

Notice of meeting and agenda

Regulatory Committee

9.30 am, Friday, 4 April 2014

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

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

Contact

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1. Order of business

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

2. Declaration of interests

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

3. Deputations

- 3.1 If any

4. Minutes

- 4.1 Regulatory Committee of 3 and 19 February 2014 (circulated – submitted for approval as a correct record).
- 4.2 Licensing Sub-Committees of 29, 31 January, 19 February and 5 and 7 March 2014 (circulated – submitted for approval as correct records).

5. Key decisions forward plan

- 5.1 None

6. Business bulletin

- 6.1 None

7. Executive decisions

- 7.1 Licensing Policy Development – Street Trading – report by the Director of Services for Communities (circulated)
- 7.2 Use of CCTV in Taxis and Private Hire Cars – Safety – report by the Director of Services for Communities (circulated)
- 7.3 Consultation on Wheelchair – Accessible Private Hire Cars – report by the Director of Services for Communities (circulated)
- 7.4 Improved ICT – Licensing – report by the Director of Services for Communities (circulated)

- 7.5 Proactive Noise Impact Standard – report by the Director of Services for Communities (circulated)

8. Routine decisions

- 8.1 None

9. Motions

- 9.1 None

Carol Campbell

Head of Legal, Risk and Compliance

Committee Members

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

Information about the Regulatory Committee

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

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

Further information

If you have any questions about the agenda or meeting arrangements, please contact Aileen McGregor, Committee Services, City of Edinburgh Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 529 4325, e-mail aileen.mcgregoer@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.

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

Regulatory Committee

2.00 pm, Monday 3 February 2014

Present

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

1. Minutes

Decision

- 1) To approve the minute of the Regulatory Committee of 15 November 2013 as a correct record.
- 2) To approve the minutes of the Licensing Sub-Committees of 13 and 15 November and 11 and 13 December 2013 as correct records.

2 Representations to the Dreghorn Loan (Polofields) Road Construction Consent (Ed/13/0013)

(a) Deputations

The Committee agreed to hear considered deputation requests from Professor Matt Turner and Dr Nawal Bagaria representing Residents of Dreghorn Loan and Redford Avenue and Steve Plag representing the Laverockdale Estate Residents.

Residents of Dreghorn Loan and Redford Avenue

Professor Turner advised the committee of the Resident's Association's satisfaction at the outcome of their representation which resulted in their withdrawal of objections on 10 issues. Despite their satisfaction with the outcomes, they remained dissatisfied with the procedure to deal with representations and wished to highlight flaws in the process which included insufficient engagement with residents. It was suggested that in future more effort should be made in meeting with concerned members of the public on site at an early stage in the process and to expand the scope of those who were able to contribute to the representation process. It was suggested that the guidance adhered to by Transport should be reviewed to encourage public engagement.

He advised of concern expressed by residents that the Council's guidance was different to the legislation in that, in their opinion the authority when considering objections were working towards having the representations withdrawn rather than considered by a committee, and in their view the Council's guidance on this should remain as stated in the Roads (Scotland) Act 1984 21(3) 'The local roads authority

shall consider any written representations' and remove the inserted addition 'with a view to the objections being withdrawn'.

The lateness in responding to letters of comment was highlighted, which made it difficult for residents to organise deputations to committees.

The main unresolved objections to the consent being granted were the junction design, provision for schoolchildren and volume of traffic. On the first point of junction design, it was asserted that the whole junction design required fresh modelling. It was contended that the proposal was unsafe for school children and inconsistent with the 'Safer Routes to School' and it was disputed that the volume of traffic using the new access road posed a minimal or negligible risk.

In closing, the deputation sought clarification on what proposals the Council had if the development stalled and road construction was left incomplete for months or longer to adopt the road. They also indicated that there were still unanswered questions relating to parking and boundaries which required to be addressed.

In conclusion they requested that the application be refused.

Laverockdale Estate Residents

Steve Plag on behalf of the Laverockdale Estate Resident's advised the Committee that the road priorities would be completely different with the addition of the 70 new homes where there were currently only 7.

The proposal being considered was now the 7th iteration of the design for the junction and many of the concerns raised by the residents had still not been resolved by the amendments to the plans.

The residents had no objection to the houses granted planning permission being built, but in respect of the proposals for Road Construction Consent, challenged the inter visibility report by Council officers and maintained that the vertical/horizontal view was not as advised. The Resident's had independent road safety audits carried out which concluded that there was inadequate visibility between one of the driveways and the proposed roadway.

It was the resident's belief that the developer had submitted questionable drawings which attempted to show that the desired visibility could be achieved and drawings submitted by the residents which added contours and landscaping detail supported their argument that the required visibility could not be achieved with the current plan.

It was also highlighted that vegetation would require to be cut back and that a factor would have to be engaged to manage vegetation growth.

In summation he asked that the application be refused for the above reasons.

(b) Applicant - Miller Homes

David Morgan, Land Director, Fergus Adam, Director, Dougall Baillie Associates and Andrew McArthur, Technical Director from Miller Homes provided a summary of the approved development and gave an overview of the existing arrangements and the

proposed new arrangements. They indicated that the Reporter when considering the planning application had considered access options for the development and had considered pedestrian routes and accessibility to Dreghorn and the Pentlands.

Six Homes would give way to the new traffic flow and there would be a clear pedestrian crossing point with tactile paving and at peak hour it was estimated that approximately 45 vehicles would use the access point with one car every 15 minutes accessing the side road.

They advised that the proposals met the Council's required technical standards, all queries related to pedestrian safety, vehicular safety and flooding had been addressed, the road safety audit confirmed the proposal met the required technical and safety standards, SEPA had confirmed that they were content with the proposal and that as confirmed in the report by the Director of Services for Communities the junction arrangements were considered acceptable.

In conclusion they requested that the application be granted.

(c) Report by the Director of Services for Communities

An application by Miller Homes was submitted for approval for Road Construction Consent (ED/13/0013) for a new road and access to a proposed new development at Dreghorn Loan, Edinburgh. A site visit had been undertaken by the Committee on 28 January 2014.

The Director advised that the road to be provided to the new development including the bridge to support it over the Bonaly Burn was acceptable for addition, in due course, to the Council's List of Public Roads, and requested the Committee to set aside the representations and approve Road Construction Consent (ED/13/0013).

Motion

To set aside the representations and approve Dreghorn Loan (Polofields) Road Construction Consent (ED/13/0013)

- Moved by Councillor Barrie, seconded by Councillor Blacklock

Amendment

To refuse Dreghorn Loan (Polofields) Road Construction Consent (ED/13/0013)

For the reason that the road safety requirements at the junction of Dreghorn Loan and Laverockdale Crescent had not been met.

- Moved by Councillor Heslop, seconded by Councillor Main

Voting

For the motion	4 votes
For the Amendment	4 votes

The votes being equal, the Convener used his casting vote for the motion.

Decision

To set aside the representations and approve Dreghorn Loan (Polofields) Road Construction Consent (ED/13/0013)

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

Declaration of Interest

Councillor Aitken declared a non-financial interest in the above item as she had been actively involved in the campaign against the planning application and knew people involved in opposing this application and took no part in the consideration of this item,

3. Taxi Stances – Revocations, Variations and Appointment – various locations along the Edinburgh Tram Route

Details were provided of the outcome of consultation with the taxi trade and the general public with regard to the new and revised taxi stances along the tram route as well as the introduction of additional temporary stances in the Haymarket area which had arisen from changes to access arrangements introduced by Network Rail as part of the Haymarket Station Development.

One representation had been received in respect of the stance at Rosebery Crescent.

Decision

1. To note the content of the report.
2. To note the responses to the consultation and newspaper advertisement
3. To set aside the representation in regard to the taxi stance in Rosebery Crescent
4. To appoint, vary or revoke the taxis stances as listed in Appendix 1 of the report by the Director of Services for Communities.
5. The Director of Services for Communities to instruct the Environmental Wardens to ensure that stationary vehicles on the Rosebery Crescent stance keep their engines switched off to ensure no adverse environmental impact.

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

4. Review of Public Entertainment Licensing -

The Regulatory Committee on 15 November 2013 considered a proposal to amend the current Public Entertainment resolution and agreed

1. To approve the amended Draft Public Entertainment Resolution detailed at appendix 2 to the report by the Director of Services for Communities and to agree to commence a statutory consultation.

2. To agree that the consultation would take place between 18 November and 15 December 2013 and that a report on the matter be submitted to the Regulatory Committee.
3. To note that 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; and
4. To note that 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; and
5. Having regard to 4 above, to request that the Director of Health and Social Care submit a report to the Corporate Policy and Strategy Committee on 21 January 2014 on any agreed proposals and an implementation plan for providing the proposed interagency support.

