sub-Committee having considered representations on this matter from the legal agents for the applicant and one of the objectors, agreed to consider all objections submitted.

The Sub-Committee then heard representations on this matter from all parties.

Decision

1. To agree to consider the objections circulated.
2. To continue consideration of the matter to allow the Sub-Committee to undertake a site inspection.

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

2. Applications for Variation of Private Hire Car Licence – Exemption from “Pre-Booked Hires Only” Door Sticker

Requests had been received from David Revel and Stephen Shabbir for the variation of Private Hire Car Licence conditions to remove the requirement for “Pre-Booked Hires Only” door stickers.

Mr Revel was heard in regard to his request

Decision

1. To continue consideration of Mr Revel’s request to allow the licence holder to obtain further evidence of the level of high quality executive/tourism work from the management of the companies that contract him for these services.
2. To note that as there was no current Private Hire Car Licence in operation for Mr Shabbir’s vehicle there was no competent application to consider.

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

3. 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.

4. 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.

Decision

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

(Reference – list of applications, submitted.)

5. Police Comments and Requests for Suspension of Licences

The Head of Service, Services for Communities, advised the Sub-Committee of letters of comment and requests for suspension of Licences from the Chief Constable.

Decision

Licensing Sub-Committee of the Regulatory Committee – Wednesday, 24 April 2013

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.)

Declaration of Interests

Councillor Aitken declared a non-financial interest in item B2.1(5) as the applicants representative was known to her and left the room and took no part in the consideration of this item.

Licensing Sub-Committee of the Regulatory Committee

10.00 am, Friday, 26 April 2013

Present

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

1. Request for Refund of Fees – Public Entertainment Licence – Rock n Roll Edinburgh – Half Marathon (14 April 2013)

Details were provided of a request for a refund of the fee for a Public Entertainment Licence for the Rock n Roll Edinburgh Half Marathon held on 14 April 2013.

Historically, fee reductions or refunds for temporary public entertainment licences had only been granted when events were organised by charities or community groups.

The fee charged was £5246.

Decision

To refuse the request for a refund of the application fee for a Public Entertainment Licence.

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

2. Request for Reduction of Fees – Public Entertainment Licence – Edinburgh Mela (30 August – 1 September 2013)

The Sub-Committee was asked to consider a request for reduction of the fee for a Temporary Public Entertainment Licence for the Edinburgh Mela (30 August – 1 September 2013).

The applicable licence fee was £5403, but the organisers asked that councillors support a reduction, as had happened in previous years.

The Director of the Edinburgh Mela Ltd was heard.

Decision

To approve a revised fee of £3000.

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

3. Request for Refund of Application Fee – HMO Licence – Mr and Mrs Rafaelli, 43 (3F2) Barclay Place

Details were provided of a request for a partial refund of an HMO licence application fee submitted by Mr and Mrs Rafaelli, 43 (3F2) Barclay Place, Edinburgh.

The request had been dealt with by officers under delegated authority, but the applicant was unhappy with the outcome and had requested a hearing by the Licensing Sub-Committee for a final decision.

The applicants were heard.

Decision

To refuse the request for a refund of the application fee.

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

4. Request for Variation of Licensing Conditions – British International Film Festival 2013

The Sub-Committee was advised of a request to screen uncertificated films at the Cameo Picture House, 38 Home Street, during the British International Film Festival (BIFF) 2013.

The Council's standard licensing conditions mandated that only films certificated by the British Board of Film Classification (BBFC) could be screened. Condition 3 of the cinema licence conditions allowed for variation or exemptions with the approval of the Licensing Sub-Committee.

The BIFF provided details of recommended ratings for 8 short and 4 feature films currently not rated by the BBFC.

Decision

To grant the variation to allow uncertificated films to be shown as part of the British International Film Festival.

(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 18 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in Appendix 1 to this minute.

(Reference – list of applications, submitted.)

Declarations of Interest

Councillor Redpath declared a non financial interest in item 4.1(7) as a local ward member who had been involved in discussions on the proposed use of the property, left the room and took no part in consideration of the item.

6. Use of Emergency Powers to grant application to show non-certificated film – Cineworld, Fountainpark – 9 December 2013

Details were provided of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in terms of paragraph 3.1 of Committee Terms of Reference and Delegated Functions to authorise the screening of an uncertificated film at Cineworld, Fountainpark, on 9 December 2012.

Decision

To note the report.

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

7. Use of Emergency Powers to grant reduction of Licence Application fees for Exhibitors at the Scottish Tattoo Convention, Edinburgh Corn Exchange – 30/31 March 2013

Details were provided of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in terms of paragraph 3.1 of Committee Terms of Reference and Delegated Functions to grant reductions of licence application fees for exhibitors at the Scottish Tattoo Convention which took place on 30/31 March 2013.

Decision

To note the report.

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

8. 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.

9. Request for Suspension of Late Hours Catering Licence

Details were provided of a request from the Chief Constable for the suspension of a Late Hours Catering Licence.

Decision

To continue consideration of the request to the meeting of 24 May 2013 to allow the licence holder to attend.

(Reference- report by the Chief Constable, submitted)

10. Skin Piercing and Tattooing Licence

Details were provided of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in terms of paragraph 3.1 of Committee Terms of Reference and Delegated Functions to grant a skin piercing and tattooing licence

Decision

To note the report.

