

# Notice of meeting and agenda

## Regulatory Committee

**9.30 am, Friday, 15 November 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

E-mail: [stephen.broughton@edinburgh.gov.uk](mailto:stephen.broughton@edinburgh.gov.uk)

Tel: 0131 529 4261

## **1. Order of business**

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- 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**

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- 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**

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- 3.1 If any.

## **4. Minutes**

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- 4.1 Regulatory Committee of 6 September 2013 (circulated – submitted for approval as a correct record).
- 4.2 Licensing Sub-Committees of 4 and 6 September and 9, 11 and 23 October 2013 (circulated – submitted for approval as correct records).

## **5. Key decisions forward plan**

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- 5.1 None

## **6. Business bulletin**

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- 6.1 None

## **7. Executive decisions**

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- 7.1 Proposed Changes to Public Entertainment Resolution – report by the Director of Services for Communities (circulated).
- 7.2 Regulatory Committee Work Plan – report by the Director of Services for Communities (circulated).
- 7.3 Taxi Stances – Revocations, Variations and Appointment – various locations along the Edinburgh Tram route – report by the Director of Services for Communities (circulated).

- 7.4 Use of CCTV in Taxi and Private Hire cars – report by the Director of Services for Communities (circulated).
- 7.5 Control of Advertising on Taxis – feedback on consultation – report by the Director of Services for Communities (circulated).
- 7.6 Review of approval for Private Hire Cars Modified to Carry Wheelchairs – report by the Director of Services for Communities (circulated).

## **8. Routine decisions**

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- 8.1 None

## **9. Motions**

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- 9.1 None

### **Carol Campbell**

Head of Legal, Risk and Compliance

### **Committee Members**

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

### **Information about the Regulatory Committee**

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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**

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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](mailto: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](http://www.edinburgh.gov.uk/cpol).

For remaining items of business likely to be considered in private, see separate agenda.

## Regulatory Committee

9.00 am, Friday 6 September 2013

### Present

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

### 1. Minutes

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#### Decision

- 1) To approve the minute of the Regulatory Committee of 24 July 2013 as a correct record.
- 2) To amend the minute of the Licensing Sub-Committee of 24 July 2013 in respect of the decision for the application for the House in Multiple Occupation Licence for 6 (3F2) Mardale Crescent (Agenda Item no.4.1.2) to read:  
  
'To refuse the application in terms of Section 130(1)(b) of the Housing (Scotland) Act 2006 in that the named agent, Edinburgh Letting Solutions Ltd, was not a fit and proper person to be authorised to permit persons to occupy the said living accommodation as an HMO'
- 3) To otherwise approve the minutes of the Licensing Sub-Committees of 24 July, 14 and 16 August 2013 as correct records.

### 2. Private Rented Sector Enforcement Policy

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The Director of Services for Communities advised that significant changes to the legislative framework that regulated the private rented sector had taken place with the introduction of the Housing (Scotland) Act 2006 and the Private Rented Housing (Scotland) Act 2011 which had given Local Authorities new and revised powers.

The Council had adopted the Convention of Local Authorities (COSLA'S) Enforcement Concordat which promoted good practice in enforcement to deliver an approach that was proportionate, open and consistent.

Details were provided of a proposed Private Rented Services (PRS) Enforcement Policy that outlined the approach taken to enforcement, the decision making process and the matters to be considered in making a decision.

#### **Decision**

1. To approve the proposed PRS Enforcement Policy
2. The Director of Services for Communities to report annually to Committee, the details and statistics on the enforcement action taken by Private Rented Services.

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

### **3. Licence Refund Policy Outcome of Consultation**

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The Regulatory Committee at its meeting on 3 May 2013 had agreed a short consultation on a proposed policy for the refund for licence application fees.

Details were provided on the feedback from the consultation regarding the proposed policy.

#### **Decision**

1. To note the contents of the report.
2. To agree the policy detailed in appendix 1 of the report by the Director of Services for Communities.
3. To review the policy after 12 months
4. To note that an annual report on refunds would be submitted to the Regulatory Committee
5. To request the Director of Services for Communities to investigate the possibility of allowing organisations that may meet the criteria for discounted fees to submit applications without a fee, subject to this being considered by Committee.

(Reference – Minute of Regulatory Committee 3 May 2013, (item 6); report by the Director of Services for Communities, submitted)

## **4. Delegation of authority to deal with certain licence applications**

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Details were provided of proposed further delegation of authority to the Director of Services for Communities to deal with specific circumstances where an applicant had agreed to additional conditions requested by Police Scotland. Where parties were in agreement, licence applications would not be delayed by the need to be referred to the Licensing Sub-Committee.

### **Decision**

1. To endorse the additional delegation to the Director of Services for Communities authority to grant, renew and vary any licence where Police Scotland had made a representation about conditions to be attached to the licence and where the applicant had indicated in writing that they agreed to the conditions
2. To instruct the Director of Corporate Governance to include the additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.
3. In the interim and to ensure minimum delay possible in processing these applications, to request the Director of Services for Communities to use his authority in terms of paragraph 3.1 of Committee Terms of Reference and Delegated functions with a single report on all decisions made prior to any amendment to the Council's Scheme of Delegation being submitted to the Regulatory Committee in November for information.

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

## **5. Fee Structure: Proposed Amendments**

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Details of proposed amendments to the current licensing fee structure were provided to address a number of anomalies that had been identified, in particular to licences for Skin Piercing and Tattooing, Indoor Sports and Entertainment and Health and Fitness.

### **Decision**

1. To approve the amendments to the fee structure for Skin Piercing and Tattooing, Indoor Sports and Entertainment and Health and Fitness as detailed in paragraphs 2.3, 2.7 and 2.11 of the report by the Director of Services for Communities.
2. To discharge the outstanding remits relating to Skin Piercing and Tattooing, Indoor Sports and Entertainment from the Licensing Sub-Committee.

(Reference – Minutes of Licensing Sub-Committee 8 March 2013 (item 1) and 26 April 2013 (item 10 ); report by the Director of Services for Communities, circulated)

## 6. Anti-Violence Advert in Taxis and Private Hire Cars

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Police Scotland had sought support from the Council to waive the £7 advertising fee to encourage the taxi and private hire car trade to display a sticker in their vehicles to raise public awareness of a campaign to stop violence against taxi and private hire car drivers.

Approval was sought for changes to the advertisement approval procedures and to waive the application fee for this advertisement only, to encourage operators to carry the advert.

### Decision

To grant approval to allow this advert to be displayed in taxis subject to the conditions outlined below:

- that the requirement for individual taxi licence holders to apply to vary their licence to allow the display of this advertisement in their taxis be waived and that the fee of £7 not be charged;
- private hire car licence holders are not required to obtain approval to place these adverts in their vehicles;
- that the advert is located on either the partition between the driver and the passenger or on the underside of the flip-up seats, or
- where the vehicle does not have a partition or flip up seats, the advert is required to be located on the back of the front seats, and
- that the advert is not placed on any of the vehicle's windows.

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

## 7. Request for Approval of Wi-Fi Technology within Licensed Taxis

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Details were provided on proposals to permit the installation of WiFi technology in taxi and private hire vehicles.

The Director of Services for Communities outlined a process whereby licence holders could seek approval.

### Decision

- a) To agree in principal that WiFi technology may be installed within any taxi or private hire vehicle licensed by the Council subject to the conditions set out in appendix 2 of the report by the Director of Services for Communities
- b) To note that this was not an endorsement of any particular equipment or product.



- c) To authorise the Director of Services for Communities to approve the installation of WiFi equipment in any relevant licensed vehicle.
- d) To agree a fee of £50 for an application to install this type of equipment.

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

## **8. Resolution to Consider in Private**

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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 6, 9 and 10 of Part 1 of Schedule 7(A) of the Act.

## **9. Future Options for the Taxi Examination Centre**

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Details were provided of possible options for the future of the Taxi Examination Centre.

### **Decision**

- 1. To approve the recommendations in the report by the Director of Services for Communities.
- 2. To note that the committee would visit the Taxi Examination Centre in the near future.

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

## Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 4 September 2013

### Present

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

### 1. Resolution to Consider in Private

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

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

### Decision

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

(Reference – application details, submitted.)

### Dissent

Councillor Blacklock requested that her dissent be recorded in regards to the decision on agenda item number B3.1

### **3. Request for Suspension of Private Hire Car Driver's Licence**

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Details were provided of a request from the Chief Constable for the suspension of a Private Hire Car Driver's Licence.

The Chief Constable's representative and the licence holder were heard.

#### **Decision**

To suspend the Private Hire Car Driver's Licence with immediate effect until expiry.

(Reference - report by the Chief Constable, submitted)

### **4. Request for Suspension of Private Hire Car Driver's Licence**

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Details were provided of a request from the Chief Constable for the suspension of a Private Hire Car Driver's Licence.

#### **Decision**

- 1) To continue consideration of the matter to the meeting of the Licensing Sub-Committee of 9 October 2013 to allow the applicant to attend.
- 2) To advise the licence holder that as this matter had already been continued previously, it was unlikely that the Sub-Committee would continue consideration of beyond 9 October 2013 and would consider the suspension request in abstentia if they were not present.

(Reference - report by the Chief Constable, submitted)

### **5. Police Comment on Private Hire Car Driver's Licence**

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Details were provided of a letter received from the Chief Constable in respect of a Private Hire Car Driver's Licence.

The Chief Constable's representative and the licence holder were heard.

#### **Decision**

1. To suspend the Private Hire Car Driver's Licence for fourteen days
2. To note that the suspension would not come into effect for 28 days.

(Reference - report by the Chief Constable, submitted)

## 5. Request for Recall of Suspended Taxi Driver's Licence

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Details were provided of a request for the Licensing Sub-Committee to reconsider the period of suspension of a Taxi Driver's Licence previously imposed.

The Chief Constable's representative and the Licence Holder were heard.

### **Decision**

To take no action on the request and the suspension to remain in force

(Reference - report by the Head of Service Community Safety, submitted)

## Licensing Sub-Committee of the Regulatory Committee

10.00 am, Friday, 6 September 2013

### 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

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Details were provided of 14 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.)

### 2. Application for Temporary Market Operator's Licence

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The convener ruled the following item, notice of which had been given at the beginning of the meeting, be considered as a matter of urgency in order that it be considered timeously.

Details were provided of an application for a temporary market operator's licence in Castle Street for 12 – 15 September 2013 by the Market Square Group.

### Decision

1. To grant the licence subject to the Council's standard conditions for this category of licence, also subject to a condition on amplified music.
2. An operation plan to be prepared by the appropriate Council Directorates for the use of this site for markets, to be submitted to the Regulatory Committee.
3. Any future applications submitted, to be considered by the Licensing Committee until an operating plan had been agreed.

(Reference: report by the Head of Service, Community Safety, submitted)

### **3. Application for Temporary Market Operator's Licence**

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The convener ruled the following item, notice of which had been given at the beginning of the meeting, be considered as a matter of urgency in order that it be considered timeously.

Details were provided of an application for a temporary market operator's licence in Castle Street for 19 – 29 September 2013 by Continental Markets Ltd.

The applicant and an objector were heard.

#### **Decision**

1. To grant the licence subject to the Council's standard conditions for this category of licence, also subject to a condition on amplified music.
2. An operation plan to be prepared by the appropriate Council Directorates for the use of this site for markets, to be submitted to the Regulatory Committee.
3. Any future applications submitted, to be considered by the Licensing Committee until an operating plan had been agreed.