The Director of Services for Communities provided details were provided on the outcome of the consultation on proposals to amend the current Public Entertainment Resolution, removing 'Health and Fitness premises, including premises used as saunas or massage parlours', from the requirement to obtain a public entertainment licence and recommended that licensing these premises should cease as it is no longer appropriate for the Council to licence these premises.

The Director also advised that the report requested at the meeting in November 2013 had been approved by the Corporate Policy and Strategy Committee on 21 January 2014.

Decision

1. To note the outcome of the statutory consultation.
2. To note the decision of the Corporate Policy and Strategy Committee on 21 January 2014 on a 'Harm Reduction Framework'.
3. To agree to vary the City of Edinburgh Council's Public Entertainment Resolution (Number 1 of 2013) as set out in Appendix 2 to the report by the Director of Services for Communities, to remove massage parlours and sauna premises from the list of premises required to be licences, effective from 7 March 2014.
4. To agree the City of Edinburgh Council's Public Entertainment Resolution (Number 1 of 2014) as set out in Appendix 3 of the report by the Director of Services for Communities.
5. To instruct the Director of Services for Communities to take all the steps necessary to implement the decision, including dealing with outstanding legal cases.

(Reference – Regulatory Committee 15 November 2013 (item 1); report by the Director of Services for Communities, circulated)

5. Civic Government (Scotland) Act 1982: Update of Standard Licence Conditions

Approval was sought to make changes to the standard conditions where a reference to a post within the council's structure was no longer relevant.

Decision

1. To agree to amend standard conditions to reflect the current relevant posts and to note that the Director of Services for Communities would keep this aspect of the standard conditions up to date for each category of licence listed in appendix 1 of the report by the Director of Services for Communities.
2. To instruct the Director of Corporate Governance to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.

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

Regulatory Committee

10.00 am, Wednesday, 19 February 2014

Present

Councillor Barrie (Convener), Aitken, Gardner, Heslop and Lunn (substituting for Councillor Cairns).

1. Taxi Demand Survey Update

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

Details were provided on the current demand for taxis after the completion of an interim survey.

Decision

1. To endorse the analysis in Appendix 1 of the report by the Director of Services for Communities.
2. To use the analysis in Appendix 1 of the report by the Director of Services for Communities as a basis on which to determine the current demand for taxis within the city and to note that there is no unmet demand at this time.
3. To remit the report to the Licensing Sub-Committee for immediate use when determining applications for new taxi licences.

(Reference –Regulatory Committee 3 May 2013 (item 7); report by the Director of Services for Communities, circulated)

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 29 January 2014

Present

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

1. Resolution to Consider in Private

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

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

Details were provided of 18 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.)

3. Police Comments and Requests for Suspension of Licences

The Head of Service, Services for Communities, advised the Sub-Committee of letters of comment regarding licence holders and reports requesting suspension of Licences from the Chief Constable and the Head of Community Safety.

Decision

That the requests and reports 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, 31 January 2014

Present

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

1. Request for Reduction of Fees – Market Operator Licence – Dawn Cotton Fuge, Assembly Rooms

Details were provided of a request for a reduction of the application fee for a temporary Market Operator licence by Dawn Cotton Fuge on behalf of the Scottish Bead Fair, for a market to be held at the Assembly Rooms on 6 March 2014.

Decision

1. To note the terms of the request and to agree an application fee reduction to £173.
2. To note that the relevant fee for city centre stalls will apply to any future applications.

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

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

Details were provided of 16 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.)

3. Use of Emergency Powers to Grant Dispensation to Use Fireworks Outwith Permitted Hours: 11 January 2014

Details were provided of the action taken by the Director of Services for Communities in consultation with the Vice-Convenor of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions to grant an application for a firework display outwith permitted hours on 11 January 2014 in the grounds of Dundas Castle.

Decision

To note the action by the Director of Services for Communities in consultation with the Vice-Convenor of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions 3.1 to grant an application by 21cc Fireworks and Donna Henderson for a firework display outwith permitted hours on 11 January 2014 in the grounds of Dundas Castle.

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

4. Resolution to Consider in Private

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

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

Details were provided of 5 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 Convenor, with reference to this minute.

(Reference – application details, submitted.)

APPENDIX 1

Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 6.1.1 HMO (New) Gordon Ewing 3F3 13 Polwarth Crescent	4 Occupants	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 6.1.2 HMO Douglas Robertson 3F2 48 London Street	4 Occupants	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 6.1.3 HMO James Orr 2F2 8 Barony Street	3 Occupants	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence
Item 6.1.4 HMO (Renewal) HIA Investments Limited 2F1 42 Brunstfield Gardens	3 Occupants	<ol style="list-style-type: none"> 1. To repel the objection and grant the licence renewal subject to the Council's Standard Conditions for this category of licence. 2. To note the agent's agreement to treat the property as a sensitive let. 3. The Director of Services for Communities to undertake monitoring for a six month period from the start of the new tenancy. 4. The Director of Service for Communities to advise the applicant's agent and the objector of the procedures to be used during the monitoring period.
Item 6.1.5 HMO (Renewal) Ship 2 Sarl 2F3 224 Brougham Place	3 Occupants	To repel the objection and grant the licence renewal subject to the Council's Standard Conditions for this category of licence.
Item 6.1.6 HMO (Renewal) Michael Carr Flat 7 8 Lauriston Park	5 Occupants	To continue the application to the Licensing Sub-Committee of 7 March to allow the applicant to attend.
Item 6.1.7 HMO (Renewal) Margaret H Fraser 2F2 17 Torphichen Street	4 Occupants	To repel the objection and grant the licence Renewal subject to the Council's Standard Conditions for this category of licence.

<p>Item 6.1.8 Street Trader On The Roll Colinton Road</p> <p>Martin Schwartz Lennart Bruggeman</p>	<p>Hot Food 10 am – 7.00 pm Daily</p>	<ol style="list-style-type: none"> 1. To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence. 2. The hours of operation to be 11.00am to 5.00 pm Monday to Friday. 3. The location of the stance to be as stipulated in the Road Services report.
<p>Item 6.1.9 Street Trader On The Roll South Gyle Crescent</p> <p>Lennart Bruggeman</p>	<p>Hot Food 10 am – 7.00 pm Daily</p>	<p>To note that the application had been withdrawn.</p>
<p>Item 6.1.10 Late Hours Catering (Renewal) Kenneth Cairns 574 Lanark Road</p>	<p>Thursday – Sunday Midnight</p>	<ol style="list-style-type: none"> 1. To accept the late objections submitted outwith the statutory period. 2. To continue consideration of the matter to the Licensing Sub Committee meeting of 7 March 2014 for the Director of Services for Communities to report on any consents required for the alteration of the property including comments from Building Standards and Fire Safety and any information from the Chief Constable on any complaints received. <p>Councillor Heslop declared a non-financial interest in this item as the applicant and the objectors were known to him left the room and took no part in consideration of the item.</p>
<p>Item 6.1.11 Late Hours Catering (New) DPGD Ltd 155 Morningside Road</p>	<p>N/A</p>	<p>To note that the application had been withdrawn.</p>
<p>Item 6.1.12 Second Hand Dealers Variation Cheque Centres Ltd St John's Road</p>	<p>N/A</p>	<ol style="list-style-type: none"> 1. To grant the variation of licence subject to the Council's Standard Conditions for this category of licence. 2. To note a further variation would be submitted in the name of David McMillan (Field Product Manager)

Item 6.1.13 Market Operators Essential Edinburgh Castle Terrace	9.00am - 2.00 pm	To grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 6.1.14 Street Trader Longwan Huang Middle Meadow Walk	09.00– 19.00 Monday – Saturday Food	To continue consideration of the matter to the Licensing Sub Committee meeting of 7 March 2014 to allow the applicant to attend.
Item 6.1.15 Market Operators C C Outdoor Greater Grassmarket Business Improvement District The Greater Grassmarket Public Realm Space	Standard Conditions	<ol style="list-style-type: none"> 1. To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence. 2. The hours of operation to be between 7.30 am – 8.30 pm Saturday and Sunday. 3. A condition that the market may be suspended or restricted if the Licensing Sub Committee grant a public entertainment licence in that area. 4. The market layout to be agreed to the satisfaction of the Director of Service for Communities. 5. To request the applicant liaises with other event organisers for that area.
Item 6.1.16 Public Entertainment Commercial Operation Stewart G Weaver St Phillips Church Brunstane Road	09.00 – 23.00	<ol style="list-style-type: none"> 1. To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence. 2. All amplified music and vocals to be to be controlled the satisfaction of the Director of Services for Communities.

Licensing Sub-Committee of the Regulatory Committee

10.15 am, Wednesday 19 February 2014

Present

Councillor Barrie (Convener), Aitken, Gardner, Heslop and Lunn (substituting for Councillor Cairns).

1. Procedural Issues

- 1.1 The Licensing Sub-Committee considered a request from one of the objectors representative to submit further information in support of their case.