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

11. Street Trader Licence

Details were provided of an application for a street trader licence which had been the subject of an objection by the Chief Constable.

The applicant was heard.

Decision

To refuse the application in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

(References – licensing Sub-Committee (item 5), 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 No 4.1(1) – Application for House in Multiple Occupation Licence, Stuart E A Jones, 441(Flat 4), Gorgie Road | 3 Occupants | To repel the objection grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. |
| Item No 4.1(2) - Application for House in Multiple Occupation Licence – James C Gray, 18 (4f2) Bruntsfield Place | 3 Occupants | To repel the objection grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. |
| Item No 4.1 (3) - Application for House in Multiple Occupation Licence – Emilio Ayllon, 34(4F3) Home Street | 6 Occupants | To repel the objection grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. |
| Item No 4.1(4) - Application for House in Multiple Occupation Licence – John C Morison, 56 (3F3) India Street | 4 Occupants | <p>1. To repel the objection grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence.</p> <p>2. The Director of Services for Communities to include this property in monitoring already being undertaken on a neighbouring property and report back to the Sub-Committee if any complaints had been reported</p> |
| Item No 4.1(5) - Application for House in Multiple Occupation Licence – Jordan Craig - 15(2F1) Lonsdale Terrace | 5 Occupants | To repel the objection grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. |

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| <p>Item No 4.1(6) - Application for House in Multiple Occupation Licence – Derek Elmslie - 15(3F2) Lonsdale Terrace</p> | <p>5 Occupants</p> | <p>1. To repel the objection grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence.</p> <p>2. Braemore Property Management to advise the applicant of the standards he is expected to follow as a day to day manager in regard to property management.</p> |
| <p>Item No 4.1(7) - Application for House in Multiple Occupation Licence – Khwaja Akbar – 46 Marine Drive</p> | <p>80 Occupants</p> | <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 Director of Services for Communities to undertake monitoring and submit bi-monthly reports to the Convener of the Regulatory Committee on this.</p> |
| <p>Item No 4.1(8) - Application for House in Multiple Occupation Licence – Grant Investment, 72 (2F1) Morningside Road</p> | <p>4 Occupants</p> | <p>To repel the objection grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence.</p> |
| <p>Item No 4.1(9) - Application for House in Multiple Occupation Licence – Heather Burnside – 23 (3F2) Torphicen Street</p> | <p>5 Occupants</p> | <p>To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence</p> |
| <p>Item No 4.1(10) - Application for House in Multiple Occupation Licence – Ship 2 Sarl - 10(2F1) Valleyfield Street</p> | <p>4 Occupants</p> | <p>To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.</p> |
| <p>Item No 4.1(11) - Application for House in Multiple Occupation Licence – Ship 2 Sarl - 10(1F1) Valleyfield Street</p> | <p>4 Occupants</p> | <p>To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.</p> |

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| <p>Item No 4.1(12) - Application for Late Hours Catering Licence – Giovanni Cerrone – 63 Lothian Road</p> | <p>Sun – Thursday 11 pm – 2 am</p> <p>Fri – Sat 11pm – 3 am</p> | <p>To note that the application had been withdrawn.</p> |
| <p>Item No 4.1(13) - Application for Variation of Second Hand Dealer Licence – Albemarle and Bond, Jewellers and Pawnbrokers, 28 Great Junction Street</p> | <p>Request for records to be held on computer</p> | <p>1. To continue consideration of the application to the meeting of 24 May 2013 to allow the applicant to attend.</p> <p>2. The Director of Services for Communities to advise the applicant that unless good reasons could be advanced that the system proposed would satisfy the conditions of licence to the Sub-Committee the application was unlikely to be successful.</p> |
| <p>Item No 4.1(14) - Application for Variation of Second Hand Dealer Licence – Albemarle and Bond, Unit 31, Westside Plaza Shopping Centre, 6 Westside Plaza</p> | <p>Request for records to be held on computer</p> | <p>1. To continue consideration of the application to the meeting of 24 May 2013 to allow the applicant to attend.</p> <p>2. The Director of Services for Communities to advise the applicant that unless good reasons could be advanced that the system proposed would satisfy the conditions of licence to the Sub-Committee the application was unlikely to be successful.</p> |
| <p>Item No 4.1(15) - Application for Street Trader Licence – Benny Yadgarian – Rose Street/Hanover Street</p> | <p>Craft and jewellery</p> | <p>To grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence.</p> |
| <p>Item No 4.1(16) - Application for Street Trader Licence – Veronese Giancarlo, Waverley Bridge/Princes Street</p> | <p>Prints and paintings</p> | <p>To grant the licence subject to the Council's Standard Conditions for this category of licence.</p> |

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| <p>Item No 4.1(17) - Application for Street Trader Licence – Mercat Tours (per Desmond Brogan), St Andrew Square Garden</p> | <p>N/A</p> | <ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence. 2. To note that the Sub-Committee was of the opinion that due to the specific nature of this application there was sufficient reason to deviate from policy and that this did not set a precedent for the determination of any future applications |
| <p>Item No 4.1(18) - Application for House in Multiple Occupation Licence – Armando and Daniela Pagliari - 21(2F1) Warrender Park Terrace</p> | <p>4 Occupants</p> | <ol style="list-style-type: none"> 1. To grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. 2. To note the objection had been withdrawn |