(Reference: report by the Head of Service, Community Safety, submitted)

### **4. Resolution to Consider in Private**

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

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Details were provided of 15 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

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
<u>Item 6.1.1 - Application for House In Multiple Occupation Licence - Derek Jamieson - 6 Wolseley Crescent</u>	5 Occupants amended to 4 Occupants	To repel the objections and grant the licence for 4 Occupants subject to the Council's Standard Conditions for this category of licence.
<u>Item 6.1.2 - Application for House In Multiple Occupation Licence - Aileen N Cuthbertson - 40 - (4f2) Learmonth Crescent</u>	3 Occupants	To continue consideration of the matter for 2 months to allow the on going works to alleviate the concerns raised by the objector to be completed to a satisfactory standard.
Item 6.1.3 – Application for Street Trader Licence - Owen O’Leary The Royal Mile, The Mound, Outside George Square Gardens, Pleasance, George Street, Princes Street, St Andrew Square Gardens, Castle Street, Grassmarket and Cowgate	N/A	To refuse the application in terms of Paragraph 5(3)(c)(i) and (d) of Schedule 1 of the Civic Government (Scotland) Act 1982.  <b>NOTE:</b>  <b><i>THE Sub-Committee were of the opinion that the locations requested were inappropriate and were contrary to the Council’s adopted policy on street trading.</i></b>

<u>Item 6.1.4 - Application for a Public Entertainment Licence - Scottish Love Action and Colin Mcrae - Myreside Stadium Myreside Road</u>	3.11.2013	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
<u>Item 6.1.5 - Application for a Late Hours Catering Licence - DPGSD Ltd TA Dominos Pizza and Charanjit Singh - 101 Nicolson Street</u>	23.00 – 05.00 hrs	To continue the matter to the Licensing Sub Committee on 11 October to allow all of the applications submitted by the applicant for various premises to be considered together.
<u>Item 6.1.6 - Application for a Late Hours Catering Licence - MBCC Foods Ltd and Anna MacKintosh - 7 South St Andrew Street</u>	Sun – Thur 2300 – 0200 Fri – Sat 2300 -0300	To grant the licence subject to the Council's Standard Conditions for this category of licence and also subject to the additional condition in respect of door stewards recommended by the Chief Constable.
<u>Item 6.1.7 - Application for a Late Hours Catering Licence - Raheela Javaid TA Festival Stores - 70-72 Grassmarket</u>	23.00 - 0300	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
<u>Item 6.1.8 - Application for a Second Hand Dealer Licence - Ariadne Xenou - Bodkin and Farrish 93 Causewayside</u>	N/A	To grant the licence subject to the Council's Standard Conditions for this category of licence also to the conditions recommended by the Chief Constable.
<u>Item 6.1.9 - Application for a Skin Piercing and Tattooing Fixed Premises Licence- 30A (Flat 5) Shandwick Place</u>	N/A	To repel the objections and grant the licence subject to the Council's Standard Conditions for this category of licence.
<u>Item 6.1.10 - Application for a Metal Dealers Licence - Instant Cash Loans Ltd and Simon Rice - 11 Leith Walk</u>	N/A	To grant the licence subject to the Council's Standard Conditions for this category of licence also to the conditions recommended by the Chief Constable.



<p><u>Item 6.1.11 - Application for a Metal Dealers Licence - Instant Cash Loans Ltd and Simon Rice - 130 Lothian Road</u></p>	<p>N/A</p>	<p>To grant the licence subject to the Council's Standard Conditions for this category of licence also to the conditions recommended by the Chief Constable.</p>
<p><u>Item 6.1.12 - Application for a Second Hand Dealer Licence - Hammed Afza Rathore - 217 Gorgie Road</u></p>	<p>N/A</p>	<p>To continue consideration of the matter to the meeting of the Licensing Sub-Committee on 11 October 2013 to allow the applicant to attend.</p>
<p><u>Item 6.1.13 - Application for a Market Operators 50 or Less Stalls Licence - Queensferry Ambition Ltd and Diane Brown- High Street South Queensferry</u></p>	<p>N/A</p>	<p>To repel the objections and grant the licence for one market per calendar month subject to</p> <ol style="list-style-type: none"> <li>1. the Council's Standard Conditions for this category of licence.</li> <li>2. Additional conditions that <ol style="list-style-type: none"> <li>(i) There are no more than 12 stalls</li> <li>(ii) 21 days notice is given to the Director of Services for Communities for approval of the date of any proposed market to avoid any potential clashes with other events</li> </ol> </li> <li>3. To note the applicants agreement to participate in a debriefing meeting with council officers after the first market has taken place</li> </ol> <p style="text-align: center;">(On a division)</p> <p style="text-align: center;"><b>SEE NOTE BELOW</b></p>

<p><u>Item 6.1.14 - Application for a Street Trader Food with Employee Licence - Edward Joyal - Craigentenny Avenue North</u></p>		<p>To repel the objections and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.</p>
<p>Tabled Item –TemporaryMarket operators Licence –Castle Street - Market Square Group &amp; Paul Kennedy. Castle Street</p>	<p>12 – 15 Sept 2013</p>	<ol style="list-style-type: none"> <li>1. To grant the licence subject to the Council's Standard Conditions for this category of licence also subject to a condition on amplified music</li> <li>2. An operation plan to be prepared by the appropriate Council Directorates for the use of this site for markets to be submitted to the Regulatory Committee</li> <li>3. Any future applications submitted to be considered by the Licensing Sub-Committee until an operating plan had been agreed</li> </ol>
<p>Tabled Item – Temporary Market operators Licence – Castle Street - Continental Market Ltd &amp; Ali Yaich Castle Street</p>	<p>19 – 29 Sept 2013</p>	<ol style="list-style-type: none"> <li>1. To grant the licence subject to the Council's Standard Conditions for this category of licence also subject to a condition on amplified music</li> <li>2. An operation plan to be prepared by the appropriate Council Directorates for the use of this site for markets to be submitted to the Regulatory Committee</li> <li>3. Any future applications submitted to be considered by the Licensing Sub-Committee until an operating plan had been agreed</li> </ol>

**Note:** Agenda Item 6.1.13

**Motion**

To repel the objections and grant the licence for one market per calendar month subject to:

1. The Council's standard conditions for this category of licence and a condition controlling amplified music and vocals.

2. Additional conditions that
  - (i) There are no more than 12 stalls
  - (ii) 21 days notice is given to the Director of Services for Communities for approval of the date of any proposed market to avoid any potential clashes with other events.
3. to note the applicant's agreement to participate in a debriefing meeting with council officers after the first market has taken place.

Moved by Councillor Heslop, Seconded by Councillor Aitken

### **Amendment**

To refuse the application in terms of paragraph 5(3)(c)(v) of Schedule 1 of the Civic Government (Scotland) Act 1982, on the grounds of public safety as the position of the stalls would require pedestrians to walk in the roadway.

- Moved by Councillor Cairns, Seconded by Councillor Blacklock.

### **Voting**

For the Motion        7 Votes

For the Amendment 2 votes

### **Decision**

To repel the objections and grant the licence for one market per calendar month subject to:

1. The Council's standard conditions for this category of licence and a condition controlling amplified music and vocals.
2. Additional conditions that
  - (i) There are no more than 12 stalls
  - (ii) 21 days notice is given to the Director of Services for Communities for approval of the date of any proposed market to avoid any potential clashes with other events.
3. To note the applicant's agreement to participate in a debriefing meeting with council officers after the first market has taken place.

## Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 9 October 2013

### Present

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

### 1. Resolution to Consider in Private

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

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Details were provided of 10 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

### Decision

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

(Reference – application details, submitted.)

### Dissent

Councillor Booth requested that his dissent be recorded in regards to the decision on agenda item numbers B3.1.8, 3.1.9 and B3.1.10

### 3. Police Comments and Requests for Suspension of Licences

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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.)

## **4. Application for Grant of a Taxi licence on death of licence holder**

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The Head of Service, Services for Communities, advised the Sub-Committee of a request to grant a licence to the family following the death of the licence holder

### **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, Services for Communities, submitted.)

## **5. Application for Change of Manager and Renewal after Death of a Partner on Taxi Licence**

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The Head of Service, Services for Communities, advised the Sub-Committee of a request for a change of manager and the renewal of a taxi licence following the death of a partner on the licence

### **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.)

## **6. Application for Grant of a Taxi licence**

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The Head of Service, Services for Communities, advised the Sub-Committee of a request for the grant of a new taxi licence following the dissolution of a company.

### **Decision**

That the application 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, 11 October 2013

### Present

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

### 1. Request for Fee Reduction – Temporary Public Entertainment Licence

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Details were provided of an application by the Currie, Balerno and District Round Table to reduce the fee for a temporary public entertainment licence for a firework display to be held at George V Park, Currie on 5 November 2013.

### Decision

To approve the fee of £112.00 for the temporary public entertainment licence.

(Reference: report by the Head of Service, Community Safety, submitted)

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

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Details were provided of 22 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 Corbett declared a non financial interest in agenda item 6.1.8 as an objector to the application and took no part in consideration of that item

### **3. Resolution to Consider in Private**

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

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Details were provided of 7 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

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item No 6.1.1 - Application for House in Multiple Occupation Licence -Steven Teague - 51(2F1) Lauderdale Street	6 Occupants	To continue to the meeting on 13 December 2013 for a report by the Director of Services for Communities on tenancy management and the alterations carried out to the property, the report to include the outcome of the investigation that the property has been tenanted prior to the grant of a licence.
Item No 6.1.2 - Application for House in Multiple Occupation Licence - Port of Leith Housing Association - 32 Morningside Park	7 Occupants	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item No 6.1.3 - Application for House in Multiple Occupation Licence - Andrew Cavers - 5(1F1) Dalkeith Road	3 Occupants	To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item No 6.1.4 - Application for House in Multiple Occupation Licence - James Torbet - 23(2F2) Eyre Place	3 Occupants	To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.
Item No 6.1.5 - Application for House in Multiple Occupation Licence - Rachel and Alistair Wadell - 3(2F1) Gayfield Place	5 Occupants	<ol style="list-style-type: none"> <li>1. To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.</li> <li>2. Also subject to monitoring for the duration of the licence by the Director of Services for Communities.</li> </ol>



<p>Item No 6.1.6 - Application for House in Multiple Occupation Licence - Michael Mann - 41(2F1) Great King Street</p>	<p>10 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 6.1.7 - Application for Second Hand Dealer 1 Year Licence - Hammad Afzal Rathore - 217 Gorgie Road</p>		<p>1. To grant the licence subject to the Council's standard conditions for this type of licence.</p> <p>2. Also subject to following additional conditions recommended by the Chief Constable</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> </ul>
<p>Item No 6.1.8 - Application for Second Hand Dealer 3 Year Licence - Direct Cars Edinburgh Ltd - 144 Newhaven Road</p>		<p>1. To note the applicants agreement for the objection by Mr Byatt to be considered</p> <p>2. To refuse the application in terms of Paragraph 5(3)(c)(i) and (ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.</p> <p style="text-align: center;">(On a division)</p> <p style="text-align: center;"><b>SEE NOTE BELOW</b></p>

<p>Item No 6.1.9 - Application for Second Hand Dealer 3 Year Licence - Andrew Watters - 5 Elm Row</p>		<ol style="list-style-type: none"> <li>1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.</li> <li>2. Also subject to following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> <li>• 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.</li> <li>• The above records must be preserved for two years.</li> </ul> </li> </ol>
<p>Item No 6.1.10 - Application for Second Hand Dealer 1 Year Licence - Pound Spinner Ltd and Mohammed Atta-UI-Haq</p>		<ol style="list-style-type: none"> <li>1. To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.</li> <li>2. Also subject to following additional conditions recommended by the Chief Constable <ul style="list-style-type: none"> <li>• 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.</li> <li>• A photograph shall be taken of every seller at the time of transaction.</li> <li>• The above records must be preserved for two years.</li> <li>• 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</li> </ul> </li> </ol>

Item No 6.1.11 - Application for Second Hand Dealer 1 Year Licence - Nabil Touuaibi - 129 Gorgie Road		To refuse the application in terms of Paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Item No 6.1.12 - Application for Late Hours Catering Licence - McDonalds Restaurants Ltd and John R Fraser - 59 London Road	Monday to Sunday 23.00 – 0500hrs	To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence.  NOTE: Councillor Corbett requested that his dissent be recorded in respect of this decision
Item No 6.1.13 - Application for Late Hours Catering Licence - DPGS Ltd T/A Dominos Pizza and Charanjit Singh -101 Nicolson Street	Monday to Sunday 23.00 – 0500hrs	To repel the objection and grant the licence subject to subject to standard conditions for this type of licence. For the following hours of operation: Sun – Thu 23.00 – 02.00 Friday – Saturday 23.00 – 03.00
Item No 6.1.14 - Application for Late Hours Catering Licence - DPGS Ltd T/A Dominos Pizza and Charanjit Singh - 131 Dalry Road	Monday to Sunday 23.00 – 0500hrs	To grant the licence subject to subject to standard conditions for this type of licence. For the following hours of operation: Sun – Thu 23.00 – 01.00 Friday – Saturday 23.00 – 02.00
Item No 6.1.15 - Application for Late Hours Catering Licence - DPGS Ltd T/A Dominos Pizza and Charanjit Singh - 119 - 121 Leith Walk	Monday to Sunday 23.00 – 0500hrs	To grant the licence subject to subject to standard conditions for this type of licence. For the following hours of operation: Sun – Thu 23.00 – 01.00 Friday – Saturday 23.00 – 02.00
Item 6.1.16 Application for Late Hours Catering Licence - Dominos Pizza and Arvind Kumar - 17 - 17A Raeburn Place EH4 1HU	Monday to Sunday 23.00 – 0500hrs	To repel the objection and grant the licence subject to subject to standard conditions for this type of licence. For the following hours of operation: Sun – Thu 23.00 – Midnight :Friday – Saturday 23.00 – 01.00  Confirmation of the display of the site notice to be provided