The Sub-Committee heard from the objector's legal agent in regard to the request

Decision

The Licensing Sub-Committee having carefully considered the preliminary points raised by the objector's representative regarding the submission of a detailed court judgement outwith the statutory period agreed that no good reasons had been given and that there had been insufficient time to serve a copy on the applicant as required in terms of Paragraph 3(2) and (4) of Schedule 1 to the Civic Government (Scotland) Act 1982 and that it not be considered by the Sub-Committee at this meeting

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

Decision

The Sub-Committee agreed

1. To consider the application for the grant of a booking office licence (Ref 13/15330/BKOFCE) first followed by the application for variation of a booking office licence ((13/101060/BKOFCE).
2. To adopt the following procedure for consideration of the application for the grant of a booking office licence (Ref 13/15330/BKOFCE)

- Hear the Director of Services for Communities representative in regard to the application for Grant of Booking Office Licence
 - Questions by members of the Sub-Committee
 - Hear the objection submitted by MacRoberts on behalf of Central Taxis
 - Questions by members of the Sub-Committee
 - Hear the objection submitted by Morisons on behalf of the Scottish Taxi Federation
 - Questions by members of the Sub-Committee
 - Hear the objection by Edward Millar
 - Questions by members of the Sub-Committee
 - Hear From the Applicant
 - Questions by members of the Sub-Committee
 - To give all parties the opportunity to sum up their cases if they so wished. The summing up not to introduce any new matter and take no longer than 5 minutes
 - Debate and Decision by Sub-Committee
1. To adopt the following procedure for consideration of the application for the variation of a booking office licence ((13/101060/BKOFCE).
- Hear the Director of Services for Communities representative in regard to the application for variation of Booking Office Licence
 - Hear From the Applicant
 - Questions by members of the Sub-Committee
 - Debate and Decision by Sub-Committee

2. Applications for (1) Grant of Booking Office Licence and (2) Variation of Booking Office Licence – Edinburgh City Private Hire Limited

Details were provided of applications submitted by Edinburgh City Private Hire for (1) the grant of a booking office licence (Ref 13/15330/BKOFCE) and (2) variation of a booking office licence ((13/101060/BKOFCE) at Edinburgh Airport.

The Sub-Committee heard representations as detailed above

Decision

1. To note the contents of the report.
2. To agree to hear from the applicant's and the objectors.
3. To note that no objection to the granting of the licence had been made by officers of the Council, Police Scotland or Fire Scotland.
4. To repel the objections and grant the application for Booking Office Licence (13/15330/BKOFCE) as detailed in the report by the Head of Service, Community Safety subject to mandatory conditions set down in the Paragraph 3(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009:
 - (a) that a record be kept of every booking for the hire of a relevant vehicle taken at the relevant premises;
 - (b) that a record be kept of–
 - (i) the registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
 - (ii) the name of its driver at the time of that hire;
 - (c) that the holder of the licence shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a relevant vehicle results in the hire of a vehicle which is–
 - (i) a relevant vehicle; and
 - (ii) being driven by a person who holds a licence granted under section 13 of the Act and that licence is in effect.
 - (d) to note the applicants undertaking to investigate the wording used identifying the “Marshals” to avoid any confusion to the public on which type of vehicle they wished to hire.
 - (e) to note that any changes to (d) above would be subject to the approval of the airport authorities
5. To note the application for variation of a booking office licence (13/101060/BKOFCE) had been withdrawn

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

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 5 March 2014

Present

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

1. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3,6,12 and 14 of Part 1 of Schedule 7(A) of the Act.

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

Details were provided of 9 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.)

3. Police Comments and Requests for Suspension of Licences

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

Decision

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

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

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

Details were provided of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions 3.1 to suspend a Private Hire Car Driver's Licence on 4 February 2014

The Sub-Committee was requested to consider whether or not to suspend the licence..

Decision

1. To note the action by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions 3.1 to suspend the private hire car driver's licence on 4 February 2014
2. 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. Applications for Taxi Licences

The Head of Service, Services for Communities, advised the Sub-Committee of five requests for a change of manager and the renewal of a taxi 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.)

Licensing Sub-Committee of the Regulatory Committee

10.00 am, Friday, 7 March 2014

Present

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

1. Request for Reduction of Fees – Public Entertainment Licence - Moonwalk Scotland

Details were provided of a request for a reduction of the application fee for a public entertainment licence for the Moonwalk Scotland 2014 event, to be held across the city on 7 June 2014.

Decision

To note the terms of the request and to agree an application fee reduction to £2702.
(Reference – report by the Head of Service, Community Safety)

2. Request for Reduction of Fees – Temporary Public Entertainment Licence – Royal Regiment 1 Scots, Rugby Sevens Tournament

Details were provided of a request for a reduction of the application fee for a public entertainment licence for a rugby sevens tournament, to be held at Dreghorn Barracks on 24 May 2014.

Decision

To note the terms of the request and to agree an application fee reduction to £200.
(Reference – report by the Head of Service, Community Safety)

3. Request to Waive Fees – Public Entertainment Licence – World War 1 Commemoration Event

Details were provided of a request to waive the application fee for a public entertainment licence for an event to commemorate the 100th anniversary of the beginning of World War 1, in August 2014.

Decision

To note the terms of the request and to agree waive the application fee.

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

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

Details were provided of 10 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.)

Declaration of Interests

Councillor Barrie declared a non-financial interest in item 6.1.2 an application for a house in multiple occupation licence at 43 Ashley Terrace, as the applicant's agent was known to him, left the room and took no part in consideration of the item.

Councillor Heslop declared a non-financial interest in item 6.1.7 an application for a late hours catering licence at 574 Lanark Road, as the applicants and objectors were known to him, left the room and took no part in consideration of the item.

Councillor Aitken declared a non-financial interest in item 6.1.10 an application for a public entertainment licence at 2 West Tollcross, as the applicant was known to her, left the room and took no part in consideration of the item.

Chair

The Convener (Councillor Barrie) vacated the Chair for agenda item 6.1.2, and the Vice-Convener (Councillor Blacklock) assumed the Chair for this item, thereafter the Convener resumed the Chair for the remainder of the meeting

5. Police Scotland Request for an Immediate Suspension of Licence (D J Hardwell Event)

Details were provided of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions to suspend the public entertainment licence for the Highland Centre Limited for the duration of the DJ Hardwell event on the 8 and 9 February 2014.

Decision

To note the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions 3.1 to suspend the public entertainment licence for the Highland Centre Limited for the duration of the DJ Hardwell event on the 8 and 9 February 2014.

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

6. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 6, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

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

Details were provided of 5 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

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

(Reference – application details, submitted.)

8. Applications for Taxi Licences

The Convener ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency as a decision was required at this meeting.

The Head of Service, Services for Communities, advised the Sub-Committee of three requests for a change of manager and the renewal of a taxi 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.)

APPENDIX 1

Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 6.1.1 HMO Renewal Michael Carr	5 Occupants	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 6.1.2 HMO Renewal Horsburgh Murray Partnership	4 Occupants	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 6.1.3 HMO Renewal Rebecca Sian Evans	4 Occupants	<ol style="list-style-type: none"> 1. To grant the licence subject to the Council's Standard Conditions for this category of licence. 2. To note that the objection had been withdrawn.
Item 6.1.4 HMO Renewal Gavin Nicholas Kidd	5 Occupants	To repel the objection and grant the licence renewal subject to the Council's Standard Conditions for this category of licence.
Item 6.1.5 HMO Renewal Andrew Robert Jack	3 Occupants	To repel the objection and grant the licence renewal subject to the Council's Standard Conditions for this category of licence.
Item 6.1.6 Street Trader - No Employee Longwan Huang	09.00 – 19.00 Monday - Saturday	To refuse the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

<p>Item 6.1.7 Late Hours Catering Kenneth Cairns (Woods Deli)</p>	<p>Thursday – Sunday 24.00 hrs</p>	<p>1. To repel the objection and grant the licence Thursday – Sunday 11.00 pm – Midnight subject to the Council’s Standard Conditions for this category of licence. Subject also to the following conditions</p> <p>i) Deliveries to take place only between the hours of 7 am and 5 pm:</p> <p>ii) Side door to be kept closed during operating hours.</p> <p>iii) Patrons or staff may only smoke to the front of the premises</p> <p>iv) All outstanding works in the application for Building warrant to be completed to the satisfaction of the Head of Planning and Building Standards</p>
<p>Item 6.1.8 Second Hand Dealers 1 Year Licence Next Best Clothing Limited</p>		<p>1. To grant the licence subject to the Council’s Standard Conditions for this category of licence.</p> <p>2. To note the applicants undertaking to not trade in electrical items, or computer /phones or similar.</p>
<p>Item 6.1.9. Street Trader Food - No Employee Gentlemen Jacks Ltd & Glynn Fielding</p>	<p>Hope Street (across from Rutland Hotel/Side of Frasers) Edinburgh</p>	<p>To refuse the application in terms of Paragraph 5(3)(c)(i) and (d) of Schedule 1 of the Civic Government (Scotland) Act 1982.</p>
<p>Item 6.1.10 Public Entertainment Licence Commercial Operation</p>	<p>Central Hall 2 West Tollcross Edinburgh EH3 9BP</p>	<p>To grant the licence subject to the Council’s Standard Conditions for this category of licence.</p>

Regulatory Committee

10am, Friday, 4 April 2014

Licensing Policy Development - Street Trading

Item number	7.1
Report number	
Wards	All

Links

Coalition pledges	P15 & P28
Council outcomes	CO8.
Single Outcome Agreement	SO1

Mark Turley

Director for Services for Communities

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Executive Summary

Licensing Policy Development - Street Trading

Summary

The Regulatory Committee on 15 November 2013 agreed a Work Plan which included a review of key policies which are vital in ensuring the Licensing system remains fit for purpose.