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 22 May 2013

Present:- Councillors Barrie (Convener), Blacklock (Vice-Convener) Aitken, Cairns, Gardner, Bill Henderson, Redpath and Rust (substituting for Councillor Heslop)

1. Applications for Variation of Private Hire Car “Pre-Booked Hires Only” Door Sticker Licence Conditions

The Sub-Committee at its meeting on 24 April 2013 had continued a request by David Revel for the variation of the Private Hire Car Licence conditions to remove the requirement for “Pre-Booked Hires Only” door stickers, to allow the licence holder to obtain further evidence of the level of high quality executive/tourism work from the management of the companies that contract him for these services.

At this meeting the applicant provided further information from businesses within the city.

Decision

1. To grant the exemption
2. The exemption to only apply to the Silver Volkswagen Transporter: Plate Number PH 364 as detailed in the application whilst it is licensed by the operator. If the vehicle is replaced the exemption will no longer apply.
3. The rear licence plate to carry the additional wording “Door Sticker Exemption”

(Reference – Licensing Sub-Committee 24 April 2013 (item no 1), report by the Head of Service, Services for Communities, submitted.)

2. Applications for Variation of Private Hire Car “Pre-Booked Hires Only” Door Sticker Licence Conditions

Details of a request received from Adam Pyrzyna for the variation of the Private Hire Car Licence conditions to remove the requirement for “Pre-Booked Hires Only” door stickers

Decision

To continue consideration to the meeting of the Licensing Sub-Committee on 26 June 2013 to allow the licence holder to attend and for him to obtain further evidence of the level of high quality executive/tourism work from the management of the companies that contract him for these services

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

3. 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.

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

The Director of Services for Communities provided details of 14 applications for Miscellaneous Licences under 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.

(Reference – list of applications, submitted.)

5. Police Comments and Requests for Suspension of Licences

The Head of Service, Services for Communities, advised the Sub-Committee of letters of comment and requests for suspension of Licences from the Chief Constable.

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, 24 May 2013

Present

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

1. Applications for Grant of Booking Office Licences – Edinburgh City Private Hire Cars Limited

The Licensing Sub-Committee on 24 April 2013 had continued two applications for the grant of two Booking Office licences by Edinburgh City Private Hire Cars Limited at Edinburgh Airport for a site inspection, one application related to the existing booking office Licence (Application Ref No 13/02743/BKOFCE), and the second application related to a new location outside the International Terminal (Application Ref No 13/01988/BKOFCE).

The Sub-Committee also considered a report on the applications by the Head of Service, Community Safety.

The Sub-Committee considered further representations on this matter from the legal agents for the applicant (Edinburgh City Private Hire Cars Limited) and Central Radio Taxis Tolcross Limited who had objected to both applications, and from Edward Millar an objector to the application for the new location

Decision

- 1) To note the contents of the report by the Head of Service, Community Safety.
- 2) To note that neither officers of the Council or Police Scotland had objected to the granting of these licences
- 3) To grant the application for Booking Office Licence (Application Ref No 13/02743/BKOFCE) as detailed in the report by the Head of Service, Community Safety subject to mandatory conditions set down in the Paragraph 3(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009:
 - (a) That a record be kept of every booking for the hire of a relevant vehicle taken at the relevant premises;

- (b) That a record be kept of:
- (i) The registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
 - (ii) The name of its driver at the time of that hire; and
- (c) That the holder of the licence shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a relevant vehicle results in the hire of a vehicle which is–
- (i) A relevant vehicle; and
 - (ii) Being driven by a person who holds a licence granted under section 13 of the Act and that licence is in effect.

4) To grant the application for Booking Office Licence (Application Ref No 13/01988/BKOFCE) as detailed in the report by the Head of Service, Community Safety subject to mandatory conditions set down in the Paragraph 3(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009:

- (a) That a record be kept of every booking for the hire of a relevant vehicle taken at the relevant premises;
- (b) That a record be kept of–
- (i) The registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
 - (ii) The name of its driver at the time of that hire; and
- (c) That the holder of the licence shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a relevant vehicle results in the hire of a vehicle which is–
- (i) A relevant vehicle; and
 - (ii) Being driven by a person who holds a licence granted under section 13 of the Act and that licence is in effect.

(Reference – Licensing Sub-Committee 24 April 2013 (item 1); report by Head of Service, Community Safety, submitted.)

Note: Only Councillors Barrie (Convener), Blacklock (Vice-Convener), Aitken, Gardner, Bill Henderson, Heslop and Redpath, considered this item, being the same members who considered the applications on 24 April 2013.

2. Request for Variation of Licensing Conditions – Edinburgh International Film Festival 2013

Details were provided of a request to screen uncertificated films during the Edinburgh International Film Festival (EIFF) 2013.

The Council's standard licensing conditions mandated that only films certificated by the British Board of Film Classification (BBFC) could be screened. Condition 3 of the cinema licence conditions allowed exhibition of any film if the Council's permission is first obtained.

The EIFF provided details including recommended ratings for films currently not rated by the BBFC.