Item No 6.1.17 - Application for Late Hours Catering Licence - Dominos Pizza and Amar Karki - 165 St Johns Road	Monday to Sunday 23.00 – 0500hrs	To repel the objection and grant the licence subject to subject to standard conditions for this type of licence. For the following hours of operation: Sun – Thu 23.00 – Midnight Friday – Saturday 23.00 – 01.00
Item No 6.1.18 - Application for Late Hours Catering Licence - Dominos Pizza and Anthony Condez - 134 - 136 Slateford Road	Monday to Sunday 23.00 – 0500hrs	To repel the objection and grant the licence subject to subject to standard conditions for this type of licence. For the following hours of operation: Sun – Thu 23.00 – Midnight Friday – Saturday 23.00 – 01.00
Item No 6.1.19 - Application for Late Hours Catering Licence - Rustem Demir - 17A Brougham Street	Sun – Thurs 2300 – 0200 Fri – Sat 2300 - 0300	1. To grant the licence subject to subject to standard conditions for this type of licence. 2. To note the objection had been withdrawn
Item No 6.1.20 - Application for Late Hours Catering Licence - Umberto Crolla - 87 Grassmarket	23.00 – 00.00 daily	To renew the licence subject to subject to standard conditions for this type of licence. For the following the following hours of operation: Sun – Sat 23.00 – Midnight
Item No 6.1.21 - Application for Late Hours Catering Licence - Cumas Nas - 166 Dalry Road	Monday – Thursday 23.00 – 1.00 Friday – Sunday 23.00 – 02.00	To authorise the Director of Services for Communities to grant the licence if the applicant is willing to amend the application to policy hours otherwise to continue to the meeting on 15 November 2013 to allow the applicant to attend.
Item No 6.1.22 - Application for Street Trader Licence - Dario F Peteiro - Outside No 29 Waterloo Place	N/A	To refuse the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

**Note:** Agenda Item 6.1.8

**Motion**

To repel the objections and grant the renewal licence subject to the following conditions:

1. The Council's standard conditions for this type of licence.
2. A maximum of five cars for sale to be kept at the premises.
3. No signage for the business to be displayed at the premises.
4. All business to be carried out by clientele making appointments by telephone only, and a log of appointments to be kept and made available for inspection by authorised officers on request.
5. All customers to park on the premises.
6. The hours of operation to be 0900 – 19.00 hrs
7. The applicant to seek clarification on any other consents required from any other statutory body.

- Moved by Councillor Barrie, Seconded by Councillor Lunn

**Amendment**

To refuse the application in terms of Paragraph 5(3)(c)(i) and (ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, on the grounds that this was an inappropriate site.

- Moved by Councillor Redpath, Seconded by Councillor Blacklock.

**Voting**

For the Motion            2 Votes

For the Amendment   4 votes

**Decision**

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

## Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday 23 October 2013

### Present

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

### 1. Request to Film Take Photographs and Record Meeting

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Requests had been received to film, record or take photographs during the meeting.

#### Decision

To refuse the requests.

### 2. Procedural Issues

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- 2.1 The Licensing Sub-Committee considered a point raised by one of the licence holders representatives and a person who had made representations in relation to reports by the Chief Constable and the Director of Services for Communities being submitted outwith the statutory period. The Chief Constable and the Director presented the reasons for lateness to the Sub -Committee.

#### Decision

The Licensing Sub-Committee having carefully considered the preliminary point raised by one of the licence holders representative and a person who had made representations regarding the reports by the Chief Constable and the Director of Services for Communities being submitted outwith the statutory period agreed that good reasons had been given for their lateness and that they be considered by the Sub-Committee at this meeting

- 2.2 The Licensing Sub-Committee were asked to determine a procedure for considering applications at this meeting.

#### Decision

The Sub-Committee agreed that it would adopt the following procedure for consideration of the applications with the exception of agenda item B1.1(1)

1. To hear the Chief Constable in regard to any report submitted.
2. To hear the Director of Services for Communities in regard to any report submitted.
3. To hear the applicant or their representative in respect of the application.
4. Questions to all parties in respect of their submissions.
5. Decision by the Licensing Sub-Committee.

The procedure for consideration of agenda item B1.1(1) would be:

1. To hear the objections submitted from members of the public.
2. Questions to the objectors and the applicant parties in respect of the objectors submissions.
3. To hear the Chief Constable in regard to any report submitted.
4. To hear the Director of Services for Communities in regard to any report submitted.
5. To hear the applicant or their representative in respect of the submissions.
6. Questions to all parties in respect of their submissions.
7. Decision by the Licensing Sub-Committee.

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

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Details were provided of 5 applications for renewal of public entertainment 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.)

### **3. Resolution to Consider in Private**

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

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Details were provided of 8 applications for renewal of public entertainment licences under the Civic Government (Scotland) Act 1982

#### **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	Determination Date	Decision
Item No 4.1.1 - Application for Public Entertainment Licence Renewal - Carols Sauna - 320 - 322 Easter Road - Thomas Edward Punton	21.12.13	<p>To repeal the objection and grant the renewal of licence subject to:</p> <ol style="list-style-type: none"><li>1. The Council's Standard Conditions for this category of licence.</li><li>2. Subject also to the following conditions recommended by the Chief Constable:<ol style="list-style-type: none"><li>(i) No alcohol will be permitted on the premises.</li><li>(ii) The sauna should be in good working order.</li></ol></li><li>3. The maximum number of patrons to be admitted to the premises at any one time be 20.</li></ol>

<p>Item No_4.1.2 - Application for Public Entertainment Licence Renewal - London Street Sauna - 40 - 41 London Street - 934 Limited</p>	<p>14.12.13</p>	<p>To repel the objection and grant the renewal of licence subject to:</p> <ol style="list-style-type: none"> <li>1. The Council's Standard Conditions for this category of licence.</li> <li>2. Subject also to the following conditions recommended by the Chief Constable. <ol style="list-style-type: none"> <li>(i) No alcohol will be permitted on the premises.</li> <li>(ii) The sauna should be in good working order.</li> </ol> </li> <li>3. The maximum number of patrons to be admitted to the premises at any one time be 34.</li> <li>4. The description of permitted activities on the licence to include steam room and sauna.</li> </ol>
<p>Item No 4.1.3 - Application for Public Entertainment Licence Renewal - Ambassador Sauna -91 Lothian Road - Ambassador Leisure Limited</p>	<p>26.12.13</p>	<p>To repel the objection and grant the renewal of licence subject to:</p> <ol style="list-style-type: none"> <li>1. The Council's Standard Conditions for this category of licence.</li> <li>2. Subject also to the following conditions recommended by the Chief Constable: <ol style="list-style-type: none"> <li>(i) No alcohol will be permitted on the premises.</li> <li>(ii) The sauna should be in good working order.</li> <li>(iii) Appropriate stewarding will be in place from 0000hrs to provide appropriate control of the premises and those persons engaged in such duties are registered as door stewards.</li> </ol> </li> <li>3. The maximum number of patrons to be admitted to the premises at any one time be 25.</li> <li>4. The description of permitted activities on the licence to include massage.</li> </ol>

<p>Item 4.1.4 - Application for Public Entertainment Licence Renewal - 18 Albert Place - No Eighteen</p>	<p>22.11.13</p>	<p>To repel the objection and grant the renewal of licence subject to:</p> <ol style="list-style-type: none"> <li>1. The Council's Standard Conditions for this category of licence.</li> <li>2. Subject also to the following conditions recommended by the Chief Constable: <ol style="list-style-type: none"> <li>(i) No alcohol will be permitted on the premises.</li> <li>(ii) The sauna should be in good working order.</li> </ol> </li> <li>3. The maximum number of patrons to be admitted to the premises at any one time be 60.</li> </ol>
<p>Item No 4.1.5 - Application for Public Entertainment Licence Renewal - Steamworks - 5 Broughton Market - Northkyle</p>		<p>To repel the objection and grant the renewal of licence subject to:</p> <ol style="list-style-type: none"> <li>1. The Council's Standard Conditions for this category of licence.</li> <li>2. Subject also to the following conditions recommended by the Chief Constable: <ol style="list-style-type: none"> <li>(i) No alcohol will be permitted on the premises.</li> <li>(ii) The sauna should be in good working order.</li> </ol> </li> <li>3. The maximum number of patrons to be admitted to the premises at any one time be 120.</li> <li>4. The description of permitted activities on the licence to include sauna and steam room.</li> </ol>

# Regulatory Committee

9.30am, Friday, 15 November 2013

## Proposed Changes to Public Entertainment Resolution

Item number	7.1
Report number	
Wards	ALL

### Links

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Coalition pledges	<a href="#">P31</a>
Council outcomes	<a href="#">CO8</a> , <a href="#">CO20</a>
Single Outcome Agreement	<a href="#">SO1</a>

### Mark Turley

Director of Services for Communities

Contact: Susan Mooney - Head of Service

E-mail: [susan.mooney@edinburgh.gov.uk](mailto:susan.mooney@edinburgh.gov.uk) | Tel: 0131 529 7587

Contact: Andrew Mitchell - Community Safety Manager

E-mail [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 469 5822

# Executive summary

## Proposed changes to Public Entertainment Resolution

### Summary

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The report seeks approval for a draft amended Public Entertainment Resolution and agreement to proceed with the necessary statutory consultation. The amended resolution removes the requirement for sauna and massage premises to be licenced.

### Recommendations

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- 1 It is recommended that Committee:
  - a) approve the amended Draft Public Entertainment Resolution attached at Appendix 2 of this report and agrees to commence a statutory consultation on this.
  - b) agrees that the consultation will take place between 18 November and 15 December 2013 and to receive a final report on this matter thereafter.

### Measures of success

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The Public Entertainment Resolution will be amended to ensure that it is fit for purpose.

### Financial impact

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There will be some loss of income to the Council as this category of premises will no longer require to hold a licence however as income from licence applications is ring fenced to cover the cost of administration of the licence scheme this should be cost neutral to the Council.

### Equalities impact

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The Equalities impact will be assessed following completion of the consultation process.

## Sustainability impact

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There are no sustainability impacts from this report.

## Consultation and engagement

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This proposal will now be subject to consultation in line with statutory requirements. This will include a newspaper advert, information on the Council Website and contact with relevant partners and agencies.

## Background reading / external references

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[Item 7.1 – Public Entertainment Licensing – Public Consultation on the Amendments to the Resolution – Regulatory Committee 3 May 2013](#)

[Item 5.1 – Public Entertainment Licensing – Recommendations of Member Officer Working Group – Regulatory Committee 16 November 2012](#)

## Proposed changes to Public Entertainment Resolution

### 1. Background

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- 1.1 The Civic Government (Scotland) Act 1982 (the Act) required the Council to have a Public Entertainment Licensing system. The Council is required to identify which places or classes of premises are considered to be places of public entertainment and therefore require a Public Entertainment licence.
- 1.2 The categories of premises currently requiring to be licensed are set out in the current Public Entertainment Resolution attached at Appendix 1. A draft resolution, detailing a revised list of places or classes of premises which it is proposed should be licenced is attached at Appendix 2. It is proposed that premises offering massage and sauna should be removed from the Public Entertainment Resolution.

### 2. Main report

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- 2.1 Council currently defines Health and Fitness establishments, including premises providing saunas and massages, as places of public entertainment. These premises therefore require a public entertainment licence.
- 2.2 The Council has historically required a license for these premises as a risk reduction approach to minimise harm. Recent police reports have indicated that this approach is no longer proving to be effective. The current policy has therefore been reviewed and it has been concluded that a risk based approach of regular inspection using Public Health and Trading Standards powers is the most effective means to manage risk going forward.
- 2.3 The current policy is operating in a contentious climate which has arisen due to multiple legal challenges to both the granting and refusal of a number of licences. If the current policy were to continue then further legal challenges are likely. This situation carries reputational and financial risk for the Council and does not contribute to risk reduction within these premises.
- 2.4 It is therefore proposed that the Public Entertainment Resolution be revised to remove massage parlours and sauna premises. The impact of this proposal would be that premises would continue to operate and would be subject to general enforcement activity through Trading Standard and Public Health

powers, any criminal or illegal activity would be a matter for Police Scotland to address.

- 2.5 In line with the objective of minimising harm it is further proposed that work be taken forward with NHS, Police and other partner agencies to provide appropriate support and assistance to anyone working within these establishments.