In line with this Work Plan, the Licensing Policy Development: Member Officer Working Group (MOWG) was established by the Regulatory Committee in November 2013 to oversee the review of policies with initial work concentrating on the Street Trading Policy. This report provides an update on progress to date.

Recommendations

It is recommended that the Committee:

1. notes the progress the Licensing Policy Development: MOWG has made to date;
2. notes the Castle Street consultation process;
3. agrees to receive a further report on Castle Street following this consultation process;
4. agrees that no further street trading licenses are granted for Castle Street until the outcome of the consultation has been considered; and
5. receives a further update on Street Trading in six months.

Measures of success

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

A wide ranging and clear consultation and engagement process that demonstrates customer focus and commitment to listening to all stakeholders.

Delivering improvements that create:

- A safe, clean and well maintained environment.
- A more attractive environment for those living in, working and visiting the city.
- An improved, more diverse, retail offer.

- An environment that promotes and protects the economic well being of the city.

Financial impact

The Council's scale of fees for licensing applications was approved with effect from 1 April 2014. Any costs from implementing policy changes will be contained within the current ring-fenced income generated from licensing fees. There are no costs to the Councils revenue budget.

Equalities impact

There is no adverse impact on the public sector equalities duty. There would accordingly be no direct equalities impact arising from the contents of this report.

Sustainability impact

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

Consultation and engagement

A consultation has commenced with a number of small stakeholder meetings taking place with Essential Edinburgh, local retail businesses and traders in both Castle Street and the High Street. Council officers have also held a number of one to one meetings with relevant parties including licence holders and retailers in these areas.

In line with statutory requirements it is proposed that the consultation process is expanded to include the wider business and residential community, relevant partners and agencies. This would take the form of an online questionnaire which would also be published on the Council Website.

A stakeholders meeting with High Street traders was held on 9 January 2014.

Wider changes to street trading policy will require detailed consultation with both the public and affected business. Any consultation will, at a minimum, meet any statutory requirements and in most instances will exceed these requirements.

Background reading / external references

[Central Local Development Committee – Wednesday 7 January 2004 – Item 4. Review of Street Trading Policy Report 2004](#)

[6 September – Licensing Sub Response – Castle Street](#)

[15 November Work Plan Response – Regulatory Committee](#)

[Royal Mile Action Plan](#)

Report

Licensing Policy Development - Street Trading

1. Background

- 1.1 The Regulatory Committee on 15 November 2013 agreed a Work Plan which included a review of key policies which are vital in ensuring the Licensing system remains fit for purpose.
- 1.2 In line with this Work Plan, the Licensing Policy Development: Member Officer Working Group (MOWG) was established by the Regulatory Committee in November 2013 to oversee the review of policies with initial work concentrating on the Street Trading Policy. This report provides an update on progress to date.
- 1.3 The development of policy in respect of licensing of Street Traders is part of a wider place-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the Street Trading Policy is consistent with these.
- 1.4 A number of city centre locations have been redeveloped to improve the quality of the public space. The quality of the improvements has led to competing demands for the use of the public space and a significant increase in the volume of licence applications for Street Trading. Areas particularly affected by this increased demand include Castle Street, High Street and Grassmarket. These locations may require a more proactive approach in advance of any wider street trading policy being developed.
- 1.5 A report on street trading in Castle Street was considered by Licensing Sub-Committee on 6 September 2013. It was agreed that an operational plan be prepared by the appropriate Council Directorates on the use of this site for markets, and submitted to the Regulatory Committee. It was also agreed that any future applications be considered by Licensing Sub-Committee until an operational plans has been agreed.

2. Main report

Member Officer Working Group

- 2.1 The Licensing Policy Development: MOWG has met on four occasions. The membership of the MOWG on Regulatory Committee policy consists of the

Convener and Vice Convener of the Regulatory Committee, representation from each political group, relevant Council officers including representatives from Licensing, Legal Services, Planning, Transport, Public Safety and City Centre Neighbourhood Team. Police Scotland and Scottish Fire and Rescue Service are also represented.

2.2 A wide range of issues have been considered with a view to modernising the approach to street trading city wide. The terms of the previous policy were used as a starting point for this discussion.

2.3 The MOWG has identified a number of key issues that need to be addressed within the new street trading policy. These issues are:

1. Appropriate controls on the quality of goods and trading stances including:

- A standard approach in city centre locations
- Clearly defined and mapped stances

2. Appropriate limits on trading including:

- Consideration of numbers of traders in sensitive areas
- Consideration of trading of goods / food in certain zones
- The need to ensure that licences granted are used
- Management of trading sites which may include suspension of these sites during festivals
- Improvements in the application process for street trading

2.4. Work is now in progress to develop a policy framework for Street Trading in the city which will address these specific issues. The policy framework will also require to take account of wider issues including, place-making, particularly within the city centre, implications for economic development and the ongoing review of events management. It is proposed that a citywide framework policy is developed with individual areas of high demand having additional operational plans specific to that location. The operational plan would require to sit within the wider framework approach but would provide the flexibility needed to consider the varying needs in these high profile locations. Development of this approach will require input and agreement across a range of services and stakeholders.

High Profile Areas

- 2.5 High demand locations including Castle Street, High Street and Grassmarket are facing competing demands for public space and this has prompted significant local discussion and a number of complaints.

Castle Street

- 2.6 As previously reported to Licensing Sub-Committee on 6 September 2013 the key issues of concern for Castle Street are the frequency and duration of markets, the impact on local amenity and retailers fears that they are suffering loss of business. Work is ongoing to identify a way forward with partners and key stakeholders. An option has been developed to consider having a single operator with responsibility for managing street trading in the area in line with an agreed operating plan. Discussions are continuing on a number of key issues including the number of market events allowed within the year, layout and use of space.
- 2.7 Consultation has now commenced with a number of small stakeholder meetings taking place with Essential Edinburgh, local retail businesses and traders in Castle Street. Council officers have also held a number of one to one meetings with traders
- 2.8 In line with statutory requirements the consultation process is being expanded to include the wider business and residential community, relevant partners and agencies. This is in the form of an online questionnaire which has also been published on the Council Website. The consultation exercise should be completed by April 2014.
- 2.9 It is recommended that no further street trading licences are granted for Castle Street until the outcome of the consultation has been considered.
- 2.10 A further report on the outcome of the consultation will be brought to Regulatory Committee.

High Street

- 2.11 There is high demand for street trading stances in the High Street and this demand has outgrown the number of spaces available. The methods by which these stances are allocated has been problematic over the years. Stances are currently allocated through a ballot system.
- 2.12 In addition to the traditional style of street trading there are a number of trading stances allocated to the walking tours. The street is also used for tables and chairs permits and a large number of events.
- 2.13 Street Traders from the High Street were invited to a stakeholders meeting chaired by Councillor Barrie in the City Chambers in January. A variety of issues and concerns were discussed and these included;

- that the allocation of stances makes business planning difficult
- fears that some traders were submitting multiple applications
- requests that more stances be created

Council officers have also held a number of one to one meetings with traders in response to individual requests.

- 2.14 It is likely that an operational plan will require to be developed for this area. This will have to take account of ongoing work to develop the “Royal Mile Action Plan”. This work is led by Planning and is considering options for best use of this area.

Grassmarket

- 2.16 The Greater Grassmarket Business Improvement District (BID), was recently granted an annual Market Operators Licence allowing them to trade every Saturday and Sunday. The BID have also expressed an interest in submitting an Annual Public Entertainment Licence for this area. Following the decision to grant the Market Operators Licence to the BID there are now a number of other applications from a variety of traders who wish to operate markets in this space Monday – Thursday. These applications are being consulted upon. All these applications will require to be referred to Licensing Sub-Committee for determination.

