

Notice of meeting and agenda

Regulatory Committee

2.00 pm, Monday, 17 November 2014

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

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

Contact

E-mail: stephen.broughton@edinburgh.gov.uk

Tel: 0131 529 4261

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 8 September 2014 (circulated – submitted for approval as a correct record).
- 4.2 Licensing Sub-Committees of 5, 10 September and 8 and 10 October 2014 (circulated – submitted for approval as correct records).

5. Work Plan and Rolling Actions Programme

- 5.1 Rolling Actions Programme (circulated)

6. Executive decisions

- 6.1 Taxi Fare Review – report by the Acting Director of Services for Communities (circulated).

Note: There will be a presentation by the consultants Halcrow Ltd on the review

- 6.2 Review of the House In Multiple Occupation Market Review– report by the Acting Director of Services for Communities (circulated).
- 6.3 Licensing Customer Survey – report by the Acting Director of Services for Communities (circulated).
- 6.4 Second Hand Dealers: Update on Standard Conditions – report by the Acting Director of Services for Communities (circulated).
- 6.5 Public safety at sports grounds: annual update – report by the Director of Corporate Governance (circulated).
- 6.6 Update on Consultation on Safety Cameras in Taxis and Private Hire Cars – report by the Acting Director of Services for Communities (circulated).

- 6.7 Examination Centre – Update – report by the Acting Director of Services for Communities (circulated).
- 6.8 Change to taxi licence conditions – engine capacity and type – report by the Acting Director of Services for Communities (circulated).
- 6.9 Taxi Stances – Haymarket Terrace, Clifton Terrace and Roseberry Crescent – report by the Acting Director of Services for Communities (circulated).
- 6.10 Parades and Processions – Updated Standard Conditions– report by the Acting Director of Services for Communities (circulated).

7. Routine decisions

- 7.1 None

8. Motions

- 8.1 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 Laura Millar, Committee Services, City of Edinburgh Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 529 4319, e-mail laura.millar2@edinburgh.gov.uk

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

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

Regulatory Committee

2.00 pm, Monday 8 September 2014

Present

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

1. Licensing Policy Development – Street Trading - Castle Street – Deputation

(a) Deputation

The Committee agreed to hear a deputation from Tania Pramschufer on behalf Hands Up Media, in relation to the report on Licensing Policy Development – Street Trading - Castle Street.

Hands Up Media was a company focused on ethical, not for profit trade. They organised the annual 9 day Christmas event in Castle Street which is attended by traders from all over the world. Over eight years Hands Up Media had worked hard to create and deliver high quality events that brought people to the centre of Edinburgh to enjoy the products carried by the event. The company had the vision back in 2007 to run a Christmas Fair on Castle Street, had taken eight years to establish and deliver a beautiful, well attended, well run and organised event that Edinburgh should be proud to support.

The Real Scottish Christmas Fair provided a platform for Scottish makers and designers, beautiful handmade products both locally made and some from far flung places within Scotland. This event was about supporting small independent Scottish businesses, providing them a very high footfall and location platform. Over the years many of these businesses have benefitted greatly from this event, not just with high volume sales but retailers from across Scotland visit this event and then provide wholesale orders. Some of their exhibitors now own their own shops and employ people to work with them, when they move on it is always a great buzz and we then have space for new traders who we hope will also eventually move into their own shops.

The Ethical Christmas Fair was their most established Castle Street event that launched December 2007, supported by Scottish Enterprise and The Royal Mail. This event was a global flagship event that attracts exhibitors from as far Bali, Vietnam, Kenya, Zambia and Chile. They had had many Government Ministers, the Lord Provost of Edinburgh, a few well known people such as Charlie from The Proclaimers,

Samantha Janus, Alexander McCall - Smith and Ian Rankin as well thousands of regular high street shoppers who come especially to this event as part of their Edinburgh Christmas shopping experience. This was a unique shopping event for shoppers, to have the most wonderful choice of beautifully handcrafted, ethically sourced/made products. This also provided the opportunity to meet the people behind the products and hear about the people the products were supporting. From an educational point of view, this event was wonderful for young ones, most of whom were learning about Fair & Ethical Trade as part of the curriculum. Their faces light up when they meet the producers as well Green Santa who brings his own special magic to Edinburgh every year.

The events cost thousands of pounds to organise as well as many months of time; financial costs include: £1380 license fees, £5000 for the marquee, £3,500 security and stewarding, £2000 public liability, £2,000, lighting and heat, £3000 for shell scheme as well as the companies own time. Fifteen days was required to recoup costs as well to hopefully make a small profit that would keep Hand Up Media running and develop other projects.

Ms Pramschufer advised that she could not consider a winter event using market stalls on Castle Street for the reason of public safety. The market that came after this event last year in gazebos was an accident waiting to happen. The wind on Castle Street was particularly volatile; the marquee events was supported with eighteen tonnes of weight and gusts reaching 40 - 50 mph resulted in the fair being closed for a morning and afternoon. The marquees stand up to winds of 50mph and gusts of 60 - 70 mph. The other side is that the marquees create a warm and welcoming environment for shoppers to enjoy; they are carpeted, lit up with Christmas lights, with a beautiful shell scheme for exhibitor displays. Our Christmas Fairs are quality, beautiful, well organised and so many people comment that they add a festive magic, sometimes lost in our sterile consumerism on the high street.

The other advantage of running the Christmas Fairs in a marquee was the glass doors on the front back and sides; this meant people exit the marquee onto Castle Street which then according to many of the businesses provides them with excellent business with very high footfall.

She hoped that their license application would be successful and that the past few months have been extremely difficult for Hand Up Media, for credibility as well for traders. They had to move their Easter event from Castle Street to Grassmarket with less than two weeks notice, so were unable to publicise it; following the April committee meeting to create the temporary moratorium with last minute support from Essential Edinburgh, the Fair & Ethical Trade on the Fringe moved from Castle Street to St Andrews Square.

Ms Pramschufer hoped the committee would allow Hand Up Media to deliver these events but wished to highlight that several other Cities have invited them to move the event, including London, York, Oxford & Manchester. It would be possible to move the event however it would be a shame to leave Edinburgh, especially as Edinburgh prides itself as a Fairtrade City and Hand Up Media is an Edinburgh based events company.

It was fully appreciated that Edinburgh Council had to make changes on Castle Street. It was hoped Essential Edinburgh would apply for the market operators license, they acted as a buffer between the market operators and the businesses. They worked with the company on all aspects of the events and with their commitment to bring more trade to Castle Street; the entire process from application to delivery went without incident. It appears the problems on Castle Street have come as a result of too many markets with no clear direction from one buffer source. This has, over the past couple of years, led to a situation which is now being sorted out.

Hand Up Media could not be sustained without any form of certainty, confidence has been knocked this year by the event moratorium and in conclusion, she asked that Edinburgh Council now help and support by assisting our event license application for Christmas.

(b) Report

The Regulatory Committee, at its meeting on 4 April 2014, considered a report by the Director of Services for Communities as part of the review of the street trading policy which identified Castle Street as a site of particular concern due to the frequency and duration of markets, their impact on local amenity and also retailers fears that they were suffering loss of business and advising that consultation had now commenced with a number of small stakeholder meetings taking place with Essential Edinburgh, local retail businesses and traders in Castle Street. At that time the Committee agreed:

1. To note the progress the Licensing Policy Development: MOWG had made to date.
2. To note the Castle Street consultation process.
3. To agree to receive a further report on Castle Street following this consultation process.
4. To agree that no further licenses be granted for Castle Street until the outcome of the consultation had been considered.
5. To receive a further update on Street Trading in six months.

An update report was provided on the consultation conducted with Castle Street businesses, residents and stakeholders and advising that further measures had been identified to enable the use of the Castle Street space on a trial basis.

Decision

1. To thank the Deputation for the presentation.
2. To note the outcome of the Castle Street consultation
3. To agree to permit a limited resumption of market trading operations for a six month period.
4. To agree to grant no new Street Trading licences during the trial period unless they relate to a specific event with a licence.
5. To agree the proposed operational and layout plan.
6. To notify the Licensing Board and request it to support this position.
7. To agree to receive a further report on completion of the wider Street Trading review.

8. To discharge the outstanding remit of the Licensing Sub-Committee of the Regulatory Committee meeting of 6 September 2013.
9. To restrict markets to one per calendar month for a maximum of 7 days.
10. To request a report from the Acting Director of Services for Communities for the November Committee on options available for running the ballot for the markets, the report to include any legal implications for the council.

(Reference – Licensing Sub-Committee 6 September 2013 (item 2), Regulatory Committee 4 April 2014 (Item 2); report by the Acting Director of Services for Communities, submitted.)

2. Licensing Policy Development – Market Operators Fees-Deputation

(a) Deputation

The Committee agreed to hear a deputation from Richard Green on behalf 3D2D, in relation to the report on Licensing Policy Development – Market Operators Fees

3D2D was a company which organised selling events, large and small for makers, artists and designers.

Mr Green asked the committee to consider the following concerns:

- 1) The proposed fees made small market stalls not financially viable.
- 2) There was an unfairness over differences in fees between the City Centre (Ward 11) and the rest of Edinburgh
- 3) Questions had been raised as to the costs to the council being justifiable as venues are not always inspected.
- 4) Fees needed to differentiate between month long events and 1 day events

(b) Report

Details were provided of the review of the Licensing Service fee structure as outlined in the Committee Action Plan. The current fee structure in respect of Market Operators Licences had created a number of inconsistencies and been the subject of complaints. Demand for Market Operator Licences, especially in city centre locations, was significant. It was proposed to vary the fees charged for Market Operators Licences from the existing fee structure.

Decision

- 1) To agree the interim fee structure detailed at Appendix B, pending a full fees Review
- 2) To request a further report in six months on completion of the fees review.
- 3) To request a report from the Acting Director of Services for Communities for the November Committee on introducing fees based on length of market and to re-examine the possibility of including social enterprise with community markets and registered charities.

(Reference – Regulatory Committee 6 September 2013 (item 2), report by the Acting Director of Services for Communities, submitted)

5. Minutes

Decision

- 1) To approve the minute of the Regulatory Committee of 20 June 2014 as a correct record.
- 2) To approve the minutes of the Licensing Sub-Committees of 18 and 20 June 2014, 22 and 23 July 2014, 13 and 15 August 2014 as correct records.

6. Rolling Actions Programme

As part of a review of the Council's political management arrangements, the Council had approved a number of revisions to committee business processes, including the introduction of a Rolling Action Programme to Committees to track committee business. The Regulatory Committee Rolling Actions Programme for 3 May to 8 September 2014 was presented.

Decision

- 1) To note the Rolling Actions programme for the Regulatory Committee.
- 2) To note that future actions agreed by the Committee calling for further reports or information would be added to Actions Programme.

(References – Act of Council No. 12 of 24 October 2013; Rolling Actions Programme – 8 September, submitted.)

7. Review Late Hours Catering Licensing

Details were provided on the planned evidence sessions for licence holders and community groups which had taken place on 20 August 2014. Approval was also sought to widen the function of the Member Officer Working Group dealing with street trading to include the review of late hours catering.

The Head of Legal, Risk and Compliance advised that the Licensing Policy Development Working Groups remit included review of all the licensing policies; however as part of the Committee's previous decision to form the Group there was a requirement to consult with the political groups on the Council regarding membership. Should there be a change in the membership; the working group would be required to split into different panels to consider each policy review.

Decision

- 1) To note the report.
- 2) To note that the authority to review all licensing policies was within the remit of the Member Officer Working Group.

- 3) Political Groups to submit the names of members to review the Late Hours Catering Policy to Committee Services within 7 days.

(Reference – Regulatory Committee 20 June April 2014 (Item 5); report by the Acting Director of Services for Communities, submitted.)

8. Update on Licensing Refunds Policy

The Regulatory Committee on 6 September 2013 agreed a Licensing Refunds Policy which was to be reviewed after twelve months. Details were provided of the review.

Decision

- 1) To note this report
- 2) To discharge the outstanding remit from the Committee meeting of September 2013 provide an update report on the refund of licences fees in 12 months.
- 3) To note that an annual monitoring report on refunds would be submitted in September each year.

(Reference – Regulatory Committee 6 September 2013 (Item 3); report by the Acting Director of Services for Communities, submitted.)

9. Demand for Taxis: Six monthly update

The six monthly update on demand for taxis in the city which was carried out by Count On Us in May and June 2014 was provided.

Decision

- 1) To note this report
- 2) To agree that there is currently no evidence of unmet demand; and
- 3) To agree to use this survey as the basis for determining demand in any future application for a taxi licence.

(Reference – Regulatory Committee 3 May 2013 (Item 7); report by the Acting Director of Services or Communities, submitted.)

10. Transfer of the Taxi Examination Centre

Details were provided on the planned transfer of the Taxi Examination Centre, currently managed by Police Scotland, to Fleet Services within the Services for Communities Directorate.

Decision

- 1) To note this update; and
- 2) To agree to receive a further update once the transfer process is complete.

(Reference – Regulatory Committees 6 September 2013 (Item 9), 4 April 2014 (Item 7); report by the Acting Director of Services for Communities, submitted.)

11. Period of Licence: Civic Government (Scotland) Act 1982

This report seeks authority to amend the Council's current policy and practice when determining the duration of licences issued under Civic Government (Scotland) Act 1982.

Decision

- 1) To agree the proposed policy;
- 2) To agree that a communications strategy should be developed and put in place.

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

12. Consultation - Air Weapons and Licensing (Scotland) Bill

A report which sets out the main points covered in the Air Weapons and Licensing (Scotland) Bill and seeks the agreement of the Committee to the response to consultation on this Bill.

Decision

- 1) To note the report; and
- 2) To agree the consultation responses.

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

Licensing Sub-Committee of the Regulatory Committee

10.00 am Friday 5 September 2014

Present

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

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

Details were provided of 21 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 Gardner declared a non-financial interest in agenda item 6.1.15 as the objector was known to him, left the room and took no part in consideration of the item.

2. Resolution to Consider in Private

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

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

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

Decision

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

(Reference – application details, submitted.)

APPENDIX 1

Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 6.1(1) HMO New-6 Wolseley Crescent, Edinburgh Derek Jamieson	4 Occupants	<ol style="list-style-type: none"> 1. To accept the late objection submitted outwith the statutory period. 2. To repel the objections and renew the licence subject to Councils standard conditions for this category of licence
Item 6.1(2) HMO New-2F1 41 Great King Street, Edinburgh Michael Mann	10 Occupants	<ol style="list-style-type: none"> 1. To accept the late objection submitted outwith the statutory period. 2. To repel the objections and renew the licence subject to Councils standard conditions for this category of licence. 3. The Acting Director of Services for Communities to facilitate a referral to the mediation service.
Item 6.1(3) HMO New-Flat 4, 80 Canongate, Edinburgh David Andrew Cawson	10 Occupants	To continue consideration of the matter to the meeting of 10 October 2014 to allow the applicant to attend.
Item 6.1(4) HMO New-3F4 109 Gorgie Road, Edinburgh Dr Hexin Zhang and Mrs Xiaoye Shan	4 Occupants	To repel the objections and grant the licence subject to Councils standard conditions for this category of licence
Item 6.1(5) HMO New-3F1 26 Harrison Gardens, Edinburgh Elizabeth Fieldman	4 Occupants	To repel the objections and renew the licence subject to the Council's standard conditions for this category of licence.
Item 6.1(6) HMO Renewal-3F2 8 Hillside Street, Edinburgh Michael Mackay, Christine E B Smith and Monica K S Mackay	5 Occupants	To repel the objections and renew the licence subject to the Council's standard conditions for this category of licence.

Item 6.1(7) HMO Renewal- 3F1 8 Hillside Street, Edinburgh William Pollett and Linda Pollett	5 Occupants	To repel the objections and renew the licence subject to the Council's standard conditions for this category of licence.
Item 6.1(8) HMO Renewal- 2F2 20 Royal Crescent, Edinburgh John Albert Russell and Linda Margaret Russell	3 Occupants	To repel the objections and renew the licence subject to the Council's standard conditions for this category of licence.
Item 6.1(9) HMO Renewal- 20 Strathearn Road, Edinburgh Henry E McAdam	3 Occupants	<ol style="list-style-type: none"> 1. To repel the objections and renew the licence subject to the Council's standard conditions for this category of licence. 2. To note the objection from Marlana Frick has been withdrawn.
Item 6.1(10) HMO Renewal- 3F1 7 London Street, Edinburgh Kathleen Louise Thomson Mew	4 Occupants	<ol style="list-style-type: none"> 1. To accept the late objection submitted outwith the statutory period. 2. To repel the objections and renew the licence subject to Councils standard conditions for this category of licence. 3. The Acting Director for Services for Communities to carry out monitoring.
Item 6.1(11) HMO Renewal- 1F 4 Kilmaurs Terrace, Edinburgh Allan John McNally	10 Occupants	<ol style="list-style-type: none"> 1. To note the objection has been withdrawn. 2. To renew the licence subject to Councils standard conditions for this category of licence.
Item 6.1(12) Street trader Food New- Potterow, Edinburgh Mohamed Taha Nait Saidi	Standard Conditions	To refuse the application in terms of paragraph 5(3) (d) of the Civic Government (Scotland) Act 1982.
Item 6.1(13) Market Operators New- Kirkgate Shopping Centre, Edinburgh Continental Market Limited Manager: Angela Scott	New Kirkgate Shopping Centre	<ol style="list-style-type: none"> 1. To continue consideration of the matter to the meeting of 10 October 2014 to allow the applicant to attend. 2. The Acting Director of Services for Communities to provide further information on the area and areas usage by other vehicles and to discuss with the applicant alternative ways to set up the market.

<p>Item 6.1(14) Public Entertainment Licence New- 36 Dalmeny Street, Edinburgh Out of the Blue Arts Education Trust Manager: Ron Oliveira</p>	<p>36 Dalmeny Street Edinburgh EH6 8RG</p>	<ol style="list-style-type: none"> 1. To continue consideration of the matter to the meeting of 10 October 2014 to allow the applicant to attend. 2. The Acting Director for Services for Communities to clarify times applied for and to discuss with the applicant a reduction terminal hour and provide further information on noise mitigation.
<p>Item 6.1(15) Late Hours Catering- 99 Gorgie Park Road, Edinburgh McDonald's Restaurants Ltd</p>	<p>99 Gorgie Park Road Edinburgh EH11 2QL</p>	<ol style="list-style-type: none"> 1. To repel the objections and renew the licence subject to Councils standard conditions for this category of licence. 2. To request the applicant to undertake regular discussions with the objector regarding the anti-social behaviour issues raised and to liaise with police Scotland on ways to mitigate these.
<p>Item 6.1(16) Street Traders, Non-Food New- Grassmarket Invent Scottish Tours Manager: Mr Luke Lawrence</p>	<p>Grassmarket</p>	<ol style="list-style-type: none"> 1. To continue consideration of the matter to the meeting of 10 October 2014 to allow the applicant to attend. 2. The Acting Director of Services for Communities to provide further information on the operational plan for the tour.
<p>Item 6.1(17) Street Traders, Non-Food with Employee Licence Renewal- City Centre, Edinburgh Edinburgh Pedicabs Ltd</p>	<p>City Centre Edinburgh</p>	<ol style="list-style-type: none"> 1. To repel the objections and renew the licence subject to Councils standard conditions for this category of licence. 2. To note the applicants undertaking to co-operate with council officers in regard to the issues raised in the objection and to report any internal action taken against their operator who are breaching conditions of licence.
<p>Item 6.1(18) Street Traders Licence Renewal- 49 Lauderdale Street, Edinburgh Gavin Alan Craig Smith</p>	<p>49 Lauderdale Street, Edinburgh EH9 1DE</p>	<ol style="list-style-type: none"> 1. To repel the objections and renew the licence subject to Councils standard conditions for this category of licence. 2. To note the applicants undertaking to co-operate with council officers in regard to the issues raised in the objection and to report any internal action taken against their operator who are breaching conditions of licence.
<p>Item 6.1(19) Street Traders Licence Renewal- City Centre Lukasz Rzepka</p>	<p>City Centre Area (Old and New Town)</p>	<p>To continue consideration of the matter to the meeting of 10 October 2014 to allow the applicant to attend.</p>

<p>Item 6.1(20) Street Trader Non-Food with Employee Licence Renewal- City Centre Owen O'Neill</p>	<p>City Centre Area, Edinburgh</p>	<ol style="list-style-type: none"> 1. To repel the objections and renew the licence subject to Councils standard conditions for this category of licence 2. To note the applicants undertaking to co-operate with council officers in regard to the issues raised in the objection and to report any internal action taken against their operator who are breaching conditions of licence.
<p>Item 6.1(21) Late Hours Catering Exemption Order Licence Renewal- Mamaris, 33-35 Clerk Street, Edinburgh Ahmet Kaya</p>	<p>Mamaris 33-35 Clerk Street Edinburgh</p>	<p>To continue consideration of the matter to the meeting of 10 October 2014 to allow the applicant to attend.</p>

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 10 September 2014

Present

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

1. Resolution to Consider in Private

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

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

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

Decision

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

(Reference – application details, submitted.)

3. Police Comments or Requests for Suspension of Licences - Evidential Hearing

The licensing Sub-Committee on 18 June 2014 considered a report by the Chief Constable requesting the suspension of a Private Hire Car Driver Licences due a complaint from a member of the public against the licence holder.

The Sub-Committee having heard the Chief Constables representative and the licence holder continued the matter to invite the complainant to attend in order that an evidential hearing could be held.

The head of Legal, Risk and Compliance advised that the complainant had been contacted and had declined the invitation to attend, and the Sub-Committee was now

required to determine the matter by considering the written submissions circulated and by hearing Chief Constables representative and the licence holder.

Motion

- 1) Not to suspend the licence
 - 2) To issue a warning regarding future conduct
- moved by Councillor Barrie, seconded by Councillor Aitken.

Amendment

To suspend the Private Hire Car Driver Licences.

- moved by Councillor Redpath, seconded by Councillor Gardner.

Voting

For the motion	-	3 votes
For the amendment	-	3 votes

The number of votes cast for the Motion and for the Amendment being equal the Convener gave his casting vote in favour of the Motion.

Councillors Corbett and Heslop abstained from voting as they had not taken part in the original consideration of the matter.

Decision

- 1) Not to suspend the licence
- 2) To issue a warning regarding future conduct
(Reference – report by the Head of Service, Community Safety, submitted.)

3. Police Comments and Requests for Suspension of Licences

The Head of Service, Community Safety, 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, Community Safety, submitted.)

4. Application for Taxi Driver's Licence

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.

The Sub-Committee considered an application for a taxi driver's licence, and a report by the Chief Constable on the matter.

The Chief Constable was heard.

Decision

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

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 8 October 2014

Present

Councillors Barrie (Convener), Blacklock (Vice-Convener), Aitken, Cairns, Gardner, Bill Henderson, Heslop, Main (substituting for Councillor Burgess) 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 Licences – Civic Government (Scotland) Act 1982

Details were provided of 5 applications for miscellaneous licences submitted 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. Applications for Variation of Private Hire Car Licence – Exemption from “Pre-Booked Hires Only” Door Sticker

Applications had been received from Paul Scott and Stewart Schofield for the variation of Private Hire Car Licence conditions to remove the requirement for “Pre-Booked Hires Only” door stickers.

Both applicants were heard in regard to their requests.

Decision

- 1) To vary the private hire car licence held by Paul Scott in respect of the specific vehicle whilst it was licensed by the applicant and to agree that, if the vehicle was replaced, the exemption would no longer apply.
- 2) To agree that the rear licence plate would carry the additional wording “Door Sticker Exemption”.

- 3) To agree that the variation would only last for the duration of the current licence; if the licence holder sought a further variation then he would require to have the application considered by Committee and submit evidence of the vehicle's usage.
- 4) To refuse the application from Stewart Schofield to vary his private hire car licence conditions.

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

Licensing Sub-Committee of the Regulatory Committee

10.00 am Friday 10 October 2014

Present

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

1. Request for Reduction of Fees – Public Entertainment Licence – Community Fireworks Event – George IV Park, Currie

Details were provided of a request for a reduction of the application fee for a Public Entertainment licence for the community fireworks event in George IV Park, Currie to be held on 5 November 2014.

Decision

To note the terms of the request and to agree an application fee reduction to £250.00 for this year only.

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

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

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

Decision

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

(Reference – list of applications, submitted.)

Declaration of Interests

Councillor Blacklock declared a non-financial interest in agenda item 6.1.7 as the objector was known to her, left the room and took no part in consideration of the item.

Councillor Aitken declared a non-financial interest in agenda item 6.1.9 as the objector was known to her, left the room and took no part in consideration of the item.

3. Use of Emergency Powers to allow a Parade or Procession - Alf Marnie and Sam Scanlin Memorial Parade – 4 October 2014

Details were provided of the action taken by the Acting Director of Services for Communities in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions in respect of a Notice to Hold a Public Procession on 4 October 2014

Decision

1. To note the action by the Acting 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 in respect of a Notice to Hold a Public Procession on 4 October 2014
2. The Acting Director of Services for Communities to report to the Regulatory Committee on proposals for specified routes for parades and processions to minimise disruption to the life of the community.

(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 3 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.)

6. Application for House In Multiple Occupation Licence Remitted from the Sheriff Court

Details were provided of an application for the renewal of a House In Multiple Occupation Licence which had been remitted back to the Council from the Sheriff Court for consideration.

The licence holder was heard.

Decision

To refuse the application for the renewal of a House In Multiple Occupation Licence in terms of Paragraph 131 of the Housing (Scotland) Act 2006, as the property did not comply with the required standards for Houses In Multiple Occupation.

(Reference – report by the Acting Head of Housing and Regeneration, submitted.)

7. Police Comments and Requests for Suspension of Licences

The Head of Service, Community Safety, 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, Community Safety, submitted.)

APPENDIX 1

Applications for Miscellaneous Licences

Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item No 6.1.1 - Application for Public Entertainment Licence - Out of the Blue Arts Education Trust - 36 Dalmeny Street Manager: Ron Oliveira	10 am to 10.45 Monday to Saturday	To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence and subject also to all amplified music being controlled to the satisfaction of the Acting Director of Services for Communities.
Item No 6.1.2 - Application for Street Trader Licence - Lukasz Rzepka - City Centre (Pedicab)	City Centre Area (Old and new Town) Pedicab	To continue consideration of the matter to the meeting of 14 November 2014 to allow the applicant to attend, and to advise the applicant that the application was unlikely to be granted if he did not attend.
Item No 6.1.3 - Application for Late Hours Catering Licence - Ahmet Kaya - Marmaris 33-35 Clerk Street	23.00 – 02.00 hrs Sunday to Thursday 23.00 – 03.00 hrs Friday to Saturday	To renew the licence for the hours Sunday to Thursday 11 pm to 1 am and Friday and Saturday 11 pm to 2 am, subject to standard conditions for this category of licence.
Item No 6.1.4 - Application for Market Operators Licence - Continental Market Ltd - New Kirkgate Shopping Centre Angela Scott	New Kirkgate Shopping Centre	<ol style="list-style-type: none"> 1) To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence. 2) To note the applicant's undertaking that all loading and unloading of vehicles would take place in the car park, and that no vehicles would enter the market area.