### **3. Public Entertainment Resolution - variation**

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- 3.1 If Committee accepts the recommended Draft Resolution attached at Appendix 2, the next step would be to carry out the necessary statutory consultation.
- 3.2 The steps for varying the resolution are specified in Section 9 of the 1982 Act. These include formal publication of the proposal to vary the Resolution, followed by a 28 day public consultation period. After consideration of the outcome of the consultation, the Council may then agree a new resolution. A further statutory period of 28 days is then required before the changes take effect.
- 3.3 It is proposed that the consultation take place through a newspaper advert and the Council website. Relevant partners and agencies will also be contacted. The consultation would take place from 18 November to 15 December 2013 with a report on the outcome brought back to Regulatory Committee in January 2014. If the draft Resolution was approved it would then come into effect by the end of February 2014.

### **4. Recommendations**

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- 4.1 It is recommended that Committee:
  - a) approves the amended Draft Public Entertainment Resolution attached at Appendix 2 of this report and agrees to commence a statutory consultation on this.
  - b) agrees that the consultation will take place between 18 November and 15 December and to receive a final report on this matter thereafter.

**Mark Turley**

Director of Services for Communities



## Links

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<b>Coalition pledges</b>	P31 - Maintain our City's reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure
<b>Council outcomes</b>	CO8 - Edinburgh's economy creates and sustains job opportunities CO20 - Culture, sport and major events – Edinburgh continues to be a leading cultural city where culture and sport play a central part in the lives and futures of citizens
<b>Single Outcome Agreement</b>	SO4 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
<b>Appendices</b>	1a & 1b. Public Entertainment Resolution 2. Revised Draft Public Entertainment Resolution

**THE CITY OF EDINBURGH COUNCIL**  
**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (“the Act”)**  
**CURRENT PUBLIC ENTERTAINMENT RESOLUTION**

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**THE CITY OF EDINBURGH PUBLIC ENTERTAINMENT RESOLUTION Number 1 of 2013**

The City of Edinburgh Council, in exercise of its powers in terms of sections 9 and 41 of the Act, hereby makes the following resolution:-

- (1) Section 41 of the Act relating to Public Entertainment shall continue to have effect throughout the Council's area.
- (2) Subject to the terms of the Act, a Public Entertainment licence shall be required for the use of the premises specified in (3) below as places of Public Entertainment as from the 7 June 2013.
- (3) Subject to paragraph (4) below, the premises in the Council's area which require to be licensed under the Resolution are as follows:-
  - (a) Billiard, snooker and pool halls
  - (b) Premises used for circuses
  - (c) Premises used for concert halls
  - (d) Dance halls and discotheque
  - (e) Premises used for exhibitions
  - (f) Premises used for firework displays
  - (g) Premises used for health and fitness activities including without prejudice to the foregoing generality gymnasias, saunas and massage parlours
  - (h) Premises used as sun-tan centres
  - (i) Premises used for laser displays and games
  - (j) Premises used for performing animals
  - (k) Premises used for pop concerts and other live band performances
  - (l) Premises used for variety or musical shows
  - (m) Video machine arcades
  - (n) Premises used for paintball games
  - (o) Premises used for raves
  - (p) Premises used for go-carting
  - (q) Premises used for Amusement Devices being rides, machines, contrivances, structures or other such equipment including side stalls and side shows, tents, booths or similar enclosed structures, which are installed or erected and operated for or in connection with the amusement or entertainment to the public, including without prejudice to the foregoing generality bouncy castles, carousels and bungee jumping and bungee running equipment.
- (4) **BUT excluding the following places where (a) where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation without payment of money or money's worth and (b) the capacity does not exceed 500 persons:-**
  - (i) premises used for functions held by charitable, religious, youth, sporting, community, political or similar organisations;
  - (ii) premises used for exhibitions of art work;

(iii) premises in which live music is being provided incidentally to the main purpose or use of the premises where that main purpose or use is not as a place of public entertainment.

(5) and additionally **excluding the following places where (a) where members of the public are admitted or may use any facilities for the purposes of entertainment and (b) the capacity does not exceed 250 persons:-**

- a) Premises used for functions or events by any Charity, Religious, Community or Political group or any similar non commercial organisation.

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Head of Legal, Risk and Compliance

## **APPENDIX 1b**

**THE CITY OF EDINBURGH COUNCIL**  
**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (“the Act”)**  
**FUTURE PUBLIC ENTERTAINMENT RESOLUTION**

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**THE CITY OF EDINBURGH PUBLIC ENTERTAINMENT RESOLUTION Number 2 of 2013 -**

The City of Edinburgh Council, in exercise of its powers in terms of Sections 9 and 41 of the Act, hereby makes the following resolution:-

- (1) Section 41 of the Act relating to Public Entertainment shall continue to have effect throughout the Council's area.
- (2) Subject to the terms of the Act, a Public Entertainment licence shall be required for the use of the premises specified in (3) below as places of Public Entertainment as from the 7 March 2014.
- (3) Subject to paragraph (4) and (5) below, the premises in the Council's area which require to be licensed under the Resolution are as follows:-
  - a) Billiard, Snooker and Pool Halls
  - b) Premises used for Circuses
  - c) Premises used for Firework Displays
  - d) Premises used as sun-tan centres
  - e) Premises used for Laser Displays and Games
  - f) Premises used for Performing Animals
  - g) Premises used for Video Machine Arcades Amusement Devices (including rides or machines, or other such equipment including stalls, tents, booths or structures), which are installed or erected and operated for or in connection with the amusement or entertainment to the public, including without prejudice to the foregoing generality bouncy castles, carousels and bungee jumping and bungee running equipment
  - h) Premises used for Paintball Games
  - i) Premises used for the performance of music (whether live, recorded or amplified), any other concert venue, any rave or dance event and theatrical performances
  - j) Premises used for go-carting, off road driving courses or similar or any facility where the operator provides access to vehicles for entertainment purposes. Does not include the provision of vehicles as part of learner driver tuition
  - k) Premises used for Exhibitions
  - l) Premises used for health and fitness activities including without prejudice to the foregoing generality gymnasia, saunas and massage parlours.
- (4) BUT excluding the following places where **(a) where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation without payment of money or money's worth and (b) the capacity does not exceed 500 persons:-**
  - a) premises used for functions held by charitable, religious, youth, sporting, community, political or similar non commercial organisations;
  - b) premises used for non commercial exhibitions;
  - c) premises in which live music is being provided incidentally to the main purpose or use of the premises where that main purpose or use is not as a place of public entertainment;

(5) and additionally excluding the following places where (a) where members of the public are admitted or may use any facilities for the purposes of entertainment and (b) the capacity does not exceed 250 persons:-

- a) Premises used for functions or events by any Charity, Religious, Community or Political group or any similar non commercial organisation.

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Head of Legal, Risk and Compliance

## Appendix 2 Draft Resolution

### THE CITY OF EDINBURGH COUNCIL CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (“the Act”) DRAFT PUBLIC ENTERTAINMENT RESOLUTION

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#### THE CITY OF EDINBURGH PUBLIC ENTERTAINMENT RESOLUTION Draft Number 1 of 2014 -

The City of Edinburgh Council, in exercise of its powers in terms of Sections 9 and 41 of the Act, hereby makes the following resolution:-

- (1) Section 41 of the Act relating to Public Entertainment shall continue to have effect throughout the Council's area.
- (2) Subject to the terms of the Act, a Public Entertainment licence shall be required for the use of the premises specified in (3) below as places of Public Entertainment as from the .....[ADD DATE]
- (3) Subject to paragraph (4) and (5) below, the premises in the Council's area which require to be licensed under the Resolution are as follows:-
  - a) Billiard, Snooker and Pool Halls
  - b) Premises used for Circuses
  - c) Premises used for Firework Displays
  - d) Premises used as sun-tan centres
  - e) Premises used for Laser Displays and Games
  - f) Premises used for Performing Animals
  - g) Premises used for Video Machine Arcades Amusement Devices (including rides or machines, or other such equipment including stalls, tents, booths or structures), which are installed or erected and operated for or in connection with the amusement or entertainment to the public, including without prejudice to the foregoing generality bouncy castles, carousels and bungee jumping and bungee running equipment
  - h) Premises used for Paintball Games
  - i) Premises used for the performance of music (whether live, recorded or amplified), any other concert venue, any rave or dance event and theatrical performances
  - j) Premises used for go-carting, off road driving courses or similar or any facility where the operator provides access to vehicles for entertainment purposes. Does not include the provision of vehicles as part of learner driver tuition
  - k) Premises used for Exhibitions
  - l) Premises used gymnasias.
- (4) **BUT excluding the following places where (a) where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation without payment of money or money's worth and (b) the capacity does not exceed 500 persons:-**
  - a) premises used for functions held by charitable, religious, youth, sporting, community, political or similar non commercial organisations;
  - b) premises used for non commercial exhibitions;
  - c) premises in which live music is being provided incidentally to the main purpose or use of the premises where that main purpose or use is not as a place of public entertainment;

(5) and additionally excluding the following places where (a) where members of the public are admitted or may use any facilities for the purposes of entertainment and (b) the capacity does not exceed 250 persons:-

- a) Premises used for functions or events by any Charity, Religious, Community or Political group or any similar non commercial organisation.

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Head of Legal, Risk and Compliance

# Regulatory Committee

9.30 am, Friday, 15 November 2013

## Regulatory Committee Work Plan

Item number	7.2
Report number	
Wards	All Wards

### Links

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Coalition pledges	<a href="#">P15</a>
Council outcomes	<a href="#">CO8</a>
Single Outcome Agreement	<a href="#">SO1</a>

### Mark Turley

Director of Services for Communities

Contact: Susan Mooney - Head of Service

e-mail: [susan.mooney@edinburgh.gov.uk](mailto:susan.mooney@edinburgh.gov.uk) | Tel: 0131 529 7587

Contact: Andrew Mitchell - Community Safety Manager

e-mail: [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 469 5822



## Regulatory Committee Work plan

### Summary

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This report will update Committee on progress with the current work plan and will outline activity which will form the core of Committee business for the next twelve months. This work plan addresses outstanding policy issues within the remit of the Committee. The work plan additionally links to the programme to modernise the Licensing system to ensure it is customer focussed.

### Recommendations

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- 1 It is recommended that Committee:
  - a) notes the progress made with the work plan in the last 12 months.
  - b) agrees the updated work plan as set out in Appendix 2.

### Measures of success

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The work plan sets out a managed process for dealing with outstanding policy issues and will allow stakeholders to understand how these will be addressed.

### Financial impact

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The work plan has required additional staffing resource. These costs will be contained within the current ring fenced income generated from Licensing fees and therefore there is no cost the council.

### Equalities impact

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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

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Not applicable to the issues dealt within this report.

## **Consultation and engagement**

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The work plan contains specific projects, the majority of which will require detailed consultation both with the public and with affected businesses. Any consultation will, at a minimum, meet any statutory requirements and in most instances will exceed these requirements.

Activity thus far has produced mixed results in terms of feedback. Additional work is ongoing to more effectively engage with stakeholders.

## **Background reading / external references**

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[Item 5.1 Regulatory Committee Work Plan – 16 November 2012](#)

## Regulatory Committee Work Plan

### 1. Background

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- 1.1 The Council has a statutory duty to act as a 'Licensing Authority' under a number of Acts of Parliament, for example the Civic Government (Scotland) Act 1982 and the Housing (Scotland) Act 2006 Part 5. Within these statutory duties the Council has some discretion as to how it implements the various licensing systems. Additionally there are issues of policy that govern the administration of the licensing system and any licensing conditions which may be applied.
- 1.2 Committee agreed a work plan on 16 November 2012. This report updates progress on that work plan and outlines planned activity for the next 12 months.

### 2. Main report

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- 2.1 Committee will be aware that on 4 January 2012 Council agreed to transfer responsibility for Licensing from Legal Services to Services for Communities. The purpose of the transfer was to improve synergy across service areas and deliver a more customer-focussed approach.
- 2.2 Work is ongoing to deliver a plan to modernise the service. Committee will be aware that this project is significant and has required additional resources. In staffing terms this has meant an additional 3.5 FTE staff being introduced to the service. Significant external support has also been engaged to obtain customer feedback, to begin a bench marking exercise, and to update and improve ICT systems.
- 2.3 This project is designed to make the service customer focused and to compliment the Council's strategic outcomes. Elements of this project will be included in the Committee work plan where amendment to existing policy is required to underpin service change.
- 2.4 A new structure for the service has been developed and is currently being consulted on with the trade unions and staff. The review will examine all aspects of the service to ensure that it is organised and delivered in an efficient and customer focussed manner.
- 2.5 Work completed since November 2012 is outlined in Appendix 1. A summary is as follows:
  - a) For the first time small community events have now been exempted from the need to obtain a public entertainment licence.

- b) Review of unmet demand for taxis and measures have been put in place to monitor demand and update the committee regularly.
- c) Full review of taxi fares was implemented on 29 July 2013 and measures put in place to carry out future reviews.
- d) Member Officer Group established to review both street trading and late hours catering. A project officer has been recruited to take this work forward.
- e) A Refunds Policy was introduced. This was an additional item inserted into the work plan in order to deal with a small number of customer complaints.
- f) Public registers are now published for all categories of licences online for the first time.