Next Steps

- 2.17 As outlined above the development of a Street Trading policy for the city will require to combine a broad framework approach with the additional flexibility of specific operational plans for high demand areas. The policy will require to take account of a range of strategic factors including:
- Wider vision for the city centre
 - Economic impact
 - Implications for Events Management
- 2.18 A further report with policy proposals will be made to Committee in six months.

3. Recommendations

- 3.1 It is recommended that the Committee:
1. notes the progress the Licensing Policy Development: MOWG has made to date;
 2. notes the Castle Street consultation process;
 3. agrees to receive a further report on Castle Street following this consultation process;

4. agrees that no further street trading licenses are granted for Castle Street until the outcome of the consultation has been considered; and
5. receives a further update in six months.

Mark Turley

Director for Services for Communities

Links

Coalition pledges	<p>P15 - Work with public organisations, the private sector and social enterprises to promote Edinburgh to investors.</p> <p>P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city.</p>
Council outcomes	CO8 - Edinburgh's economy creates and sustains job opportunities.
Single Outcome Agreement	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all.
Appendices	None

Regulatory Committee

9.30am, Friday, 4 April 2014

Use of CCTV in Taxis and Private Hire Cars – Safety

Item number	7.2
Report number	
Wards	Not Applicable

Links

Coalition pledges	P28
Council outcomes	CO8
Single Outcome Agreement	SO1

Mark Turley

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Executive Summary

Use of CCTV in Taxis and Private Hire Cars - Safety

Summary

The Council has received requests to allow the installation of CCTV cameras in taxis and private hire cars (PHCs) for driver safety purposes.

Committee is asked to agree to consultation on whether taxi or PHCs licence holders should be allowed to fit such cameras to their vehicles subject to certain conditions.

Any change in the relevant Conditions of Licence requires a statutory consultation.

Recommendations

It is recommended that Committee:

1. agree in principle that safety cameras may be installed in taxis and PHCs on application, subject to the requirements set out in the attached Guidance Note in Appendix 1.
2. Delegate authority to the Director of Services for Communities to approve individual licence applications, in terms of paragraphs 260 and 261 of the Council's Licensing Conditions, to allow the installation of safety cameras within taxis and PHCs.
3. agrees that there should be an initial one off inspection fee of £50 per vehicle for each application to install CCTV.
4. notes that the approval to fit a camera system 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.
5. agrees that the display of appropriate warning notices and stickers will be mandatory condition.
6. notes the information contained within the report relating to the potential use of CCTV within taxis and PHCs for driver safety purposes and agree to consultation taking place on this topic.
7. 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

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

Financial impact

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 one off initial inspection fee of £50 per application, per vehicle. This is to include the cost of the required inspection. The vehicle will still require an annual inspection.

Equalities impact

An equalities impact assessment will be carried out on this proposal.

Sustainability impact

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

Consultation and engagement

This report proposes further consultation with the trade, the public and other stakeholders on the use of CCTV in taxis and PHCs, for driver safety purposes. It is intended to consult widely on the introduction of this proposed measure. Letters will be sent to holders of relevant licences. Proposals will be advertised on the Council website and the public will be able to submit comments or complete an online survey. Briefings or other facilitated sessions will be arranged if there are requests for more in depth consultation. A number of Focus groups with the public will also be arranged.

Background reading / external references

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

[Information Commissioner's Office - CCTV Code of Practice \(Revised edition 2008\)](#)

[Minutes of Regulatory Committee of 15 November 2013](#)

[Use of CCTV in Taxi and private Hire cars – Regulatory Committee of 15 November 2013](#)

CCTV in Taxis and Private Hire Cars - Safety

1. Background

- 1.1 The Council imposes detailed conditions on holders of taxi and private hire car (PHC) 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 PHCs currently prohibit the addition of any fittings to taxis or private hire cars unless the licence holder obtains approval.
- 1.3 In November 2013 the Regulatory Committee agreed to consult on the installation of forward facing cameras in taxis and PHCs, subject to compliance with certain conditions. The purpose of forward facing cameras is specifically for insurance purposes, and such cameras do not record activity within a vehicle. The outcome of this consultation will be reported back to Regulatory Committee in June 2014.
- 1.4 The Council does not currently permit the installation of any form of CCTV which records within taxis or PHCs. The Council has received requests to allow the use of CCTV within taxis or PHCs for driver safety purposes. This report provides recommendations on how the Council should address such requests.

2. Main report

- 2.1 Within the existing workplan the Committee agreed to look at the installation of CCTV within taxis and PHCs for the purposes of crime prevention. This results from reported concerns about driver safety.
- 2.2 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's Office (ISO), who is responsible for monitoring data protection compliance.
- 2.3 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. Council officers need to be satisfied that individual licence holders have the capacity to securely manage data recorded within vehicles.
- 2.4 No specific CCTV system has been put forward for consideration.
- 2.5 If cameras are fitted to taxis or PHCs 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 1998's bearing on this issue is provided at Appendix 1. 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.

- 2.6 In principle it is recommended that the Committee agree that CCTV is approved for safety purposes, subject to compliance with the Guidance Note shown in Appendix 2.
- 2.7 It is important to note that the guidance includes measures to protect 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 Sub-committee 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 and the public.
- 2.8 Several other public organisations, including some local authorities in Scotland, have approved the installation of safety cameras, subject to certain conditions. There is little consistency across the requirements imposed by these organisations, with some organisations being very prescriptive and others less so. Further information is supplied in Appendix 3.
- 2.9 Guidance from the ICO states that CCTV must not be used to record conversations between members of the public, as this is highly intrusive and unlikely to be a justified infringement of their right to privacy. However there are limited circumstances in which audio recording may be justified, subject to sufficient safeguards. These could include instances where recording is triggered due to a specific threat, e.g. use of a 'panic button' in a taxi cab. In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.
- 2.10 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. This will be an additional mandatory condition of licence.
- 2.11 It will be a condition of licence that an image from any camera must not be used for any commercial purpose or circulated on any social media website. 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 Sub-committee for appropriate action.

3. Recommendations

- 3.1 It is recommended that Committee:
 1. agree in principle that safety cameras may be installed in taxis and PHCs on application, subject to the requirements set out in the attached Guidance Note in Appendix 1.

2. delegate to the Director of Services for Communities to approve individual licence applications, in terms of paragraphs 260 and 261 of the Council's Licensing Conditions, to allow the installation of safety cameras within taxis and PHCs.
3. agrees that there should be an initial one off inspection fee of £50 per vehicle for each application to install CCTV.
4. notes that the approval to fit a camera system 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.
5. agrees that the display of appropriate warning notices and stickers will be mandatory condition.
6. notes the information contained within the report relating to the potential use of CCTV within taxis and PHCs for driver safety purposes and agree to consultation taking place on this topic.
7. 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

Coalition pledges	P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
Council outcomes	CO8 - Edinburgh's economy creates and sustains job opportunities
Single Outcome Agreement	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
Appendices	Appendix 1 : Draft guidance note for taxi trade Appendix 2 : Guidance on Data Protection Act 1998 Appendix 3 : Details of use of 'driver safety CCTV' by other organisations

Appendix 1

CITY OF EDINBURGH COUNCIL SERVICES FOR COMMUNITIES- COMMUNITY SAFETY

DRAFT GUIDANCE NOTE FOR TAXI TRADE

REQUESTING PERMISSION FOR FITTING OF SAFETY CAMERA SYSTEMS IN TAXIS AND PRIVATE HIRE CARS

1. This note is designed to assist taxi and private hire car (PHC) licence holders who wish to fit safety cameras to their vehicles. This note is not designed to cover any camera systems which record data outside the vehicle.
2. Conditions 206 and 261 of the Council's Licensing Conditions for Taxis and PHCs prohibit the addition of any fittings to taxis or PHCs, unless the licence holder 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 licence holders 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 the purchase or fit of any camera system the licence holder should ensure
 - that it can meet the Council's requirements
 - they obtain legal advice and understand the requirements of the Data Protection Act 1998 that can arise for the camera system being fitted
 - they comply with these requirements.
5. It is recommended that any such equipment is installed by qualified engineers/suppliers.
6. The Council's Regulatory Committee has authorised the fitting of such camera systems and any associated equipment, provided the following requirements and conditions are complied with –
 - Camera systems are only to be used for the purposes of driver safety. This may also benefit passengers.
 - All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness.
 - 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.

- All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
 - 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.
 - 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.
 - 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.
 - No equipment may interfere with the driver's view.
 - Viewing screens within the vehicle for the purposes of viewing captured images are not permitted.
 - All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed.
 - Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008), and any guidance on this topic which is subsequently published.
 - 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 licence holders consider they meet the above requirements, they will be required to pay for vehicle examination by Taxi Examination Staff. The taxi or PHC 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 safety cameras are fitted to taxis or PHCs, 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 licence holder, PHC licence holder, taxi driver or private hire driver or booking office licence holder 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 cannot provide licence holders with legal advice on such matters.
11. Any failure on the part of any licence holders in complying with the Data Protection Act 1998, 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 a suspension or refusal of a licence.
12. It will be a condition of licence that an image from any camera must not be used for any commercial purpose or circulated on any social media website. 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 Sub-Committee for appropriate action.