Decision

To grant the variation to allow uncertificated films to be shown as part of the Edinburgh International Film Festival.

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

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

Details were provided of 20 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in Appendix 1 to this minute.

(Reference – list of applications, submitted.)

4. 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.

5. Request for Suspension of Late Hours Catering Licence

Details were provided of a request from the Chief Constable for the suspension of a Late Hours Catering Licence.

The Licence Holder and their Legal Agent were heard

Decision

To suspend the licence for fourteen days with immediate effect

(Reference- Licensing Sub-Committee 26 April 2013 (Item 9): report by the Chief Constable, submitted)

6. Request for Suspension of Street Trader Licence

Details were provided of a request from the Chief Constable for the suspension of a Late Hours Catering Licence.

Decision

To continue to the meeting of 21 June 2013 to allow the licence holder to attend.

(References – licensing Sub-Committee 8 March 2013 (item 12), report by Head of Service, Community Safety, submitted.)

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

Details were provided of 9 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.)

Declarations of Interest

Councillor Booth declared a non financial interest in item B2.1.9 as the applicant was known to him left the room and took no part in consideration of that item.

7. Use of Emergency Powers to grant Market Operators Licence

Details were provided of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in terms of paragraph 3.1 of Committee Terms of Reference and Delegated Functions to grant a Market Operators Licence.

Decision

To note the report.

(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 No 5.1.1 - Application for House in Multiple Occupation Licence - Energy Commercial Consultants Ltd - 2f 1 Manor Place | 5 Occupants | <ol style="list-style-type: none"> 1. To agree to accept the late objections 2. To repel the objection and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. 3. Also subject to monitoring by the Director of Services for communities. 4. The Managing Agent to provide the neighbouring properties with an up to date emergency 24 hour contact telephone number with confirmation of this being submitted to the licensing section within 28 days. |
| Item No 5.1.2 - Application for House in Multiple Occupation Licence - Sabra Yaqoob - 23 Durham Drive | 5 Occupants | <ol style="list-style-type: none"> 1. To agree to accept the late objections 2. To repel the objection and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. |
| Item No 5.1.3 - Application for House in Multiple Occupation Licence - Michael and Noeline Cavanagh -15(1f2) Hope Park Terrace | 5 Occupants | To repel the objection grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. |
| Item No 5.1.4 - Application for House in Multiple Occupation Licence - Todd Dimmick - 46(2f1) Nicolson Street | 3 Occupants | To continue to the meeting of 21 June 2013 to allow for discussion on the possible reconfiguration of the rooms in the property. |

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|---|--------------------|--|
| <p>Item No.5.1.5 - Application for House in Multiple Occupation Licence - Laura J Welton - 22 (2f2) Strathearn Road</p> | <p>3 Occupants</p> | <ol style="list-style-type: none"> 1. To agree to accept the late objections. 2. To repel the objection and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. 3. To note the applicants undertaking to fit a rubber mat to prevent vibration under the washing machine. 4. Also subject to noise monitoring by the Director of Services for communities. |
| <p>Item No 5.1.6 - Application for House in Multiple Occupation Licence - Kaukab Munir - 44(2f1) Thirlestane Road</p> | <p>5 Occupants</p> | <p>To continue to the meeting of 21 June 2013 to allow the applicant to submit details of the proposed tenant information pack including an antisocial behaviour agreement for the consideration of the Director of Services for Communities.</p> |
| <p>Item No 5.1.7 - Application for Variation of Second Hand Dealer Licence - Albemarle and Bond Jewellers and Pawnbrokers Ltd - 28 Great Junction Street</p> | <p>N/A</p> | <p>To grant the variation of licensing conditions.</p> |
| <p>Item No 5.1.8 - Application for Variation of Second Hand Dealer Licence - Albemarle and Bond Jewellers and Pawnbrokers Ltd unit 31, 6 Westside Plaza Shopping Centre</p> | <p>N/A</p> | <p>To grant the variation of licensing conditions.</p> |
| <p>Item No 5.1.9 - Application for Street Trader Licence - Fadia Louise - North Bridge Outside J and S News 52 North Bridge</p> | <p>N/A</p> | <p>To refuse the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.</p> |
| <p>Item No 5.1.10 - Application for Street Trader Licence - Oliver G Shurville - Middle Meadow Walk</p> | <p>N/A</p> | <p>To grant the licence subject to the Council's Standard Conditions for this category of licence.</p> |
| <p>Item No 5.1.11 - Application for Second Hand Dealer Licence - Richard P Sumner - Antiques N Stuff 102 Causewayside</p> | <p>N/A</p> | <p>To continue to the meeting of 21 June 2013 to allow the applicant to allow the applicant to attend</p> |

| | | |
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| <p>Item No 5.1,12 - Application for Second Hand Dealer Licence - Calum Mcintosh T/A Junkadelic - 274 Leith Walk</p> | <p>N/A</p> | <ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence 2. Also subject to following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 6 weeks old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years. • Prior to purchasing a mobile phone, a check shall be carried out on the IMEI number of the phone to establish whether the phone has been reported lost/stolen or blocked. |
| <p>Item No 5.1.13 - Application for Second Hand Dealer Licence - Airthrey Mill Co Ltd - Cash Converters Unit 12 Westside Plaza Shopping Centre</p> | <p>N/A</p> | <ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence 2. Also subject to following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 6 weeks old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years. • Prior to purchasing a mobile phone, a check shall be carried out on the IMEI number of the phone to establish whether the phone has been reported lost/stolen or blocked |