<p>Item No 6.1.5 - Application for House In Multiple Occupation Licence - David Cawson - Flat 4 80 Canongate</p>	<p>3 Occupants</p>	<p>To repel the objections and grant the licence subject to the Council's standard conditions for this category of licence and the applicant's up to date contact details to be provided.</p>
<p>Item No 6.1.6 - Application for House In Multiple Occupation Licence - Mati Stirling - 3F3 40 Harrison Road</p>	<p>4 Occupants</p>	<p>To repel the objections and grant the licence subject to Councils standard conditions for this category of licence</p>
<p>Item No 6.1.7 - Application for House In Multiple Occupation Licence - Michael Delahuntey - F2 164 Brunton Gardens</p>	<p>3 Occupants</p>	<ol style="list-style-type: none"> 1) To continue consideration of the matter to the meeting of 12 December 2014 for the Acting Director of Services for Communities to report on the status of the HMO due to its proposed sale. 2) The objector to be advised by the Services for Communities Directorate of any new application lodged due to her visual impairment. 3) To advise the Acting Director of Services for Communities that the Sub-Committee would wish to consider any new application, and that it not be dealt with under delegated authority.

<p>Item No 6.1.8 - Application for House In Multiple Occupation Licence - Diana Munro - 2F1 18 Dundonald Street</p>	<p>4 Occupants</p>	<ol style="list-style-type: none"> 1) To note the applicant's agreement to the Sub-Committee accepting the late objections submitted outwith the statutory period. 2) To continue consideration of the matter to the meeting of 12 December 2014 for a report by the Acting Director of Services for Communities on: <ol style="list-style-type: none"> i. The concerns raised in the objections, including interviews with neighbouring occupiers on any instances of disturbance to them by this property. ii. A review of the letting, vetting and complaints handling procedures used by the letting agents, including the criteria of any sensitive let policy they may have. 3) The Acting Director of Services for Communities to undertake monitoring of the tenancy management in the interim. 4) To agree that no further correspondence from the objectors be considered at the meeting on 12 December if received after 1 December 2014 to allow these to be circulated to the applicants and the members at least seven clear days prior to the meeting. 5) To note the agreement of all parties to point 4 above.
<p>Item No 6.1.9 - Application for House In Multiple Occupation Licence - Tani and Andrea Cowper - 30 Douglas Crescent</p>	<p>6 Occupants</p>	<p>To repel the objections and renew the licence subject to Council's standard conditions for this category of licence.</p>
<p>Item No 6.1.10 - Application for House In Multiple Occupation Licence - Kwai Heung Siu - 1F2 4 Rosebank Grove</p>	<p>4 Occupants</p>	<ol style="list-style-type: none"> 1) To repel the objections and renew the licence subject to the Council's standard conditions for this category of licence. 2) To note the objections had been withdrawn.

<p>Item No 6.1.11 - Application for Second Hand Dealers Licence - Syed Hussain - 15 Bonnington Road lane</p>	<p>N/A</p>	<p>1) To repel the objections and renew the licence subject to the Council's standard conditions for this category of licence.</p> <p>2) To note the new sales area shown in red of the amended site plan submitted, was not included in the renewal and would be the subject of a separate variation application.</p>
<p>Item No 6.1.12 - Application for Street Trader Licence - Veronese Giancarlo - Waverley Bridge</p>	<p>Waverley Bridge on the corner of Princes Street</p>	<p>1) To repel the objections and renew the licence subject to the Council's standard conditions for this category of licence.</p> <p>2) To note the applicant's agreement to cease trading while the pavement refurbishment works on Waverley Bridge were undertaken and not to restart until a date agreed with Roads Services.</p>
<p>Item No 6.1.13 - Application for Street Trader Licence - Grieg Aitken - City Centre (Pedicab)</p>	<p>City Centre, Edinburgh</p>	<p>To renew the licence subject to the Council's standard conditions for this category of licence.</p>
<p>Item No 6.1.15 - Application for Metal Dealers Licence - Instant Cash Loans Ltd - 38 Queen Street Jim Drummond</p>	<p>38 Queen Street Edinburgh</p>	<p>1) To repel the objections and renew the licence subject to Council's standard conditions for this category of licence</p> <p>2) Subject also to the following conditions:</p> <ul style="list-style-type: none"> i Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 6 weeks old. ii The above records must be preserved for two years. <p>3) To advise the applicants that it was in their best interest to attend the Sub-Committee to speak to representations that had been received in respect of their applications</p>

<p>Item No 6.1.16 - Application for Metal Dealers Licence - Instant Cash Loans Ltd - 130 Lothian Road</p> <p>Simon Rice</p>	<p>130 Lothian Road, Edinburgh</p>	<ol style="list-style-type: none"> 1) To repel the objections and renew the licence subject to Council's standard conditions for this category of licence 2) Subject also to the following conditions: <ol style="list-style-type: none"> i Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 6 weeks old. ii The above records must be preserved for two years. 3) To advise the applicants that it was in their best interest to attend the Sub-Committee to speak to representations that had been received in respect of their applications
<p>Item No 6.1.17 - Application for Metal Dealers Licence - Instant Cash Loans Ltd - 11 Leith Walk</p> <p>Simon Rice</p>	<p>11 Leith Walk, Edinburgh</p>	<ol style="list-style-type: none"> 1) To repel the objections and renew the licence subject to Council's standard conditions for this category of licence 2) Subject also to the following conditions: <ol style="list-style-type: none"> i Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available and the other shall show the seller's name and address and be no more than 6 weeks old. ii The above records must be preserved for two years. 3) To advise the applicants that it was in their best interest to attend the Sub-Committee to speak to representations that had been received in respect of their applications
<p>Item No 6.1.18 - Application for Late Hours Catering Licence - Raheela Javaid - 70-72 Grassmarket</p>	<p>23.00 – 02.00 Sunday – Thursday</p> <p>23.00 – 03.00 Friday – Saturday</p>	<p>To continue consideration of the matter to the meeting of 14 November 2014 to allow the Acting Director of Services for Communities to confirm the number of objections received.</p>

Item No 6.1.19 - Application for late Hours Catering Licence - DPGS Ltd - 46A Portobello Road	23.00 – 05.00 daily	To note the application had been withdrawn.
Item No 6.1.20 - Application for Second Hand Dealers Exemption - Kenneth Ireland - Hermiston Motor Co 17 Hermiston Village	N/A	<p>To repel the objections and grant an Order providing that Section 25 (1) of the Civic Government (Scotland) Act 1982 (the requirement to keep goods for at least 48 hours from the time of acquisition) shall not apply to the disposal by the applicant of any item of his stock-in-trade, subject to the following condition:</p> <p>All vehicles being purchased must be subject to the following:</p> <ul style="list-style-type: none"> • An HPI check • A mileage check if required • A V5 registration document to be checked • MOT document being checked against VOSA system • Verification of the vehicle against all checks undertaken • The seller or purchaser of any goods covered by the licence to confirm their identity with two original proof of ID, one of which must be photographic • All CCTV records are properly maintained and made available for inspection on request by the Police or Council.

Item 5.1 Rolling Actions Programme

Regulatory Committee

3 May 2013 to 17 November 2014

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	03-05-13	Public Entertainment Licensing Public Consultation on Amendments to the Resolution	To note that the Director of Services for Communities would report to a future meeting of the Committee on the fee issues raised by the deputation.	Acting Director of Services for Communities	June 2015		Would be in place for summer 2015

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
2	03-05-13	Survey of Demand for Taxis Within the City of Edinburgh	<ol style="list-style-type: none"> 1) To agree further consultation with the taxi trade and other stakeholders on a simplified festive tariff. 2) To agree further consultation on an enhanced tariff between 12 am and 5 am, specifically to examine whether this would increase the available number of taxi's at this time. 3) In respect of the wording in the Fare Table For Taxis, to instruct the Director of Services for Communities: <ol style="list-style-type: none"> a) To consider an alternative for the description of the airport drop-off zone. b) To further consult on consolidating the call out charge and the airport pick up charge to a single charge of 80p. 4) To note that a report would be submitted to the June meeting of the Regulatory Committee following the advertisement of the proposed fare increase. 	Acting Director of Services for Communities	<p>Nov 2014</p> <p>Nov 2014</p> <p>n/a</p> <p>Nov 2014</p> <p>June 2013</p>	<p>June 2013</p> <p>June 2013</p>	<p>Consultation underway</p> <p>Consultation underway</p> <p>Closed</p> <p>Ongoing</p> <p>Closed</p>
Regulatory Committee – 17 November 2014			<ol style="list-style-type: none"> 1) 2) 	Page 2 of 8			

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
3	24 - 07-13	Balfour Beatty Fee Structure for Holyrood Road	To instruct the Director of Services for Communities to review the HMO university fee structure and report back to the committee within six months.	Acting Director of Services for Communities	January 2015		Ongoing
4	06 - 09 -13	Private Rented Sector Enforcement Policy	The Director of Services for Communities to report annually to Committee, the details and statistics on the enforcement action taken by Private Rented Services.	Acting Director of Services for Communities	November 2014		Ongoing

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
5	06 - 09 -13	License Refund Policy Outcome of Consultation	To request the Director of Services for Communities to investigate the possibility of allowing organisations that may meet the criteria for discounted fees to submit applications without a fee, subject to this being considered by Committee.	Acting Director of Services for Communities	Nov 2014		
6	03-02-14	Review of Public Entertainment Licensing	To instruct the Director of Services for Communities to take all the steps necessary to implement the decision, including dealing with outstanding legal cases.	Acting Director of Services for Communities	Not Specified		All but one have been completed. Remaining case subject to 'Taxation' of expenses by Court .

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
7	04-04-14	Licensing Policy Development - Street Trading	1) To agree to receive a further report on Castle Street following this consultation process. 2) To receive a further update on Street Trading in six months.	Acting Director of Services for Communities	November 2014		
8	04-04-14	Use of CCTV In Taxis and Private Hire Cars - Safety	To instruct 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.	Acting Director of Services for Communities	November 2014		
9	04-04-14 & 08-09-14	Future of Taxi Examination Centre	To agree to receive an update report in 6 months.	Acting Director of Services for Communities	November 2014		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
10	20-06-14	Late Hours Catering - Review	To agree to receive an update report in 6 months.	Acting Director of Services for Communities	February 2015		Ongoing
11	20-06-14	Street Trader Licensing - Pedicabs Update On Outstanding Issues	To agree to receive an update report in 6 months.	Acting Director of Services for Communities	February 2015		Ongoing
12	20-06-14	<u>Update on Consultation on Forward Facing Cameras in Taxis and Private Hire Cars</u>	To agree to receive a report in 12 months detailing the number of applications received and any other pertinent issues.	Acting Director of Services for Communities	June 2015		Ongoing

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
13	20-06-14	<u>Taxi Stances - Revocations Variations and Appointment - Clifton Terrace and Dalry Road Outcome of Consulttion With the Taxi Trade and the General Public</u>	<p>1) To note the concerns about the use of the taxi rank in Rosebery Crescent and therefore:</p> <p>(i) defer a decision on the rank in Clifton Terrace.</p> <p>(ii) instruct the Acting Director of Services for Communities to review the provision of taxi ranks in the vicinity of Haymarket Station, including the proposed rank in Clifton Terrace and the rank in Rosebery Crescent and report to the Regulatory Committee on 8 September 2014.</p>	Acting Director of Services for Communities	September 2014.		Now expected November 2014
14	20-06-14	Update on Public Safety at Sports Grounds	Annual Report	Director of Corporate Governance	September 2014.		Now expected November 2014

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
15	20-06-14	Review of the House In Multiple Occupation market	Review of HMO property in Edinburgh, including custom built student accommodation, impact of welfare reforms increasing and how this relates to overprovision in the HMO market	Acting Director of Services for Communities	November 2014		
16	10-10-14 Licensing Sub	Use of Emergency Powers to allow a Parade or Procession - Alf Marnie and Sam Scanlin Memorial Parade – 4 October 2014	The Acting Director of Services for Communities to report to the Regulatory Committee on proposals for specified routes for parades and processions to minimise disruption to the life of the community	Acting Director of Services for Communities	Not Specified		

Regulatory Committee

2.00pm, Monday, 17 November 2014

Taxi Fare Review

Item number	6.1
Report number	
Executive	Executive
Wards	City Wide

Executive summary

This report informs Committee that the statutory review of fares has been undertaken, and recommends changes to the fare table.

This report discharges outstanding remits from the previous committee decision on the 2013 fare review.

Links

Coalition pledges	P28
Council outcomes	CO8
Single Outcome Agreement	SO1

Taxi Fare Review

Recommendations

The Regulatory Committee is asked to:

- 1.1 agree to incorporate a general fare increase of 2.1%;
- 1.2 agree to a revised tariff 3 which shall cover Christmas and New Year irrespective of the day of the week on which the public holidays fall, and therefore delete tariff 4 as no longer needed;
- 1.3 agree that the revised tariff is consulted on in line with statutory requirements;
- 1.4 note that a report on the outcome of the consultation will be reported to the Committee in one cycle;
- 1.5 note the outcome of consultation on the proposed increase in fares between 12am and 5am and agree not to approve this increase;
- 1.6 discharge the outstanding remit from the May 2013 Committee regarding consultation on an enhanced 'late night tariff'; and
- 1.7 agree to a review of other changes which are outlined in paragraph 3.16 below.

Background

- 2.1 The Council, as Licensing Authority for taxis, is required to review and fix the scale of fares and other charges which may be used by taxis licensed within the city. This review must take place at intervals not greater than 18 months. The current fees were last reviewed by the Regulatory Committee in May 2013 and at that time fares were increased.
- 2.2 In its work plan the Committee agreed to commission consultants to review the fare structure and to make recommendations on any changes.
- 2.3 Halcrow Ltd was commissioned in November 2012 to undertake three taxi fare reviews and this report is based on the second of these reviews. Attached at Appendix 2 is a copy of the Halcrow Ltd report.

Main report

- 3.1 The Council last reviewed fares in May 2013 and implemented the changes from 21 July 2013.
- 3.2 The current fee structure is set out at **Appendix 1** of this report. The fee varies depending on time of day, distance travelled, and waiting time. There are special tariffs for certain public holidays and additional fees for a range of items including the clean-up of the taxi if it is soiled.
- 3.3 Halcrow Ltd has been commissioned to carry out the review of the fare structure and their report is attached at **Appendix 2**. As previously requested, members of the Halcrow team will present their report at the meeting and will be available to answer questions from members.
- 3.4 In line with statutory requirements, the Committee is required to make a decision on taxi fares following the review of the fare structure. Any change which the Committee agrees is then required to be advertised for a period of not less than 28 days to allow objections or representations and a further report brought back to Committee for consideration and, if appropriate, approval. This process must be completed by January 2015 to meet the statutory timescales.
- 3.5 Committee should note that there is a right of appeal against any decision it makes about fares. This may be exercised by any Taxi Licence holder and the appeal is made to the Scottish Traffic Commissioner.
- 3.6 The Committee is also asked to note that the contract with Halcrow will run for one further fare review. As part of the contract, Halcrow will keep under review any changes to the fare structure agreed by the committee, and will report back if, in the light of changed circumstances, further changes are required.

Late Night Tariff

- 3.7 Previously, as requested by Committee, Halcrow Ltd has consulted with both the trade and public on festive tariffs and enhanced evening tariffs. The research showed that 62.2% of the public are currently happy with fares. However, the figure dips slightly for journeys after 6pm.
- 3.8 Halcrow Ltd's research indicated that the public would not support higher evening fares, even if this increased the availability of taxis. Although the taxi trade had previously asked for higher evening fares to be considered, this is no longer supported by the trade. It is, therefore, proposed that the increase in fares between 12am and 5am is not approved.

General Fares

- 3.9 Fifty two percent of respondents thought that the fares are about right, with only 1.4% thinking they are too low.
- 3.10 It should be noted that, although fares are slightly higher in Edinburgh than in some other cities referred to, this is a reflection of the cost of living in the city.

The method of calculation of fares previously agreed by the Committee takes account of this factor.

- 3.11 It is proposed that there should be agreed a general increase of fares of 2.1% from January 2015. This increase is in line with inflation. The draft revised fare table is attached at **Appendix 3** and illustrates the proposed fares. The impact on fares will be seen in a slight reduction of distance travelled or time spent waiting for price increments. Examples of fares for a two mile journey at various times of day are shown below:

Time of Journey	Current average Scottish fee (2 miles)	Edinburgh Proposed fee (2 miles)
9am	£5.55	£5.60 (+5p)
10pm	£6.41	£6.60 (+19p)
2am	£6.70	£6.60 (-10p)

Festive Tariff

- 3.12 The Christmas period is defined as 6 p.m. on 24 December to 6 a.m. on 27 December, and 6 p.m. on 31 January to midnight on 2 January.
- 3.13 The applicable tariff is dependent on the day on which Christmas Day falls, and this can lead to confusion for customers. Tariff 3 applies during the Christmas period from Monday to Friday from 6 a.m. to 6 p.m. Tariff 4 applies during the Christmas period from Monday to Friday from 6 p.m. to 6 a.m., and 6 a.m. Saturday to 6 a.m. Monday.
- 3.14 It is proposed to simplify the festive tariff from the current two bands into one band, with a consequent slight increase. This would remove current confusion. The revised fare card at **Appendix 3a** shows how this would affect the fares, including the proposed 2.1% general increase. The impact is that the initial fare for Tariff 3 would increase by 40 pence to £3.50 but that the subsequent rate based on distance or time waiting would remain at multiples of 35 pence. The higher rate in Tariff 4 at multiples of 45 pence for distance and time would be abolished.

Other Charges

- 3.15 After Halcrow Ltd had completed the field work, other issues were raised with the council. In particular, fees for drop-off and collection at Edinburgh Airport. Some of these charges have recently been increased and the trade has asked that the council looks at the fee structure.
- 3.16 The Council's permission is required if these fees are to be passed on to customers, as they need to be included in the approved fare structure. It is proposed to commission Halcrow Ltd to complete a further piece of research on these charges, the impact on fares and public views on the implications of

passing these charges on. This would be reported to committee separately in 2015.

Measures of success

- 4.1 The fare structure is fit for purpose and meets the needs of both residents and the taxi trade.

Financial impact

- 5.1 There is no direct financial impact to the council. The cost of the survey (£17,000) was contained in expenditure already made. There is no cost to the revenue account. The taxi trade contributes to the economy of the city. The fare structure will have a direct impact on residents or visitors to the city using a taxi.
- 5.2 The proposed additional work as outlined by 3.16 would cost £1,000 which would be met through license fee income.

Risk, policy, compliance and governance impact

- 6.1 This policy is covered by the scheme of delegation, and the report is intended to increase transparency.
- 6.2 The statutory framework provides that if a review of taxi fares is not completed within each 18 month period then the council will risk legal challenge. This report negates that risk.
- 6.3 If the taxi trade have a concern about the Councils decision on fares they may individually or as a group appeal that decision including any decision not to implement a general increase in fares.

Equalities impact

- 7.1 Matters described in this report have no relationship to the public sector general equality duty, thus there is no direct equalities impact arising from this report.

Sustainability impact

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

Consultation and engagement

- 9.1 The tender for the consultants issued by the council required that the research included specific and extensive consultations with interested groups. Specifically these were:
- Two formal meetings with representatives of the taxi trade.
 - A survey of the public - a sample size of over 500 was consulted.

- Consultation with Police Scotland, in particular the Cab Inspector and officers with responsibility for the city centre.
- Consultation with council officers with responsibility for Community Safety, Transport and Economic Development.
- Consultation with relevant groups representing people with a disability.

Background reading / external references

[Report to Regulatory Committee, 3 May 2013](#)

John Bury

Acting Director of Services for Communities

Contact: Susan Mooney, Head of Service, Community Safety

E-mail susan.mooney@edinburgh.gov.uk | Tel: 0131 529 7587

Contact: Andrew Mitchell, Community Safety Manager

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

Links

Coalition pledges	P28 - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
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: Current taxi fare structure Appendix 2: Halcrow report Appendix 3: Proposed new taxi fare structure Appendix 3a: Proposed new taxi fare structure with tariff 4 deleted

THE CITY OF EDINBURGH COUNCIL
FARE TABLE FOR TAXIS

FOR UP TO 2 PASSENGERS

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

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

EXTRA PAYMENTS

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

NOTES

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

COMPLAINTS

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

Draft Report

Document: 1 Version: 2

Edinburgh Taxi Fares Review 2

City of Edinburgh Council

September 2014

Draft Report

Edinburgh Taxi Fares Review 2

City of Edinburgh Council

September 2014

Halcrow Group Limited

Elms House, 43 Brook Green, London W6 7EF
tel +44 20 3479 8000 fax +44 20 3479 8001
halcrow.com

Halcrow Group Limited is a CH2M HILL company

Halcrow Group Limited has prepared this report in accordance with the instructions of client City of Edinburgh Council for the client's sole and specific use. Any other persons who use any information contained herein do so at their own risk.

© Halcrow Group Limited 2014

Document history

Draft Report

Edinburgh Taxi Fares Review

City of Edinburgh Council

This document has been issued and amended as follows:

Version	Date	Description	Created by	Verified by	Approved by
1		Draft Report		Liz Richardson	Liz Richardson
2	3/10/14	Revised Draft			Liz Richardson

Contents

1	Background	3
1.1	Introduction	3
1.2	Legal Background	3
2	Review of Current Fare Tariff	4
2.1	Fare Tariff	4
3	Review of Best Practice – Tariffs	7
3.1	Introduction	7
3.2	Tariffs	7
3.3	Fare for a 2 mile journey	9
3.4	Festive Tariffs	9
3.5	Night Time Economy Tariffs	10
4	Consultation - Trade	11
4.1	Introduction	11
4.2	Enhanced Night Time Tariff	11
4.3	Festive Tariff	11
5	Consultation - Public	13
5.1	Introduction	13
5.2	General Information	13
5.3	Summary	18
6	Consultation – Stakeholder	19
6.1	Introduction	19
6.2	Stakeholder Responses	19
7	Fare Revision	21
7.1	Introduction	Error! Bookmark not defined.
8	Conclusions	22
8.1	Recommendations	23

1 Background

1.1 Introduction

Halcrow Group Limited has been commissioned by City of Edinburgh Council to carry out a review of the taxi fare tariff in Edinburgh.

The overall objective of the study is to present a fare table in the presently accepted format that may be used in taxis in Edinburgh. Specific objectives include:

- To investigate the viability of an additional higher tariff between the hours of 12 – 5am on Fridays and Saturdays, with a view to improving provision of taxis during these specific periods;
- To investigate the viability of tariff 4 and the hours of operation of the tariff; and
- To assess and comment on the public's perceptions as to the level of taxi fares in the city and as to their willingness and ability to pay higher fares at peak times if they considered that this would result in an increased likelihood of obtaining a taxi.

1.2 Legal Background

In terms of Section 17 of the Civic Government (Scotland) Act 1982 Act, the Council must fix maximum scales for the fares and other charges in connection with the hire of a taxi. In terms of Section 17(2) of the said Act (as amended by Section 174(3) of the Criminal Justice and Licensing (Scotland) Act 2010) the Council has to review these scales on a regular basis. The Council must fix scales within 18 months beginning with the date on which the scales came into effect. In carrying out a review, the Council is required to consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area.

The Second Edition of the Scottish Government's Licensing of Taxis and Private Hire Cars Best Practice Guidance for Licensing Authorities, issued in April 2012, refers Councils carrying out taxi fare reviews to pay particular regard to advice contained in paragraphs 2.34 – 2.37 of Scottish Development Department Circular 25/1986.

“The Secretary of State expects that in fixing fares authorities will want to pay primary regard to the costs incurred by the trade, having regard to the capital costs (including interest payments) of the vehicles, the costs of maintaining and replacing them to the standards required by the licensing authority, of employing drivers and the prevailing level of wages and costs in related road transport industries. In the Secretary of State's view the public interest is better served by ensuring that the maintenance of an adequate taxi service by giving the trade a fair return, than by depressing fares for social reasons, however understandable.”

The authority reviews fares every 18 months. The last fare review came into effect on July 29th 2013.

2 Review of Current Fare Tariff

2.1 Fare Tariff

City of Edinburgh Council's current fare tariff is detailed in Figure 2.1.

The current fare tariff has been in existence since July 2013 and is arranged in a series of tariffs and extra charges and payments.

Tariff 1 operates Monday to Friday 6am to 6pm and Tariff 2 operates Monday to Friday 6pm to 6am and all day Saturday and Sunday. In addition to these two tariffs there are additional tariffs for the Christmas and New Year period. Tariff 3 is operational 6am to 6pm over Christmas and New Year and Tariff 4 is operational 6pm – 6am Monday to Friday and all day Saturday and Sunday during Christmas and New Year. The Christmas period is defined as 6pm 24th December to 6am 27th December. The New Year period is defined as 6pm 31st December to 6am 3rd January.

In addition to these four tariffs there are a series of additional payments for soiling, additional passengers and call out charges.

Table 2.2 details the fare for a 1 and 2 mile journey at each tariff.

Table 2.2 Detail of fares of a 1 and 2 mile journey at each tariff

Tariff	1 mile fare	2 mile fare
Tariff 1	£3.60	£5.60
Tariff 2	£4.60	£6.60
Tariff 3	£5.20	£8.00
Tariff 4	£6.80	£10.40

**THE CITY OF EDINBURGH COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
CHANGES TO TAXI FARE TARIFF**

NOTICE IS GIVEN, in terms of Section 18A of the above Act, that an appeal has not been lodged against the decision on 21 June 2013 by Regulatory Committee of the City of Edinburgh Council to change the Taxi Fare Tariff for taxis licensed by the Council. The new Taxi Fare Tariff (as set out below) will therefore come into effect on 29 July 2013.

**Mark Turley, Director of Services for Communities
FOR UP TO 2 PASSENGERS**

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

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

EXTRA PAYMENTS

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

NOTES

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

DRAFT

3 Review of Best Practice – Tariffs

3.1 Introduction

In order to compare taxi tariffs in other cities in Scotland and the UK a benchmarking exercise has been undertaken. Benchmarking has been undertaken on the following:

- Tariffs
- Cost of a 1 mile and 2 mile journey
- Festive tariff;
- Night Time Economy Tariff.

All Scottish cities and the Core Cities in England have been used for comparison.