Appendix 2

Guidance on Data Protection Act 1998

If safety cameras are fitted to taxis or private hire cars (PHCs), 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 licence holder, PHC licence holder, taxi driver or private hire driver or booking office licence holder 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 cannot provide licence holders with legal advice on such matters.

Appendix 3

Details of use of “driver safety CCTV” by other organisations

Organisation	Requirements imposed on applicant
Glasgow City Council	<ul style="list-style-type: none"> • Holder of licence (NOT THE DRIVER) is data controller • must comply with ICO requirements
East Ayrshire Council	<ul style="list-style-type: none"> • Must not install without written approval • Must display approved DPA '98 notice within vehicle
East Renfrewshire Council	<ul style="list-style-type: none"> • Vehicle operator is data controller
Falkirk Council	Must not install without prior approval by Licensing Authority. No specific condition.
West Lothian Council	<ul style="list-style-type: none"> • “Must meet current Data Protection Commissioner requirements” • Images must be only capable of being downloaded by an administrator, not driver • Must be capable of recording all passengers AND the driver • Approved systems only • Licensee must notify ICO (not clear whether this requires licensee to accept that he is the data controller)
Southampton City Council <i>(NB safety camera mandatory since 2009. This was suspended on appeal in 2012, but was reinstated in Sept 2013)</i>	<ul style="list-style-type: none"> • Mandatory (but see note to left) • Approved camera provider • Approved fitter • Cost of camera (exc. fitting) reimbursed
Oxford City Council	<ul style="list-style-type: none"> • Compliance with ICO CCTV Code of Practice • Owner is data controller • must comply with ICO requirements

Regulatory Committee

9.30am, Friday, 4 April 2014

Consultation on Wheelchair-Accessible Private Hire Cars

Item number	7.3
Report number	
Wards	All

Links

Coalition pledges	N/A
Council outcomes	CO10 , CO13
Single Outcome Agreement	SO2

Mark Turley

Director of Services for Communities

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Contact: Andrew Mitchell - Community Safety Manager

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Executive Summary

Consultation on Wheelchair-Accessible Private Hire Cars

Summary

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 attached to the licence which limit their use to “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 its 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 be completed on application for a new licence or, where there is a replacement vehicle, for a relevant existing licence. It is also recommended that the licence holder or applicant is required to ensure that suitable test certificates are available for any wheelchair lifts.

At its meeting on 15 November 2013 the Committee agreed this process and instructed that consultation be carried out on the proposals as these additional checks would constitute new licensing conditions.

Recommendations

It is recommended that the Committee

1. notes the consultation responses from affected licence holders and other stakeholders;
2. agrees 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;
3. agrees that where the modification involves a chair lift that suitable test certificates shall be provided by the applicant;
4. 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;

5. agrees that the cost of obtaining these certificates for each vehicle shall be borne by the licence holder; and
6. discharges the outstanding remit from the Regulatory Committee of 15 November 2013.

Measures of success

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

Financial impact

There is no direct financial impact on the Council. Existing inspections by the Taxi Examination Centre (TEC) 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 TEC for inspection.

Equalities impact

This report has direct relevance to the Council's public sector equalities duties. An equalities impact assessment has been completed. The assessment concludes that the policy enhances a number of rights for vulnerable groups and there is no adverse impact for any protected group.

Sustainability impact

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

Consultation and engagement

Consultation with stakeholders was carried out between 24 December 2013 and 31 January 2014. This included all current affected PHC licence holders, Police Scotland, Transport Services and Fleet Services within the Council.

Background reading / external references

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

Minute of Regulatory Committee meeting 15 November 2013

Consultation on Wheelchair-Accessible Private Hire Vehicles

1. Background

- 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 (PHCs). Councils are also required to ensure that all taxis and PHCs are safe for use.
- 1.2 The Council currently licenses approximately 13 PHCs which have been modified to transport wheelchairs. Appendix 1 provides detailed information on the legislative requirements applicable to these vehicles as licensed PHCs.
- 1.3 Normally the Council will only license a PHC which has a 'Type Approval Certificate' (TAC) 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 therefore do not have a TAC. 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 appropriately tested, including testing of the modifications. Consultation on this proposed process has been completed. The outcome of the consultation is provided in Appendix 4.

2. Main report

- 2.1 PHCs which are adapted to allow wheelchair access are a small but important part of the fleet. The Council currently licenses approximately 13 PHCs which can transport wheelchair users, typically in schools 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 TAC 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 TAC 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 and safe. Therefore, in order to ensure that any modification is safe, it is recommended that the applicant be required to obtain an Individual Vehicle Assessment (IVA) certificate from VOSA. The IVA is an alternative to the TAC and can be obtained by vehicle owners for a fee.
- 2.4 The process proposed for approval of a PHC modified to carry a wheelchair will require that the owner submit their vehicle for IVA certification. A copy of the certificate must then be submitted to the TEC. The TEC will then complete an inspection on behalf of the Council to 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 currently 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 absence of either IVA or TAC would normally be grounds for refusal, however the Service may refer individual applications to the Licensing Sub-Committee if it is felt an appropriate alternative has been put forward by the applicant.
- 2.6 In line with statutory requirements consultation was carried out on the proposed change. The changes will not affect the majority of the PHC fleet, and the general requirement that any PHC is required to be of M1 class (passenger vehicle designed and constructed to carry no more than eight seats) with a TAC will remain. The proposals only apply to vehicles modified to carry wheelchairs and do not apply to one-off conversions generally.
- 2.7 Two consultation responses were received (Appendix 3). Both expressed concern over a potential financial impact. In response, the recommendations before the Committee have been modified to require only one initial IVA inspection (and corresponding payment), rather than an annual requirement. Should any further modifications be carried out on the vehicle in question, a further inspection and payment would be required. If the owner can provide a TAC, which includes the modifications then this will be acceptable and the above process will not apply.

3. Recommendations

It is recommended that the Committee:

1. notes the consultation responses from affected licence holders and other stakeholders

2. agrees 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
3. agrees that where the modification involves a chair lift that suitable test certificates shall be provided by the applicant
4. 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
5. agrees that the cost of obtaining these certificates for each vehicle shall be borne by the licence holder
6. discharges the outstanding remit from the Regulatory Committee of 15 November 2013.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	N/A
Council outcomes	Improved health and reduced inequalities; People are supported to live at home
Single Outcome Agreement	Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health
Appendices	Appendix 1 – Background information Appendix 2 – letter to consultees dated 24 December 2013 Appendix 3 – responses received from consultees

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 TAC.
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.

5. 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 PHCs to give assistance to passenger in wheelchairs or to secure them.

Wheelchair Accessible PHCs

6. As there is no requirement for PHCs 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.
7. 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 13 vehicles in this category are currently licensed as PHCs.

8. The said vehicles were examined at the TAC to ensure that the seat belts and seatbelt attachment points did not show any wear, distortion or corrosion. However, the operators were not required to provide evidence that the vehicles held TAC (and a Certificate of Conformity) or IVA Certificates (or its predecessor or Single Vehicle Approval) from VOSA.

Appendix 2– example of letter sent to consultees dated 24 December 2013

• EDINBURGH •
THE CITY OF EDINBURGH COUNCIL

Highline Scotland Ltd,
1 Ravenscroft Place
Edinburgh
EH17 8QU

Date 24 December 2013

Our Ref 13/11374

Your Ref

Dear Sir,

PRIVATE HIRE CAR LICENSING
CONSULTATION ON CHANGES TO APPROVAL REQUIREMENTS FOR MODIFIED
PRIVATE HIRE CARS

Our records indicate that you are the holder of private hire car licence for vehicles which have been specially modified to carry wheelchairs. This licence is subject to a condition restricting its use "for hires contracted by organisations on behalf of school children with special needs and their carers and nursing homes".

On 15 November 2013 the Council's Regulatory Committee considered proposals for additional checks on private hire cars subject to the above condition. Vehicle owners would be required to obtain an Individual Vehicle Assessment (IVA) Certificate from VOSA prior to submitting the vehicle for inspection and, where the modification involves a chair lift, suitable test certificates would have to be provided by the vehicle owner. These additional documents would be required on application for either a new or a renewal of a licence or on substitution of a replacement vehicle.

The Council wishes to consult with all interested parties, including operators of these vehicles and service users, to seek views on the proposed change.

A summary of the proposals are set out below. Full details and background information are in the Committee report which can be viewed on the Council's website. You are invited to provide your comments and feedback on the proposal. Please submit any comments and feedback in writing to the address below by 31 January 2014.