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| <p>Item No 5.1.14 - Application for Second Hand Dealer Licence - David E Gass - Record Shak 69 Clerk Street</p> | <p>N/A</p> | <ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence 2. Also subject to following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 6 weeks old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years. |
| <p>Item 5.1.15 - Application for a second hand dealers licence – Robert Melvin Berland's of Edinburgh 143 Gilmore Place, Edinburgh</p> | <p>N/A</p> | <ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence 2. Also subject to following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 6 weeks old. • A photograph shall be taken of every seller at the time of the transaction • The above records must be preserved for two years. |

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| <p>Item No 5.1.16 - Application for Second Hand Dealer Licence - Game Retail Ltd Unit 4 Ocean Terminal 98 Ocean Drive</p> | <p>N/A</p> | <ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence 2. Also subject to following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 6 weeks old. • The above records must be preserved for two years. • Prior to purchasing a mobile phone, a check shall be carried out on the IMEI number of the phone to establish whether the phone has been reported lost/stolen or blocked |
| <p>Item No 5.1.17 - Application for Second Hand Dealer Licence - Cash Brokers - 152-154 Portobello High Street</p> | <p>N/A</p> | <p>To continue to the meeting of 21 June 2013 to allow the applicant to attend.</p> |
| <p>Item No 5.1.18 - Application for Second Hand Dealer Licence - Wm Armstrongs Ltd - 64-66 Clerk Street</p> | <p>N/A</p> | <ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence. 2. Also subject to following additional conditions recommended by the Chief Constable: <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 6 weeks old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years. |

| | | |
|--|------------|---|
| <p>Item No 5.1.19 - Application for Second Hand Dealer Licence - Jenni Meldrum - Sea Kist 47 High Street South Queensferry</p> | <p>N/A</p> | <ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence 2. Also subject to following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 6 weeks old. • The above records must be preserved for two years. |
| <p>Item No 5.1.20 - Application for Second Hand Dealer Licence - Estrelase Ltd - 13 Leith Walk</p> | <p>N/A</p> | <ol style="list-style-type: none"> 1. To agree to accept the police representation 2. To grant the licence subject to the Council's Standard Conditions for this category of licence 3. Also subject to following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> • Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 6 weeks old. • A photograph shall be taken of every seller at the time of transaction. • The above records must be preserved for two years. • Prior to purchasing a mobile phone, a check shall be carried out on the IMEI number of the phone to establish whether the phone has been reported lost/stolen or blocked |

The Regulatory Committee

9.30am, Friday, 21 June 2013

Review of Taxi Fare Structure - Outcome of Consultation

Item number 7.1

Report number

Wards: All

Links

Coalition pledges [P28](#)

Council outcomes [CO8](#)

Single Outcome Agreement [SO1](#)

Mark Turley

Director of Services for Communities

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Review of Taxi Fare Structure

Summary

The Council, as Licensing Authority for taxis, is required to review and fix the scale of fares or any other charges which may be used by taxis licensed within the City. This review must take place at intervals not greater than 18 months.

Halcrow Ltd were engaged to review the current Taxi Fare Structure and presented their findings to the Regulatory Committee on 3 May 2013. The Committee agreed in principle to authorise an increase in fares by 3.6% and to increase the charge for soiling to £50. The committee also agreed that in future the Consumer Price Index will be used to calculate future fare rises.

In line with statutory requirements these proposed changes to the Taxi Fare Structure have been advertised in a local newspaper and additionally on the Council website.

Recommendations

- 1 It is recommended that Committee:
 - a) notes the content of this report and that the Council's statutory duties have been met.
 - b) confirms its previous decision to implement, effective from 29 July 2013, a Taxi fare increase of 3.6% based on the Consumer Price Index,
 - c) confirms its previous decision to implement, effective from 29 July 2013, an increased charge for customers soiling Taxis of £50,
 - d) approves the revised Fare Card attached at Appendix 2.
 - e) notes the revised wording within the fare card with respect to the £1 drop off fee at Edinburgh Airport.

Measures of success

The Taxi Fare Structure is fit for purpose and meets the needs of both residents and the taxi trade.

Financial impact

There is no direct financial impact to the Council. The taxi trade contributes to the economy of the City. The fare structure will have a direct impact on the residents or visitors to the City using a Taxi.

Equalities impact

There is no equalities impact arising from the contents of this report.

Sustainability impact

There is no environmental impact arising from the contents of this report.

Consultation and engagement

As previously reported Halcrow Ltd were instructed to consult widely. Specifically consultation included:-

1. Two formal meetings with Representatives of the Taxi Trade.
2. A survey of the Public, a sample of over 500 was conducted.
3. Consultation with Lothian and Borders Police, in particular the Cab Inspector and officers with responsibility for the City Centre.
4. Consultation with Council Officers with responsibility for Community Safety, Transport and Economic Development.
5. Disability Groups

Additionally a further round of consultation took place regarding the Committee's intention to vary the Taxi Fare Structure. This was done in line with statutory requirements through advertisement in a local newspaper and on the Council website. Staff within the Licensing Team also signposted customers to the consultation in any emails which were sent between 10 May and 7 June 2013.