2.6 The main activities identified so far for the next 12 months are listed in Appendix 2 to this report which gives more detailed information and suggested timelines for completing each work stream. This list will be kept under review and updated on a regular basis.

### 3. Recommendations

---

3.1 It is recommended that Committee:

- a) notes the progress made with the work plan in the last 12 months.
- b) agrees the amended work plan as set out in Appendix 2.

## Mark Turley

Director of Services for Communities

### Links

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<b>Coalition pledges</b>	P15 - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
<b>Council outcomes</b>	CO8 - Edinburgh's economy creates and sustains job opportunities
<b>Single Outcome Agreement</b>	SO1 - Edinburgh's economy delivers increased investment, jobs, and opportunities for all
<b>Appendices</b>	Appendix 1: Update on Current Work Plan Appendix 2: Information on Proposed work streams

## Appendix 1: Update on Current Work Plan.

Policy on Taxi Limitation	The Council has adopted a policy on limiting the number of taxis in the City. The Civic Government (Scotland) Act 1982 requires this to be regularly reviewed. The Council is only permitted to maintain the current limit if there is 'no significant unmet demand'.	Demand survey complete May 2013.  Procurement for interim surveys complete.  Propose no further action.
Review of existing taxi fares	The Council is required by the Civic Government (Scotland) Act 1982 to regularly review taxi fares.	Complete May 2013. Next survey must be completed by Dec 2014 – Halcrow procured to complete this and one further review.
Update the Public Entertainment Licensing System	Work begun by previous Regulatory Committee in response to a change in the law and concern about impact on certain groups.	Complete May 2013. System to be kept under review.
Strengthen licensing of 'Pedicabs'	Outstanding Remit from January 2012. Current Street Trading Licence Conditions do not adequately regulate Pedicabs.	Outstanding, Project Officer to take forward in next 12 months.
Review of existing Street Trading Policy	Existing Council policy implemented in 2004. Ongoing concerns regarding whether the policy is fit for purpose.	Member Officer Group established – met on 7/10/13.  <ul style="list-style-type: none"> <li>• Initial scoping exercise complete</li> <li>• Relevant legislation identified</li> <li>• Relevant forms identified</li> <li>• Potential consultees identified</li> </ul>
Review of existing Late Hours Catering	Existing policy needs reviewed. Ongoing concerns regarding whether the policy is fit for purpose.	Member Officer Group Established.
Review of Taxi Examination Centre function	Existing arrangement need to be reviewed to ensure they are compliant with the Council's procurement responsibilities. Impact of the introduction of the National Police Service for Scotland will need to be considered.	Ongoing liaison with Police Scotland.  Report to Regulatory Committee submitted 6 Sept 2013 and recommendations approved
Introduction of CCTV into taxi/PHC vehicles	Initial work has been carried out on this issue. This is required to be completed and recommendations reported back to Committee.	Report submitted to November 2013 Regulatory Committee
Review policy on control adverts displayed on Taxi Vehicles	Review whether the current policy requiring pre-approval of adverts on Taxi Vehicles is still required.	Report to be submitted to November 2013 Regulatory Committee

## Information on Proposed Workstreams

## Appendix 2

Work stream	Remit	Method	Milestone	Estimated Date report to Committee
Prepare an options report for Committee for future management of the Cab Office	Review and secure future service provision	<ul style="list-style-type: none"> <li>Investigate procurement options</li> <li>Develop proposals</li> <li>Take account of National Police Force arrangements</li> </ul>	<ul style="list-style-type: none"> <li>Procurement Advice for Committee obtained.</li> <li>Options paper for Committee on agenda for Sept 2013 meeting.</li> </ul>	<p>Recommendations approved 6 Sept 2013</p> <p>Business case to be presented April 2014</p>
Introduce improved licensing arrangements for Pedicabs including specific conditions for this type of street trading	Define conditions and consult	<ul style="list-style-type: none"> <li>Officer Group to recommend draft standard conditions and changes to the licensing arrangement for public consultation</li> </ul>	<ul style="list-style-type: none"> <li>Draft Proposals Dec 2013</li> <li>Public Consultation March 2014</li> </ul>	<p>Underway</p> <p>April 2014</p>
Introduction of CCTV into Taxi/PHC vehicles	To advise Committee on the feasibility of introducing CCTV and recommend any conditions necessary	<ul style="list-style-type: none"> <li>Investigate options and necessary conditions for Committee consideration</li> <li>Identify good practice from other local authorities</li> <li>Consult on whether CCTV could be delivered technically within the context of the draft conditions</li> <li>Public Consultation</li> </ul>	<ul style="list-style-type: none"> <li>Feasibility assessed by March 2013. Complete</li> <li>Draft proposals to committee</li> <li>Public Consultation.</li> </ul>	April 2014 Draft proposals to Committee
Review the Council Policy on the licensing of Street Trading agreed in 2004.	To review the Council's current policy on street trading and implement necessary	<ul style="list-style-type: none"> <li>Formation of a Member Officer Working Group to draft revised policy</li> <li>Engage with Planning Committees and business groups</li> </ul>	<ul style="list-style-type: none"> <li>Member Officer Group Established.</li> <li>Consultation with Stakeholders early 2014</li> </ul>	Complete by April 2014

	changes to policy			
Review the Council Policy on the licensing Late hours catering.	Carry out complete review of policy and implementation	<ul style="list-style-type: none"> <li>• Formation of a Member Officer Working Group to draft revised policy</li> <li>• Engage formally with Licensing Board, Neighbourhood Partnership</li> </ul>	<ul style="list-style-type: none"> <li>• Member Officer Group Established.</li> <li>• Consultation with Stakeholders Spring 2014</li> </ul>	Complete by June 2014
Review of Fee Structures	Carry out review of fee structures	<ul style="list-style-type: none"> <li>• Introduce zero-based budgeting for all licensing functions</li> </ul>	<ul style="list-style-type: none"> <li>• Inter-Departmental group set up, supported by Finance</li> <li>• Proposals to be considered by Member Officer Group</li> </ul>	Council budget set Feb 2014 Report on options June 2014
Improved online access for applications		<ul style="list-style-type: none"> <li>• Local priority consistent with ongoing corporate strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Modernised application process available online</li> </ul>	Report on completion April 2014
Introduce Authority Public Protection (APP) licensing database		<ul style="list-style-type: none"> <li>• To improve performance management and service standards</li> </ul>	<ul style="list-style-type: none"> <li>• Change management group to be formed</li> <li>• Process mapping underway</li> </ul>	Formed October 2013 November 2013  Estimated installation complete and reported to Committee April 2014
Consult on outstanding elements of the Taxi fare review e.g. Party Tariff.	Consult with the taxi trade and public.	<ul style="list-style-type: none"> <li>• Carry out consultation</li> </ul>	<ul style="list-style-type: none"> <li>• Consultation complete Jan 2014.</li> </ul>	Report to Committee March 2014.
Update on Public Safety at Sport Grounds	Update Committee as required by Standing Orders	<ul style="list-style-type: none"> <li>• Annual Report</li> </ul>	<ul style="list-style-type: none"> <li>• Report submitted to Committee</li> </ul>	Report to Committee Summer 2014

Review of University Accommodation HMO fee structure	Advise Committee on the costs of inspection and enforcement of these premises	<ul style="list-style-type: none"> <li>• Background on number of premises, etc. Council costs worked out.</li> <li>• Draft fee structure consulted on.</li> </ul>	<ul style="list-style-type: none"> <li>• Report submitted to Committee</li> </ul>	Report to Committee January 2014.
Enforcement activity taken by HMO Team	Update Committee on enforcement action taken	<ul style="list-style-type: none"> <li>• Annual report</li> </ul>	<ul style="list-style-type: none"> <li>• Report submitted to Committee</li> </ul>	Report to Committee June 2014.



# Regulatory Committee

9.30am, Friday, 15 November 2013

## Taxi Stances – Revocations, Variations and Appointment – various locations along the Edinburgh Tram route

Item number	7.3
Report number	
Wards	11 City Centre 06 Corstorphine & Murrayfield 03 Drum Brae/Gyle 01 Almond

### Links

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Coalition pledges	<a href="#">P18</a>
Council outcomes	<a href="#">CO7</a> , <a href="#">CO8</a> , <a href="#">CO22</a>
Single Outcome Agreement	<a href="#">SO1</a>

### John Bury

Acting Head of Transport

Contact: Shaun Wallace Acting Professional Officer

E-mail: [shaun.wallace@edinburgh.gov.uk](mailto:shaun.wallace@edinburgh.gov.uk) | Tel: 0131 623 8811

# Executive summary

## Taxi Stances – Revocations, Variations and Appointment – various locations along the Edinburgh Tram route

### Summary

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To report to the Regulatory Committee on the outcome of the consultation with the taxi Stance Working Group with regard to the revocation, variation and appointments of the taxi stances, as a result of the introduction of trams to the city.

The Civic Government (Scotland) Act requires a Licensing Authority to consult with the taxi trade about changes to any rank on the public highway and advertise in a newspaper any new or increase taxi ranks.

### Recommendations

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It is recommended that committee:

1. note the contents of this report
2. instruct that any new stance or increase stance is advertised and consulted on as listed in Appendix 1 and to require a report in the next cycle on any representations received; and requires
3. notes the comments made in Appendix 2 and to instruct that early consultation is carried out on the potential for stances in those locations.

### Measures of success

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To have taxi ranks at the relevant locations in the city.

### Financial impact

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There is no financial impact as a result of this report. However, a further report to the Committee in January 2014 will include a detailed costing and programme of work.

### Equalities impact

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There is an ongoing full equalities impact assessment being undertaken in relation to the Edinburgh Tram project to ensure that as the implementation progresses the equality impact assessment is maintained.

## **Sustainability impact**

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As part of a broader sustainable transport strategy within the city, it is anticipated that the tram will make a positive overall contribution to the environment by encouraging modal shift from private vehicles to public transport and mitigating the impacts of population growth and commuter and visitor generated traffic.

## **Consultation and engagement**

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- Taxi groups
- Tram project

## **Background reading / external references**

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- Tram Traffic Regulation Orders Drawings showing the location of sites under consideration
- List of licensed taxi stances

## Taxi Stances – Revocations, Variations and Appointment – various locations along the Edinburgh Tram route

### 1. Background

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- 1.1 The introduction of the tram to Edinburgh city centre necessitated changes to the pre-existing road and footway layout, resulting in the requirement to alter the location of some of the taxi stances which are along or close to the route.

### 2. Main report

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- 2.0 Taxi stances are provided at key locations in the city centre, to provide a service to the public, as part of the public transport system. They are usually located near the main public transport interchanges, as well as the principle hotels and places of interest. The introduction of the tram system has meant changes have been made to some of the stance locations. These changes were brought about for a variety of reasons, these include a need;
- to accommodate the tram tracks
  - to reflect the changes to road and junction layouts
  - for changes in priorities of kerb side road markings
  - to achieve a balance in providing kerbside services
- 2.1 The proposed changes were included on the draft tram Traffic Regulation Orders (TRO) drawings. These were subject to an extensive consultation period between 2 October 2009 and 21 March 2010 with a variety of groups and individuals, including the statutory undertakers, representatives of the taxi trade, other road users and interested parties. The consultation also, included five local public exhibitions. Whilst there was not universal agreement over some of the changes, the Council had to make decisions that were based on providing a balanced distribution of kerbside space. The revised TRO drawings (including the new taxi stances) were issued and advertised in February 2010 and the Orders were subsequently made in November 2010. The Order will come into effect on 31 January 2014.

- 2.2 The Civic Government (Scotland) Act requires a Licensing Authority to consult with the taxi trade about changes to any rank on the public highway and advertise in a newspaper any new or increase taxi ranks.
- 2.3 The revised taxi stance at Haymarket station has proved to be the most challenging. There is space for three taxis, with an area at the end of the stance set aside for loading/unloading and drop off for the station. Historically, this stance has always been subject to “overloading”, particularly at peak times, but the new design precludes this, as the tram tracks run adjacent to the stance. There are opportunities to increase the taxi capacity in the area, with further stances in the side-streets such as Rosebery Crescent. Consultation would be required to develop these positions in greater detail. There is no space in the immediate vicinity of the station, given the proximity of the tram tracks and platform. The north platform services both the tram and two major bus stops on Haymarket Terrace. Opposite this platform are a bus stop and loading bays. It should be noted that under the current re-development of the station (due to open in spring 2014), the main entrance will be moved to the north side of the new ticket hall, fronting onto the tram platform.
- 2.4 It should be noted that the construction element of the tram project is reaching completion. This means all of the sections, which had been closed for construction, have re-opened to traffic and the temporary diversions (and temporary taxi stances) are being removed.
- 2.5 Appendix 1 comprises a list of the sites under consideration.
- 2.6 Appendix 2 is the comments on these proposals, which were noted at the meeting of the Taxi Stance Working Group on Thursday 7 November 2013. The taxi trade were particularly keen to progress alternative facilities in Haymarket Terrace and or Roseberry Crescent.