Jacqueline Clark Senior Legal Support Officer Services for Communities

Licensing Team, City Chambers, Business Centre G.3, 249 High Street, Edinburgh EH1 1YJ
Tel: 0131 529 4132 Fax: 0131 529 4207 email: jacqueline.clark@edinburgh.gov.uk



Following this consultation period a further report will be submitted to the Council's Regulatory Committee setting out recommendations in light of consultation feedback received.

Yours sincerely

Jacqueline Clark
Senior Legal Support Officer

Jacqueline Clark Senior Legal Support Officer Services for Communities

Licensing Team, City Chambers, Business Centre G.3, 249 High Street, Edinburgh EH1 1YJ
Tel: 0131 529 4132 Fax: 0131 529 4207 email: jacqueline.clark@edinburgh.gov.uk



Appendix 3 – responses to consultation

**JOHN COULMAN
Coulman Coaches Ltd
Specialised Wheelchair Accessible Coaches
Taxis, People Carriers, Private Hire Cars**

**Director: John Coulman 17 Cauldcoats Holdings
by Linlithgow
EH49 7LY**

**Jacqueline Clark
Senior Legal Support Officer Services
For Communities
Licensing Team
City Chambers**

29 January 2014

Dear Ms Clark

**CONSULTATION ON CHANGES TO APPROVAL REQUIREMENTS
FOR MODIFIED PRIVATE HIRE CARS**

**Please find below our response to your letter dated 24 December 2013
regarding the above:-**

**We are a bit confused by your proposals. All of our vehicles are coach built
by a bone fide licenced coach builder ie Excel Conversions, Doncaster. All
of our vehicles come with M1 and M2 certificates for the lifetime of the
vehicle. These are built to the exact same standards as Edinburgh Council
wheelchair accessible vehicles, all wheelchair accessible taxis in Edinburgh
and for VOSA to check these vehicles for a coif they would need the above
mentioned certificates.**

**Our vehicles are all serviced on a regular basis and thoroughly checked for
any faults. We use all the modern up to date wheelchair restraints which**

are specially designed for use in conjunction with our vehicle tracking. We have two electric wheelchair lifts which are weight tested and serviced every 6 months - certificates can be provided - all other vehicles are fitted the same as all black taxis in Edinburgh with ramps.

We fully agree that there are some smaller vehicles which aren't coach built to the same standards as our own (and are not M1 and M2 tested) and we feel these are the vehicles who should undergo your proposed check.

As we are solely contracted to Edinburgh Council and our vehicles carry out no other private hire work, it is our understanding the rule is that we do not require to be PHC licenced. although we do need to provide PHC insurance cover - we would appreciate your clarification on this matter.

Whilst we admire Edinburgh Council's high safety standards its not the small licence plate being checked its the vehicle and therefore no matter what region the vehicle is licenced their exemption should not come into the equation. If its being checked by the council cab department then it should be one check across the board or perhaps not be in force at all. We would also like to say that in order for our vehicles to be licenced in Edinburgh we pay the council money for the privilege ie car plates, drivers licences and cab tests and yet you still see fit to impose this extra cost on us only. We also cannot understand why Edinburgh Council would allow vehicles from other regions, who are not undergoing the full proposed check, to transport the council's wheelchair passengers .

We therefore feel when it applies to ALL vehicles (no matter what region the licence plate) then it would be a fair testing system but until such times as this proposal applies to all vehicles capable of transporting wheelchairs then we deem it an unfair system to differentiate and therefore should not be imposed at this point in time.

If this proposal were rolled out the cost implications to our small company would impact to the tune of £2,500. This extra cost would also have an impact on our tendering prices and could possibly eliminate our company due to this unfair proposal.

We look forward to your comments.

Yours sincerely

A solid black rectangular box used to redact the signature of John Coulman.

John Coulman

1 Ravenscroft Place

Edinburgh

EH17 8QU

29th January 2014



FAO Mr T Higgins Senior Officer
City Of Edinburgh Council Licencing
249 High Street
Edinburgh
EH1 1YJ

Dear Committee

In reply to your communication regarding my views on insisting that my vehicles have a VIVA I have a few points that I would like your opinion as a committee on.

1. Cost: As I already pay £267.00 per vehicle per year to the council in order that the Cab Office test that my vehicle are up to the required standard I find it hard to conceive that a further £250.00 has to be paid to VOSA to carry out a very similar test. Could the operatives at the Cab Office not be trained to carry out aforementioned test and therefore make it only one fee, or would it be possible to waive the Cab Office test fee when a vehicle is required to go to VOSA.
2. I hope that this test has only to be carried out once per vehicle as VIVA does stand for Voluntary INITIAL Vehicle Approval, it also means that the vehicle has an M1 certificate and if this has to be a yearly occurrence I would expect every M1 vehicle to be treated in the same way. I feel to expect me to take my vehicles to VOSA every year is pointless, unreasonable and not financially viable.
3. My final point is a personal one. I would like to know, why, when this was not even before the committee I was forced, under the threat of my licence being suspended, to comply with this VIVA. I would welcome a meeting between the committee and

all owners of affected vehicles. I look forward to hearing your views on the points I have raised at your earliest convenience.

Yours Sincerely,

A large black rectangular redaction box covering the signature of the sender.

(I. Mycko)

Regulatory Committee

9.30am, Friday, 4 April 2014

Licensing – Introduction of Improved ICT

Item number 7.4
Report number
Wards

Links

Coalition pledges [P28](#)
Council outcomes [CO8](#)
Single Outcome Agreement [SO1](#)

Mark Turley

Director of Services for Communities

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E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

Executive Summary

Licensing – Introduction of Improved ICT

Summary

This report will update Committee on the progress of information and communication technology (ICT) improvements within Licensing, specifically the introduction of a new Information/Technology (IT) system, Authority Public Protection (APP), for the processing of licence applications. The report also outlines further planned improvements to ICT.

Recommendations

It is recommended that Committee notes the report and the progress on ICT improvements made to date.

Measures of success

There is an IT system within Licensing which meets the needs of the business by reducing inefficiencies and inaccuracies while providing improved service delivery for customers.

Financial impact

The costs involved with the introduction of APP, approximately £90,000, will be charged to the four main budget areas within Licensing and will be met by the income from licensing fees. This will assist efficiencies as processes are reviewed. The ongoing revenue costs for system licences total £7,353 annually.

Equalities impact

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

Sustainability impact

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

Consultation and engagement

Consultation with both internal consultees and other public sector parties will facilitate the successful move to a new IT system. Process mapping with consultees will identify further service improvements.

Background reading / external references

[Empowering Edinburgh – Our ICT and Digital Strategy](#)

Licensing – Introduction of Improved ICT

1. Background

- 1.1 The Licensing Review has identified that the existing Information/Technology (IT) system used to process licence applications, IDOX Uniform, lacked the key elements that would provide the service improvements essential for delivering improved customer service.
- 1.2 Authority Public Protection (APP) was identified as a suitable replacement for Licensing. APP is a comprehensive and versatile database. A dedicated Licensing module within APP enables improvements in the processing of licence applications. The new system will have a positive impact on service delivery for customers by reducing inefficiencies and errors.
- 1.3 For a number of years APP has been used by other business areas within Community Safety, including principal licence consultees. During this time it has demonstrated its suitability and reliability.

2. Main report

- 2.1 A project team was formed in late 2013 to oversee the introduction of APP. The project team consists of representatives from the business area, Business Improvement, BT and the software developer Civica.
- 2.2 During December 2013 and January 2014 the APP system was configured to meet the needs of the Council's Licensing function. This was followed by system testing and the migration of some Uniform data to APP. It is proposed to go 'live' with APP in early April 2014.
- 2.3 The improvements APP will bring include:
 - A detailed workflow system which will allow staff to more easily follow correct processing procedures.
 - The ability to manage and keep track of daily workloads and prioritise work more effectively.
 - Improved performance monitoring through reporting on key performance indications.
 - Improved customer service through better integration with other business areas including Private Rented Sector and Licensing Enforcement .

- 2.4 During the preparation for the move to APP staff have been involved and kept informed. A range of communication tools have been used including project update emails, face to face briefings and a system demonstration. A number of staff from Licensing have been involved in the testing of APP.
- 2.5 System training was delivered to all relevant staff in late March. As APP goes live staff will be fully supported by expert system users.
- 2.6 The introduction of APP is the first phase of a range of ICT developments within Licensing which are planned to drive service improvements and improved customer service delivery. Future plans include the use of an Electronic Document Management system which will automate many processes and greatly reduce the reliance on paper. In addition, the move to a fully integrated online application and payments process will offer customers a modern and convenient way of doing business with the Council. These planned improvements align with the service's need to more fully utilise IT processes and the internet.
- 2.7 The future developments outlined above are agreed in principal and costs are being explored with BT.