Background reading / external references

[Item 7.5 - Review of Taxi Fare Structure, Regulatory Committee 3 May 2013.](#)

Review of Taxi Fare Structure - Outcome of Consultation

1. Background

- 1.1 The Council, as Licensing Authority, has a duty to review and set a Taxi Fare Structure within the City. The Taxi Fare Structure represents the maximum which a customer can be charged for a taxi journey within the City.
- 1.2 The Council engaged Halcrow Ltd to undertake a review of the fare structure and their report and conclusions were presented to the Regulatory Committee on 3 May 2013.
- 1.3 The Committee instructed that officers advertise the proposed changes to the Taxi fare structure in line with the statutory requirements of the Civic Government (Scotland) Act 1982, referred to in this report as 'the Act'.
- 1.4 Committee is advised that there is a right of appeal against any Committee decision regarding fares. This might be exercised by any taxi licence holder and the appeal is made to the Scottish Traffic Commissioner.

2. Main Report

- 2.1 As required by 'the Act' an advert was published a newspaper, circulating locally, namely the Edinburgh Evening News, on Friday 10 May 2013. The advert was also published on the Council's website. Interested parties were invited to submit any comments or objections in writing by Friday 7 June 2013. A copy of the advert is included at Appendix 1.
- 2.2 The Committee is asked to note that as of 3 June 2013 no comment or objection has been received in respect of the proposals to raise the fares by 3.6% or to the increase in the soiling charge to £50. One letter was received from an MSP asking for further details of the consultation on introducing revised fare structures between 12am and 5am. This will be subject to further consultation and is not relevant to the Taxi Fare Structure changes discussed in this report.

- 2.3 As requested by the Committee, officers advertised amended wording with respect to the area at Edinburgh Airport where the £1 drop fee may be recharged to customers. The amended wording can be seen in the advert at Appendix 1. No comments have been received on this issue.
- 2.4 Further consultation will take place on the additional proposed changes to the Taxi Fare Structure including changes between 12am and 5am and changes during the festive period. This consultation will also include the issue whereby the 80p airport pick fee is being charged in addition to the 80p call out charge. A further report will be submitted to Committee in due course.
- 2.5 If Committee agree the proposed fare increase it will take effect on 29 July 2013. This will allow officers of the Council to notify all interested parties and ensure that the Taxi Examination Centre can take the necessary steps in respect of vehicles being presented for inspection.

3. Recommendations

- 3.1 It is recommended that Committee:
- a) notes the content of this report and that the Council's statutory duties have been met.
 - b) confirms its previous decision to implement, effective from 29 July 2013, a Taxi fare increase of 3.6% based on the Consumer Price Index,
 - c) confirms its previous decision to implement, effective from 29 July 2013, an increased charge for customers soiling Taxis of £50,
 - d) approves the revised Fare Card attached at Appendix 2.
 - e) notes the revised wording within the fare card with respect to the £1 drop off fee at Edinburgh Airport.

Mark Turley

Director of Services for Communities

Links

| | |
|---------------------------------|---|
| Coalition pledges | Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city |
| 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 | 1: Copy of Advert re Revised Fare Structure. 2: Revised Fare Card effective 29 July 2013. |

**THE CITY OF EDINBURGH COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
TAXI FARE REVIEW**

NOTICE IS GIVEN in terms of Section 17(3) of the above Act that the Regulatory Committee of the City of Edinburgh Council has reviewed the taxi fare tariff for taxis licensed by the Council. On 3 May 2013 the Committee proposed that the taxi fare tariff would be as shown below and that the new fare tariff would come into effect on 29 July 2013.

Any person may make representations on these proposals. Any representations should be in writing and lodged with the Licensing Section, Services for Communities, The City of Edinburgh Council, 249 High Street, Edinburgh, EH1 1YJ, or by email to licensing@edinburgh.gov.uk within one month of the date of this advertisement. Any representations received within the above timescale will be considered by the Committee before it makes a final decision.

**Mark Turley
Director of Services for Communities**

FOR UP TO 2 PASSENGERS

| | |
|---|---|
| TARIFF 1 Monday - Friday 6am – 6pm | TARIFF 2 Monday – Friday 6pm – 6am the following day 6am Saturday – 6am Monday |
| TARIFF 3 Monday - Friday 6am – 6pm during Christmas and New Year | TARIFF 4 Monday – Friday 6pm – 6am the following day 6am on Saturday – 6am Monday during Christmas and New Year |
| CHRISTMAS NEW YEAR | 6pm on 24 December to 6am on 27 December 6pm on 31 December to midnight on 2 January |

| CHARGES | TARIFF 1 | TARIFF 2 | TARIFF 3 | TARIFF 4 |
|--|-----------------|-----------------|-----------------|-----------------|
| <ul style="list-style-type: none"> ▪ Initial hire not exceeding 527m ▪ Initial 105 seconds of waiting time ▪ Combination of initial time and distance | £2.10 | £3.10 | £3.10 | £4.10 |
| <ul style="list-style-type: none"> ▪ Each additional 188m up until 2031m and thereafter each additional 217m ▪ Each additional 40 seconds of waiting time ▪ Combination of additional time and distance | £0.25 | £0.25 | £0.35 | £0.45 |