3.2 Tariffs

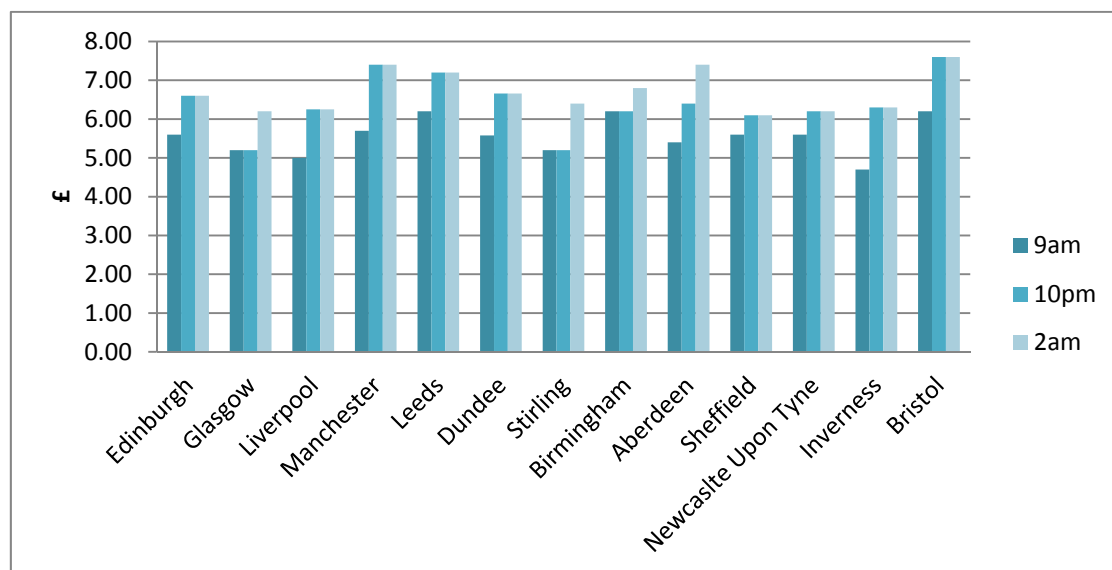
Figure 3.1 provides detail as to when different standard tariffs apply across days of the week and times of the day for the benchmarked authorities. The majority of authorities have two tariffs – one for day time and one for night time and these apply across the whole week. The time that the nighttime tariff applies does vary with the earliest commencing at 6pm and the latest at 11pm. Dundee, Glasgow and Birmingham have introduced a separate night time tariff for weekends.

Edinburgh's night time tariff commences the earliest of all benchmarked authorities. Most of the benchmarked authorities night time tariff commences after 7pm. However in Edinburgh it is our understanding that 6pm is also when the night time shift drivers commence.

3.3 Fare for a 2 mile journey

Figure 3.2 compares daytime and nighttime tariffs across the benchmarked authorities. Fares have been benchmarked at three separate time periods on a standard weekday – 9am, 10pm and 2am. The average cost of a two mile journey at 9am is £5.55; 10pm is £6.41 and £6.70 at 2am. Edinburgh is slightly higher than average at 9am and 10pm but slightly lower at 2am.

Figure 3.2 Tariff 1 and Tariff 2 comparisons



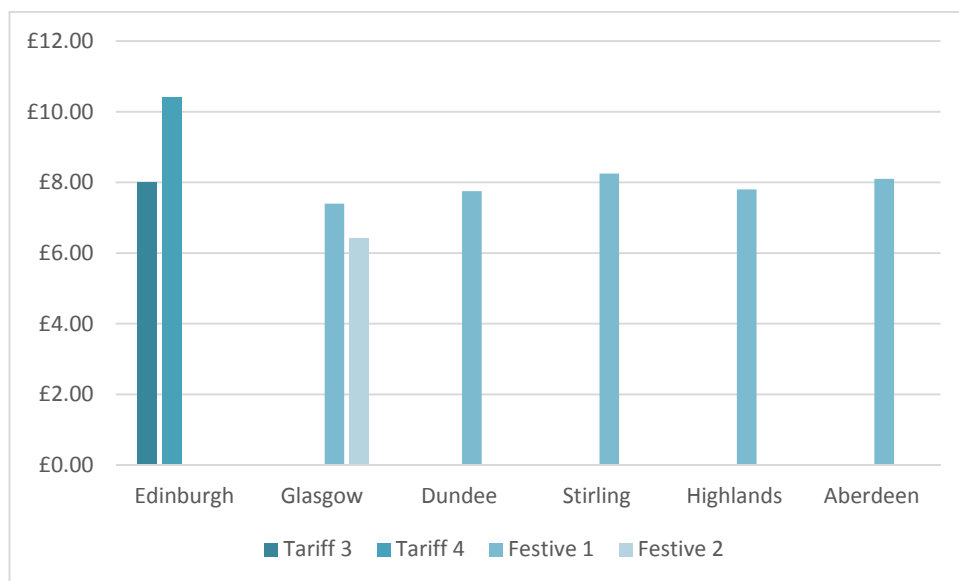
3.4 Festive Tariffs

City of Edinburgh Council adopts two separate tariffs for the Christmas and New Year period. The Christmas period is defined as 6pm December 24th to 6am December 27th and 6pm 31st December to midnight 2nd January. Tariff 3 is applicable Monday to Friday 6am – 6pm during this period and Tariff 4 is applicable between 6pm – 6am Monday to Friday and 6am Saturday to 6am Monday. Given that the tariff varies dependent on which day of the week Christmas falls it is therefore difficult to compare with other authorities. Therefore Tariff 3 and 4 has been compared with the festive period tariff of other Scottish authorities.

Given that January 2nd is a public holiday in Scotland we have used the Scottish cities for comparison.

All authorities use very different ways of charging over the festive period and therefore Figure 3.3 details the cost of a 2 mile for both Edinburgh tariffs and the other Scottish cities. Edinburgh has two festive tariffs – one for night time and one for day time. Glasgow has different tariffs for Christmas Day and New Years Day and Boxing Day and January 2nd. Edinburgh's tariff 4 is the highest festive tariff.

Figure 3.3 Cost of a 2 mile tariff

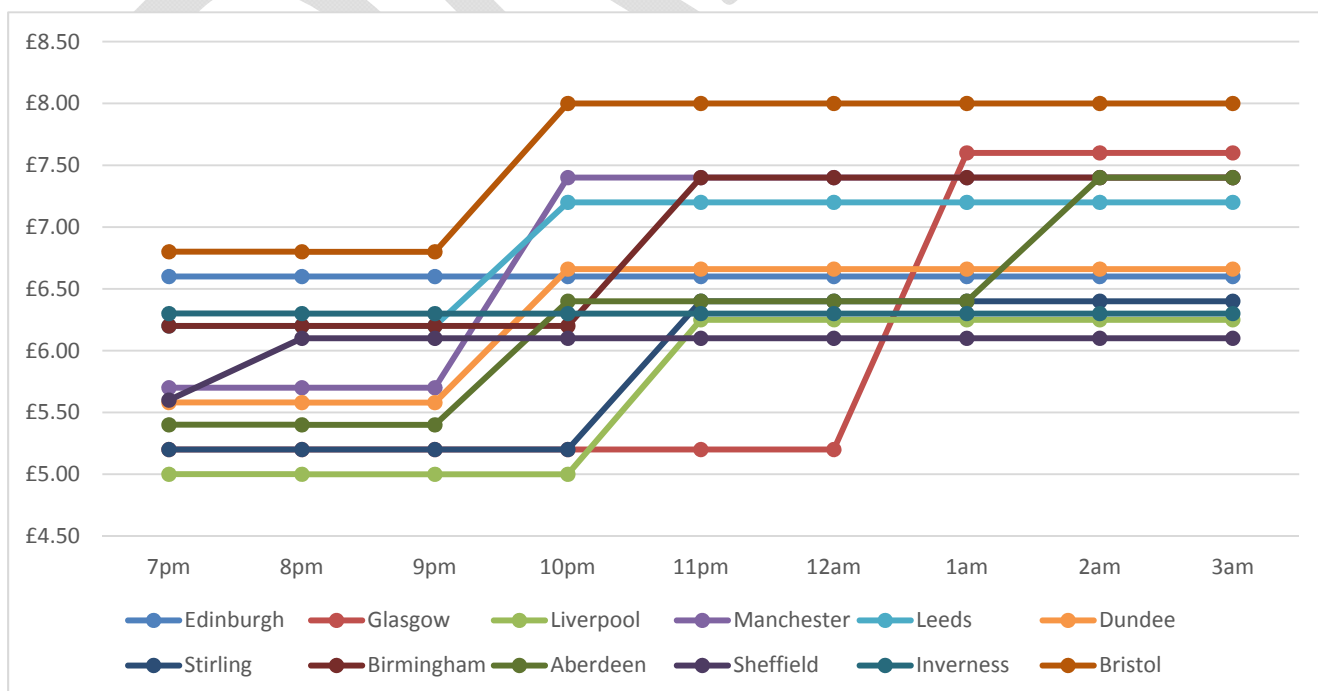


Edinburgh’s festive tariff is more expensive than the other benchmarked authorities. The average of the festive tariffs is £8.01. Tariff 4 is much higher than this average at £10.40.

3.5 Night Time Economy Tariffs

City of Edinburgh Council adopts one night time tariff. This is implemented at 6pm and runs throughout the night until 6am on weekdays and throughout the weekend period. Other authorities have introduced a premium rate for night time taxi fares. Figure 3.4 provides the detail.

Figure 3.4 Cost of a 2 mile journey on a Saturday night



4 Consultation - Trade

4.1 Introduction

A meeting was held with representatives of the trade. This meeting was used to discuss:

- Views in relation to an enhanced night time tariff; and
- Views in relation to the Festive tariff

Invitees and attendees are detailed in Table 4.1

Table 4.1 Focus Groups Invitees

All invitees	Meeting 24 th July 2014
Derek Bridgeford – Scottish Taxi Federation	Attended
Les McVay – City Cabs	Attended
Tony Kenmuir – Central radio taxis	Attended
John Simpson – Com Cab	Attended
Kevin Wood – Central radio taxis	Attended
Ray Davidson – Edinburgh Taxi Association	Attended

4.2 Enhanced Night Time Tariff

Following the previous review of the taxi tariff, trade members had asked for City of Edinburgh Council to investigate the potential for an ‘enhanced’ night time tariff similar to that introduced by Glasgow City Council.

The trade were very mindful of the economic situation and at the start of the meeting all agreed that an ‘enhanced’ tariff was not something that they wished to see introduced at this time.

4.3 Festive Tariff

The trade members had mixed views regarding the festive tariffs. Some felt that the existing festive tariffs should not be amended and others considered that they were complicated and outdated.

Discussion was focussed around the times that a Festive tariff should apply and the need to ensure the price does not prevent people from travelling over this period.

Those who felt that the festive tariffs needed reviewing came up with a number of suggestions:

- Suggestion 1 – Remove Tariff 4 and enhance Tariff 3;
- Suggestion 2 – Keep tariff 3 and tariff 4 but amend the increments on both tariffs to 35p; and
- Suggestion 3 – Remove Tariff 4 and apply a factor of 1 ½ to Tariff 3.

There was significant discussion with regards to the time periods that the festive periods cover. This focussed mainly on when it should commence on Christmas Eve and when it should finish on Jan 2nd.

Following significant discussion the trade members agreed on the following solution:

Remove Tariff 4 and replace with an enhanced Tariff 3 (Flag of £3.60 and 35p increments) that applies from 6pm 24th December to 6am December 27th and 6pm December 31st to midnight January 2nd.

Following on from the meeting one attendee made contact to put forward their change of mind on the discussion. Their proposal was to

Maintain the £1 difference on the flag drop between tariff 3 & 4 to maintain a slight difference between day and night shift as is normal for us at all other times; but having the increment set at 35p rather than 45p on tariff 4

5 Consultation - Public

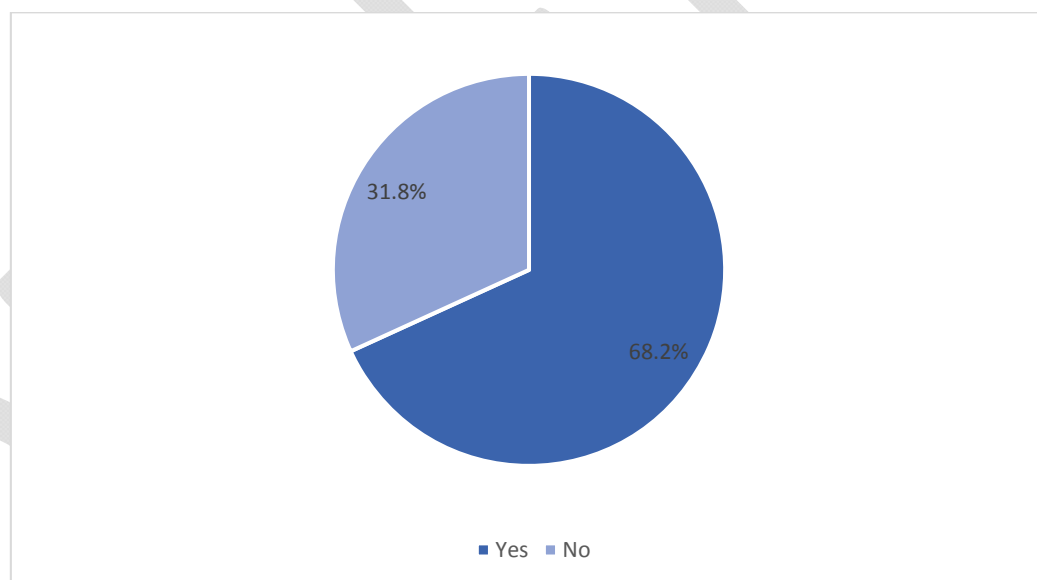
5.1 Introduction

A public attitude survey was designed with the aim of collecting information regarding opinions on taxi fares in Edinburgh. Some 507 on-street public attitude surveys were carried out in July and August 2014. The surveys were conducted across a range of locations within the Edinburgh licensing area. It should be noted that in the tables and figures that follow the totals do not always add up to the same amount, this is due to one of two reasons. First, not all respondents were required to answer all questions; and second, some respondents failed to answer some questions that were asked.

5.2 General Information

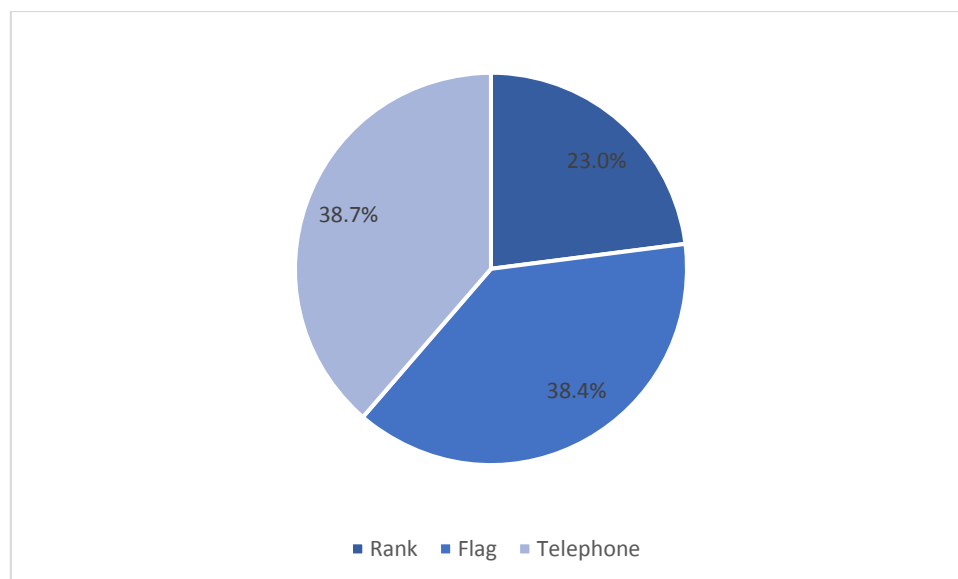
Respondents were each asked if they had made a journey by taxi (Black Cab) in Edinburgh within the last three months. The survey found that 68.2% had used a taxi within this period. The results are displayed in Figure 5.1.

Figure 5.1 Have you made a trip by taxi in Edinburgh in the last 3 months?



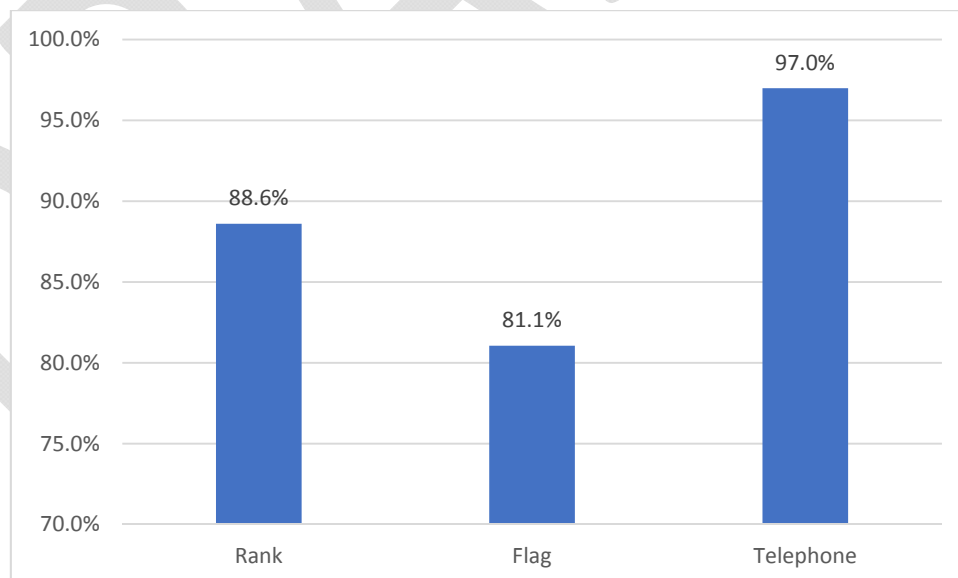
Those making a trip were asked how they obtained their taxi. Figure 5.2 details the results. Some 23% of respondents had obtained a taxi at a rank.

Figure 5.2 How did you obtain your taxi in Edinburgh in the last 3 months?



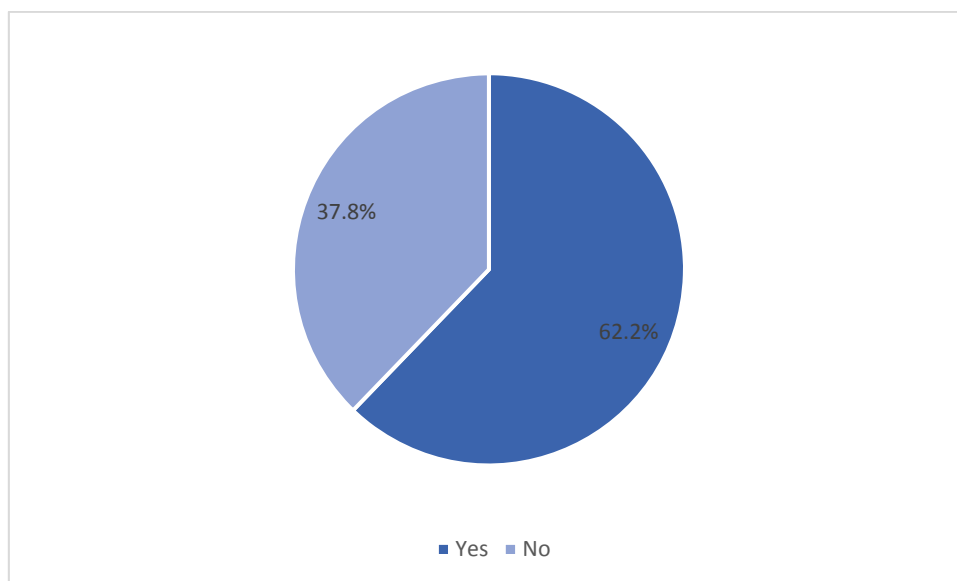
Those making a trip were asked if they were satisfied with the time taken and promptness of its arrival. Satisfaction was very high for all methods of hire (91.3%) however satisfaction was highest when pre booking a trip by telephone (97%).

Figure 5.3 Were you satisfied with the time taken and promptness of its arrival?



Trip makers were then asked whether they were satisfied with the cost of their journey. Figure 5.4 shows that 62.2% of trip makers were satisfied with the cost of their journey and 37.8% were not satisfied with the cost of their journey.

Figure 5.4 Were you satisfied with the cost of your journey?

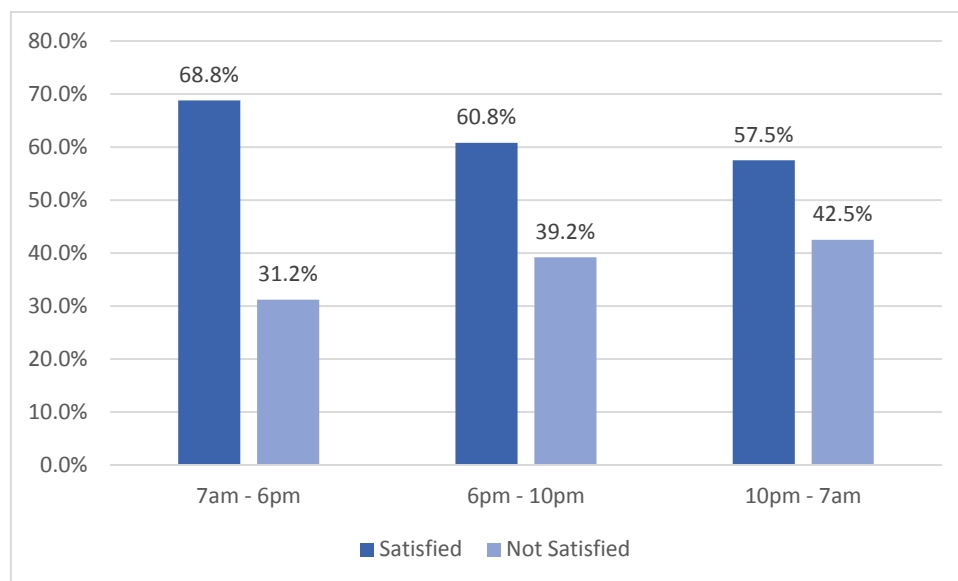


Those who weren't satisfied with the cost of their journey gave the following reasons:

- Too expensive;
- Driver took me a long way;
- Very expensive for short journey;
- Too much on the meter when you first get in;
- More expensive than Glasgow;
- Cost increases when sat at traffic lights;
- Expensive for daytime;
- Additional charges are too expensive

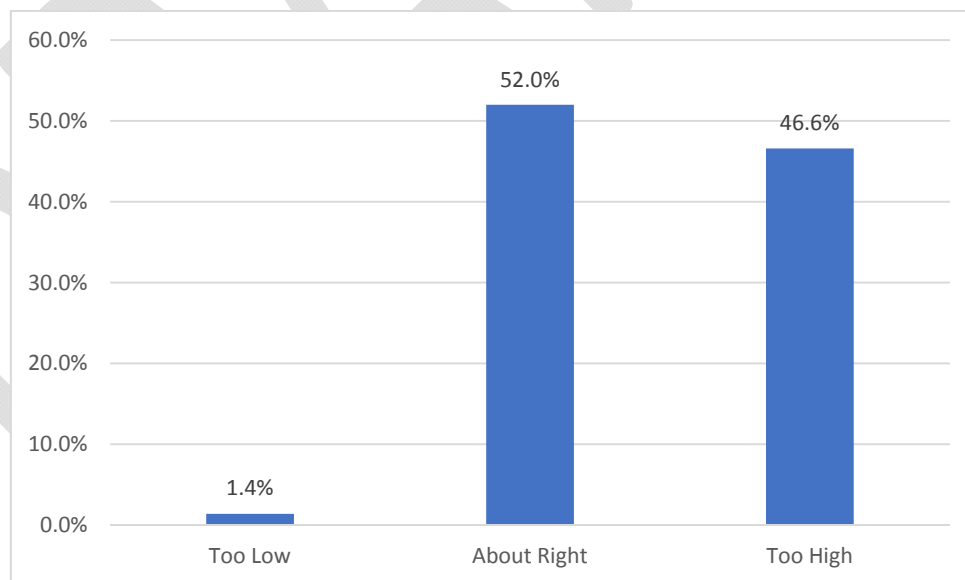
Figure 5.5 documents how this satisfaction varies depending on the time of day the taxi was obtained. Satisfaction levels were higher for those hiring their taxi between 7am and 6pm.

Figure 5.5 Satisfaction by time of day



Respondents were then asked a series of questions relating to fares. Firstly all 507 respondents were asked whether they consider fares in Edinburgh to be too low, too high or about right. Some 52% of respondents considered fares to be 'about right' with 46.6% stating they were 'too high'.

Figure 5.5 Do you consider taxi fares in Edinburgh to be...?

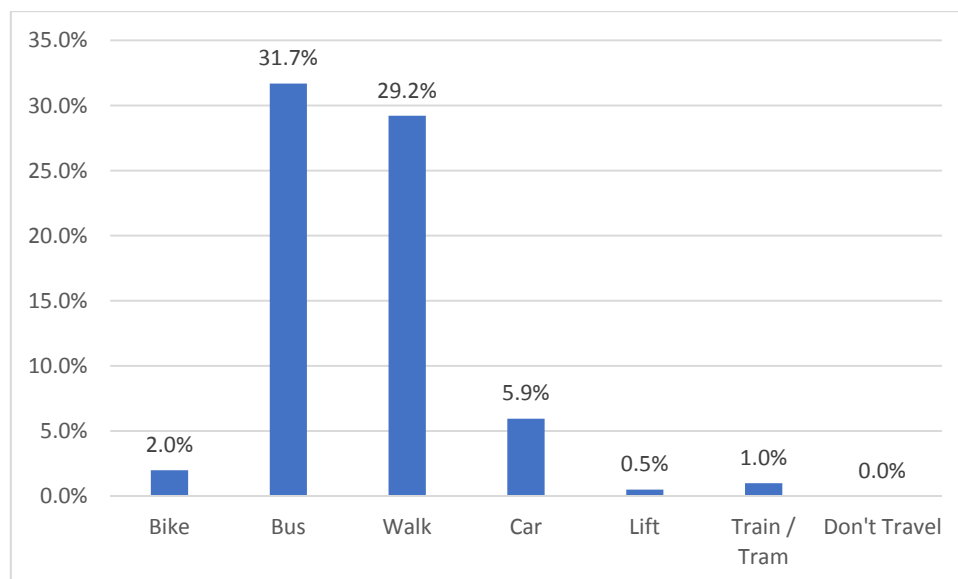


Respondents were then asked whether they were aware that taxi fares increase in price after 6pm. Nearly two thirds of respondents (63%) were aware of this.

Respondents were asked whether they would still travel by taxi after midnight if taxi fares also increased at this time. Some 60% stated that they would still travel by taxi after midnight if fares increased. Those who stated that they would not travel by taxi if fares were to increase after midnight were asked what mode of transport they

would use. Figure 5.6 details that some 31.7% would use the bus and 29.2% would walk home.

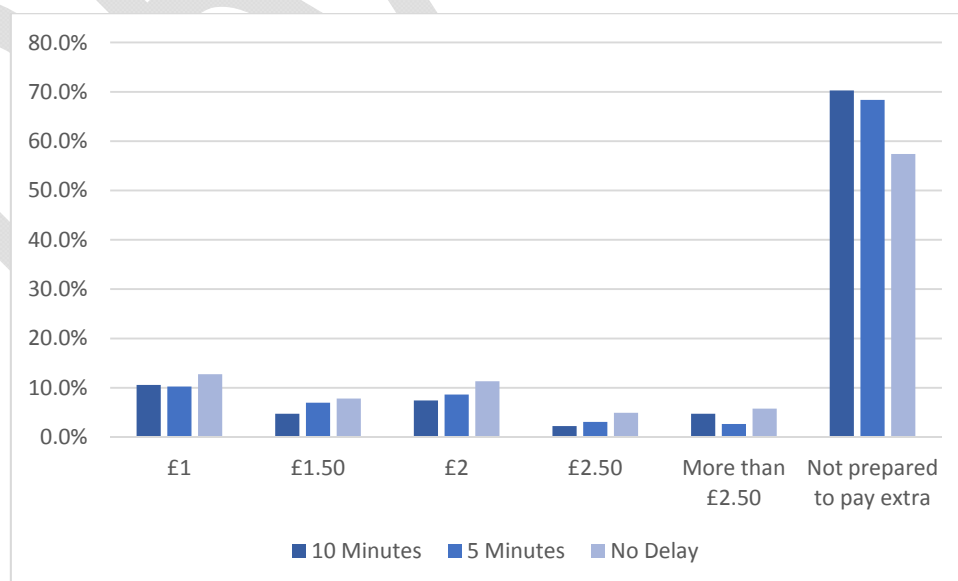
Figure 5.6 What alternative mode of transport would you use after midnight?