## 4. Recommendations

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It is recommended that committee:

- 1 note the contents of this report
- 2 instruct that any new stance or increase stance is advertised and consulted on as listed in Appendix 1 and to require a report in the next cycle on any representations received; and requires
- 3 notes the comments made in Appendix 2 and to instruct that early consultation is carried out on the potential for stances in those locations.

### Mark Turley

Director of Services for Communities

## Links

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<b>Coalition pledges</b>	P18
<b>Council outcomes</b>	CO7, CO8, CO22
<b>Single Outcome Agreement</b>	SO1
<b>Appendices</b>	Appendix 1 List of sites under consideration Appendix 2 Comments on the sites , noted at the meeting of the Taxi Stance Working Group on 7 November 2013

## Taxi Ranks – new, revoked and re-determined by the tram project

<u>Location</u>	<u>number of spaces</u>		
	<u>new</u>	<u>revoked</u>	<u>re-determined</u>
Rosebery Crescent	3	0	0
Haymarket Station	3	12	0
Canning Street	3	0	0
Frederick Street	5	5	0
Hanover Street	3	3	0
St Andrew Square (southside at westend)	6	0	0
North St Andrew Street (outside Harvey Nichols)	0	0	3*
South St Andrew Street (Westside-Meuse Lane to Square)	0	7	0
Edinburgh Park Station	<u>0</u>	<u>0</u>	<u>3**</u>
TOTAL	23	27	6

\*net decrease by 1

\*\*no change

## Taxi Stance Working Group – Notes from meeting

Location	Edinburgh Tram (Edinburgh Park) site offices
Date	07 November 2013 at 14:00
Present	Tony Kenmuir (Central taxis), Andrew Mack (City cabs), Kevin Wood (taxi driver), Eric Barry (taxi driver), Euan Smith (Police Scotland), Val Bird, (Lothian Buses), Graham Atkins (CEC), Stuart Lowrie (CEC), Chris McGarvey (CEC), Alasdair Sim (CEC) & Shaun Wallace (CEC)

The meeting was convened to discuss the changes to the taxi stances in the city as a result of the introduction of the tram system.

The meeting discussed at length the current situation in the Haymarket Station area and what short and long term solutions could be introduced to alleviate the current problems.

In the short term

- road markings & text to denote drop-off area
- cover over the traffic signals at the exit to the rank and operate as a give-way in the short term (i.e. until tram goes operational)
- pragmatic approach to policing the area (in the short term)

Longer term

- Increased taxi stance capacity on Rosebery Crescent
- Use of space in front of the Tune Hotel or along Haymarket Terrace
- Use of Dalry Road as a possible taxi stance or drop-off only
- Change of use of current stance at the Haymarket Station into drop-off only (provided adequate stances are provided in the vicinity)

New/revised stances along the tram route

The locations listed in Appendix 1 was discussed briefly and there was a general acceptance of the sites.



# Regulatory Committee

9.30am, Friday, 15 November 2013

## Use of CCTV in Taxis and Private Hire Cars

<b>Item number</b>	7.4
<b>Report number</b>	
<b>Wards</b>	Not Applicable

### Links

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<b>Coalition pledges</b>	Not applicable
<b>Council outcomes</b>	Not applicable
<b>Single Outcome Agreement</b>	Not applicable

### Mark Turley

Director of Services for Communities

Contact: Susan Mooney - Head of Service

E-mail: [susan.mooney@edinburgh.gov.uk](mailto:susan.mooney@edinburgh.gov.uk) | Tel: 0131 529 7587

Contact: Andrew Mitchell - Community Safety Manager

E-mail [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 469 5822

# Executive summary

## Use of CCTV in Taxis and Private Hire Cars

### Summary

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The Council has received requests to allow the installation of forward-facing CCTV cameras in taxis and private hire cars for insurance purposes.

Committee is asked to authorise the Cab Inspector to approve requests by taxi or private hire car licenceholders for permission to fit forward facing cameras to their vehicles subject to certain conditions. Some insurance companies offer reduced premiums if such cameras are fitted.

This report will also provide an update on the possible uses of CCTV inside taxis for security purposes.

### Recommendations

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- 1 It is recommended that Committee:
  - a) agree in principle that forward facing cameras may be installed in taxis and private hire cars on application, subject to the requirements set out in the attached Guidance Note in [Appendix 3](#).
  - b) delegate to the Director of Services for Communities authority to approve individual licence applications, in terms of paragraphs 206 and 261 of the Council's Licensing Conditions, to allow the installation of forward facing cameras within taxis.
  - c) agree that there should be a fee of £50 per vehicle for each application to install front facing CCTV.
  - d) note the information contained in this report relating to the potential use of CCTV within taxis and private hire cars for security purposes and agrees to consultation taking place on this topic.
  - e) instructs the Director of Services for Communities to engage in further consultation with the trade and the public on this topic and to report back to Committee in six months.

### Measures of success

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The current conditions of licence appropriately control any use of CCTV by the taxi trade.

### Financial impact

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The Council will incur administrative costs in relation to processing applications and operational costs from inspecting the vehicles at the Taxi Examination Centre. These

costs will be recovered by imposing a £50 fee per application, per vehicle. This is to include the cost of the required inspection.

### **Equalities impact**

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

### **Sustainability impact**

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There are no sustainability impacts arising from the contents of this report.

### **Consultation and engagement**

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The report proposes further consultation on the use of CCTV within taxis and private hire cars.

### **Background reading / external references**

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Technical specifications for forward-facing camera systems

[Council Licensing Conditions for Taxis and Private Hire Cars](#)

## CCTV in Taxis and Private Hire Cars

### 1. Background

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- 1.1 The Council imposes detailed conditions on holders of taxi and private hire car licences. As technology progresses the conditions must be amended to prevent them from becoming a barrier to effective service.
- 1.2 Conditions 206 and 261 of the Council's Licensing Conditions for taxis and private hire cars currently prohibit the addition of any fittings to taxis or private hire cars unless the licence holder obtains approval.
- 1.3 Presently the Council does not permit the installation of any form of CCTV within taxis or private hire cars and will not therefore approve any such application. The Council has received requests to allow the use of CCTV in certain circumstances. This report provides recommendations on how the Council should address such requests.

### 2. Main report

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#### **Forward facing CCTV for insurance purposes**

- 2.1 Some motor insurance companies offer reduced insurance premiums to taxi or private hire car operators if forward facing cameras are installed in vehicles. These cameras are designed to record footage of the road ahead of the vehicle. Insurance claims can have the effect of increasing insurance premiums and having these images can help to settle claims and reduce false claims.
- 2.2 In order to provide Committee members with information on some of the types available, information on two systems is attached at [Appendices 1 and 2](#). The Council was made aware of these specific camera systems through requests for permission to install them. Details on these specific systems are provided for contextual information for the Committee only. There may be other systems available, and the recommendations in this report do not support any particular supplier.
- 2.3 If forward facing cameras are fitted to taxis or private hire cars it is possible that the pictures held in the camera would be classed as 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. More information on the Data Protection Act 1988's bearing on this issue is provided at [Appendix 4](#). Any licence holder who wishes to install such equipment will need to obtain their own advice on the measures they need to take to comply with the Act. It is imperative that any data collected is securely held and used appropriately.
- 2.4 In principle it is recommended that Committee agree that forward-facing CCTV is approved for insurance purposes, subject to compliance with the Guidance Note shown in [Appendix 3](#).

2.5 It is important to note that the guidance includes clear protections for the public which would prevent any inappropriate use of these images. Any breach of the guidance or the Data Protection Act would be considered misconduct by the Council and the relevant licence holder would be reported to the Licensing Subcommittee for appropriate action. A copy of the Guidance will be circulated to anyone applying to install such equipment and will be made available generally to the taxi trade.

### **Use of CCTV within vehicles for crime prevention purposes**

2.6 Within the existing Work Plan the Committee had agreed to look at the installation of CCTV within taxis and private hire cars for the purposes of crime prevention. This results from reported concerns about driver safety.

2.7 Officers have conducted initial research into the feasibility of allowing CCTV for these purposes. There are detailed legal requirements which would apply in such circumstances. The Council has consulted the Information Commissioner who is responsible for monitoring data protection compliance.

2.8 It is important to note that the Council has a duty of care towards vulnerable groups and there is a need to prevent recorded images being misused. Sufficient safeguards must be in place prior to authorising such use.

2.9 Council officers need to be satisfied that individual licenceholders have the capacity to securely manage data recorded within vehicles.

2.10 Currently no specific CCTV system has been put forward for consideration.

2.11 A report will be brought to Committee on these issues as part of the agreed Work Plan.

## **3. Recommendations**

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3.1 It is recommended that Committee:

- a) agree in principle that forward facing cameras may be installed in taxis and private hire cars on application, subject to the requirements set out in the attached Guidance Note in [Appendix 3](#).
- b) delegate to the Director of Services for Communities authority to approve individual licence applications, in terms of paragraphs 206 and 261 of the Council's Licensing Conditions, to allow the installation of forward facing cameras within taxis.
- c) agree that there should be a fee of £50 per vehicle for each application to install front facing CCTV.
- d) note the information contained in this report relating to the potential use of CCTV within taxis and private hire cars for security purposes and agree to consultation taking place on this topic.

- e) instructs the Director of Services for Communities to engage in further consultation with the trade and the public on this topic and to report back to Committee in six months.

## Mark Turley

Director of Services for Communities

### Links

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<b>Coalition pledges</b>	Not applicable
<b>Council outcomes</b>	Not applicable
<b>Single Outcome Agreement</b>	Not applicable
<b>Appendices</b>	<a href="#">Appendix 1</a> : Details on Smart Witness system <a href="#">Appendix 2</a> : Details on RoadHawk system <a href="#">Appendix 3</a> : Draft guidance note for taxi drivers etc <a href="#">Appendix 4</a> : Guidance on Data Protection Act 1988

## Appendix 1

Please note that this information is provided for context only and no particular system is endorsed. The report is seeking agreement to the principle of installing front facing CCTV.

### Smart Witness

The manufacturers of this device advise that they are working on behalf of Marketstudy Insurance Company, which is making the fitting of forward facing cameras mandatory for all of their policyholders' vehicles.

Promotional material from the producer of the Smart Witness system shows the range of models available. It is intended that the SVC100GPS – LC32 model would be installed. A video of its operation can be seen at <http://www.smartwitness.co.uk/product/784/svc100gps-lc>. In the event of an incident, this records forward external images only, along with g-forces and impact speeds. The camera is lockable and tamperproof, with data only being recoverable and accessible by Insurance Brokers or Smart Witness itself. The data is encrypted and stored on a password protected drive. Sound is not recorded.

Smart Witness advises that the camera is mounted on the windscreen out of view of the driver, to MOT/VOSA standards, with a 20kg holding 3M pad. The camera weighs only 100g. The camera is hard wired in the vehicle's ignition loom by manufacturer approved qualified installers at one of Smart Witness depots.

Smart Witness advises that the Data Protection Act 1998 is complied with. Smart Witness is the Data Controller registered with the Information Commissioner's Office.

## Appendix 2

Please note that this information is provided for context only and no particular system is endorsed. The report is seeking agreement to the principle of installing front facing CCTV

### RoadHawk.

The operator of a fleet of private hire cars in Edinburgh has advised that he is considering fitting cameras produced by RoadHawk. The camera he wishes to install is the RoadHawk DC-1.

A video of the operation of the **Roadhawk** system can be seen at [http://www.roadhawk.co.uk/roadhawk-dc-1-car-black-box-camera/prod\\_18.html](http://www.roadhawk.co.uk/roadhawk-dc-1-car-black-box-camera/prod_18.html). Whilst driving, this camera records video and audio (although the audio can be disabled), g-force and GPS data. The camera is fitted with a 3D sensor which measures g-forces and detects impacts. The data is recorded on a SD memory card in the camera. In the event of an incident or impact, the camera will automatically save the preceding 20 seconds as an 'event'. Data can be password protected. Although access to data is not limited, RoadHawk advises that the company is manufacturing a lockable box, which covers the camera and would limit access. RoadHawk also advises that many insurance companies will offer a discount if one of its cameras is fitted to a vehicle.