EXTRA PAYMENTS

| | | |
|---|--------------|---|
| When more than 2 passengers | Each | £0.20 |
| Note: Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years of age. | | |
| Each Passenger must be properly seated | | |
| Hires ending at Edinburgh Airport Inner Drop-off Zone (See Note 4 below) | | £1.00 |
| Call Out Charge Applicable when pre-booked | £0.80 | Airport Pickup For hires Commencing at Edinburgh airport |
| Cancellation Fee Applicable when taxi is pre-booked but not used | £2.20 | Payment Of Fare By Credit/Debit Card Extra applicable when fare paid by the above means |
| Cleaning Fee Applicable when taxi is soiled (by travel sickness) | | 5.0 % |
| £50.00 | | |

NOTES

- (1) The above Tariff is applicable only within the City of Edinburgh.
- (2) Any hire which terminates outside the City of Edinburgh area – FARE MUST BE NEGOTIATED AND AGREED WITH DRIVER BEFORE THE JOURNEY COMMENCES.
- (3) A copy of the Licensing Conditions can be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh, EH1 1YJ and downloaded from edinburgh.gov.uk/downloads/file/843/taxi_licensing_conditions.
- (4) The Airport Extra is only payable if passenger is dropped off in the restricted zone at Edinburgh Airport where the £1 fee is charged for vehicle access and the driver has explained to the passenger before the start of the journey -
(1) He will take the passenger to the drop off point just beside the airport terminal and that there is a £1 extra for this. (2) If the passenger states he is disabled, the £1 extra still has to be paid, but the driver understands that the passenger can reclaim this from the airport at the drop-off point. (3) If the passenger wishes to avoid the £1 extra, he can be taken to an outer drop-off point. However, this is further from the airport terminal, involves the use of a free shuttle bus and will require more time for the passenger to get to the airport terminal.

FARE TABLE FOR TAXIS

FOR UP TO 2 PASSENGERS

| | |
|---|---|
| TARIFF 1 Monday - Friday 6am – 6pm | TARIFF 2 Monday – Friday 6pm – 6am the following day 6am Saturday – 6am Monday |
| TARIFF 3 Monday - Friday 6am – 6pm during Christmas and New Year | TARIFF 4 Monday – Friday 6pm – 6am the following day 6am on Saturday – 6am Monday during Christmas and New Year |
| CHRISTMAS NEW YEAR | 6pm on 24 December to 6am on 27 December 6pm on 31 December to midnight on 2 January |

| CHARGES | TARIFF 1 | TARIFF 2 | TARIFF 3 | TARIFF 4 |
|--|-----------------|-----------------|-----------------|-----------------|
| <ul style="list-style-type: none"> ▪ Initial hire not exceeding 527m ▪ Initial 105 seconds of waiting time ▪ Combination of initial time and distance | £2.10 | £3.10 | £3.10 | £4.10 |
| <ul style="list-style-type: none"> ▪ Each additional 188m up until 2031m and thereafter each additional 217m ▪ Each additional 40 seconds of waiting time ▪ Combination of additional time and distance | £0.25 | £0.25 | £0.35 | £0.45 |

EXTRA PAYMENTS

| | | |
|---|--------------|---|
| When more than 2 passengers | Each | £0.20 |
| Note: Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years of age. | | |
| Each Passenger must be properly seated | | |
| Hires ending at Edinburgh Airport Inner Drop-off Zone (See Note 4 below) | | £1.00 |
| Call Out Charge Applicable when pre-booked | £0.80 | Airport Pickup For hires Commencing at Edinburgh airport |
| Cancellation Fee Applicable when taxi is pre-booked but not used | £2.20 | Payment Of Fare By Credit/Debit Card Extra applicable when fare paid by the above means |
| Cleaning Fee Applicable when taxi is soiled (by travel sickness) | | 5.0 % |
| | | £50.00 |

NOTES

- (1) The above Tariff is applicable only within the City of Edinburgh.
- (2) Any hire which terminates outside the City of Edinburgh area – FARE MUST BE NEGOTIATED AND AGREED WITH DRIVER BEFORE THE JOURNEY COMMENCES.
- (3) A copy of the Licensing Conditions can be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh, EH1 1YJ and downloaded from edinburgh.gov.uk/downloads/file/843/taxi_licensing_conditions.
- (4) The Airport Extra is only payable if passenger is dropped off in the covered inner drop-off zone at Edinburgh Airport and the driver has explained to the passenger before the start of the journey - (1) He will take the passenger to the drop off point just beside the airport terminal and that there is a £1 extra for this. (2) If the passenger states he is disabled, the £1 extra still has to be paid, but the driver understands that the passenger can reclaim this from the airport at the drop-off point. (3) If the passenger wishes to avoid the £1 extra, he can be taken to an outer drop-off point. However, this is further from the airport terminal, involves the use of a free shuttle bus and will require more time for the passenger to get to the airport terminal.

COMPLAINTS

Any hirer aggrieved at the level of the fare charged for any hire or for any other reason may discuss the matter with the Taxi Licensing Officer (0131 529 4250). Any complaint must be made in writing and addressed to the Complaints Officer, Licensing Section, The City of Edinburgh Council, 249 High Street, Edinburgh EH1 1YJ, and should include the vehicle's licence number and time and date of the incident.