Respondents were then asked to consider a series of scenarios in relation to the length of time they would be prepared to wait for a taxi. Respondents were asked whether they would be prepared to pay extra should their delay be limited to 5 minutes, 10 minutes or no delay.

Figure 5.7 details that the majority of respondents would not be prepared to pay any extra. Some 57.4% of people stated that they would not be prepared to pay any extra if there was no delay at all.

Figure 5.7 What would you be prepared to pay to reduce delay?



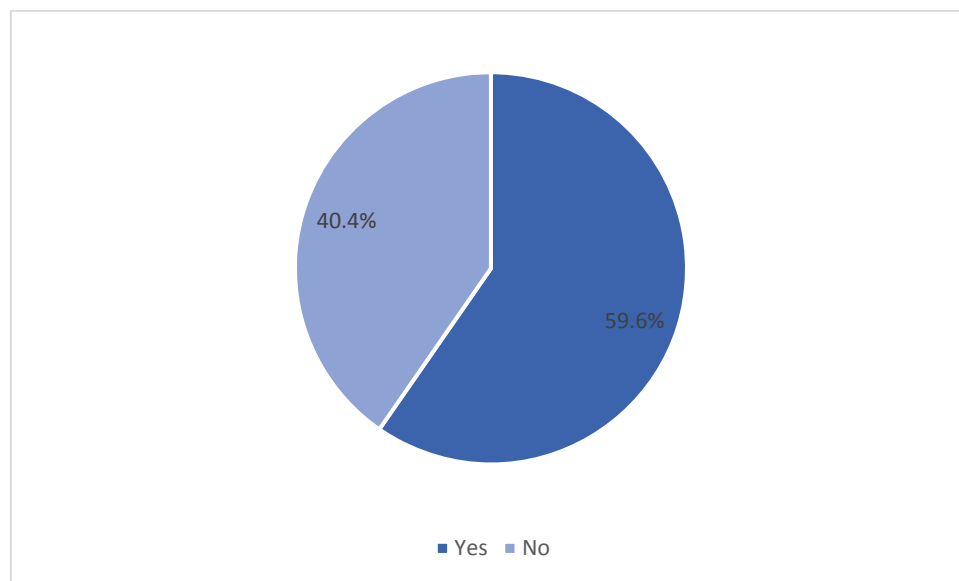
Given from the data obtained it is clear that the majority of people are not prepared to pay any more to reduce the length of time that they have to wait for a taxi.

Respondents were then asked about their awareness of the Festive Tariffs. Some 57.9% of respondents were aware of the different fare tariff over the Christmas period.

Respondents were then shown the fare card and asked a series of questions. Firstly respondents were asked if it was clear from the fare card which days over Christmas the tariff related to.

As detailed in Figure 5.8 some 59.6% of respondents considered the fare tariff to be clear in respect to the days over Christmas it was applicable.

Figure 5.8 Do you feel the fare tariff is clear over the Festive period?



Respondents were subsequently asked whether it was clear as to the extra charges that occur over this period. Some 55.6% felt that the extra charges were not clear from looking at the tariff.

5.3 Summary

Some 507 surveys were conducted across Edinburgh, the analysis indicates that:

- High levels of satisfaction with the length of delay (91.3%)
- High levels of satisfaction with the cost of the journey (62.2%);
- Slightly higher satisfaction levels with cost by those hiring their vehicle during the day (68.6%) as opposed to the evening (60.8%)
- Some 46.6% of respondents considered taxi fares to be too high and 52% considered them to be 'about right';
- 63% were aware that taxi fares increased after midnight;
- Some 60% said that they would still continue to use taxis after midnight if fares increased; and
- Some 59.6% considered the Festive Tariff to be clear.

6 Consultation – Stakeholder

6.1 Introduction

In addition to the trade and public consultation a series of letters were issued to a range of stakeholders across Edinburgh. The following groups/organisations were contacted:

- Trade Associations;
- Councillors
- MPs, MSPs, MEPs
- Disability Organisations;
- Business representatives;
- Tourism representatives.

6.2 Stakeholder Responses

ECAS

ECAS considered there to be shortages of taxis at some key periods, including shift changes. They have found it necessary to change the timings of some activities in order to have a better chance of taxis being available. Friday at 3.30pm is particularly problematical.

It was noted that taxis congregate in certain areas, making getting a taxi in some outlying areas more difficult. Niddrie, Ratho, Queensferry are more difficult, for example. Some of these areas are well served by private hire cars, but these do not have the advantage of being wheelchair accessible.

ECAS commented that the cost of taxis means that they use them only when other means of transport are unavailable.

In terms of the festive taxi tariff they considered that the tariffs were easy to understand but felt that there should not be a separate tariff over this period.

It was felt that there was confusion as to when a charging period starts and ends and it would be helpful if the tariff made this clear. ECAS believe that the driver should not start the meter until after the passengers (including wheelchair if appropriate) are in the taxi, and the meter should stop on arrival at the destination before passengers disembark. They have heard and seen drivers with the meter on whilst loading and/or unloading a wheelchair. They think the tariff should make the situation clear.

ECAS also wanted to see mandatory training for securing a wheelchair in a taxi.

ECAS also noted that Edinburgh has a very high proportion of drivers with medical exemption from supporting wheelchair users. This can make getting a taxi for a wheelchair user very difficult and frustrating. It causes delays, particularly when drivers “knock back” a booking and another driver has to be given the job. It is also very frustrating for a disabled person trying to hail a cab on the streets.

Greater Grassmarket Business Improvement District

The representative considered the availability of taxis to be good.

In terms of fees they noted that they were lower than London which is a positive, however, the upfront fee when you book or are picked up does often feel excessive. They stated that they would prefer to see a lower initial cost and slightly higher ongoing cost, as this favours those travelling in the city centre.

It was felt that the use of taxis would increase if fares were cheaper.

The festive tariffs were considered to be easy to understand but the representative felt it may put people off using taxis year round. Many people use the festive period as the only time they will really 'go out' and charging them more will mean that they associate taxis year round with high cost and therefore although you gain in the short term, you lose in repeat custom.

No other written responses were received as part of the consultation exercise despite several email reminders.

DRAFT

7 Fare Revision

7.1 Background

Prior to 2013 City of Edinburgh Council used a spreadsheet based model to calculate fare increases. This looked at the day to day running costs incurred when operating a taxi. The trade were consulted with as part of the 2013 review and they suggested that the spreadsheet model should be replaced with CPI for determining fare increases.

In May 2013 the Regulatory Committee took the decision to use CPI as a means of calculating fare increases.

In March 2013 when the last fare increase was populated the index stood at 125.20. As of July 2014 the index is 127.80 resulting in an increase of 2.1%.

A revised fare card has been populated with this increase and is to be found at Appendix 1.

8 Conclusions

Halcrow Group Limited has been commissioned by City of Edinburgh Council to carry out a review of the taxi fare tariff in Edinburgh.

The overall objective of the study is to present a fare table in the presently accepted format that may be used in taxis in Edinburgh. Specific objectives include:

- To investigate the viability of an additional higher tariff between the hours of 12 – 5am on Fridays and Saturdays, with a view to improving provision of taxis during these specific periods;
- To investigate the viability of tariff 4 and the hours of operation of the tariff; and
- To assess and comment on the public's perceptions as to the level of taxi fares in the city and as to their willingness and ability to pay higher fares at peak times if they considered that this would result in an increased likelihood of obtaining a taxi.

Objective 1: To investigate the viability of an additional higher tariff between the hours of 12 – 5am on Fridays and Saturdays, with a view to improving provision of taxis during these specific periods.

Discussion with the trade identified that they did not feel the need to introduce at this time. The trade are very aware of the economic situation and did not wish to pursue this during this fare review.

Objective 2: To investigate the viability of tariff 4 and the hours of operation of the tariff

Discussion with the trade identified the need to amend Tariff 4. Numerous suggestions were put forward including

- Remove Tariff 4 and replace with an enhanced Tariff 3 (£3.60 flag and 35p increments) that applies from 6pm 24th December to 6am December 27th and 6pm December 31st to midnight January 2nd; and
- Maintain the £1 difference on the flag drop between tariff 3 & 4 to maintain a difference between day and night shift as is normal for us at all other times; but having the increment set at 35p rather than 45p on tariff 4.

The effect of applying the two suggestions are detailed in table 8.1. The enhanced tariff provides a balance between the existing tariffs but is still above the average of the benchmarked authorities.

Table 8.1 Enhanced tariff 3 Comparison

Tariff	1 mile fare	2 mile fare
Tariff 3	£5.10	£7.90
Tariff 4	£6.70	£10.30
Enhanced Tariff 3	£5.70	£8.50

Discussion with the public provided mixed reviews in relation to the fare tariff. Some 59.6% considered the tariff to be clear with 40.4% believing it to be unclear.

Analysis of the benchmarked authorities identified that Edinburgh is the only authority to amend the tariff according to the days of the week Christmas and New year falls. Glasgow has two tariffs, one for Christmas Day and New Year's Day and one for Boxing Day and January 2nd.

Analysis of the cost of a 2 mile journey over the festive period shows that Edinburgh is higher than the benchmarked authorities on both tariffs.

Based on the consultation and analysis it is our view that the Festive tariff should be simplified and we recommend that Tariff 4 is removed and Tariff 3 applies from 6pm 24th December to 6am December 27th and 6pm December 31st to midnight January 2nd.

Objective 3 To assess and comment on the public's perceptions as to the level of taxi fares in the city and as to their willingness and ability to pay higher fares at peak times if they considered that this would result in an increased likelihood of obtaining a taxi

Analysis of the public consultation identified a lack of willingness to pay higher fares at peak times if they considered this to result in an increased likelihood of obtaining a taxi.

8.1 Recommendations

Having undertaken the fares review the following recommendations can be made:

- Implement an increase of 2.1%;
- Remove Tariff 4; and
- Implement an enhanced Tariff 3 (£3.60 flag and 35p increments) from 6pm 24th December to 6am December 27th and 6pm December 31st to midnight January 2nd.

THE CITY OF EDINBURGH COUNCIL

FARE TABLE FOR TAXIS**DRAFT based upon 2.1%****FOR UP TO 2 PASSENGERS**

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

CHARGES	TARIFF 1	TARIFF 2	TARIFF 3	TARIFF 4
<ul style="list-style-type: none"> ▪ Initial hire not exceeding 516m ▪ Initial 105 seconds of waiting time ▪ Combination of initial time and distance 	£2.10	£3.10	£3.10	£4.10
<ul style="list-style-type: none"> ▪ Each additional 184m up until 1988m and thereafter each additional 213m ▪ Each additional 39 seconds of waiting time ▪ Combination of additional time and distance 	£0.25	£0.25	£0.35	£0.45

EXTRA PAYMENTS

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

NOTES

- (1) The above Tariff is applicable only within the City of Edinburgh.
- (2) Any hire which terminates outside the City of Edinburgh area – FARE MUST BE NEGOTIATED AND AGREED WITH DRIVER BEFORE THE JOURNEY COMMENCES.
- (3) A copy of the Licensing Conditions can be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh, EH1 1YJ and downloaded from http://www.edinburgh.gov.uk/downloads/file/3812/taxi-phc_licence_-_standard_conditions..
- (4) The Airport Extra is only payable if passenger is dropped off in the covered inner drop-off zone at Edinburgh Airport and the driver has explained to the passenger before the start of the journey - (1) He will take the passenger to the drop off point just beside the airport terminal and that there is a £1 extra for this. (2) If the passenger states he is disabled, the £1 extra still has to be paid, but the driver understands that the passenger can reclaim this from the airport at the drop-off point. (3) If the passenger wishes to avoid the £1 extra, he can be taken to an outer drop-off point. However, this is further from the airport terminal, involves the use of a free shuttle bus and will require more time for the passenger to get to the airport terminal.

COMPLAINTS

Any hirer aggrieved at the level of the fare charged for any hire or for any other reason may discuss the matter with the Taxi Licensing Officer (0131 529 4250). Any complaint must be made in writing and addressed to the Complaints Officer,

Licensing Section, The City of Edinburgh Council, 249 High Street, Edinburgh EH1 1YJ, and should include the vehicle's licence number and time and date of the incident.

THE CITY OF EDINBURGH COUNCIL

FARE TABLE FOR TAXIS**DRAFT based upon enhanced tariff 3 plus 2.1% increase****FOR UP TO 2 PASSENGERS**

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

CHARGES	TARIFF 1	TARIFF 2	TARIFF 3
<ul style="list-style-type: none"> ▪ Initial hire not exceeding 516m ▪ Initial 105 seconds of waiting time ▪ Combination of initial time and distance 	£2.10	£3.10	£3.60
<ul style="list-style-type: none"> ▪ Each additional 184m up until 1988m and thereafter each additional 213m ▪ Each additional 39 seconds of waiting time ▪ Combination of additional time and distance 	£0.25	£0.25	£0.35

EXTRA PAYMENTS

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

NOTES

- (1) The above Tariff is applicable only within the City of Edinburgh.
- (2) Any hire which terminates outside the City of Edinburgh area – FARE MUST BE NEGOTIATED AND AGREED WITH DRIVER BEFORE THE JOURNEY COMMENCES.
- (3) A copy of the Licensing Conditions can be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh, EH1 1YJ and downloaded from http://www.edinburgh.gov.uk/downloads/file/3812/taxi-phc_licence_-_standard_conditions..
- (4) The Airport Extra is only payable if passenger is dropped off in the covered inner drop-off zone at Edinburgh Airport and the driver has explained to the passenger before the start of the journey - (1) He will take the passenger to the drop off point just beside the airport terminal and that there is a £1 extra for this. (2) If the passenger states he is disabled, the £1 extra still has to be paid, but the driver understands that the passenger can reclaim this from the airport at the drop-off point. (3) If the passenger wishes to avoid the £1 extra, he can be taken to an outer drop-off point. However, this is further from the airport terminal, involves the use of a free shuttle bus and will require more time for the passenger to get to the airport terminal.

COMPLAINTS

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

Regulatory Committee

14:00, Monday, 17 November 2014

House in Multiple Occupation (HMO) Market Review

Item number	6.2
Report number	
Executive/routine	
Wards	

Executive summary

The purpose of this report is to update Committee on the review of the availability of House in Multiple Occupation (HMO) property in Edinburgh. The report also looks at the investment in purpose built student accommodation and the increased demand for shared accommodation, due to welfare reform.

Committee is asked to consider the recommendation for the HMO market to be reviewed on an annual basis to inform the need for an overprovision policy.

Links

Coalition pledges	P13
Council outcomes	CO16, CO21, CO23
Single Outcome Agreement	SO4

House in Multiple Occupation (HMO) Market Review

Recommendations

It is recommended that Regulatory Committee:

- 1.1 Notes the review of the availability of HMO properties in Edinburgh and how it contributes to meeting housing need.
- 1.2 Notes the investment in purpose built student accommodation and the impact on the HMO market.
- 1.3 Agrees that an overprovision policy is not justifiable at this time, but that it will be reviewed on an annual basis and reported to committee.
- 1.4 Refers the report to Planning Committee for information.

Background

- 2.1 The Housing (Scotland) Act 2006 was amended by the Private Rented Housing (Scotland) Act 2011, to include the ability to refuse an HMO licence if the local authority considers that there is an overprovision of HMOs in the locality.
- 2.2 The aspects that must be considered in regard to overprovision are clearly defined in the amended Act, including “the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need”.
- 2.3 The 2006 Act only allows for the refusal of a licence on grounds of overprovision and not overconcentration. Overconcentration is a matter for planning policy.
- 2.4 The ability to refuse an application due to overprovision is an adopted power. Scottish Government guidance states that where local authorities wish to use this power, they will be expected to develop and consult on an explicit overprovision policy. The convenor of the Regulatory Committee asked the Acting Director of Services of Committee to conduct a review of the HMO market and its contribution to meeting housing need, in order to determine if an overprovision policy is necessary.
- 2.5 This report examines the HMO market, the availability of HMO properties and how growth in purpose built student accommodation has impacted on traditional HMO properties.

Main report

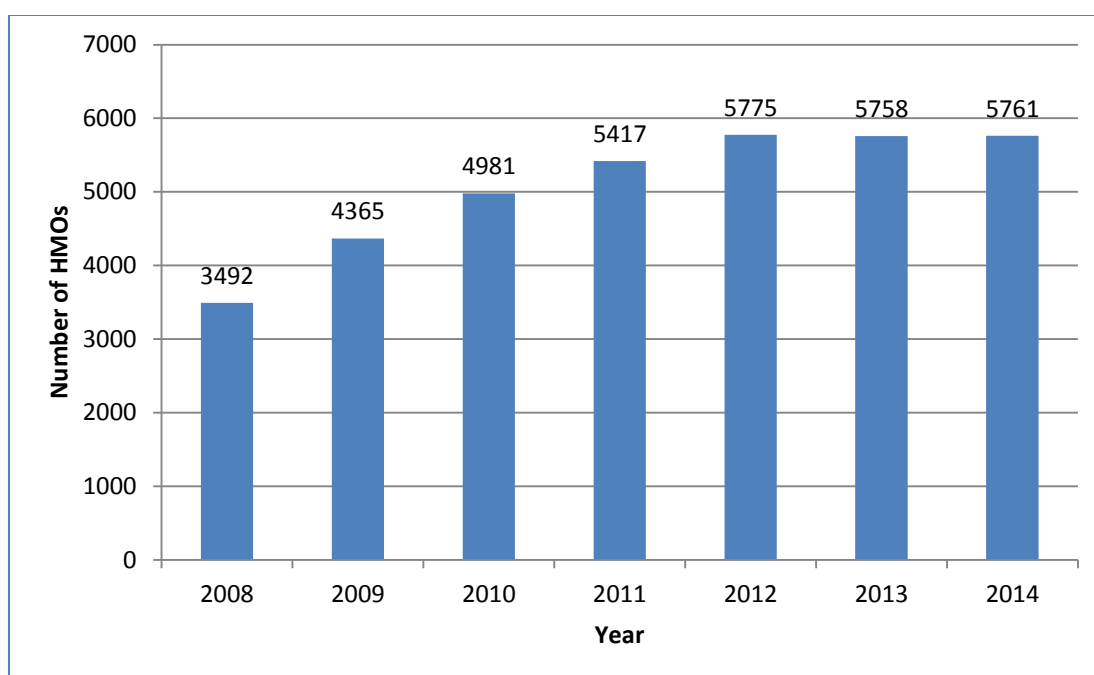
Number and Location of HMO properties

- 3.1 HMO properties are those that house three or more people, from two or more families who share cooking, toilet or washing facilities. These properties are

required to be licensed by law. The current legalisation for the licensing scheme is the Housing (Scotland) Act 2006. The licensing scheme ensures that a minimum standard of accommodation, safety and management is adhered to in order to protect the health and wellbeing of tenants and to control the impact on the local community. A licensed property is known as a House in Multiple Occupation (HMO).

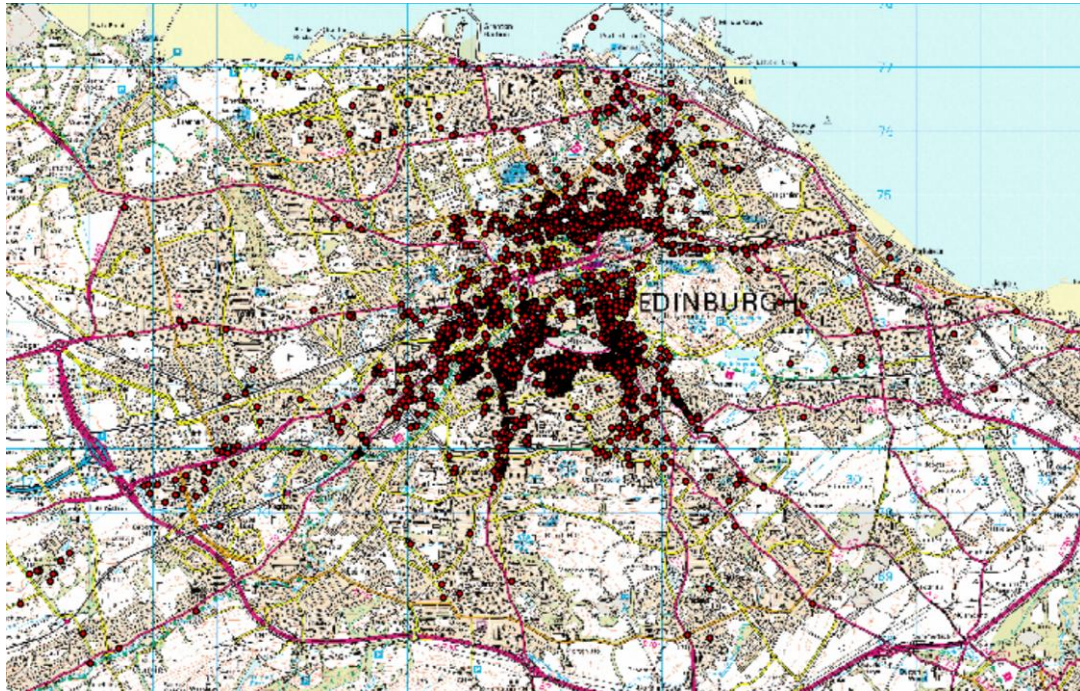
- 3.2 While HMOs are commonly associated with student accommodation they are not exclusively used by students. Property agents in Edinburgh have seen an increase in young professionals residing in HMO properties. The 2011 census found that only 52% of students in Edinburgh live in shared accommodation, with the remainder either living alone, with parents or in an alternative household type.

Figure 1 - Number of licensed HMOs by year



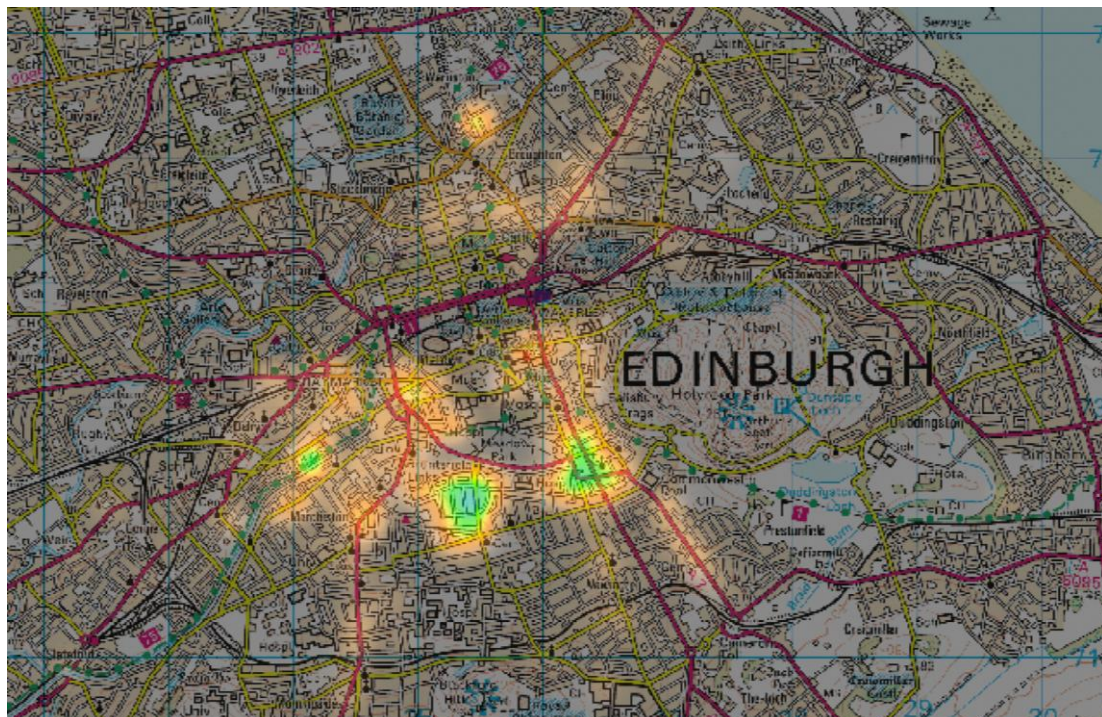
- 3.3 There are currently 5,761 licensed HMOs in Edinburgh. The number of HMOs had been growing steadily until 2012, at which point it has plateaued. It is noted that this broadly corresponds with the significant increase in purpose built student accommodation.
- 3.4 HMOs are not uniformly distributed throughout the city. They tend to be located where housing density is already high, indicating the attractiveness of the area, and where there are strong transport links to central Edinburgh.

Figure 3 - Plot of HMO locations



3.5 It should be noted from the above that there is a tight grouping of licensed HMOs around the George Square campus of the University of Edinburgh, central Edinburgh in general and the main commuting routes in and out of the city centre.

Figure 4 - Density map of HMOs



3.6 The density of licensed HMO properties is greatest around the Meadows and Bruntsfield links areas of the city, with notable concentrations at either end of the Marchmont area, Bruntsfield, Dalkeith Road, Leith Walk, the New Town and

Pilrig. The distribution of HMOs has a high correlation to the distribution of students from the 2011 census.

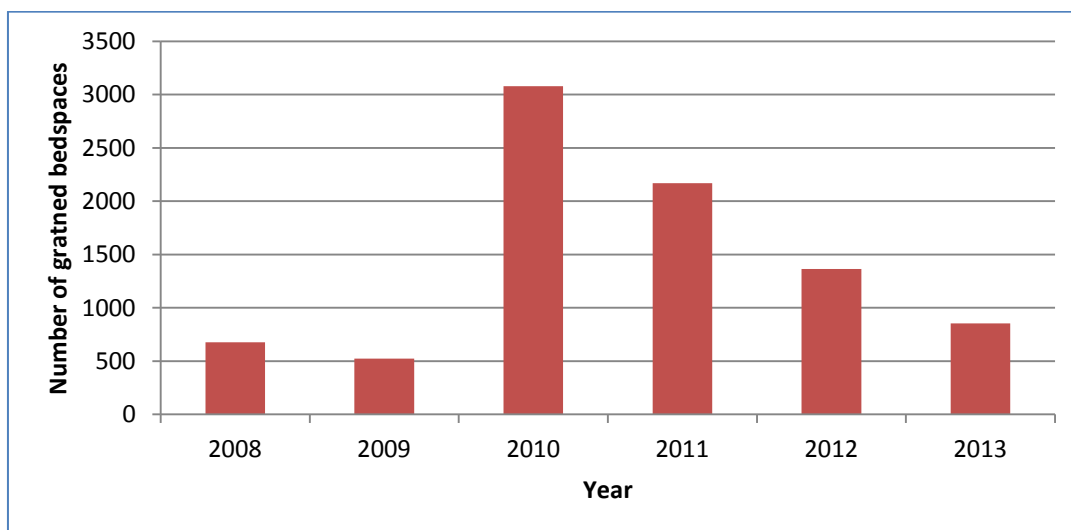
- 3.7 The Council's Private Rented Service (PRS) is responsible for inspecting all HMO properties, maintaining the register of private landlords, enforcing private rented sector law, and providing advice to landlords and tenants. Officers from PRS have identified that licensed HMOs in the north of the city are predominantly occupied by employed young people, which again correlates with the higher density of employed people in that area identified through the 2011 Census.