3. Recommendations

- 3.1. It is recommended that Committee notes the report and the progress on ICT improvements made to date.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
Council outcomes	CO8 - Edinburgh's economy creates and sustains job opportunities
Single Outcome Agreement	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
Appendices	None

Regulatory Committee

09.30am, Friday, 4 April 2014

Proactive Impact Noise Standard

Item number	7.5
Report number	
Wards	

Links

Coalition pledges	P8
Council outcomes	CO10 , CO12
Single Outcome Agreement	SO4

Mark Turley

Director of Services for Communities

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Executive summary

Proactive Impact Noise Standard

Summary

The purpose of this report is to provide Committee with an update on the implementation of the Proactive Impact Noise Standard (PINS) since 3 May 2013.

The PINS requires Houses of Multiple Occupation (HMO) applicants to install good quality carpet and underlay to mitigate impact noise if there are residential neighbours downstairs.

This report outlines the number of exemptions granted and refused and summarises the outcomes of the landlord engagement process on the PINS.

In response to views expressed during the engagement process, this report also seeks Committee approval of a change to the exemption process for the PINS to relieve the administrative burden on HMO applicants.

Recommendations

It is recommended that the Regulatory Committee:

1. Notes the contents of this report.
2. Agrees that, once an HMO property has been granted an exemption from the PINS, the property will remain exempt until any adverse information on impact noise level is received.
3. Agrees that officer contact with neighbouring occupiers will be made, as necessary, during the HMO application process to confirm that neighbours are still experiencing an acceptable level of impact noise.

Measures of success

Measures of success include:

- That the PINS continues to protect neighbours of HMO properties from impact noise.
- That the administrative burden on HMOs caused by the PINS is mitigated by changes to the exemption process.

Financial impact

There is no financial impact arising from this report.

Equalities impact

An Equalities and Human Rights Impact Assessment into the associated legislation was carried out under the Private Rented Housing (Scotland) Act 2011. A separate Equalities and Rights Impact Assessment is not required for this report.

Sustainability impact

Not applicable.

Consultation and engagement

Private Rented Services engaged with HMO applicants, letting agents and industry bodies throughout the reporting period.

Background reading / external references

[Proposed Amendments to Property Standards and Licensing Conditions, Regulatory Committee, 9 March 2012](#)

[Proactive Impact Noise Standard in Houses of Multiple Occupation, Regulatory Committee, 3 May 2013](#)

Proactive Impact Noise Standard

1. Background

- 1.1 The purpose of this report is to provide Committee with an update on the implementation of the Proactive Impact Noise Standard (PINS) since 3 May 2013 and to seek approval of a change to the exemption process for the PINS to relieve the administrative burden on Houses of Multiple Occupation (HMO) applicants.
- 1.2 At the Regulatory Committee on 9 March 2012, the Committee adopted a PINS for HMO properties following the introduction of new statutory guidance published by Scottish Government in August 2011.
- 1.3 The PINS requires HMO applicants to take proactive measures to mitigate the problems of impact noise caused by hard floor surfaces in flatted accommodation.
- 1.4 This is achieved by requiring flats with downstairs neighbours to have fitted carpet installed throughout with good quality underlay, except in the kitchen and bathroom areas which should be fitted with cushioned flooring, such as vinyl.
- 1.5 On 3 May 2013, the Committee considered an amendment to the PINS placed on HMO applicants and agreed to authorise the Director of Services for Communities to set aside the requirements prescribed in the PINS and provide exemptions in circumstances clearly identified as non-contentious. Committee agreed that non-contentious circumstances are those where the applicant can provide both:
 - A written statement confirming that the existing impact noise mitigation arrangements in the property have resulted in a proven track record of ensuring no impact noise complaints have been received.
 - A written statement from the occupier(s) of the property below confirming that they consider the current impact noise mitigation is satisfactory.
- 1.6 Applicants are currently required to provide this information at the initial application for exemption and upon application for renewal of the HMO license.
- 1.7 In addition, the Director of Services for Communities was instructed by Committee to report on the number of applications for exemption from the PINS on a yearly basis.

2. Main report

Exemptions Applied For, Granted and Refused

- 2.1 Under the transitional arrangements to implement the change in policy, PRS invited HMO applicants to notify the Council if they intended to apply for an exemption from the PINS.
- 2.2 In the period 3 May 2013 to 7 February 2014, the service recorded a total of:
- 64 formal enquires about the exemption process.
 - 306 applications for exemptions.
- 2.3 This is in addition to the informal advice and assistance given at property inspections when inspection officers meet HMO applicants and agents.

- 2.4 The outcome of the applications for exemptions for the period are:

Exemption Outcome	Total	Percentage
Exemption granted	278	91%
Exemption refused	25	9%
Current cases, awaiting outcome	3	1%

- 2.5 HMO applicants were invited to apply for exemption following a written notification of the criteria for determining non-contentious circumstances.
- 2.6 The main reason for the exemption being refused was due to neighbour complaints and a refusal to provide the written statement (15 cases or 60% of exemption refusals). A full breakdown of the reasons for refusal can be found at Appendix 1.
- 2.7 The number of exemptions granted represents 4.8% of the total number of HMO licences in force. This small number of exemptions reflects the fact that the majority of HMOs already had carpet installed (as identified through property inspections), or did not have residential downstairs neighbours. Of those that did have hard floor surfaces, adequate controls were in place to mitigate the problem of impact noise.

Outcome of Customer Engagement

- 2.8 PRS engaged with HMO applicants and their agents, including meeting with the Scottish Association of Landlords at their request, to discuss their concerns over the amended PINS.
- 2.9 While the exemption process was generally welcomed by HMO applicants, there were some applicants who expressed a desire to see the entire PINS withdrawn. In addition, there was significant concern raised about the administrative burden that it placed on HMO applicants.
- 2.10 Where an HMO applicant has a good relationship with the neighbouring occupiers, the exemption process has been relatively smooth. However, where there has been limited opportunity to build a relationship (for example, when the

neighbouring occupiers are new tenants), there has been noted significant difficulty in obtaining the necessary written statement due to lack of engagement. This causes significant delay and uncertainty in obtaining an exemption.

- 2.11 HMO applicants expressed frustration in having made advanced plans to have carpet fitted after failing to get a response from the neighbouring occupiers, only to receive the necessary written statement from them at the last minute.

Change to the Exemption Process

- 2.12 Council officers recognise that coordinating property inspection and exemption requests while obtaining the necessary written statements from downstairs neighbours places an administrative burden on applicants.
- 2.13 It is therefore proposed that, rather than requiring applicants to provide written statements at each renewal of an HMO license, once an exemption from the PINS has been granted, it is assumed that the exemption remains in place until adverse information is received.
- 2.14 If adverse information is received about impact noise from neighbouring occupiers, that information will be shared with the HMO applicant and the requirement for carpet and underlay will form part of the physical standards required for the property. If the applicant contests this information, they will have the opportunity to have the matter referred to the Licensing Sub-Committee to vary the physical standards conditions required by the Council.
- 2.15 Written statements will still be required at the initial application for exemption from the PINS and PRS officers will continue to make such enquires as necessary to ensure the neighbouring occupiers consider the impact noise experienced by them is acceptable.

3. Recommendations

- 3.1 It is recommended that the Regulatory Committee:
1. Notes the contents of this report.
 2. Agrees that, once an HMO property has been granted an exemption from the PINS, the property will remain exempt until any adverse information on impact noise level is received.
 3. Agrees that officer contact with neighbouring occupiers will be made, as necessary, during the HMO application process to confirm that neighbours are still experiencing an acceptable level of impact noise.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P8 Make sure the city's people are well-housed, including encouraging developers to build residential communities, starting with brownfield sites.
Council outcomes	CO10 Improved health and reduced inequalities. CO21 Safe – Residents, visitors and businesses feel that Edinburgh is a safe city.
Single Outcome Agreement	SO4 Edinburgh's communities are safer and have improved physical and social fabric
Appendices	Appendix 1 – Detailed Statistics on Enquiries, Exemptions and Refusals.

Appendix 1 - Detailed Statistics on Enquiries, Exemptions and Refusals

Table 1 - Number of Client Contacts about the PINS from 3 May 2013 to 7 February 2014

Description	Total
Enquires about the Proactive Impact Noise Standard exemption process	64
Number of Exemption Requests	304

Table 2 - Exemption Request outcomes from 3 May 2013 to 7 February 2014

Exemption Outcome	Total	Percentage
Exemption granted	278	91%
Exemption refused	25	9%
Current cases, awaiting outcome	3	1%

Table 3 - Exemption request refusal reasons from 3 May 2013 to 7 February 2014

Exemption Refusal Reasons	Total
Neighbour complaints about impact noise and/or refusal to provide written statement	15
HMO application refused on other grounds ending the exemption process	2
Exemption was not needed as applicant had not been asked to fit carpet for this licence	5
Exemption requested in error by agent as HMO property already had carpet	2
Withdrawn from requesting an exemption	1