The Regulatory Committee

9.30am, Friday 21 June 2013

Licensing Policy Development: Member Officer Working Group

| | |
|---------------|----------|
| Item number | 7.2 |
| Report number | |
| Wards | Citywide |

Links

| | |
|--------------------------|---------------------|
| Coalition pledges | P28 |
| Council outcomes | CO8 |
| Single Outcome Agreement | SO1 |

Mark Turley

Director of Services for Communities

Contact: Susan Mooney - Head of Service
Andrew Mitchell - Community Safety Manager

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Executive summary

Licensing Policy Development: Member Officer Working Group

Summary

The Regulatory Committee on 16 November 2012 adopted a Work Plan which included review of policies which are vital in ensuring the Licensing function remains fit for purpose.

This report outlines proposals for a Member Officer Working Group to oversee the development of these new policies. Establishment of such a group will ensure members are directly involved in policy development.

Recommendations

- 1 The Regulatory Committee is asked to:
 - a) agree to the establishment of a Member Officer Working Group and;
 - b) agree to the draft terms of reference for the Group as set out in Appendix 1.

Measures of success

That the City's Licensing function is modernised to ensure that it meets the needs of customers.

That any Licensing policy adopted balances appropriate protection of citizens with the need to ensure a minimum burden on economic development.

Financial impact

None arising out this report. Any costs from implementing policy changes will require to be borne within the available income generated from Licensing Fees. There are no costs to the Councils revenue budget.

Equalities impact

None arising from this report. Policies developed may require equality impact assessed depending on the nature of the policies.

Sustainability impact

There is no environmental impact arising from the contents of this report.

Consultation and engagement

This report will establish a group which will allow elected members to be consulted with on development of licensing policy.

Background reading / external references

[Item 5.1 - Regulatory Committee Workplan, Regulatory Committee 16 November 2012.](#)

Licensing Policy Development: Member Officer Working Group

1. Background

- 1.1 The Council acts as Licensing Authority for a range of legislation including the Civic Government (Scotland) Act 1982. The Regulatory Committee on the 16 November 2012 agreed a Work Plan to provide focus and structure to the work required to review policies for various aspects of the Licensing function.

2. Main report

- 2.1 While significant progress on the Regulatory Work Plan has been made to date, a number of key policy issues now require to be progressed, including review of the Late Hours Catering Policy and review of the Street Trading Policy. These reviews will need to achieve a balance between protecting citizens and not imposing excessive burdens on business or business start ups.
- 2.2 It is crucial that elected members are directly involved in reviewing these policies. It is therefore proposed that a Member Officer Working Group be established to oversee the remaining policy work within the Regulatory Work Plan.
- 2.3 Proposals developed by the Member Officer Working Group will be brought back to the Regulatory Committee for approval prior to any formal consultation.
- 2.4 Proposed Terms of Reference for the Member Officer Working Group are attached at Appendix 1.

3. Recommendations

- 3.1 Committee is recommended to:
- a) agree to the establishment of a Member Officer Working Group and;
 - b) agree to the draft terms of reference for the Group as set out in Appendix 1.

Mark Turley

Director of Services for Communities

Links

| | |
|---------------------------------|---|
| Coalition pledges | Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city |
| 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 | Appendix 1: Draft Terms of reference. |

TERMS OF REFERENCE

CITY OF EDINBURGH COUNCIL - OFFICER AND MEMBER WORKING GROUP ON REGULATORY COMMITTEE POLICIES

1. Remit

- 1.1 To drive forward and discuss reviews of Regulatory Committee Policy to assist the Committee in providing Edinburgh with a Licensing System etc that is fit for purpose, protects citizens and promotes economic growth.
- 1.2 Consider and discuss progress on the Regulatory Committee workplan including:
 - A review of street trading policy,
 - A review of late hours catering policy.
- 1.3 Receive and discuss briefing papers and presentations on proposed improvements to the Regulatory Committee Functions to promote best practice.

2. Membership

- 2.1 The membership of the Officer and Member Working Group on Regulatory Committee Policy will be drawn from all members of the Council:
 - 2.1.1 Convener and Vice Convener of the Regulatory Committee (Convener)
 - 2.1.2 1 Labour
 - 2.1.3 1 Conservative
 - 2.1.4 1 SNP
 - 2.1.5 1 SLD
 - 2.1.6 1 Green
 - 2.1.7 Council Officers– Susan Mooney Head of Community Safety- Andrew Mitchell Community Safety Manager- Robert Millar Principal Solicitor Licensing, others may be invited as required.
 - 2.1.8 1 representative from both Police Scotland and Scottish Fire and Rescue Service.
 - 2.1.9 A Ex-officio member of the Licensing Board for any item which may impact the work of that body

2.2 Substitutes

- 2.2.1 Substitutes are permitted.

3. Meetings

- 3.1 Support Arrangements: Administrative, clerical and policy / strategy

support will be provided by the Services for Communities Department and relevant sections of Corporate Governance.

- 3.2 The group will meet monthly or as agreed by the Group.
- 3.3 A request for agenda items will be circulated during the period of 14 days before the meeting.