Planning and HMOs

- 3.8 A licensed HMO property does not normally require planning permission if it is licensed for five or less occupiers. If a property does hold more than five people an application for "a change of use" is required by the Council's planning service, as well as, additional amenities to comply with licensing requirements for an increased number of people in the property.
- 3.9 These requirements act as a disincentive for the creation of large HMOs in domestic residential settings, with 93% of all licensed HMOs being for five people or less.
- 3.10 Purpose built student accommodation requires planning permission and is often of a size that is classed as "Major development". Such developments must carry out pre-application consultation with local communities.
- 3.11 In considering planning applications, the Council can take account of the concentration of similar buildings. The Council is currently reviewing the planning policy in relation to purpose built student accommodation. The outcome of the review will be reported to Planning Committee at the end of the year.

Purpose built student accommodation

Figure 5- Bedspaces in purpose built student accommodation granted planning permission by year submitted



- 3.12 There has been a dramatic increase in purpose built student accommodation in recent years, with eight projects being granted planning permission in 2010, resulting in 3,079 bedspaces.
- 3.13 There has been one project totalling 11 bedspaces already granted in 2014. A further seven projects, totalling 1,695 bed spaces, are the subject of applications awaiting determination.
- 3.14 While purpose built student accommodation projects mainly fall under the HMO licensing scheme they may contain a proportion of small or studio flats, which do not need to be licensed.
- 3.15 Some projects have a turn around of one or two years, however, a number of the projects granted permission in 2010 have just been completed for the 2014/15 academic year, including projects at Holyrood Road (University of Edinburgh) and Potterow (Arduir Ltd). It will therefore be a number of years before the full impact of the expansion of purpose built student accommodation will become apparent.
- 3.16 The growth in purpose built student accommodation is being driven by institutions who value the long term security of income flow. The residential and commercial property consultant, Knight Frank LLP, published an “Insight” guide to the student property market, offering their analysis of the purpose built student accommodation in the UK.
- 3.17 The report states that Edinburgh has an “acute undersupply of student accommodation”. Purpose built student accommodation is seen as a premium accommodation, which is designed to attract students away from traditional HMO properties. The report states that in every student market, students will elect to pay considerably more for the quality and services offered by the purpose built student accommodation; with Edinburgh attracting the third highest purpose built student accommodation rental premium above HMO rents in the UK.
- 3.18 This corresponds with the views of Edinburgh Letting Agents and Landlords who have stated that one of the biggest effects of purpose built student accommodation was the need to improve quality in other HMO properties in order to remain competitive.
- 3.19 Purpose built student accommodation plays a strategic role for universities, which see high quality accommodation as part of the overall student experience they offer and a necessary part of being a world class education provider.
- 3.20 Universities commission projects from contractors which build to individual specification. The properties are then leased back to the university. Knight Frank LLP indicates that this arrangement is now common practice in the UK market and allows universities to respond quickly to meet demand, particularly from overseas students, a growing market for universities.

Welfare Reform and the HMO Market

- 3.21 Local Housing Allowance (LHA) was introduced in April 2008 to calculate Housing Benefit entitlement for private rented sector properties. In January 2012, changes were made as to how LHA was calculated. Single person households, under the age of 35, in one bedroom properties are now entitled to a Shared Accommodation Rate (£67.59/week for Edinburgh) instead of a one Bedroom Accommodation Rate (£115.37/week). Previously this reduced rate only applied to single person households, under the age of 25.
- 3.22 This reduction significantly impacts people's ability to find settled accommodation if they need help with meeting the costs of their rent. In 2013/14, 31% of homeless cases were single person households (including single people or single and pregnant people). In September 2014, 53% (618) of clients in temporary accommodation were under the age of 35. This demographic group has difficulties moving to settled accommodation, due to the lack of suitable affordable accommodation.
- 3.23 HMOs appear to offer suitable shared accommodation to address the housing need of single households looking for a room in shared accommodation. However, HMO properties are predominately let on a "joint and several" basis where a group of individuals approach a landlord (or agent), sign the lease, move in and leave the property together. This type of arrangement favours students who have similar housing needs, driven by the academic calendar and strong social networks through which to find suitable flat mates.
- 3.24 Some HMOs are let on a room-by-room basis, which provides more flexibility for people looking for accommodation throughout the year, without the need to know someone in the property.
- 3.25 Letting on a room-by-room basis creates additional overheads and, therefore, is less attractive to landlords than to let on a joint and several basis. Such room-by-room HMO properties are handled differently for Council Tax purposes, with Council Tax liability transferring to the landlord. In September 2014, there were only 254 such HMOs in Edinburgh, which is less than 5% of the HMO market.
- 3.26 Future Council contracts for provision of rental accommodation, sourced from the private sector, will include a provision that requires providers to offer shared accommodation. It is anticipated that the majority of these will be for two people (i.e. not requiring HMO licenses), with a small amount of HMO licensed properties.

Views of Landlords and Agents

- 3.27 The views of landlords and agents who manage large numbers of HMO properties were sought through the PRS forum and by telephone interviews. The PRS Forum is a private rented sector stakeholder group, chaired and organised by the Council. The membership of the Forum includes landlord and agent groups, universities, third sector organisations and tenant groups.

- 3.28 Those agents that did share information stated they did not have any vacant HMO properties and there was no difficulty in finding tenants. Another agent said that current demand for their HMO portfolio has been the strongest in the company's history. This suggests that there is not overprovision in Edinburgh.
- 3.29 Landlords and agents were however in agreement that purpose built student accommodation had put pressure on the quality of the HMO property, with higher standards being demanded by tenants. Some agents stated that location was of key importance (as purpose built student accommodation tends to be in prime locations), whilst other agents suggested that non-central locations remained popular, if the quality of the property was sufficient.
- 3.30 Purpose built student accommodation almost universally offers en-suite washing and toilet facilities, sharing only kitchen facilities. The properties tend to have innovative layouts that are designed to create wider social interactions between the residents, thus making it difficult for traditional tenement HMO properties to compete.
- 3.31 All parties agreed that, as the property market strengthens in Edinburgh, some investors are looking to sell their properties. It is noted that rather than being purchased by similar investors, they are being purchased by owner occupiers and thus removed from the HMO market.
- 3.32 All agents reported an increase in young professionals residing in HMO properties, with one agent stating this demographic made up 15% of all their tenants.

Engagement with HMO tenants

- 3.33 In September 2014, the Council sent out 675 surveys to tenants of HMO properties asking questions about their HMO property, the management standards and demographic of their tenants. This date was chosen to capture a true reflection of HMO tenants and avoid temporary holiday lets that occur in the month of August.
- 3.34 The return rate for the survey was low and did not provide a viable return. Scrutiny of the surveys returned tended to identify individual concerns which will be addressed separately. Research is being carried out on different communication methods in order to improve the return rate, before issuing future surveys to HMO properties.

Conclusion

- 3.35 The evidence would suggest there is not an overprovision of licensed HMO accommodation in Edinburgh. In fact, there is a significant unmet demand for single households who are under 35 to the extent that the Council is looking at stimulating additional provision of shared living accommodation to address homelessness in the City. There is also an increasing demand for HMO properties from those that are in employment.
- 3.36 Landlords and Agents are experiencing very high demand for HMO properties and are unable to meet this fully. That high demand is affecting how HMO

properties are being let out and is reducing housing opportunities for certain tenants. An overprovision policy could worsen the situation, by having a negative impact on the amount of shared accommodation available.

- 3.37 Purpose built student accommodation has attracted tenants away from traditional tenement HMO properties and put pressure on remaining properties to increase the quality of properties that they offer. This pressure has resulted in some HMOs exiting the market. However, despite increasing provision of purpose built student accommodation, the number of HMOs has remained reasonably static over the past three years.
- 3.38 There is still a significant amount of purpose built student accommodation for which planning permission has been granted, but is yet to be completed as well as, applications that are currently going through the planning process. It is appropriate therefore, to continue to monitor the HMO market to assess the impact that purpose built student accommodation has on both the overall number of HMOs and the traditional tenement HMO.

Measures of success

- 4.1 A shared understanding of the HMO Market, its contribution to meeting housing need, and commitment to monitor the HMO Market on an annual basis.

Financial impact

- 5.1 There are no financial implications arising from this report.

Risk, policy, compliance and governance impact

- 6.1 This policy addresses the question of whether or not the Council requires an overprovision policy and commits to review this position on an annual basis.

Equalities impact

- 7.1 An Equalities and Human Rights Impact Assessment into the associated legislation was carried out prior to the enactment of the Private Rented Housing (Scotland) Act 2011.

Sustainability impact

- 8.1 The proposals in this report will help achieve a sustainable Edinburgh by ensuring that there is sufficient shared accommodation, which is safe and well managed.

Consultation and engagement

- 9.1 Consultation and engagement was carried out with the stakeholders of the PRS Forum. The PRS Forum is a private rented sector stakeholder group, chaired and coordinated by the Council.
- 9.2 The membership of the PRS Forum includes the Council, Heriot Watt University, Edinburgh Private Tenant Action Group, Edinburgh Tenant Federation,

SHELTER, Scottish Association of Landlords, Cyrenians, Cullen Property Management, Letscotland and National Association of Landlords.

- 9.3 In September 2014, the Council sent out 675 surveys to tenants of HMO properties asking questions about their HMO property, the management standards and demographic of their tenants.
- 9.4 In depth telephone interviews were also carried out with letting agents and landlords who manage large numbers of HMO properties in the city.

Background reading/external references

[City Housing Strategy](#)

[Housing \(Scotland\) Act 2006](#)

[Private Rented \(Scotland\) Act 2011](#)

[Knight Frank: INSIGHT Student Property 2014](#)

[Licensing of Houses in Multiple Occupation Statutory Guidance for Scottish Local Authorities](#)

John Bury

Acting Director of Services for Communities

Contact: Alexander Burns, EBS and HAM Manager

E-mail: alexander.burns@edinburgh.gov.uk | Tel: 0131 529 5890

Links

Coalition pledges	P13 Enforce tenancy agreements (council and private landlord) with a view to ensuring tenants and landlords fulfil their good conduct responsibilities
Council outcomes	CO16 Well-housed – People live in a good quality home that is affordable and meets their needs in a well managed Neighbourhood CO21 Safe – Residents, visitors and businesses feel that Edinburgh is a safe city CO23 Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community
Single Outcome Agreement	SO4 Edinburgh's communities are safer and have improved physical and social fabric
Appendices	None

Regulatory Committee

2.00pm, Monday, 17 November 2014

Licensing Customer Survey

Item number	6.3
Report number	
Executive/routine	Routine
Wards	City Wide

Executive summary

Placing customers at the heart of the service and increasing customer satisfaction are key priorities for the Licensing Review. In order to understand views of the service customer research was carried out in 2013 and repeated in 2014.

Customers in the three main areas of licensing were called and asked to participate in a short survey which was designed to assess levels of satisfaction and perception of value for money, for the licensing service.

The research found that some areas of the service had increased levels of customer satisfaction, in particular HMO and Taxi licensing. There are also areas highlighted for improvement and these will inform the further development of the service.

Links

Coalition pledges	P28
Council outcomes	CO7
Single Outcome Agreement	SO1

Licensing Customer Survey

Recommendations

- 1.1 It is recommended that Committee notes this report.

Background

- 2.1 The City of Edinburgh Council has statutory responsibilities to license certain businesses and activities to ensure proper standards are met and that the general public interest and public safety are protected. Recent restructuring within the council has seen licensing functions – previously within different service areas – move to form a single team.
- 2.2 The Licensing function receives around 23,000 licence applications each year. Licensing an individual, an event, a premises or a business enables trading to take place. The economic impact of any delay to processing licences can be large. This report covers Taxi, Private Hire Car, House in Multiple Occupation (HMO) and Civic licences.
- 2.3 The licensing service had previously been orientated towards statutory response targets (which allow a local authority up to six months to respond to an application), rather than focussing on customer requirements. There is a significant change process underway which will ensure that the customer and improving customer satisfaction is a key priority for the service in the future.

Main report

- 3.1 A telephone survey was developed by Research Resource in conjunction with the Council, and was initially carried out between 23 January and 13 February 2013, and then repeated between 2 June and 16 July 2014. The purpose was to assess independently levels of customer satisfaction with a range of measures and highlight areas where customers want the service improved.
- 3.2 The full research reports are available to Committee members upon request.
- 3.3 The customers who were consulted were chosen at random from a database of those who had applied for a licence within the previous 18 months. Prior to 2013 no consistent customer feedback or research had been undertaken by the service.
- 3.4 Collected data was weighted by function (civic, taxi/private hire, HMO) to reflect the actual service volumes.
- 3.5 [Appendix 1](#) gives a summary comparing 2013 and 2014 survey results.

3.6 Key findings from the surveys are as follows:

- 75% of licence holders have held a licence for over five years.
- Significant increases in customer satisfaction with the overall service provided for both HMO and Taxi/Private Hire customers. These have been achieved during a significant change process.
 - HMO satisfaction levels increased from a score of 6.30 to 8.48 out of 10.
 - Taxi Private Hire satisfaction levels increased from a score of 6.79 to 7.31 out of 10.
- 45% (+3%) of licence holders felt the licence fee was value for money.

3.7 The top three key areas of customer feedback on areas for improvement are:

- Not enough feedback from the licensing service on the progress of applications. 20% of respondents
- Need to cut back on rules and regulations. 17% of respondents.
- Quicker turnaround of applications. 14% of respondents.

3.8 The aim of the ongoing Licensing Review is to modernise the licensing service into the leading service provider in Scotland. Areas of improvement highlighted by customers feed directly into the review leading to enhanced service provision on an ongoing basis. Measures are being taken within the review to address these issues including the following:

- Using technology to improve feedback as an application completes each stage of the process;
- Introducing performance measures on time taken to deal with applications; and
- Ongoing review of policies as part of the Committee's work plan.

3.9 A report will be submitted to the Committee on an annual basis, detailing customer satisfaction and service improvements made. It should be noted that the Licensing Service can only have a partial impact on certain issues, for example, minimum timescales for dealing with applications are set by statute and thus cannot be shortened at a local level.

3.10 The Regulatory Committee workplan is addressing where possible, simplifying and improving local licensing conditions, e.g. the review of Public Entertainment licensing brought the categories of premises licensed up to date.

Measures of success

4.1 The report highlights areas of improved satisfaction and areas for continuous improvement.

Financial impact

- 5.1 The cost of the research amounts to £13,650 and is contained within the income from licence fees and does not impact the Council budget.

Risk, policy, compliance and governance impact

- 6.1 There are no direct impacts arising from this report. The work undertaken is good practice to measure customer satisfaction.

Equalities impact

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

Sustainability impact

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

Consultation and engagement

- 9.1 This survey is an important step in engaging with customers of the licensing service.

Background reading/external references

N/A

John Bury

Acting Director of Services for Communities

Contact: Susan Mooney, Head of Service

E-mail susan.mooney@edinburgh.gov.uk | Tel: 0131 529 7587

Contact: Andrew Mitchell, Community Safety Manager

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

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	CO7: Edinburgh draws new investment in development and regeneration
Single Outcome Agreement	SO1: Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
Appendices	Appendix 1 : Summary results comparison of 2013 and 2014 surveys

Appendix 1

Q2 How long have you been/were you a licence holder in Edinburgh?		
	2013	2014
Unweighted base		1329
I have not yet received my licence and this is my first application	1%	0%
Less than six months	5%	2%
At least six months, less than one year	7%	5%
At least one year, less than three years	11%	8%
At least three years, less than five years	13%	9%
Five years or more	61%	75%
Don't know/ can't remember	2%	1%

Q3 How did you pay for your (most recent) licence? (new question not asked in 2013)	
	2014
Unweighted base	1329
Online	9%
In person at cash counter	40%
Cheque in post	43%
Other	3%
Don't know/ can't remember	5%
Refused	0%

Q4 (score out of 10, where 1 is 'poor' and 10 is 'excellent')

	2013	2014
Ease of finding and completing the licence application forms	7.62	7.43
Paying the processing fee for your licence	7.72	8.03
The length of time to process your application and give you a licence	5.59	5.74
Being kept up to date with the progress of your licence application	5.23	5.51
The helpfulness of the licensing team	7.58	7.61
Overall, how would you rate the licensing service?	6.72	6.74

Q5 Do you feel that the licensing service provides value for money?	2013	2014
<i>Yes</i>	46%	45%
<i>No</i>	44%	46%
<i>Don't know</i>	10%	8%

Questions 6 and 7 customers were invited to answer without options and the tables below collate these suggestions. Answers vary from year to year and therefore direct comparison of results is not possible.

Q6 Can you explain why you say that you do not feel that the licensing service provides value for money?	
	2013
Fee reduction/ less expensive	11%
Online payment method/ by post/ BACs	2%
Process application quicker	15%
Inform us of any changes/ send emails/ more feedback on progress	10%
Improved online services	5%
Extend licence period	6%
Cut down regulations/ rules	10%
Better parking facilities in city centre	2%
Improved staff/ more helpful staff	2%
No/ happy with service	40%
Don't know	3%
Other	4%
	2014
There should be a price reduction for renewals	3%
Lack of information/ not kept up to date	6%

Would prefer not to have to apply every year/ extend licence period	6%
Unnecessary cost/ additional tax/ is a legal requirement only	12%
Too much paperwork/ bureaucracy/ simpler process required	13%
Too expensive/ not value for money	58%
Feel the license is unnecessary/ only used infrequently/ only used infrequently	10%
Don't know.	1%
Length of time to process application	8%
Constant changes to the requirements/ regulations are too strict	16%
Poor service at licensing office	11%
Other	2%
Don't send out the license	0%

Q7 Do you have any suggestions for how the licensing service can be improved?	
	2013
Fee reduction/ less expensive	11%
Online payment method/ by post/ BACs	2%
Process application quicker	15%
Inform us of any changes/ send emails/ more feedback on progress	10%
Improved online services	5%
Extend licence period	6%

Cut down regulations/ rules	10%
Better parking facilities in city centre	2%
Improved staff/ more helpful staff	2%
No/ happy with service	40%
Don't know	3%
Other	4%
	2014
Fee reduction/ less expensive	7%
Online payment method/ by post/ BACs	2%
Process application quicker	15%
Inform us of any changes/ send emails/ more feedback on progress	18%
Improved online services	10%
Extend licence period	8%
Cut down regulations/ rules	20%
Better parking facilities in city centre	3%
Improved staff/ more helpful staff	4%
No suggestions/ happy with service	34%
Don't know	1%
Other	2%

Regulatory Committee

2.00pm, Monday, 17 November 2014

Second Hand Dealers: Update of Standard Conditions

Item number	6.4
Report number	
Executive/routine	Executive
Wards	City Wide

Executive summary

The Civic Government (Scotland) Act 1982, as amended, permits the licensing authority to determine its own sets of conditions to which licences granted by the authority are to be subject. These conditions are referred to as the “standard conditions”. One of these licence categories is Second Hand Dealer.

Following consultation with the Police, Trading Standards and Legal Services, amendments to the current conditions have been proposed.

The draft amended conditions cover all second hand dealers, including those dealing in clothing and textiles.

Links

Coalition pledges P28

Council outcomes CO26

Single Outcome Agreement SO1

Second Hand Dealer: Update of Standard Conditions

Recommendations

It is recommended that the Regulatory Committee:

- 1.1 agrees in principle the amended conditions, which update the standard conditions in relation to second hand dealers; and
- 1.2 instructs the Director of Services for Communities to engage in further consultation with licence holders and other stakeholders on these draft conditions, and thereafter to report back to Committee in six months.

Background

- 2.1 The conditions attached to licences granted and renewed by the Council as the licensing authority are governed by the Civic Government Scotland Act (CGSA), as amended by the Criminal Justice and Licensing (Scotland) Act 2010. The 2010 Act introduced the concept of “mandatory” and “standard” licence conditions. Mandatory conditions are those which Scottish Ministers may make by statutory instrument. The Scottish Ministers have not yet issued any pertaining mandatory conditions. Standard conditions are determined by the licensing authority. To have proper effect, standard conditions should be published. Publishing the conditions on the Council’s website meets this requirement.
- 2.2 In the event of the Scottish Ministers issuing sets of mandatory conditions which have an impact on the Council’s duly identified standard conditions, the Council’s conditions will be required to be reviewed to ensure that there is no inconsistency.
- 2.3 In granting or renewing a licence, the Council may disapply or vary any standard conditions which apply to the licence and/ or impose additional conditions. In other words, the standard conditions will apply in the event of the grant of licence unless the Council expressly decides otherwise.
- 2.4 Changes to the standard conditions for second hand dealers were last agreed by the Regulatory Committee at its meeting of 9 March 2012. This change was restricted to clothing and textile goods.

Main report

- 3.1 The current standard conditions for second hand dealers are attached at Appendix 2. This report proposes a number of changes, with the aim of

modernising and clarifying Standard Licence Conditions for Second Hand Dealers. These proposed changes are attached at Appendix 1.

3.2 The proposed amendments are summarised in the following paragraphs.

Record Keeping

3.3 Many dealers have sought and been granted an exemption to the licence condition requiring records to be kept in a “properly bound book with consecutively numbered pages”. Many now keep such records electronically in the form of a spreadsheet or similar. Police Scotland is content with this approach, and reports that the standard of electronic record keeping and general co-operation in Edinburgh is extremely good. It is suggested that, if kept electronically, records should be saved to a back up at least weekly in order that any loss of records due to technical fault is controlled.

3.4 It is proposed that the details of records to be kept are varied depending on the type of goods traded, with three identified categories:

- Motor Vehicles
- Clothing and Textiles
- All other goods

3.4 The wording of the details required for motor vehicles has been amended to address confusion over the details required concerning acquisition and disposal.

3.5 The conditions for second hand sales of clothing and textiles were last updated in April 2012 and those amended conditions are included within the draft Standard Conditions for Second Hand Dealers.

3.6 It is suggested that ‘Price Paid’ be added to the records required for each category. It is suggested by Police Scotland that this would assist its monitoring of the records for any suspicious transactions.

3.7 The Standard Conditions require that, as well as a full description of the goods at the time of purchase, a further description of the articles at the time of sale be recorded. This is no longer considered necessary as neither the Police or Trading Standards Officers make use of the information. Therefore it is recommended that it be removed as there is no justification for imposing that condition.

3.8 The current Standard Condition requiring a record to be kept of the name and address of the purchaser of goods is an onerous one. It is proposed to limit this requirement to transactions involving goods valued at £50 or more.

Proof of Identity

3.9 Police Scotland routinely request that further conditions be attached to the Council’s Standard Conditions, to require that the dealer verifies the identity of those selling goods. This verification currently requires two forms of identification, one photographic, and another such as a utility bill not more than six weeks old. Police Scotland states that these conditions are routinely

accepted, but the process currently requires consideration of each licence application. Police Scotland proposes amending these conditions to requiring photographic identification, where available, and utility bills not more than three months old. If adopted within the Standard Conditions this would negate the Police seeking amended conditions and streamline the workload of the Committee. Any applicant who has a concern could seek an exemption.

Disposal of Goods

- 3.10 The CGSA prohibits the disposal of acquired goods for a period of 48 hours. This is intended to aid the tracing and recovery of stolen goods. For electronic goods such as smart phones, laptop and tablet computers, when their memories are wiped or reformatted they effectively lose their identity and may not be identifiable if stolen goods. It is proposed to specifically prohibit the reformatting, reprogramming or change in any way such electrical goods within the stipulated 48 hour period.

Other Issues

- 3.11 It is proposed that the Licensee's records must be made available, not just to a Police Constable, but to other authorised Police staff and duly authorised council officers.
- 3.12 It is proposed to replace reference to the Shops and Railway Premises Act with reference to the Workplace (Health, Safety, and Welfare) Regulations as the current statutory equivalent.

Measures of success

- 4.1 New standard licence conditions for second hand dealers agreed and implemented, subject to successful consultation exercise. The conditions are proportionate and do not impose undue burdens on licenceholders.
- 4.2 Licensing service improved and modernised.

Financial impact

- 5.1 There is unlikely to be any financial impact as a result of these changes. Licensing fees are unaffected. The standard conditions are not so substantially changed as to have a significant impact on the number of applicants likely to seek a second hand dealers licence.

Risk, policy, compliance and governance impact

- 6.1 Updated standard conditions will assist in improving and modernising the licensing service.

Equalities impact

- 7.1 The contents, analysis and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.

- 7.2 The contents, analysis and recommendations described in the report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe upon them.

Sustainability impact

- 8.1 The need to build resilience to climate change impacts is not relevant to the proposals in this report because the proposals are neither positively nor negatively affected by climate change. The issues identified will have no impact as relating to the Climate Change (Scotland) Act 2009.
- 8.2 Social justice is not considered to have an impact on the proposals in this report, because the proposals do not change social conditions.

Consultation and engagement

- 9.1 It is a legislative requirement that consultation take place with licence holders, as the new standard conditions will be imposed on each licence unless specially exempted by committee.

Background reading/external references

[Regulatory Committee Report, 9 March 2012 Second Hand Dealers in Clothing and Textiles](#)

John Bury

Acting Director of Services for Communities

Contact: Name, Susan Mooney

E-mail: susan.mooney@edinburgh.gov.uk Tel: 0131 529 7587

Contact: Name, Andrew Mitchell

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

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	CO26 – The Council engages with stakeholders and works in partnership to improve services and deliver on agreed objectives
Single Outcome Agreement	SO1 – Edinburgh’s economy delivers increased investment, jobs and opportunities for all
Appendices	Appendix 1 Draft Standard Conditions for Second Hand Dealers Appendix 2 Existing Standard Conditions – Second Hand Dealers (Includes Additional Standard Conditions for Clothing etc.

Appendix 1 – Draft amended conditions

Standard Licence Conditions for Second Hand Dealers

1. A record of each transaction must be maintained.
2. These records must either be kept electronically or in a properly bound book with consecutively numbered pages. If kept electronically the records should be saved to back up drive at least weekly. A suitable book may be purchased from the Council and must be paid for in addition to the Licence Fee.

3. The Records must be kept on the premises at all times.

4. Records must be retained and available for inspection for at least two years.

5. The details to be recorded vary depending upon the type of goods being traded;

a) Second Hand Motor Vehicles;

- Date and time of acquisition of vehicle
- Colour, make and model of vehicle
- Engine, chassis and registration numbers
- Name and full address of person from whom purchased
- Name and full address of person the vehicle sold to
- Odometer reading on purchase and sale.

b) Clothing and Textiles

- A unique transaction number which links each item or a collection of items to the seller
- Date and time of purchase
- Name and full address of the seller
- The price paid
- An indication of the method of disposal of the items
- Where items are disposed of other than by means of retail sale the dealer shall record the name and address of the person acquiring the items.

c) All other goods

- Date and time of purchase
- Full description of each article
- The price paid
- The name and full address of the person from whom purchased
- Date and time of sale
- Name and full address of person the goods are sold to (only applicable to goods sold for over £50).

6. The name and address of the seller of goods must be verified by two acceptable forms of identification, one of which should be photographic where available.