## Appendix 3

### CITY OF EDINBURGH COUNCIL SERVICES FOR COMMUNITIES- COMMUNITY SAFETY

#### GUIDANCE NOTE

#### REQUESTING PERMISSION FOR FITTING OF FORWARD FACING CAMERA SYSTEMS IN TAXIS AND PRIVATE HIRE CARS

1. This note is designed to assist taxi and private hire car licenceholders who wish to fit forward facing cameras to their vehicles, if required by their insurers. This note is not designed to cover any camera systems which point inside the vehicle.
2. Conditions 206 and 261 of the Council's Licensing Conditions for Taxis and Private Hire Cars prohibit the addition of any fittings to taxis or private hire cars, unless the licenceholder obtains the approval of the Cab Inspector.
3. The Council does not endorse or approve any particular manufacturer or type of camera systems. It is for licenceholders to select the type of camera system that they consider meets their needs. A list of previously approved camera systems will be held at the Taxi Examination Centre, and will be available on request..
4. Before you purchase or fit any camera system you should (i) ensure that it can meet the Council's requirements and (ii) you have obtained legal advice and understand the requirements of the Data Protection Act 1998 that can arise for the camera system you are fitting, and that you can comply with these requirements.
5. It is recommended that any such equipment is installed by qualified engineers/suppliers.
6. **The Director of Services for Communities** has been authorised by the Council's Regulatory Committee to approve the fitting of such camera systems and any associated equipment, provided the following requirements and conditions are complied with –
  - (a) Camera systems are only to be used for motor insurance purposes
  - (b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness
  - (c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger

from the electrical integrity being breached through vandalism, misuse, or wear and tear

- (d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions
  - (e) The installed system must not weaken the structure or any component part of the vehicle, or interfere with the integrity of the manufacturer's original equipment.
  - (f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
  - (g) Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems
  - (h) No equipment may interfere with the driver's view
  - (i) Viewing screens within the vehicle for the purposes of viewing captured images are not permitted
  - (j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed
  - (k) The equipment must not record sound
  - (l) The equipment must be mounted and used so as to record only views outside the vehicle
  - (m) The approval to fit a camera system granted by the Cab Inspector would include permission to display any appropriate warning stickers or signs which are required by the Data Protection Act 1998, provided such signs or stickers are of a reasonable size, do not obscure views through the windows, and do not contain advertising.
7. If licenceholders consider they meet the above requirements, they will be required to pay for vehicle examination by Taxi Examination Staff. The taxi or private hire car should not be operated as a taxi or private hire car between the time the camera is installed and the time at which it is approved.
8. If the equipment is later removed, there is no requirement to notify the Cab Inspector of its removal, but any damage to the vehicle caused by removal must be remedied to an acceptable standard.
9. If forward facing cameras are fitted to taxis or private hire cars, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Act applies, the person who is regarded as the 'Data Controller' for these pictures must be registered

with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Act. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.

10. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with. It is therefore a matter for (a) any camera supplier who holds or has access to pictures in such cameras and (b) any taxi licenceholder, private hire car licenceholder, taxi driver or private hire driver or booking office licenceholder who holds or has access to pictures in such cameras to obtain their own legal advice as to whether the Data Protection Act applies and, if so, who is required to be the Data Controller in any particular situation. This can be a complex issue and depends on the type of system used and who has access to the pictures. The Council or Cab Inspector cannot provide licenceholders with legal advice on such matters.
11. The licenceholder shall co-operate with any police investigation where access to the CCTV footage may assist that investigation.
12. Any failure on the part of any licenceholders in complying with the Data Protection Act 1988, or any misuse of the stored images, could result in a report being made to the Council's Licensing Sub-Committee and could lead to removal of a licence.
13. The image from any camera must not be used for any commercial purpose or circulated on any social media website etc. Failure to adhere to this requirement will be considered to be misconduct, for which any licenceholder will face further action.

## Appendix 4

### Data Protection Act 1988

If forward facing cameras are fitted to taxis or private hire cars, it is possible that the pictures held in the camera would be classed as 'data' that has to be held in accordance with the terms of the Data Protection Act 1998.

If the Act applies, the person who is regarded as the 'Data Controller' for these pictures would be required to be registered with the Information Commissioner, and to comply with the terms of the Act.

A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.

It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with. It is therefore a matter for

(a) any camera supplier who holds or has access to pictures in such cameras,  
and

(b) any taxi licenceholder, private hire car licenceholder, taxi driver or private hire driver or booking office licenceholder who holds or has access to pictures in such cameras

to obtain their own legal advice as to whether the Data Protection Act applies and, if so, who is required to be the Data Controller in any particular situation.

This can be a complex issue, which depends on the type of system used and who has access to the pictures. The Council or Cab Inspector cannot provide licenceholders with legal advice on such matters.

# Regulatory Committee

9.30am, Friday, 15 November 2013

## Control of Advertising on Taxis – feedback on consultation

Item number	7.5
Report number	
Wards	Citywide

### Links

Coalition pledge:	<a href="#">P15</a>
Council outcomes:	<a href="#">CO8</a>
Single Outcome Agreement	<a href="#">SO1</a>

### Mark Turley

Director of Services for Communities

Contact: Susan Mooney - Head of Service

E-mail: [susan.mooney@edinburgh.gov.uk](mailto:susan.mooney@edinburgh.gov.uk) | Tel: 0131 529 7587

Contact: Andrew Mitchell - Community Safety Manager

E-mail [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 469 5822

# Executive summary

## Control of Advertising on Taxis – feedback on consultation

### Summary

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To provide Committee with feedback on the recent consultation on the control of advertising on taxis. This work was completed in accordance with the Committee decision in February 2013 - Regulatory Committee 1 February 2013 - item 7.2.

To ask Committee to agree new licensing conditions and to withdraw previous conditions regarding the control of advertising on taxis.

### Recommendations

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- 1 It is recommended that Committee agree:
  - a) to vary the current conditions of licence relating to the control of advertising on taxis in [Appendix 1](#) and adopts those detailed in [Appendix 2](#).
  - b) that the new conditions will come in to force on 1 December 2013.
  - c) to discharge the outstanding remit from the Regulatory Committee on 1 February 2013.

### Measures of success

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That the imposed controls on taxi advertising are clear, accessible and easily understood.

That members of the public are protected from inappropriate advertising while the controls on the taxi trade are not overly onerous.

### Financial impact

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The proposals in this report will reduce licence fee income by a small amount – by no more than £25k. This will, however, be offset by savings made on administration costs and the reduced cost of vehicle inspections.

The Council's scale of fees for licensing applications was approved with effect from 1 April 2013. Any impact on licensing fees would be required to be absorbed by the Civic Government (Scotland) Act licensing budget for 2013/14.

## Equalities impact

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The proposals in this report do not present a high degree of relevance to the Council's public sector equalities duty. The controls contain provisions to deal with any advert which might be perceived to be negative or inappropriate.

## Sustainability impact

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There are no sustainability impacts arising from the contents of this report.

## Consultation and engagement

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The Council has consulted the following parties:

- 1316 taxi licence holders
- Interested parties within the taxi trade
- Police Scotland

A summary of the consultation responses is provided in [Appendix 3](#).

## Background reading / external references

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- [Minutes of Regulatory Committee meeting 1 February 2013](#)
- [Current licensing conditions for taxis](#)

## Control of Advertising on Taxis – feedback on consultation

### 1. Background

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- 1.1 On 1 February 2013 the Regulatory Committee agreed to remove all existing controls on advertising on taxis see [Appendix 1](#), but to retain a condition which allows the Licensing Sub-Committee to direct that a particular advert is removed after a complaint has been referred see [Appendix 2](#).
- 1.2 The Committee authorised the Director of Services for Communities to consult on the required changes to the relevant conditions of licence and thereafter to report back to Committee.
- 1.3 This report provides feedback on the completed consultation and recommends approval of the amended licensing conditions.

### 2. Main report

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- 2.1 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 work plan includes a commitment to review these controls.
- 2.2 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.
- 2.3 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.
- 2.4 The current fees range from £7 for an advert on the underside of a seat to £91 for an advert which is 'exterior full livery' for a taxi. The income generated to the Council from the current controls is modest, totalling £23,000 over a 12 month period.



- 2.5 As required the Council consulted relevant stakeholders. Consultees were invited to comment on both the overall proposal and the draft proposed conditions. At the time of writing four parties have responded. Results of this consultation are summarised in [Appendix 3](#).
- 2.6 The responses were positive in response to the proposal and amended conditions. No concerns were raised by respondents. Therefore it is recommended that the revised controls on adverts on taxis are approved and implemented.

### 3. Recommendations

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- 3.1 That the Committee agree:
- a) to vary the current conditions of licence relating to the control of advertising on taxis in [Appendix 1](#) and adopt those detailed in [Appendix 2](#).
  - b) that the new conditions will come in to force on 1 December 2013.
  - c) to discharge the outstanding remit from the Regulatory Committee on 1 February 2013.

## Mark Turley

Director of Services for Communities

### Links

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<b>Coalition pledges:</b>	P15 - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
<b>Council outcomes:</b>	CO8 - Edinburgh's economy creates and sustains job opportunities
<b>Single Outcome: Agreement</b>	SO1 - Edinburgh's economy delivers increased investment, jobs, and opportunities for all
<b>Appendices</b>	<a href="#">Appendix 1</a> : Current conditions relating to advertising on taxis: <a href="#">Appendix 2</a> : Proposed conditions relating to advertising on taxis (2013) <a href="#">Appendix 3</a> : Summary of consultation

## Appendix 1

### TAXI LICENCES – CURRENT CONDITIONS

#### Advertising and Personalising Marks

##### General prohibition

31. The holder of a taxi licence shall not display in or on their taxi any signs either for the purpose of advertising or by way of identifying or personalising marks but the Council will consider varying this prohibition on application from the holder of a taxi licence in accordance with the terms of these conditions.

##### Application for Provisional Approval of Advertisements (Step 1)

32. Applications for provisional approval of advertisements must be made in writing on the approved form to the Council Solicitor. The application form must enclose two copies of all proposed advertisements in full colour together with a sample of the material to be used. An application for full livery advertising must be accompanied by full colour five view art work and the Council Solicitor shall be entitled to retain all materials submitted with the application. All applications for provisional approval of advertisements will be considered by the Council Solicitor who, if satisfied (after consultation with the Cab Inspector where appropriate) as to the non-contentious nature or placement of any advertisement, shall grant the application together with an approval number.
33. 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.
34. 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.

##### Application for Variation of the Licensing Conditions (Step 2)

35. Once an application for provisional approval of an advertisement has been granted, any licence holder wishing to display the advertisement on a taxi must submit an application for variation of the licensing conditions accompanied by the appropriate fee and the approval number provided in terms of condition 32. The advertisement must not be displayed on the taxi until the application for variation of the licensing conditions has been granted.

## Exemption from Fee

36. A holder of a taxi licence seeking exemption from any fee payable on the basis that the advertising campaign is non-commercial shall submit a written request and full details of the campaign with the application and the request shall be referred to the Council for determination.

## Display of Letter of Approval

37. The holder of a taxi licence carrying any advertisement(s) shall ensure that the letter of approval from the Council to display an advertisement on the vehicle shall be held at all times within the particular vehicle and shall be available for inspection by an Authorised Officer or any Constable on request.

## SCHEDULE A - CONDITIONS OF FITNESS FOR TAXIS

### Advertisements

236. Advertisements may only be displayed in the interior of taxis on the underside of the tip-up seats. Advertisements on the exterior of taxis will be categorised as either door, super-sides or full livery. Door advertisements may only be fitted to the lower panels of the front and rear doors. No material may be placed on any glass including the dividing glass partition, other than notices approved by the Council.
237. Only one corporate image, company or brand may be advertised on any tip-up seat. No secondary advertising of any kind will be permitted on either a tip-up seat or the exterior of a taxi except where the Council Solicitor approves the advertisement of allied products or services where these appear to him to be ancillary to or an essential part of the principal advertisement. The name of the company preparing the taxi or the advertising agency will not be permitted as secondary advertising. The Council Solicitor's decision shall be final.
238. The permitted sizes of advertisements are as follows:

Tip-up Seats	-	33cm x 30.5cm
Single Door	-	76cm x 46cm
Double Door	-	185cm x 46cm

239. Materials used for advertisements must be made of a quality not easily defaced or detached. No paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the taxi or initially attached to an approved magnetic panel which is then attached to the taxi.
240. Interior advertisements on the underside of the tip-up seats must be encapsulated in clear non-flammable plastic or be manufactured of rigid plastic.