Acceptable forms of identification are utility bills not more than three months old and official photographic identification such as passport, driving licence or PASS card.

7. As stipulated by the Civic Government (Scotland) Act 1982, no items shall be disposed of for at least 48 hours after acquisition, excluding Saturday and Sunday

unless specifically exempted. For clothing and textiles, items must be traceable to the seller using the unique transaction number for the 48 hour period. Electrical goods must not be reformatted, reprogrammed or changed in any way within the 48 hour period.

8. The Licensee shall not dispose of goods to, or acquire goods from, any person less than sixteen years of age, whether such person is acting on his own behalf or on behalf of another person. This condition shall not apply to the disposal of any video game or similar where the price paid is less than £25 per item. (N.B. Video game does not include any reference to the games console).

9. No goods or vehicles shall be stored or displayed outwith the licensed premises.

10. All acoustic and amplified music and/or vocals shall be controlled to the satisfaction of the Director of Services for Communities.

11. In relation to premises for the sale of motor vehicles, any noise associated with the servicing, repair, testing or valeting of such vehicles shall be controlled so as not to cause annoyance to the satisfaction of the Director of Services for Communities.

12. No burning of materials shall be allowed on the premises.

13. No goods shall be received or taken in pledge.

14. No pawn ticket shall be received or taken for any article which has been pawned nor shall the Licensee negotiate in any manner with the holder of any such pawn ticket or his agent for the purchase of any article to which the pawn ticket refers.

15. The Licensee shall not acquire in the course of his business:—

(a) Any voucher, note or other document issued by or under the authority of any Public or Local Authority or any Charitable Institution by virtue of which a person may receive any assistance whatsoever; or

(b) Any article of clothing issued by or on behalf of any such public authority, institution or utility company and legibly marked as being so issued or known by the dealer to be so issued.

16. The Licensee shall not carry on business as a Second-Hand Dealer in any premises in which the business of a Pawnbroker is carried on or in any other premises having access to such premises.

17. The Licensee shall not keep or permit to be kept on his premises any smelting pot or implement for melting, altering or defacing gold, silver, lead or other metals.

18. The Licensee's records must be available for inspection by any Police Constable, other authorised Police staff or duly authorised council officer when the premises are open for business.

19. The Health and Safety at Work Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992 shall be complied with.

20. Any conditions imposed by the Planning Authority shall be complied with.

Appendix 2 –Current Conditions

THE CITY OF EDINBURGH COUNCIL GENERAL LICENCE CONDITIONS — SECOND-HAND DEALERS

1. A record of all items bought and sold must be kept. The record must be in the form of a properly bound book with consecutively numbered pages and all articles must be numbered. The book must be kept on the premises at all times. A suitable book will be provided by the Council and must be paid for in addition to the Licence Fee.
2. Records must be preserved for at least two years.
3. Records must include the following details (except for dealers in second-hand motor vehicles in which connection see Condition 4):- Date and time of purchase; a full description of each article; the name and address of the seller; date and time of sale; a description of the articles at the time of the sale; and the name and address of the purchaser.
4. Dealers in second-hand motor vehicles shall keep a record book including the following details: - Date and time of purchase; colour; make and model of vehicle; engine; chassis and registration numbers; name and address of seller; odometer reading on purchase and sale; name and address of purchaser; and data and litre of sale.
5. Dealers in second-hand motor vehicles shall comply with the Scottish Motor Trade Association Code of Practice for the motor industry.
6. No pawn ticket shall be received or taken for any article which has been pawned nor shall the Licensee negotiate in any manner with the holder of any such pawn ticket or his agent for the purchase of any article to which the pawn ticket refers.
7. The Licensee shall not acquire in the course of his business:-
 - (a) Any voucher, note or other document issued by or under the authority of any Public or Local Authority or any Charitable Institution by virtue of which a person may receive any assistance whatsoever; or
 - (b) Any article of clothing issued by or on behalf of any such Authority or Institution and legibly marked as being so issued or known by the dealer to be so issued.
8. The Licensee shall not carry on business as a Second-Hand Dealer in any premises in which the business of a Pawnbroker is carried on or in any other premises having access to such premises.
9. The Licensee shall not dispose of goods to, or acquire goods from, any person who appears to be under sixteen years of age, whether such person is acting on his own behalf or on behalf of another person.
10. The Licensee shall not keep or permit to be kept on his premises any smelting pot or implement for melting, altering or defacing gold, silver, lead or other metals.

11. The Licensee's records must be available for inspection by any Police Constable when the premises are open for business.
12. Any amplified music and speech shall be controlled so as not to cause annoyance to the satisfaction of the Director of Environmental and Consumer Services or any authorised officer of the Council.
13. The Health and Safety at Work Act and the Offices, Shops and Railway Premises Act shall be complied with.
14. Any conditions imposed by the Planning and Development Committee shall be complied with.
15. No goods shall be stored or displayed outwith the premises.
16. No burning of materials shall be allowed on the premises.
17. In relation to premises for the sale of motor vehicles, any noise associated with the servicing, repair or testing of such vehicles shall be controlled so as not to cause annoyance to the satisfaction of the Director of Environmental and Consumer Services.

THE CITY OF EDINBURGH COUNCIL
STANDARD LICENCE CONDITIONS FOR SECOND HAND DEALERS - CLOTHING
ETC.

1. A record of each transaction must be maintained.
2. These records must be kept in a properly bound book with consecutively numbered pages
3. Each record must include the following details
 - Date and time of purchase.
 - Name and full address of the seller.
 - A unique transaction number which links each item or a collection of items to the seller.
 - The price paid.
 - An indication of the method of disposal of the items.
 - Where the items are disposed of other than by means of retail sale the dealer shall record the name and full address of the person acquiring the items
4. The book must be kept on the premises at all times.
5. Records must be retained and available for inspection for at least two years
6. The items must be traceable to the seller using the unique transaction number for the 48 hour period.
7. The Licensee shall not acquire in the course of his business any item of clothing issued by or on behalf of any Public Authority, Utility or Company and marked as being so issued or known by the dealer to be so issued. Provided that this requirement shall not apply when the item is obtained with the permission of said public authority, utility or company.
8. The Licensee shall not dispose of goods to, or acquire goods from, any person under sixteen years of age, whether such person is acting on his own behalf or on behalf of another person.
9. All amplified music and vocals shall be controlled to the satisfaction of the Director of Services for Communities.
10. No goods shall be stored or displayed out with the premises
11. No burning of materials shall be allowed on the premises

Regulatory Committee

2.00pm, Monday, 17 November 2014

Public safety at sports grounds: annual update

Item number	6.5
Report number	
Executive/routine	
Wards	All

Executive summary

This is the first annual update on the Council's responsibilities in relation to public safety at sports grounds. Between October 2013 and September 2014, the Public Safety team within the Culture and Sport service issued General Safety Certificates on time to Easter Road Stadium, Meadowbank Stadium, Murrayfield Stadium and Tynecastle Stadium. The Public Safety team also issued six Special Safety Certificates in total to these four stadia, to cover two non-sporting events, and four sporting events where the supporter segregation and stewarding plans differed from agreed stadium templates. No enforcement action was required.

Links

Coalition pledges	P24 and P42
Council outcomes	CO26
Single Outcome Agreement	SO4

Public safety at sports grounds: annual update

Recommendations

- 1.1 It is recommended that Committee:
- 1.1.1 notes this report, the first of a series of annual updates on safety at sports grounds.

Background

- 2.1 At its meeting on 15 November 2013, the Regulatory Committee agreed its amended Work Plan. This incorporated proposed workstreams including public safety at sports grounds, noting against the latter that the Committee should receive an annual update on this area of work (from 2014 onwards) in accordance with the Council's Standing Orders.
- 2.2 The Committee Terms of Reference and Delegated Functions document states at paragraph 21.5.10 that it is within the Regulatory Committee's remit to "exercise the Council's responsibilities in respect of safety at sports grounds". The Council's Scheme of Delegation to Officers describes these as:
- administering and issuing Safety Certificates and Special Safety Certificates, and carrying out inspection and enforcement duties relating to such certificates, for Designated Stadia and Regulated Stands in accordance with the Fire Safety and Safety of Places of Sports Acts 1987, the Safety of Sports Grounds Act 1975 and the Safety of Places of Sports Regulations 1988. [Paragraph 56 of the Scheme]
- 2.3 The Council therefore has a duty to determine suitable safety measures for spectators attending events at Designated Stadia to view specified sporting activities within its jurisdiction. (Safety measures include the maximum safe occupancy capacity of stadia and a wide range of other safety provisions. The four Designated Stadia in Edinburgh are Easter Road, Meadowbank, Murrayfield and Tynecastle.) The Council is also required to issue General Safety Certificates to the Designated Stadia when satisfied that safety-related matters are at a satisfactory level and are maintained at that level.
- 2.4 When activities not included on General Safety Certificates are held at these stadia then the Council must issue a Special Safety Certificate for those activities.
- 2.5 The Council is responsible for taking any enforcement action in relation to non-compliance with the conditions of the Certificates and if non-specified activities viewed by an audience take place without a Certificate.

- 2.6 The Council also has a duty under the Act to enforce the recommendations of the relevant legislation, regulations and guides at any sports ground, whether a Certificate is in place or not.
- 2.7 The Scheme of Delegation notes that these duties are the responsibility of the Director of Corporate Governance, through the Public Safety team within Culture and Sport.
- 2.8 Public Entertainment licences are not required to view outdoor sporting events and enforcement is through the Safety of Sports Grounds Act 1975.

Main report

- 3.1 Between October 2013 and September 2014, General Safety Certificates were issued to all Designated Stadia in Edinburgh as noted in the table below:

Sports Ground	Certificate Holder	Date of last issue	Primary activities on Certificate
Easter Road Stadium	Hibernian Football Club	15 July 2014	Football (soccer) Rugby
Meadowbank Stadium	Edinburgh Leisure	27 November 2013	Football (soccer) Rugby Athletics American Football Arena-based events on pitch or track with seated viewing audience
Murrayfield Stadium	Scottish Rugby Union	31 July 2014	Rugby Athletics Cycling Football (soccer) American Football
Tynecastle Stadium	Heart of Midlothian Football Club	14 August 2014	Football (soccer)

- 3.2 During the same time period, the following Special Safety Certificates were issued:

Sports Ground	Event	Date of issue	Reason for Special Certificate
Meadowbank	5 November 2013	18 October 2013	Non-sporting event (also

Stadium	Fireworks display		covered by Public Entertainment Licensing).
Easter Road Stadium	6 April 2014 Ramsden's Cup Final	2 April 2014	Supporter segregation and stewarding plan differ from agreed stadium templates.
Murrayfield Stadium	6 August 2014 Glasgow Celtic v Legia Warsaw	6 August 2014	Supporter segregation and stewarding plan differ from agreed stadium templates.
	22 July 2014 Glasgow Celtic v KR Reykjavik	18 July 2014	Supporter segregation and stewarding plan differ from agreed stadium templates.
	3 June 2014 One Direction Concert	3 June 2014	Non-sporting event (also covered by Variation to Premises Licence).
Tynecastle Stadium	1 February 2014 Scottish League Cup Semi Final	30 January 2014	Supporter segregation and stewarding plan differ from agreed stadium templates.

3.3 All certificates were issued after the statutory consultations, inspections and document assessments were carried out by the Public Safety team within the Culture and Sport service.

Measures of success

- 4.1 The correct certification was issued to relevant parties before deadlines (after expiry of previous certificates and/or prior to first events).
- 4.2 No enforcement actions were necessary in the period covered by this report.

Financial impact

- 5.1 Costs were contained within the Culture and Sport revenue budget. There are no cost recovery measures in place at present.

Risk, policy, compliance and governance impact

- 6.1 The Council carries out regular monitoring and annual certification in line with its statutory duties. This ensures public safety and reduces risk to spectators and reputational risk to the Council as Certifying Authority.

Equalities impact

- 7.1 None.

Sustainability impact

- 8.1 None.

Consultation and engagement

- 9.1 Consultation has taken place in the form of round table meetings and site visits and inspections with Police Scotland, the Scottish Ambulance Service, the Scottish Fire and Rescue Service, voluntary first aid organisations and the relevant sports clubs and organisations which manage the venues.
- 9.2 In accordance with its duties under the Safety at Sports Grounds Act 1975, the Council issues copies of the certification to Police Scotland.

Background reading/external references

Regulatory Committee Work Plan [15 November 2013](#)

Alastair D Maclean

Director of Corporate Governance

Contact: John McNeill, Senior Surveyor, Public Safety, Culture and Sport

E-mail: john.mcneill@edinburgh.gov.uk | Tel: 0131 529 4559

Links

Coalition pledges	P24 - Maintain and embrace support for our world-famous festivals and events P42 - Continue to support and invest in our sporting infrastructure
Council outcomes	CO26 - The Council engages with stakeholders and works in partnership to improve services and deliver on agreed objectives
Single Outcome Agreement	SO4 - Edinburgh's communities are safer and have improved physical and social fabric
Appendices	None

Regulatory Committee

2.00pm, Monday, 17 November 2014

Update on Consultation on Safety Cameras in Taxis and Private Hire Cars

Item number	6.6
Report number	
Executive/routine	Executive
Wards	All

Executive summary

This report updates Committee on the outcome of statutory consultation on the installation and use of safety cameras in taxis and private hire cars (PHCs). It recommends that Committee approves changes to standard conditions which would permit such installation.

Links

Coalition pledges	P15
Council outcomes	CO8
Single Outcome Agreement	S01

Update on Consultation on Safety Cameras in Taxis and Private Hire Cars

Recommendations

It is recommended that the Regulatory Committee:

- 1.1 agrees that safety cameras may be installed in taxis and PHCs on variation application, subject to the requirements set out in the attached Guidance Note in [Appendix 3](#);
- 1.2 delegates to the Director of Services for Communities the authority to approve individual licence variations, in terms of paragraphs 206 and 261 of the Council's licensing conditions, to allow the installation of safety cameras within Taxis and PHCs;
- 1.3 agrees that there should be a one-off inspection and administrative fee of £50 per vehicle for each application to install safety cameras; and
- 1.4 agrees to receive a report in 12 months detailing the number of applications received and any other issues raised about this change in policy.

Background

- 2.1 Within the existing workplan, the Committee agreed to look at the installation of CCTV cameras 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), which 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; bearing on this issue is provided at Appendix 1. This indicates that 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 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, by the Council, to be misconduct, 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.
- 2.7 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.
- 2.8 Council licensing conditions for Taxis and PHCs require any changes made to a relevant vehicle to be approved by the Taxi Examination Centre on behalf of the Council, before the vehicle may be used as a Taxi or PHC.
- 2.9 At its meeting of 4 April 2014, and after receiving several requests from the taxi trade, the Regulatory Committee agreed in principle to delegate to the Director of Services for Communities the authority to approve requests for permission to fit safety cameras to taxis or PHCs, subject to certain conditions and subject to consultation.
- 2.10 At that meeting the Committee further instructed the Director of Services for Communities to engage in additional consultation with the taxi trade (as required by the Civic Government (Scotland) Act 1982), and to report back to the Committee in six months.

Main report

- 3.1 A letter was sent to all licenceholders, approximately 5,000 in total, inviting responses on the subject of safety cameras ([Appendix 1](#)). The consultation was carried out from 2 to 30 September 2014. However, responses received after this date have also been included. The consultation was also promoted on the Council website.
- 3.2 Twenty six responses to the consultation were received. Twenty four respondents stated clearly that they were strongly in favour of the proposal

and one was against the proposal. The remaining response did not express a clear opinion. Potential barriers mentioned by individual respondents included: costs of installation/maintenance; time 'off the road' to facilitate installation; a belief that there is no need for safety cameras. All responses are attached at [Appendix 2](#).

- 3.3 The Committee will be aware that consultation on the installation of forward-facing cameras (for insurance purposes) was subject to a previous report in June 2014. All responses from that consultation relevant to safety cameras have been included in this report for completeness.
- 3.4 Comments were made in relation to the proposed £50 fee. If the proposals are agreed it will be communicated to licence holders that this will be a one-off variation fee, applicable at the initial inspection. Provided that the relevant vehicle undergoes no further alterations, no further fee will be incurred regarding the installed cameras.
- 3.5 Police Scotland (via the Taxi Examination Centre) reported that the proposals posed no risks from a safety or 'MoT' perspective and therefore does not object.
- 3.6 If the Committee agrees the recommendations a further report will be presented in twelve months, detailing the number of applications received and any other issues raised about this change in policy.

Measures of success

- 4.1 The current conditions of licence appropriately control any use of safety cameras by the taxi trade.

Financial impact

- 5.1 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.

Risk, policy, compliance and governance impact

- 6.1 Data Protection implications have been fully considered and have been given recognition in the draft conditions.

Equalities impact

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

Sustainability impact

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

Consultation and engagement

9.1 In order to comply with statutory requirements, consultation on the use of safety cameras within taxis and PHCs was carried out prior to the submission of this report. All holders of taxi or PHC licences were written to [Appendix 1](#). No responses were received from the public via the website. Twenty six responses to the consultation were received in total and these are attached at [Appendix 2](#).

Background reading/external references

[Minutes of Regulatory Committee meeting of 4 April 2014](#)

[Report to Regulatory Committee of 15 November 2013 \('Forward-facing cameras in taxis for insurance purposes'\)](#)

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

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

John Bury

Acting Director of Services for Communities

Contact: Susan Mooney, Head of Service

E-mail susan.mooney@edinburgh.gov.uk | Tel: 0131 529 7587

Contact: Andrew Mitchell, Community Safety Manager

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

Links

Coalition pledges	P15 - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
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: Letter to licenceholders dated 2 September 2014 Appendix 2: Responses to consultation letter Appendix 3: Guidance note for taxi trade for approval

Appendix 1

Date: 2 September 2014

Our Ref:

Your Ref:

Dear Sir or Madam,

Use of Safety Cameras in Taxis and Private Hire Cars

On 4 April 2014 the Regulatory Committee agreed in principle that safety cameras may be installed in Taxis and Private Hire Cars upon application and subject to certain requirements. The relevant report can be found on the Council's website at the following link:

http://www.edinburgh.gov.uk/meetings/meeting/3268/regulatory_committee

We would be grateful for your feedback and comments on this matter. Please contact us at Taxi.consultation@edinburgh.gov.uk or send your representation to the Licensing Department, City Chambers Business Centre G9:43, City of Edinburgh Council, 249 High Street, Edinburgh EH1 1YJ by 1 October 2014. When responding to this correspondence we would be grateful if you could advise us of a contact email address which we can retain as a point of contact in future correspondence.

Yours faithfully

The Licensing Team

Appendix 2

1

From: [REDACTED]
Sent: 05 September 2014 13:07
To: Taxi Consultation
Subject: Safety cameras

Dear sir or Madame

I think cameras on board is a good idea and would fully support the idea the only problem I can foresee is members of the public will object to the use of these cameras if they are not fully informed of how the cameras work and may cause the one percent of customers to refuse to get in the other 99 percent will be fine with it because they have nothing to hide. The one percent being the scum excuse my interpretation but it's so true many thanks

[REDACTED]

2

From: [REDACTED]
Sent: 05 September 2014 17:23
To: Taxi Consultation
Subject: Safety cameras in taxis

I support the use of safety cameras within taxis and Private hire cars

3

From: [REDACTED]
Sent: 08 September 2014 14:56
To: Taxi Consultation
Subject: Safety cameras in Taxis etc

Dear Sir,

I think it is important to clarify if these cameras are only to be used for internal surveillance.

i.e. not to be used for "evidence " in the case of road accidents if the cameras give a wider view.

Otherwise taxi drivers will be berated for selectively happening to have or not have their cameras on when it suits. We get enough bad press as it is.

Yours sincerely,

[REDACTED]

4

-----Original Message-----

From: [REDACTED]
Sent: 10 September 2014 11:43
To: Taxi Consultation
Subject: CCTV

Dear Sir or Madam,

I am writing in response to your recent letter asking for feedback on CCTV in taxis. As black cab driver I would welcome the introduction of both forward facing CCTV and internal CCTV in the taxi. I would feel safer when working at night, and also if any dispute should arise in the taxi there would be recorded evidence for both parties. As for forward facing CCTV this would help in any accidents for insurance purposes.

Thank you for giving me the opportunity to air my views.

[REDACTED]

5

From: [REDACTED]
Sent: 15 September 2014 10:13
To: Taxi Consultation
Subject: CCTV in Taxis

Dear Licensing Team

With regard to your recent letter concerning the installation of CCTV safety cameras in taxis.

I will be applying to the ICO for a licence to act as a Data Controller and I will now look at CCTV systems. Please see below a directive that City Cabs have issued to our members regarding this topic.

Ideally the third party who would be responsible for downloading the required information from a specific vehicle for a specific time span should the need arise would be the Cab Office. I understand that the Cab Office has been reluctant to fulfill this roll due to manpower shortages and this is an area that I feel is crucial to the success of this operation.

As I have stated in the past I do have documentation from other Local Authority areas showing the marked reduction in incidents, generally during the small hours of

the weekend, and the benefits that CCTV in taxis brings not just to the taxi trade but in reduced call outs for the Police and subsequent Court time.

CCTV in Taxis

All of you will have recently received a letter regarding the installation of CCTV safety cameras in taxis. Over the last few years City Cabs have done a great deal of work and research on this subject and have made various representations to the City of Edinburgh Council to try and get this option made available to those licence holders who would see a safety benefit in having cameras fitted. It was always our preferred option that this would be a matter of choice for the licence holder.

As the report indicates there would be certain criteria and standards that the licence holder would have to meet to take on the responsibility for all of the recorded footage within his vehicle and maintaining the equipment.

It has been the City Cabs suggestion that we shadow the Public Carriage Office in London on how they introduced the CCTV option. For information on this please go to "Guidelines for CCTV Systems in Licensed London Taxis and Private Hire Vehicles" on the PCO website www.tfl.gov.uk/pco

It will be down to individual City Cabs Members to decide if this is an option he or she would be interested in but, as ever, we would be in a better bargaining position to bring the cost down if the Members who choose to have it fitted group together under the umbrella of City Cabs and choose one supplier. If any Member has questions regarding CCTV in taxis or would be interested in adding the name to a list of prospective buyers please contact me on the phone or by e-mail.

*It is important to note the recent letter from the City of Edinburgh Council states that on 4th April 2014 the Regulatory Committee agreed "**in principle**" that safety cameras may be installed. There is still work to be done on this before it will be an option but it is hoped that the choice to install safety cameras within Taxis is not too far away.*

Regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6

From: [REDACTED]
Sent: 16 September 2014 13:30
To: Taxi Consultation
Subject: Use of Safety Cameras in Taxis

Hi my name is [REDACTED],

I have been a black cab driver for the last 8 years in Edinburgh, over the years due to bad experiences in and out of the cab it has put a limit to how much you can take out there, i have strong views to implicate cameras in taxis as being born and brought up in Edinburgh as a 2nd Generation Scot/Pak i feel it would benefit in more than one area, i find the forward facing cameras which face out on the street would be good for insurance purposes for people trying fraudulent claims as i have been through this process in 2009 when i had a serious accident as somebody done a U turn right in front of me then lied about it come claim time, instances like that would make perfect sense to capture on CCTV, coming to have cameras fitted on the inside i feel it is up to the individual if they wish to have it fitted, personally i would as of late the intimidation you feel on a Friday and Saturday night by some members of the public can be quite scary so it comes down to a pick and chose, why should the job have to feel like that why should i have to work in fear, this way i would feel more at ease as the customer knows they are on CCTV maybe a deterrent from just stoping them from being irrational sometimes thats all it needs, this way i feel more people would get picked up in a constant manner rather than wasting time looking for the right person to pick up.

Would also sort the queing problem on the weekends as i see many of the black cabs doing the same as i do...as i watched others do so i thought this is the safest way to work.

I Would like to install both cameras and would agree to conditions set by Council and cab office.

7

From: [REDACTED]
Sent: 16 September 2014 20:45
To: Taxi Consultation
Subject: Safety Cameras Feedback

Hi

10

From: [REDACTED]
Sent: 27 March 2014 16:08
To: Taxi Consultation
Subject: Cameras in taxis

My main concern will this be another money spinner for the Council, will these systems be compulsory, I barely survive as it is,

11

From: [REDACTED]
Sent: 27 March 2014 16:25
To: Taxi Consultation
Subject: Cameras in taxis

Dear sir. Cameras in taxis in my opinion should have been done years ago after twenty four years in the taxi trade and have been in many unsavory incidents involving members of the public mainly on the night shift. Which includes being spat at, sworn at, the list is [endless.it](#) would help if the police can view the camera and solve the problem there and then saving their time and mine. I am in full support of the idea. Maybe one day we will be allowed to get taser guns installed, I'm sure they would be used on a regular basis but that's just wishful thinking.

Kind regards

12

From: [REDACTED]
Sent: 27 March 2014 23:54
To: Taxi Consultation
Subject: Feedback for CCTV in taxis

To whom it may concern

Referring to your recent letter regarding CCTV cameras in taxis, in my opinion it will be the best step forward for the safety of all the drivers. If this was to go ahead it will

be the constant stress/tension taken off my shoulders and will be at ease

Mr [REDACTED]

13

From: [REDACTED]

Sent: 27 March 2014 19:19

To: Taxi Consultation

Subject: cctv in taxi and private hire vehicles

Dear Sirs,

Thank you for your correspondence dated 26 march 2014.

While i welcome the the installation of cctv in taxis surely to charge £50 for administration costs is absurd.This could surely be part of the £267 cab test fee and the camera can be inspected fit for purpose as part of cab test.

Yours Sincerely

[REDACTED]

14

From [REDACTED]

[REDACTED]

Sent: 29 March 2014 23:16

To: Taxi Consultation

Subject: Use of Forward Facing Cameras in Taxis and Private Hire Cars

I received correspondence regarding the above and note that you request feedback and comments.

Dear Licensing Department,

I have no desire to fit any type of CCTV or recording equipment for the following reasons.

1. Some groups in the taxi trade who are promoting cameras to be installed into taxis are working to numerous agendas. One such agenda is apparently acting as lobbyists for the companies who are going to gain financially out of this. No such group represents me.
2. The cost and maintenance involved especially in times where profit margins have been significantly cut.
3. The practicality of it in reality, i.e. in most situations it would serve the same function as a chocolate teapot.

The best way to deal with situations which arises in a taxi environment is not by recording equipment but by using social skills. This stops any trouble at source.

If taxi operators want this type of equipment fine, as long it is on a voluntary basis. If at a later date this was made compulsory I very much doubt that I would be prepared to pay even more middle men in this trade so therefore would have to finish up.

[REDACTED]
[REDACTED]
[REDACTED]

15

From: [REDACTED]
Sent: 29 March 2014 13:55
To: Taxi Consultation
Subject: forward facing cameras in taxis

hi thank you for your letter about cctv in taxis i would certainly approve the installation for the protection off both the driver and passengers

i have been driving black cabs for near on 24 years and could have done with this installation on a number of occasions over the years it would

reduce the amount of verbal abuse ,violent behaviour, when they know they are being recorded and can be used against them as well as the driver if we something wrong it would also help the driver stay out longer and feel he or she would be working in a safer environment

regards

[REDACTED]

16

From: [REDACTED]
Sent: 29 March 2014 11:32
To: Taxi Consultation
Subject:

28/03/14

It will be good idea if this will put in place for safety of Us and the passengers.

Let me know the out come if it goes ahead my badge no.

And name address As follow

[REDACTED]

17

From: [REDACTED]
Sent: 29 March 2014 09:29
To: Taxi Consultation
Subject: CCTV in Taxis

Dear Sir/Madam,

Thank you for giving me the opportunity to provide feedback to the proposed use of front facing cameras in Taxis.

I am wholeheartedly for the introduction of this proposal. I think that having recorded evidence

for the purpose of insurance claims or any other incident which may occur on the roads is a benefit to not only the taxi operator but to any persons who may be involved.

On another note, I would also like to give my support to the introduction CCTV in the interior of the Taxi. I think that this would benefit not only the driver, who on occasion has to deal with very difficult situations arising from a minority of passengers, but also the passenger who should feel more secure and safe in the knowledge that they would have an almost instant source of data to back up any legitimate complaints.

The full introduction of CCTV would also bring us in line with other cities who have already introduced them.

Thanks

[REDACTED]

18

From: [REDACTED] >

To: licencing@edinburgh.gov.uk

Content-Type: multipart/alternative; boundary=bcaec5215b07e928f604f5b1381c

With ref to recent communication re cctv cameras I note this is for forward facing cameras as per certain insurance companies.

I do not envisage employing such equipment in my taxi unless there is considerable discount being offered by the insurance company to justify the expected cost of such equipment.

I feel however that an additional charge by the Council of £50 to oversee the installation as an unnecessary burden on an already overstretched budget and could be checked by the cab inspector as part of the annual test which is already an expensive outlay.

CCTV monitors should be for passenger compartments to safeguard both drivers and passengers alike as per those in Lothian Buses!

Yours

[REDACTED]

19

From: [REDACTED]

Sent: 29 March 2014 08:37

To: Licensing

Subject: Use off Forward Facing Cameras in Taxis and Private Hire Cars.

To me this sounds a good idea as any dispute between the driver of the vehicle and passenger could be recorded and used to resolve the issue. Possibly used to record none payment by the passenger. If possible picture of offender passed to other drivers. If passenger has any concerns about driver could again help. The cameras could also help diver feel more relaxed knowing that all information I being recorded. Overall I personally think this is a good idea. The only thing that concerns me is this cost. Does the owner of the vehicle pay for his, does the Council pay or is it subsidised by the Council or would it be up to the owner if he wanted to install the camera or would it be compulsory to have it installed. I look forward to hearing more about this proposal.

[REDACTED]

20

From: [REDACTED]

Sent: 01 April 2014 14:06

To: Taxi Consultation

Subject: forward facing cameras

Hi, i personally think it's a brilliant idea, but not sure whether this covers driver's compartment or just other road users. However, if it does that would help protect drivers from abusive customers.

Especially as we all aware there is an increase of female Taxi Drivers in Edinburgh.

Regards

[REDACTED]

21

From: [REDACTED]

Sent: 02 April 2014 19:40

To: Taxi Consultation

Subject: Forward facing cameras taxi

I received your letter asking for feedback with regards to the above. In my opinion the cameras that are needed are cameras on the passengers so that taxi drivers can be protected from abusive customers, aggressive customers, to stop taxi drivers from being assaulted and to stop non paying customers from fleeing without paying as there will be evidence to bring about prosecutions. It would also prevent taxi drivers being wrongly accused of anything as the Police would have evidence of any accusations rightly or wrongly made so therefore it also protects the customer. I cannot see the benefits to the Taxi driver to have forward facing cameras unless they can be used to bring about a prosecution on Private hire car drivers who illegally pick up when hailed by members of the public. I have never heard of any private hire car driver been prosecuted for such an offence. The Council seem to turn a blind eye to this offence. No wonder taxi drivers get so frustrated with the Council and the Police as we feel you do nothing to help taxi drivers' And no wonder that taxi drivers are becoming more and more reluctant to support the Council and police. On another point can these cameras be used to report Private hire cars drivers when they use the green ways and will the Council bring about fining those drivers who flaunt the law because they know they can as they know they will get away with it. I look forward to hearing your comments and would be more than happy discussing my views with you as I am very disappointed with the way that the Council treat taxi drivers.

22

From: [REDACTED]
Sent: 18 September 2014 15:24
To: Taxi Consultation
Subject: use of safety cameras in taxi & phc

Dear Licensing Team,

Thank you for your letter dated 02/09/2014 in which it requests feedback on the regulatory committee meeting on 4/4/14 regarding the issue of Use Of Safety Cameras In Taxis & Private Hire Cars.

After reading the report i would like to make a few suggestions & comments for your consideration.

1. The Cameras should be front & rear facing views, front facing view cameras could be useful in identifying approaching culprits who assault drivers at the window, front facing view could also be useful in insurance accident disputes.
2. The cameras should also be both voice & image recorder, the voice recording would prevent any false accusations against drivers.
3. The Camera should also display Vehicle details along with time & date to prevent images being published on social network sites or the data holder should be some 3rd party where if need be the licence holder should pay some form of annual fee, this would certainly eliminate any stray images or clips appearing on social sites.

I will have another read through the report and if need be will email back with any more feedback i think necessary.

Thank You.

[REDACTED]

23

From: [REDACTED]
Sent: 30 September 2014 17:30
To: Taxi Consultation
Subject: Taxi Safety Camera

Re; Safety Camera in Taxi

I would like to register my support for the installation of safety cameras to be fitted in taxis; I have listed my points below.

1)

I think this would have an immediate beneficial effect regarding the shortage of taxis for the public after approximately 1am on weekend nights, I have had conversations with many drivers who tell me they get off the road before the pubs and clubs start coming out. As we know there is a small percentage of the public that threaten and unfortunately sometimes assault drivers and this is having a real effect regarding the service provided by the taxi trade. I have been in the trade only two years and started on night shifts, I soon realized that some of the situations you find yourself in leave you very vulnerable and exposed without any back up, fortunately I own my taxi so had the opportunity to switch onto days which I have done but I would not have a problem working nights if I had safety cameras installed.

2)

I have heard the incident numbers reduce in towns and cities that licence cameras to be fitted.

3)

I don't think the public would be against this as we are all in this day and age very familiar with being on cctv ie: buses, trains, airports, offices buildings, government buildings, in the street, and even when you walk into your local corner shop you can watch yourself on the tv screen behind the counter. A taxi is the only place I can think off where the use of safety cameras is still prohibited.

4)

My night shift driver was seriously assaulted last year and lost 2 months off work, he had passengers at the time of the assault and they were also in danger, the passengers were witnesses and the assailant was sentenced to a jail term of 14 months (the length of the jail term shows the seriousness of the assault) my point is that if my driver did not have other passengers to act as witnesses there is a possibility the assailant would never have been found guilty) whereas with or without witnesses the cctv would have been a deterrent and my driver would possibly never have been assaulted.

My driver is constantly asking me if I have permission to fit cctv and has even told me he will pay to get it fitted as soon as permission is granted.

This has had a marked change in my driver and he is definitely not as outgoing as he was before this assault. These incidents change lives.

5)

Taxis provide a safe form of transport for many people to get home, the more taxis out working the more people get home safely.

Regards,

[REDACTED]

Black cab owner, plate number [REDACTED]

24

From: [REDACTED]
Sent: 06 October 2014 18:56
To: Taxi Consultation
Subject: Safety cameras in Taxis & Private hire cars

Dear Sir / Madam

I think it would be good to have a safety camera in a Black Cab. I myself have been involved in two vehicle accidents in the last 18 months, if I had the camera installed the situation

regarding the insurance would have been resolved much quicker. I've been a Black Cab driver for over 10 years . I think it would be a good idea to have a camera installed, I've also worked at nights and I have been threatened verbally on many occasions due to customers with alcohol abuse so a camera which cannot be accessed by the driver but can record the incident in the vehicle would be a benefit .

[REDACTED]

25

From: [REDACTED]
Sent: 10 October 2014 10:45
To: Taxi Consultation
Subject: safety camera

if Council permit to install safety camera I am ready to install just send me application as soon as possible

[REDACTED]

THE CITY OF EDINBURGH
SERVICES FOR YOU

10 SEP 2014

LICENSING SERVICE

Date: 2 September 2014

Our Ref:

Your Ref:

Dear Sir or Madam,

Use of Safety Cameras in Taxis and Private Hire Cars

On 4 April 2014 the Regulatory Committee agreed in principle that safety cameras may be installed in Taxis and Private Hire Cars upon application and subject to certain requirements. The relevant report can be found on the Council's website at the following link:

http://www.edinburgh.gov.uk/meetings/meeting/3268/regulatory_committee

We would be grateful for your feedback and comments on this matter. Please contact us at Taxi.consultation@edinburgh.gov.uk or send your representation to the Licensing Department, City Chambers Business Centre G9:43, City of Edinburgh Council, 249 High Street, Edinburgh EH1 1YJ by 1 October 2014. When responding to this correspondence we would be grateful if you could advise us of a contact email address which we can retain as a point of contact in future correspondence.

Yours faithfully

The Licensing Team

*Cannot find fault
— seemingly a good idea.*

Licensing Team, City Chambers, Business Centre G.9, 249 High Street, Edinburgh EH1 1YJ
Edinburgh EH1 1YJ licensing@edinburgh.gov.uk Telephone: 0131 529 4208



Appendix 3

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 system. 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; and
 - 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 a vehicle examination by Taxi Examination Centre 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.

Regulatory Committee

2.00pm, Monday, 17 November 2014

Taxi Examination Centre - Update

Item number	6.7
Report number	
Executive/routine	Executive
Wards	Citywide

Executive summary

This report updates the Committee on progress made on arrangements for the future operation of the Taxi Examination Centre (TEC).

It confirms that transfer arrangements were implemented from 1 November 2014.

Links

Coalition pledges	P28
Council outcomes	CO8
Single Outcome Agreement	SO1

Taxi Examination Centre - Update

Recommendations

It is recommended that the Regulatory Committee:

- 1.1 notes this report; and
- 1.2 agrees to receive an update report in six months.

Background

- 2.1 The Council, as Licensing Authority under the Civic Government (Scotland) Act 1982, has a duty to ensure that taxis and private hire cars (PHCs) are safe, roadworthy and fit for purpose. Both taxis and PHCs are required to be inspected when new licences or renewal of existing licenses are applied for. New vehicles, intended to replace an existing licensed vehicle also require to be checked. Licensed vehicles may also be subject to spot checks, or called in for ad hoc inspections, as required by Police officers or Council staff.
- 2.2 In Edinburgh, the testing of taxis and PHCs was formerly carried out by Police Scotland on behalf of the Council. The test facility is the Taxi Examination Centre (TEC) within the Council's Murrayburn Road depot. The depot is owned by the Council, and also accommodates other Council services, e.g. Edinburgh Building Services.
- 2.3 The TEC is a fully equipped MOT centre. There were formerly 13 members of staff – a Police Inspector, a Senior Vehicle Examiner, a Deputy Senior Vehicle Examiner, seven Vehicle Examiners and three support staff, all of whom were Police Scotland employees.
- 2.4 The Police Inspector is a Police Scotland serving officer who managed the TEC. This post had four main roles:
 - Acting on behalf of Police Scotland in all matters relating to taxi and private hire car licensing within the city.
 - Management of the TEC.
 - Discharging the functions of the Council's Cab Inspector.
 - Organising on-street enforcement with TEC staff and other Police officers.
- 2.5 The TEC also carries out similar examination and enforcement functions for both West Lothian and Midlothian Councils.

- 2.6 There is no other similar arrangement within Scotland. All similar facilities within other cities have previously transferred to the relevant local authority or the private sector.
- 2.7 The Committee, at its meeting in April 2014, considered the options available to the Council and decided that the vehicle inspection services provided by the TEC would be delivered in-house. The transferred service would be located within Fleet Services within Services for Communities. An updated report will be submitted to Committee in six months.

Main report

- 3.1 The transfer of the TEC functions took place on 1 November 2014. This included the TUPE transfer of affected Police Scotland staff to the Council. These staff are now part of Fleet Services.
- 3.2 All assets, equipment and supplies at the TEC have transferred to the Council. Arrangements are being made to include contracts for servicing and maintenance of equipment within the equivalent Fleet Services contract.
- 3.3 As reported previously, the partner authorities have agreed in principle to continue to use the TEC subject to the Service Level Agreements (SLA) being agreed. A SLA between the Council and Police Scotland has now been drafted and is being reviewed. Similar SLAs with Midlothian and West Lothian Councils should be agreed shortly after final checks by respective legal departments of each council. Copies of the draft SLA are attached at Appendix 1. Performance indicators are currently being developed.
- 3.4 Customers using the TEC have also been advised of the changes.

Measures of success

- 4.1 That the Council discharges its statutory duties in terms of licensing and procurement, and provides a robust and secure facility for inspecting both taxis and private hire cars.
- 4.2 That service users of the facility will continue to be provided with a high level of service.

Financial impact

- 5.1 The Council currently operates the TEC in partnership with Police Scotland. West Lothian and Midlothian Councils both utilise the TEC for the purpose of discharging their statutory duties in respect of the hire fleets in their areas. The annual cost of operating the TEC is approximately £480K per annum. The cost is split pro-rata between the three Councils depending on the number of vehicles tested. The cost to the Council from its use of the facility is approximately £380k each year and the Council recovers all of its costs from income from licence fees. There is therefore no direct cost to the Council.

Risk, policy, compliance and governance impact

- 6.1 This transfer resolves an outstanding procurement risk.
- 6.2 The SLA will protect rights and outline key responsibilities of each party.

Equalities impact

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

Sustainability impact

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

Consultation and engagement

- 9.1 Ongoing dialogue with Midlothian and West Lothian Councils and Police Scotland continues. Effective consultation with the staff involved has taken place.

Background reading/external references

Reports to Regulatory Committee:

[4 April 2014](#)

John Bury

Acting Director of Services for Communities

Contact: Susan Mooney, Head of Service

E-mail susan.mooney@edinburgh.gov.uk | Tel: 0131 529 7587

Contact: Andrew Mitchell, Community Safety Manager

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

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 SLA

Draft Outline Service Level Agreement

1 PARTIES

- 1.1 THE CITY OF EDINBURGH COUNCIL, constituted under the Local Government etc. (Scotland) Act 1994 and having its principal office at Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG (**'The Council'**).
- 1.2 The responsible manager within The Council shall be the Community Safety Manager.
- 1.3 The CHIEF CONSTABLE of Police Scotland, appointed in terms of section 7 by the Police and Fire Reform (Scotland) Act 2012 and having his headquarters at Tulliallan Castle, Kincardine, Fife, FK10 4BE (**'Chief Constable'**)
- 1.4 The responsible manager within Police Scotland shall be nominated by Police Scotland.

2 BACKGROUND

- 2.1 The Council has agreed to pay funding to the Police Service of Scotland ('Police Scotland') to assist it in carrying out certain services, in line with statutory requirements.
- 2.2 This agreement represents the clear intentions of the parties in relation to the funding and the provision of Taxi and Private Hire Car licensing services in the City of Edinburgh and partner authorities (Midlothian Council and West Lothian Council) in line with statutory requirements.
- 2.3 This agreement sets out the terms and conditions on which the funding is provided by The Council to Police Scotland.
- 2.4 These terms and conditions are intended to ensure that the funding is used for the purposes for which it is provided by The Council.
- 2.5 The agreement refers solely to the provision of the licensing of Taxis and Private Hire Cars and does not reflect core policing services delivered by Police Scotland.

3 DEFINITIONS AND INTERPRETATION

- 3.1 The definitions and rules of interpretation in this clause apply in this agreement:

Agreement: this agreement between the Council and the Chief Constable.

Appendix/Appendices: an appendix/the appendices attached to and forming part of this Agreement.

Divisional Commander: the Divisional Police Commander for Edinburgh.

Cab Inspector: The Police Licensing Inspector (Taxis etc)

Funding: the funding to be provided by the Council to Police Scotland in accordance with clause 3.

KPIs: the key performance indicators as set out in Appendix 2.

Services: the services to be provided by Police Scotland, as set out in Appendix 1.

Term: the period during which this Agreement is in force as set out in 2.1 - 2.2 below.

Partner Authorities: West Lothian Council and Midlothian Council

- 3.2 Clause, Schedule and paragraph headings shall not affect the interpretation of this Agreement.
- 3.3 A person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 3.4 The Appendices form part of this Agreement and shall have effect as if set out in full in the body of this Agreement and any reference to this Agreement includes the Appendices.
- 3.5 Words in the singular shall include the plural and vice versa.
- 3.6 A reference to one gender shall include a reference to the other genders.
- 3.7 A reference to a statute or statutory provision is a reference to it as it is in force for the time being, taking account of any amendment, extension, or re-enactment and includes any subordinate legislation for the time being in force made under it.
- 3.8 A reference to writing or written includes faxes and e-mail.
- 3.9 Any obligation in this Agreement on a person not to do something includes an obligation not to agree or allow that thing to be done.
- 3.10 A reference to a document is a reference to that document as varied or novated (in each case, other than in breach of the provisions of this Agreement) at any time.

4 TERM OF AGREEMENT

- 4.1 This Agreement shall commence on 1 November 2014.
- 4.2 This Agreement shall expire on 31 March 2016 unless terminated earlier by either Party in accordance with clause 11.1.
- 4.3 This Agreement shall be reviewed after every period of not greater than two years to ensure that it remains current.

5 PAYMENT OF FUNDING

- 5.1 The Council shall pay to Police Scotland the sum of £31,452.51 by way of quarterly instalments following the submission of invoices from Police Scotland to the Council. This will reflect the cost of one Police Inspector; and two support

staff on Police Grade 3. The costs will rise in line with any National Pay award implemented by Police Scotland

- 5.2 Additionally the Council will reimburse reasonable expenses associated with the operation of the TEC function, e.g. stationery and reasonable travel cost. The Council will not reimburse the hire or lease of any vehicle in connection with the services listed in this agreement.
- 5.3 The Council will continue to refund the cost of the current cleaning contract until the expiry of that contract.

6 PURPOSE OF FUNDING

- 6.1 Police Scotland shall use the funding only for the delivery of the Services in accordance with the terms and conditions set out in this Agreement. The funding shall not be used for any other purpose without the prior written agreement of the Council.

7 STANDARD OF SERVICE

- 7.1 Police Scotland shall provide the Services to the Council and its partner authorities.
- 7.2 Both Parties recognise that the delivery of the Services depends upon full co-operation between the Parties.
- 7.3 Police Scotland shall keep the Council informed of the progress in providing the Services and shall provide quarterly management information in the form and format set out in Appendix 2.
- 7.4 Police Scotland will identify the senior Police officer(s) responsible for supervising these matters ('**Authorised Police Officer(s)**'). For the purpose and term of this Agreement, this officer is the Superintendent Partnerships, or named deputy in his absence.

8 INSTRUCTIONS TO THE RESPONSIBLE PERSON WITHIN EACH LOCAL AUTHORITY

- 8.1 The Council will provide details of officers who are authorised to liaise with Police Scotland on an individual basis. For the Term these officers ('**Authorised Council Officers**') are as follows but may be subject to change:

Edinburgh:

- a) Head of Service for Community Safety;
- b) Community Safety Manager;
- c) Licensing Manager or Team Leader;

- d) a named deputy in the absence of any of the officers listed in this clause 8.1.

Midlothian: TBC

West Lothian: TBC

- 8.2 The Council will advise Police Scotland of any changes to the list of Authorised Council Officers as soon as practicable after the changes are made.

9 ABSTRACTIONS

- 9.1 The Police are responsible for providing administrative staff in order to enable delivery of the Services.
- 9.2 Police Scotland shall ensure that the Services are not subject to disruption as a consequence of staff abstractions for any other Police duties except for a short period of time in a genuine emergency (such as an incident of domestic terrorism, or unexpected period of high demand).
- 9.3 In the event of any potential disruption to delivery of the Services, Police Scotland shall provide as much notice as is reasonably practicable of such potential disruption to the relevant Authorised Council Officer.
- 9.4 Police Scotland shall, on the request of the Council, provide the Council with the rate of staff abstractions for a given period of time during the term of the agreement. In the event that Police Scotland has carried out a staff abstraction that has not been agreed in advance with an Authorised Council Officer, the Council shall be entitled to reduce or recover a proportionate part of the Funding where disruption to the Services has taken place.

10 DISCLOSURES AND INFORMATION SHARING

- 10.1 The Parties agree that a revised Information Sharing and Disclosure Protocol shall be developed.

11 MONITORING ARRANGEMENTS

- 11.1 In monitoring and measuring the Services provided, both Parties will have regard to the KPIs.
- 11.2 Police Scotland will ensure that the performance of the Services is in accordance with the KPIs and that they are conducted by appropriate staff and are sufficiently supervised. If the Council has concerns about the progress of individual matters or the performance of the Services in relation to the KPIs it should raise these with the Authorised Police Officer(s).
- 11.3 Where the Council has concerns that have not been resolved by the Authorised Police Officer(s) after having been notified under clause 9.2, it should raise these concerns directly with the Divisional Commander.

- 11.4 The Authorised Police Officer(s) and one of the Authorised Council Officers instructing the Service will meet on a regular basis to review management Information and performance.
- 11.5 Police Scotland will provide monthly, cumulative quarterly and annual data as required by the Performance Indicators shown in Appendix 1.
- 11.6 The Council will report performance information to the Regulatory Committee quarterly and annually as required.

12 REVIEW ARRANGEMENTS

- 12.1 The Council and Police Scotland, prior to the expiry of the Term, shall review the arrangements for Council funding of Police services following expiry of the Term.
- 12.2 As part of the review to be carried out in accordance with clause 10.1, the Council will advise Police Scotland of any matters that are expected to have an impact on the funding of Police services following the expiry of the Term.
- 12.3 As part of the review, Police Scotland shall advise the Council of any matters that are expected to have significant impact on the delivery of the Services or of future services following expiry of the Term.

13 VARIATION/TERMINATION

- 13.1 This Agreement may be varied or terminated in writing with the agreement of both Parties.

14 NO PARTNERSHIP OR AGENCY

- 14.1 Nothing in this Agreement shall be construed as constituting a partnership between the Parties or as constituting either Party as the agent of the other for any purpose whatsoever except as specified by the terms of this Agreement.

15 SEVERABILITY

- 15.1 If any provision of this Agreement is judged to be illegal or unenforceable, the continuation in full force and effect of the remainder of them will not be prejudiced.

16 ENTIRE AGREEMENT

- 16.1 This Agreement contains the whole agreement between the Parties relating to the subject matter hereof and supersedes all prior agreements, arrangements and understandings between the Parties relating to that subject matter.

17 GOVERNING LAW AND JURISDICTION

- 17.1 This Agreement and any dispute or claim arising out of or in connection with it or its subject matter shall be governed by and construed in accordance with the law of Scotland.

17.2 The Parties irrevocably agree that the courts of Scotland shall have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with the Agreement or its subject matter.

IN WITNESS WHEREOF this document has been executed by the Parties as follows:

Signed for and on behalf of The City of Edinburgh Council

By Proper Officer)

On(Date)

..... (print name)

In the presence of

By (Witness)

On(Date)

..... (print name)

..... (Witness address)

Signed for and on behalf of Chief Constable of Police Scotland

By (Authorised Signatory)

On..... (Date)

..... (print name)

And/in the presence of

By (Witness)

..... (print name)

..... (Witness address)

DESCRIPTION OF SERVICES

- 1 Police Scotland will provide facilities as agreed by means of SLAs with other partner authorities. Currently these authorities are:
 - a. Midlothian Council
 - b. West Lothian Council
 - c. City of Edinburgh Council

- 2 The Council will provide accommodation and facilities as described in this Appendix and agreed between the Council and Police Scotland, for the purpose of supporting the role of the Police Licensing Inspector (Taxis etc).
 - a. The Council will provide the IT and telephony infrastructure required in order to carry out the service described in clause 1 above.
 - b. Police Scotland will be responsible for the ongoing maintenance of Police Scotland IT and telephony infrastructure.

- 3 The facility will normally be located at Murrayburn Taxi Examination Centre in Edinburgh. Any change will be notified prior to its implementation.

- 4 The facility will be included in any contingency arrangement. Should circumstances prevent use of the current facility; alternatives will be found by the Council in no less than 14 days.

- 5 **Staffing**
 - a. One Police Inspector; and two support staff at Police Grade 3.
 - b. Any other staffing costs must be agreed in advance by the Council.

- 6 **Overtime**
 - a. Any overtime must be agreed in advance by the Council.
 - b. May use overtime (O/T) to supplement staffing levels for peak or unplanned cover. The service may not use O/T in excess of the monthly cap
 - c. O/T monthly cap is £500.

7 Financial Model

- a. The Council will pay the total cost of staffing (one Police Inspector, two support officers) quarterly in arrears.
- b. This cost will increase in line with National Pay Award.

8 Dispute resolution

Any dispute of any kind which may arise between the parties hereto and their successors regarding this Service Level Agreement shall be referred, on the application of any party, to the decision of an Arbitrator seated in Scotland, to be mutually agreed by the parties and failing agreement appointed by the Sheriff Principal of Lothian and the Borders at Edinburgh on the application of any party and the decision of such Arbitrator, including any award of expenses, shall be final and binding on the parties subject to the provisions of the Arbitration (Scotland) Act 2010 and failing such award the cost of any such arbitration shall be borne equally by the parties.

OUTLINE ROLE OF POLICE SCOTLAND INSPECTOR AND STAFF

Legal background

Section 10 (2) of the Civic Government (Scotland) Act requires that the Council as licensing authority satisfies itself that each licensed Taxi or Private Hire Car is roadworthy and safe. This function is discharged by subjecting these vehicles to periodic inspection and testing.

Police Inspector – TEC

The main purpose of the Role:

- Maintain overall responsibility for the effective management and co-ordination of all Police functions relating to the licensing of all taxis and private hire cars and their drivers, within Edinburgh, West Lothian and Midlothian.
- Through an open, empowering and interventionist leadership style encourages originality, initiative, creativity and continuous improvement amongst staff and ensure that welfare and disciplinary needs are addressed. Ensure effective communication throughout the area of responsibility.
- Ensure the observance of the standards of Police Scotland Equality Scheme, Dignity at Work Policy and the Equality Policy in all activities.
- Take responsibility for the professional development of all team members by objectively appraising, counselling, identifying skills gaps, where possible assisting in the design and delivery of training solutions such as training, coaching, mentoring or tutoring and evaluate the impact of training provided to enhance individual and team competence and enable a consistently high quality performance.
- Provide support to colleagues in dealing with health and welfare issues and in fulfilling personal development plans.
- Lead, supervise and support personnel, manage and co-ordinate all activities in order that the demands set by the current policing priorities and Council licensing conditions are maintained.
- Inspect and quality assure all aspects of service delivery through constant monitoring and take whatever action is necessary to improve performance.
- Investigate complaints against taxi and private hire car drivers as directed by the Council Authorised Officer and where necessary prepare reports for the attention of the Council's Regulatory Committee.
- Investigate vetting results on all licence applications and prepare objection reports in terms of the Civic Government (Scotland) Act 1982 on behalf of the Chief Constable, for the consideration of the relevant Regulatory Committee.
- Deploy regular on street enforcement details, ensuring licensed vehicles maintain a high standard of roadworthiness, reducing accident potential.
- Represent the Chief Constable in all matters relating to taxi and private hire car licensing, providing a positive point of contact for the appropriate Council's and other customers, and promoting the highest standard of professional service of Police Scotland.