## Appendix 2

### TAXI LICENCES – PROPOSED REVISED CONDITIONS (2013)

#### Advertising and Personalising Marks

31. The holder of a taxi licence shall not display in or on their taxi any signs by way of identifying or personalising marks
32. The holder of a taxi licence may display advertisements in or on their taxi. Advertisements should comply with the requirements set down in Schedule A to these conditions.
33. Advertisements are not required to be approved by the Council. However, advertisements should not 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. Placement of inappropriate adverts could result in the licenceholder being regarded as an unfit person to hold a licence.

#### SCHEDULE A - CONDITIONS OF FITNESS FOR TAXIS

##### Advertisements

236. Advertisements may only be displayed in the interior of taxis on the underside of the tip-up seats. Advertisements on the exterior of taxis will be categorised as either door, super-sides or full livery. Door advertisements may only be fitted to the lower panels of the front and rear doors. No material may be placed on any glass including the dividing glass partition, other than notices approved by the Council.
239. Materials used for advertisements must be made of a quality not easily defaced or detached. No paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the taxi or initially attached to an approved magnetic panel which is then attached to the taxi.
240. Interior advertisements on the underside of the tip-up seats must be encapsulated in clear non-flammable plastic or be manufactured of rigid plastic.

## **Appendix 3**

### **Summary of consultation carried out 20 September - 11 October 2013**

The Council wrote to all holders of Taxi Licences and any other interested party including Police Scotland. The letter outlined the conditions that would be recommended to the Committee in order to implement this change. Comments were invited and to date only three emails and one telephone call were received. Respondents generally welcomed the proposed changes.

Suggested amendment to proposal:

- One response suggested that the onus of whether an advert is acceptable or not should not be placed on the licenceholder.
- A similar response suggested that conditions should require advertising to be approved prior to being applied, thus avoiding any unnecessary problems and expense if the advertising later be held to be unacceptable.

# Regulatory Committee

9.30am, Friday, 15 November 2013

## Review of approval for Private Hire Cars Modified to Carry Wheelchairs

Item number	7.6
Report number	
Wards	All

### Links

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Coalition pledges	N/A
Council outcomes	<a href="#">CO10</a> , <a href="#">CO13</a>
Single Outcome Agreement	<a href="#">SO2</a>

### Mark Turley

Director of Services for Communities

Contact: Susan Mooney - Head of Service

E-mail: [susan.mooney@edinburgh.gov.uk](mailto:susan.mooney@edinburgh.gov.uk) | Tel: 0131 529 7587

Contact: Andrew Mitchell - Community Safety Manager

E-mail [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 469 5822

# Executive summary

## Review of approval Private Hire Cars Modified to Carry Wheelchair

### Summary

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The Council licenses private hire cars (PHCs). Typically these are saloon-type vehicles. Historically the Council has received requests to license a small number of PHCs which have been modified to facilitate wheelchair access at the rear of the vehicle. These modified vehicles have conditions limiting their use “for hires contracted by organisations on behalf of school children with special needs and their carers and nursing homes”.

At present the Taxi Examination Centre (TEC) will inspect a vehicle’s roadworthiness, but there is no agreed procedure to check that any modifications to allow wheelchair access are safe and appropriate. In order to ensure that all aspects of the vehicle and modifications are appropriate, this report recommends the introduction of an additional check for every vehicle which has been modified to allow wheelchair access. It is proposed that this check must be completed on application for either a new or renewed licence. It is also recommended that suitable test certificates are available for any wheelchair lifts.

As these additional checks introduce new licensing conditions the Council is required to consult fully prior to their approval.

### Recommendations

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- 1 It is recommended that the Committee
  - a) agrees, subject to consultation, that any PHC modified for wheelchair users shall be required to obtain a Independent Vehicle Assessment (IVA) prior to the relevant licence being granted for that vehicle;
  - b) agrees that where the modification involves a chair lift that suitable test certificates shall be provided by the applicant;
  - c) agrees the process is only to be used for PHCs which are intended to be used for hires contracted by organisations on behalf of school children with special needs and their carers and nursing homes;
  - d) agrees that the cost of obtaining these certificates for each vehicle shall be borne by the licence holder;
  - e) instructs the Director of Services for Communities to engage in consultation on this matter and to report back on completion.

## Measures of success

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Any PHC vehicle modified for wheelchair access is appropriate for wheelchair use.

## Financial impact

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There is no direct financial impact on the Council. Existing inspections by the Taxi Examination Centre are covered by the application fee. The applicant will be required to pay for an additional VoSA inspection prior to the submission of the vehicle to the Taxi Examination Centre for inspection.

## Equalities impact

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This report has direct relevance to the Council's public sector equalities duties.

The report enhances the following rights:

- **Life** - the policy will ensure that modified PHCs are safe
- **Physical security** - the policy will ensure that PHCs have the facility to secure passengers appropriately
- **Standard of living** - the policy will ensure that service users have access to safe and secure transport to meet their needs

The cost of obtaining an IVA could be a disincentive to applicants which could have an impact on the number of modified PHCs available. This could have a negative impact on service users' ability to access learning facilities and to fully participate in family and social life.

This can be justified as the policy ensures the safety and security (right to life) of passengers.

The cost of obtaining an IVA is proportionate to the potential financial benefits from accessing school/other contracts.

The policy will advance the equality of opportunity for people across a range of ages and those with disabilities to use public transport in Edinburgh.

## Sustainability impact

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There are no sustainability impacts arising from the contents of this report.

## Consultation and engagement

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Should Committee agree the recommendations above then consultation with affected licenceholders and affected groups will be carried out.

## Background reading / external references

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[Council Licensing Conditions for Taxis and Private Hire Cars](#)



## Review of approval for Private Hire Cars Modified to Carry Wheelchairs

### 1. Background

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- 1.1 The Civic Government (Scotland) Act 1982 gives local authorities discretion regarding the types of vehicles regarded as suitable in type, size and design for licensing as taxis and private hire cars. Councils are also required to ensure that all taxis and private hire cars are safe for use.
- 1.2 The Council currently licenses approximately 11 private hire cars (PHCs) which have been modified to transport wheelchairs. Appendix 1 provides detailed information on the legislative requirements applicable to use these vehicles as licensed PHCs.
- 1.3 Normally the Council will only license a PHC which has a 'Type Approval Certificate' issued by the Department of Transport.
- 1.4 The Regulatory Committee has allowed a small number of PHCs which have been modified to carry wheelchairs to be licensed as PHCs, specifically 'for hires contracted by organisations on behalf of school children with special needs and their carers and nursing homes'.
- 1.5 The vehicles are normally adapted prior to their purchase and do not have a Type Approval Certificate. The vehicles are presented to the Taxi Examination Centre (TEC) for approval. The Council does not have in place a consistent testing regime to ensure that any modifications made to adapt vehicles for wheelchairs are suitable prior to the licence being issued.
- 1.6 This report recommends a process for ensuring that any modified vehicles submitted for use as PHCs are tested, and seeks permission to consult interested parties on the proposed amended conditions.

### 2. Main report

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- 2.1 Private hire cars which are adapted to allow wheelchair access are a small but important part of the fleet. The Council currently licenses approximately 11 PHCs which can transport wheelchair users, typically in school contracts.
- 2.2 If a PHC has been adapted to allow wheelchairs to be transported in it, current conditions of licence require that the vehicle is submitted to the TEC for inspection and approval prior to the licence being granted. The TEC would normally utilise a Type Approval Certificate issued by the Department of

Transport as proof that the vehicle is suitable for use on the public highway. The TEC checks that the council's conditions of licence are met and carries out a current roadworthiness check.

- 2.3 In the absence of a Type Approval Certificate the TEC does not currently have the facilities to check that any modification made to the vehicle to allow it to carry a wheelchair user is appropriate. Therefore, in order to ensure that any modification has been appropriate, it is recommended that the applicant be required to obtain an Individual Vehicle Assessment certificate (IVA) from VoSA. The IVA is an alternative to the Type Approval Certificate and can be obtained by vehicle owners for a fee.
- 2.4 The proposed process requires that where a vehicle owner wishes to submit an application to approve use of a PHC which has been modified to carry wheelchairs, they will be asked to submit their vehicle for the IVA certificate. A copy of the certificate must then be submitted to the TEC. The TEC will complete the inspection on behalf of the Council and then approve the vehicle for use as a PHC. All other aspects of the application process for licensing a PHC remain in effect and apply to these vehicles.
- 2.5 A VoSA check of this type costs £250 and this cost will be borne by the applicant. When attending at the TEC for any inspection the applicant shall present the relevant IVA certificate for inspection. The IVA certificate must have been issued within the two months prior to the date of the TEC inspection. The absence of an IVA or Type Approval Certificate would normally be grounds for refusal, however the department may refer individual applications to the Licensing Sub-Committee where it is felt an appropriate alternative has been put forward by the applicant.
- 2.6 This report proposes a change to the current system; therefore consultation is required prior to the implementation of new licence conditions. The consultation will involve affected PHC licenceholders and service users. The changes in this report will not affect the PHC fleet generally, and the general requirement that any PHC is required to be of M1 class with a Type Approval Certificate will remain. This report only applies to vehicles modified to carry wheelchairs and does not apply to one-off conversions generally.
- 2.7 A follow-up report will be submitted to Committee on completion of the consultation.

### **3. Recommendations**

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- 3.1 It is recommended that the Committee
  - a) agrees, subject to consultation, that any PHC modified for wheelchair users shall be required to obtain a Independent Vehicle Assessment (IVA) prior to the relevant licence being granted for that vehicle;
  - b) agrees that where the modification involves a chair lift that suitable test certificates shall be provided by the applicant;

- c) agrees the process is only to be used for PHCs which are intended to be used for hires contracted by organisations on behalf of school children with special needs and their carers and nursing homes;
- d) agrees that the cost of obtaining these certificates for each vehicle shall be borne by the licence holder;
- e) instructs the Director of Services for Communities to engage in consultation on this matter and to report back on completion.

## Mark Turley

Director of Services for Communities

## Links

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<b>Coalition pledges</b>	N/A
<b>Council outcomes</b>	Improved health and reduced inequalities; People are supported to live at home
<b>Single Outcome Agreement</b>	Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health
<b>Appendices</b>	<a href="#">Appendix 1</a> – Background information

## **Appendix 1 Background information**

### **Vehicle Approval Requirements under Road Traffic Acts**

1. To be used on a public road, most vehicles require to be registered, taxed, not be in a dangerous condition, comply with construction and use regulations, hold a current MOT, be insured and be of an “approved type”
2. The Department of Transport oversee the approval of designs of vehicles that can be used on the public road. Most vehicles are mass produced. The manufacturer submits details, plans and examples of a vehicle model to the Department of Transport. Each model of vehicle receives a Type Approval Certificate.
3. The Department of Transport has powers to approve the use of other vehicles on the road which are manufactured in lower volumes, modified or imported. The certification process of modified vehicles involves engineering inspections and assessments on vehicles to ensure that the safety of the vehicle has not been compromised by the modifications. Owners of such vehicles can apply to VOSA to obtain Individual Vehicle Approval (IVA).
4. It is the responsibility of any person who uses, or permits the use of, a vehicle on the road to ensure that it has all necessary approval documentation and has not been modified so as to invalidate any approval. Failure to do so could be criminal offence under Section 63(1) or (3) of the Road Traffic Act 1988.

#### **Current position: Private Hire Cars.**

1. The Council's main requirements for private hire cars are that they comply with all Acts and Regulations relating to motor vehicles, they are of suitable size and design, capable of withstanding the loads and stresses likely to be met in service, have 4 side doors and an engine capacity of not less than 1,500 cc. There are no licensing conditions specifying minimum widths of doors or provision of steps. There are no conditions requiring the drivers of private hire cars to give assistance to passenger in wheelchairs or to secure them.

#### **Wheelchair Accessible Private Hire Cars.**

2. As there is no requirement for private hire cars to be wheelchair accessible, most private hire cars in Edinburgh are mass produced and unmodified saloon cars or people carriers which would not be suitable to carry persons seated in their wheelchair.

3. In the absence of any set specification for a wheelchair accessible private hire car, it has been left for operators to approach the Council with designs that they wish to be licensed. Since 2004, the Regulatory Committee has approved several vehicles for use as specialist transport for persons in wheelchairs. These have been conversions of larger vehicles with wheelchair access being made through the rear of the vehicle with a wheelchair lift to the rear. The Regulatory Committee imposed a condition on these licences that “the vehicle only be used “for hires contracted by organisations on behalf of school children with special needs and their carers and nursing homes”. It is understood that 8 vehicles in this category are currently licensed as private hire cars
  
4. The said vehicles were examined at the Taxi Examination Centre to ensure that the seat belts and seatbelt attachment points did not show any wear, distortion or corrosion. However, there was no requirement that the operators provided evidence that the vehicles held Type Approval (and a Certificate of Conformity) or IVA Certificates (or its predecessor Single Vehicle Approval”) from VOSA.