Administration Assistant - TEC

- To undertake all administrative, clerical and computer duties in connection with vetting requirements in relation to taxi and private hire vehicles and operators and drivers within the appropriate Licensing Authority District. Also carry out background checks on individuals who are part of a Booking Office application.
- Receive all licence applications from the appropriate Licensing Authorities.
- Carry out vetting checks for a number of agencies by carrying out enquiries on CHS, PNC, PVG and SID, including input of intelligence and input on SID.
- Check Council computer systems and extract information. Update Council computer system (APP).
- Maintain close links with Force Divisional Intelligence Officers to disseminate criminal intelligence relating to licence holders and circulate details of suspended licence holders.
- Responsible for bringing previous convictions to the attention of the Inspector and collating all necessary paperwork relating to lodging Police objections to the grant or renewal of these licences, as directed.
- Collation of papers for Regulatory Committees in all areas, ensuring that all information and paperwork is correct and up to date. Liaising with other departments and external agencies to gather this information, and ensuring that the Cab Inspector has this information prior to attending the Committee meeting.
- Liaising with UKBA for further checks to be carried out with all applications from non-EU residents and arranging further interviews for applicants and UKBA as required.
- Responsible for all typing or correspondence relating to the operation of the Police Licensing function, as directed by the Inspector.
- To undertake all clerical duties associated with the Police Licensing function including collating figures and statistics for all licensing authorities.
- Update and inform all licensing authorities of results of vetting checks.
- Back checking all licence holders regarding pending criminal cases and collating all information for the attention of the Police Inspector.
- Ensure the observance of the standards of Police Scotland Equality Scheme, Dignity at Work Policy and the Equality Policy in all activities.

Regulatory Committee

2.00pm, Monday, 17 November 2014

Change to taxi licence conditions – engine capacity and type

Item number	6.8
Report number	
Executive/routine	Executive
Wards	

Executive summary

This report describes the background to requests received from the taxi trade with respect to current conditions, and recommends a change to the current construction requirements for taxis and private hire vehicles, to take account of advances in vehicle performance technology.

Links

Coalition pledges	P28
Council outcomes	CO8
Single Outcome Agreement	SO1

Change to taxi licence conditions – engine capacity and type

Recommendations

It is recommended that the Regulatory Committee:

- 1.1 notes this report;
- 1.2 agrees in principle to license taxis and private hire cars (PHCs) with engine capacities smaller than 1500cc, or alternatively powered by electricity; and
- 1.3 instructs the Director of Services for Communities to engage in further consultation with the trade and the public on the draft conditions, including the weight ratio for vehicles and thereafter to report back to Committee in six months.

Background

- 2.1 Licensed taxis and PHCs are required to comply with the conditions laid down in the document entitled 'Licensing Conditions for Taxis, Private Hire Cars and their Drivers'.
- 2.2 Schedules A and B to that document detail the 'conditions of fitness' of taxis and PHCs.
- 2.3 The abovementioned Schedule B specifies that a PHC must have an engine capacity of "not less than 1500cc" (clause 244).

The conditions currently assume that PHCs will be powered by liquid petroleum fuel, thereby prohibiting by default any other means of power – for example electricity. These conditions date from 20 June 2006, and were last amended on 9 December 2009.

Main report

3.1 Engine capacity

The Licensing team has received several enquiries from PHC companies with respect to the potential for licensing vehicles with engine capacities below 1500cc, or vehicles powered by electricity.

- 3.1 Technological developments have resulted in vehicle engines with lower capacities but no resultant loss of power. Smaller engines generally result in fewer harmful emissions. Appendices 1 and 2 are reports from the Taxi Examination Centre which give background to the recommendations that

consideration should be given to altering the current conditions regarding engine capacity, based on decreased emissions with no loss of power.

3.2 Assessing a vehicle's 'Power to Weight' ratio is now recognised as an accurate measurement of a vehicle's performance capabilities. The consultation will seek views on an appropriate Power to Weight ratio for vehicles.

3.3 **Electric vehicles**

Electric vehicles produce no direct CO₂ emissions, and as electricity can be produced from sustainable sources, such vehicles can be considered to be environmentally friendly.

3.4 Since 2011, the Council has invested in nine electrically-powered vehicles for its own fleet.

3.5 Support is available to Scottish businesses to adopt electric vehicles, through the Energy Saving Trust's Sustainable Transport Advice Service. This support, coupled with savings on vehicle excise duty and fuel, makes it understandable that Edinburgh businesses have shown interest in investing in these vehicles.

3.6 Electrically powered taxis are currently running in Holland, Switzerland, Germany, Portugal, Spain and the UK. Transport for London is examining options to ensure that "from 2018 all taxis presented for licensing should be zero emission capable".

3.7 In addition to Transport for London, several other areas have revised their conditions with respect to the matters described in this report, taking cognisance of technical developments in engine capacity/power and vehicle emissions. Electric vehicles may now be licensed in Nottingham, Cornwall, Blackpool, Blyth and Wigan, among others.

3.8 **Consultation**

The Council has received requests to license both electric and 1400cc engines, but has thus far not progressed these. Having researched the issue and consulted with the Taxi Examination Centre's vehicle examiners there appears to be merit in relaxing the Council's conditions of Licence to allow such vehicles to be licensed. In line with required statutory process it is proposed that these changes be agreed in principle and consultation carried out to ensure that any person with a concern or objection has an opportunity to properly raise this.

3.9 The following issues will be consulted on:

- a) Should the Council license PHCs with a capacity of less than 1500cc?
- b) Should the Council use 'power to weight' ratio to decide whether an engine size is an appropriate measure of suitability for use as a licensed PHC?
- c) Should the Council license PHCs or Taxis which are electric powered?
- d) Should the Standard Conditions of Licence for Taxis be amended to allow electricity as a means of power?

Measures of success

- 4.1 That taxis and private hire cars continue to be licensed appropriately, particularly with respect to their 'conditions of fitness' in construction.

Financial impact

- 5.1 There is no direct financial impact on the Council. Existing inspections by the Taxi Examination Centre are covered by the application fee.

Risk, policy, compliance and governance impact

- 6.1 Should the Committee decide not to grant any variations, the applicants may appeal against the decisions to the Sheriff Court within 28 days of the date of the decisions.
- 6.2 The potential benefits should support Council action on emissions and air pollution.

Equalities impact

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

Sustainability impact

- 8.1 The ability to grant licences to vehicles which are potentially less damaging to the environment may have an incrementally positive effect as the taxi and PHC fleet develops.

Consultation and engagement

- 9.1 Any change requires consultation, with licences holders, the Taxi Examination Centre and interested members of the public, prior to implementation.

Background reading/external references

N/A

John Bury

Acting Director of Services for Communities

Contact: Susan Mooney, Head of Service

E-mail susan.mooney@edinburgh.gov.uk | Tel: 0131 529 7587

Contact: Andrew Mitchell, Community Safety Manager

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

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 – Vehicle report Appendix 2 – Electric vehicle report

Appendix 1 – Report on vehicle with engine capacity of 1400cc

Report on Toyota Aurus 1.4 TD Tourer

The above vehicle was presented at the Taxi Examination Centre by Allied vehicles Ltd, to assess its suitability as an Edinburgh Private Hire Car.

The engine cubic centimetre (cc) of the vehicle is 1400 cc and as a consequence, it does not meet the current criteria as detailed in The City of Edinburgh Council Licensing Conditions - Condition 244 – “The vehicle must have an engine capacity of not less than 1500 cc.”

A road test was carried out with the vehicle fully laden with four passengers. During that test it handled well, was responsive when accelerating and the conclusion from the initial findings was that there were no issues with performance that would restrict it from being used in a commercial capacity.

Following that test some research was carried out into the vehicle’s power to weight ratio which is a more accurate method of assessing the power and consequent ability to carry a full load of passengers.

The vehicles listed below are common Private Hire Cars currently used and licensed by The City of Edinburgh Council.

The calculation for working out power to weight is

Brake Horse Power (power) divided by KG (vehicle weight)

Vehicle	Brake Horse Power	Vehicle weight	Power to weight ratio
Ford Mondeo 1.8 tdc Zetec	125 bhp	1548 kg	0.0807 hp per kg
Ford Mondeo 2.0 tdc Zetec	140 bhp	1559 kg	0.0890 hp per kg
Skoda 1.9 tdi	105 bhp	1500kg	0.0700 hp per kg
Peugeot 407 2.0 hdi	136 bhp	158 kg	0.0860 hp per kg
Toyota Avensis 2.0 d4d	126 bhp	1440 kg	0.0875 hp per kg
Volkswagen Passat 1.9 tdi	105 bhp	1616 kg	0.0648 hp per kg

Volkswagen Passat 2.0 tdi	140 bhp	1648 kg	0.0849 hp per kg
Toyota Auris 1.4 d4d Tourer	90 bhp	1290 kg	0.0690 hp per kg

The results highlight that the Toyota Auris 1.4 has more higher power power to weight ratios than one of the currently licensed models, and perhaps more importantly, it was found to be within 10 hp per kg of the Skoda Octavia 1.9 which is the most common vehicle in the fleet.

These finding lead to the conclusion that no objection should be found to this vehicle being licensed.

It is recommended that consideration be given to altering Condition 244 to reflect "Power to Weight Ratio" as this is now recognised as an accurate measurement of a vehicle's performance capabilities.

Senior Vehicle Examiner

City of Edinburgh Council Taxi Examination Centre

Appendix 2 – Report on electrically powered vehicle

From: [REDACTED]
Sent: 29 September 2014 14:02
To: [REDACTED]
Subject: Electric vehicle

Hello [REDACTED]

On the 3rd of July 2014 [REDACTED] presented an electric powered Nissan Leaf

I subsequently carried out a road test with the vehicle fully laden with four passengers one of which was the Cab Inspector

During that test I found the vehicle to perform well and was responsive when accelerating

As is common with all electric powered vehicles my only concern would be the range of the vehicle before needing a recharge, however used in the city

I do not see any major problems

charging points will be available in the near future around the city

For comparison the power of the Nissan Leaf electric motor is 284Nm which is around 108 BHP

A Skoda 1.9tdi is 105 BHP, this is the most common PHC vehicle in Edinburgh

I found no issues that would restrict this vehicle from being used as an Edinburgh PHC

The only condition that this vehicle fails on is that it is not a 1500 cc

Regards

[REDACTED]

Regulatory Committee

2pm, Monday, 17 November 2014

Taxi Stances – Haymarket Terrace, Clifton Terrace and Roseberry Crescent

Item number	6.9
Report number	
Executive/routine	
Wards	City Centre

Executive summary

To report to the Regulatory Committee on the outcome of the consultation with the taxi trade, bus operators and Police Scotland, through the Taxi Stance Working Group, and separately the local community, to a proposal to revise the taxi stance arrangements currently positioned on Clifton Terrace and Rosebery Crescent.

The Civic Government (Scotland) Act requires a Licensing Authority to consult with the taxi trade about changes to any taxi stance on the public road and advertise any revised arrangements.

Links

Coalition pledges	P44
Council outcomes	CO22
Single Outcome Agreement	SO4

Taxi Stances – Haymarket Terrace, Clifton Terrace and Rosebery Crescent

Recommendations

- 1.1 It is recommended that Committee:
 - 1.1.1 notes the contents of this report;
 - 1.1.2 agrees to the proposed taxi stance in principle, subject to consideration of any objections; and
 - 1.1.3 notes that a report back to Committee will follow formal advertising of the proposals.

Background

- 2.1 The introduction of the tram to Edinburgh city centre has necessitated changes to the pre-existing road and footway layout. At Haymarket this has resulted in a requirement to provide a revised taxi stance layout with provision being made at Clifton Terrace and on Rosebery Crescent.

Main report

- 3.1 The redevelopment of Haymarket Station and the creation of a new tram stop have together formed a major transport hub at the western edge of the city centre.
- 3.2 Lack of space immediately outside the station has meant that two new taxi stances have had to be created. These are currently positioned across from the station entrance outside the Tune Hotel on Clifton Terrace and in Rosebery Crescent.
- 3.3 Outside the Tune Hotel there is space for five licensed taxis with a further space on Rosebery Crescent to accommodate another three.
- 3.4 It is apparent that these stances are not working as originally envisaged, with over ranking regularly observed at both stances. The Council is also fully aware of the ongoing issues relating to the use of Rosebery Crescent by taxis and it agrees that this behaviour is unacceptable. Both the Police and the parking attendants regularly focus their activities on this location and have been dealing with the taxis when possible.

- 3.5 The Council in conjunction with Police Scotland, the bus operators and the taxi trade has drawn up plans to alleviate the current issues. It is proposed to replace the current bus stop on Haymarket Terrace with a new taxi stance for seven taxis and transfer the bus stop to a new position where the current taxi stance is outside the Tune Hotel.
- 3.6 To ensure that the local businesses can be serviced, the new arrangements will permit off-peak loading on an area to the rear of the proposed taxi stance. In order to help keep this area clear for this use, a holding stance for a further five taxis is proposed to the west of Haymarket Yards and prior to Coates Gardens. This will allow a clear line of sight for waiting taxi drivers before it is appropriate for them to pull forward onto the main stance.
- 3.7 If the revised taxi stance and bus stop markings are approved it is also intended to remove the current taxi stance from Rosebery Crescent.
- 3.8 To gauge reaction from the local community which have so far been directly affected by the behaviour of the waiting taxis, all residents in Rosebery Crescent, Clifton Terrace, and Haymarket Terrace east of Coates Gardens have been consulted about the proposed changes to the taxi and bus stop arrangements.
- 3.9 This has resulted in only one written objection being received. A further four letters were also received which support the proposed changes.
- 3.10 It is intended that the proposed new taxi stance location will be monitored and appropriate action taken against taxi drivers who over rank, including those who wait with their engines idling. Any loss of business for retailers should be minimal as the bus stop is only being repositioned a few metres east and the retail frontages on Haymarket Terrace will still be visible as well as being located on a prominent thoroughfare.
- 3.11 Following the above consultation and before appointing any taxi stance, the Council is required to give notice to the Chief Constable and to the public by advertising the proposal in a local newspaper for a period of 28 days. The Council will be then be required to take into consideration any objections or representations received within that period.

Measures of success

- 4.1 To have a taxi stance serving Haymarket which is self regulating, supported by the local community and conveniently positioned for taxis and customers, but also clearly visible from Haymarket Station and Tram Stop.

Financial impact

- 5.1 Should the Committee decide to approve the option of revising the taxi stance arrangements at Haymarket Terrace, Clifton Terrace and Rosebery Crescent, this will cost approximately £5,000. This cost will be met from the Bus Stops and Shelters Revenue allocation for this financial year.

Risk, policy, compliance and governance impact

- 6.1 The recommendation in this report is consistent with existing policies and aspirations of the Council.
- 6.2 If the current situation is not resolved, the risk is that taxi drivers will continue to over-rank, creating a continuing hazard for pedestrians and other road users.

Equalities impact

- 7.1 Relocating this taxi stance has no impacts on equality or rights. There are no Equalities and Rights Impact Assessment recommendations.

Sustainability impact

- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the change outcomes are summarised below:
- The report's proposals will have no impact on carbon emissions
 - The need to build resilience to climate change impacts is not relevant to this report's proposals.
 - This report's proposals will have no impact on achieving a sustainable Edinburgh.

Consultation and engagement

- 9.1 The Council has developed this proposal in conjunction with Police Scotland, bus operators and the taxi trade.
- 9.2 All residents in Rosebery Crescent, Clifton Terrace and Haymarket Terrace east of Coates Gardens were consulted.
- 9.3 Four letters were received which strongly supported the proposed change. One written objection was received.

Background reading/external references

None.

John Bury

Acting Director of Services for Communities

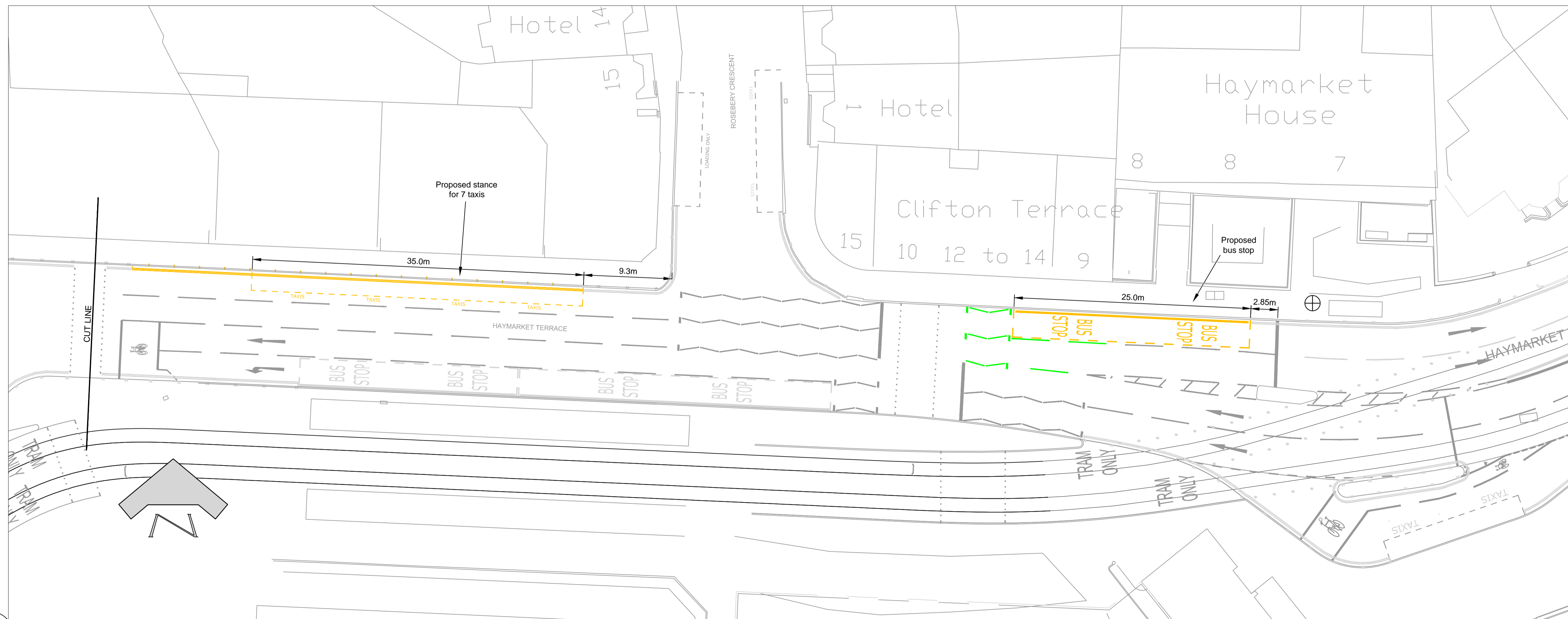
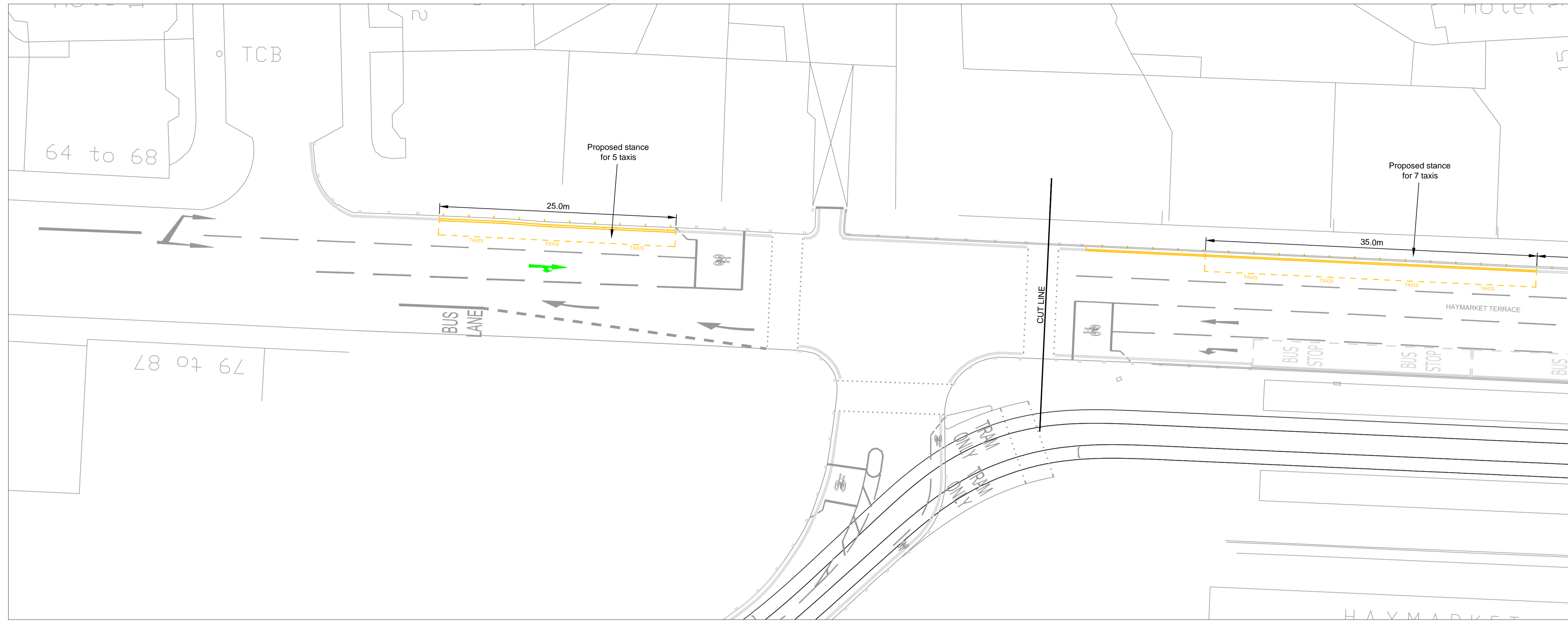
Contact: Graham Atkins, Public Transport Project Officer

E-mail: graham.atkins@edinburgh.gov.uk | Tel: 0131 469 3783

Links

Coalition pledges	P44 – Prioritise keeping our streets clean and attractive.
Council outcomes	CO22 – Moving Efficiently – Edinburgh has a transport system that improves connectivity and is green, healthy and accessible.
Single Outcome Agreement	SO4 – Edinburgh’s communities are safer and have improved physical and social fabric.
Appendices	Appendix 1 - Plan of Haymarket Terrace, Clifton Terrace and Rosebery Crescent, Taxi Stance proposals

NOTES:



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023420 (2014)

REVISION	DETAILS	BY	DATE	CHECKED

• EDINBURGH •
THE CITY OF EDINBURGH COUNCIL

SERVICES FOR COMMUNITIES The City of Edinburgh Council Waverley Court, 4 East Market Street Edinburgh, EH8 8BG Telephone: 0131 200 2000	TRANSPORT TRAFFIC & ENGINEERING NEW WORKS Roads & Transport Design
---	---

Haymarket Terrace
Taxi Stance & Loading Facilities
Consultation Plan

Date: 7 July 2014	Job No.: 636474	Drawn by: A Parkinson
Scale: 1:250		Checked by: G Atkins

Drawing Name: D:\CD\Drawings\Projects\Edinburgh\Haymarket\Taxi Stance\RTD-636474-01 (2014-07-11).dwg
 File Path: D:\CD\Drawings\Projects\Edinburgh\Haymarket\Taxi Stance\RTD-636474-01.dwg
 File Size: 100023420 (2014)

Regulatory Committee

2:00pm, Monday, 17 November 2014

Parades and Processions – Updated Standard Conditions

Item number	6.10
Report number	
Executive/routine	Executive
Wards	All Wards

Executive summary

The number of parades and processions taking place in Edinburgh has increased. Standard conditions have been developed to create a consistent and transparent approach for future events.

There has been an increase in the number of complaints about parades using the High Street. This has created a requirement for a 'special consideration' of the use of the High Street for parades and processions.

The report highlights a number of wider issues with a view to introducing a detailed Policy and Code of Conduct for parades and processions.

Links

[Coalition pledges](#)

[Council outcomes](#)

[Single Outcome Agreement](#)

Parades and Processions - Standard Conditions

Recommendations

It is recommended that the Committee:

- 1.1 agrees the proposed standard conditions;
- 1.2 agrees that there will be special consideration regarding the use of the High Street for any future parades/processions and therefore will be referred to the Licensing Sub-Committee for determination;
- 1.3 notes that further work is to be carried out to develop a Policy and Code of Conduct for Public Processions; and
- 1.4 receives a further update in six months.

Background

Legislation

- 2.1 Under the Civic Government (Scotland) Act 1982, anyone organising a procession in Scotland must notify the appropriate local authority and the police at least 28 days prior to the date of the event.
- 2.2 It is important to note that the Council's permission to hold a parade is not required. The Council can, under limited circumstances, attach conditions or ban any march.
- 2.3 Upon receipt of a notification the Council has limited powers in respect of parades and processions. It can choose to take no action, it has the power to attach conditions or, under very limited circumstances, to ban the parade or procession. If the Council takes no action the parade will proceed as the organiser intended.
- 2.4 The Police, Public Order and Criminal Justice (Scotland) Act 2006 states that there are four considerations which the Council must take into account when considering a notification received from a procession organiser and whether it is necessary to prohibit or impose conditions on a public procession. These four conditions are:
 - public safety;
 - public order;
 - damage to property; and
 - disruption to the life of the community.

When considering all processions notifications, the Council should measure the impact of the procession against each of these four considerations, as set out in the legislation. The council must also take into account the effect of previous similar processions and any conduct during these.

Main report

Impact on City

- 3.1 Edinburgh is a multicultural City which has a tradition of public processions and demonstrations. The use of the term 'procession' covers all parades, marches, cavalcades and demonstrations where demonstrators proceed from one point to another. They can be organised by civic, cultural, political, religious community, arts or interest groups or organisations.
- 3.2 The number of parades and processions is significant, given the city's role as a Capital city. Whilst there are many positive aspects to these parades it also poses a number of challenges to the city.
- 3.3 Challenges include:
 - disruption to the public transport network and traffic flow in city centre;
 - disruption to retail, leisure, business and tourism;
 - dates and timing of parades sometimes clash with other planned events;
 - management arrangements and other Council costs; and
 - costs required to police processions.
- 3.4 The vast majority of parades and processions pass without difficulty. However, there have been occasions when participants, followers or protestors have displayed an overtly controversial political or religious affiliation, which has caused complaints and offence to others members of the community.

Proposed Standard Conditions

- 3.5 The proposed standard conditions, attached at Appendix A, will provide organisers with a clear statement of the City of Edinburgh Council's expectations of them when planning and managing parades and processions. Conditions were previously attached on an ad hoc basis following recommendations from Police or council officers.
- 3.6 The introduction of standard conditions will create consistency for the consideration of parades and processions notifications, and will provide a basis on which to build future practice and policy. It is proposed to carry out a full review of the current practice, with the intention of introducing a Policy and Code of Conduct on Public Processions.

Routes

- 3.7 When planning parades and/or processions consideration should be given to the impact that the proposed route will have on residents, businesses and transport

users. A balance needs to be struck between the desire for a particular route and the impact on other people affected by that route.

- 3.8 Processions should, where possible, avoid residential areas and, where practical, keep to main arterial routes. Arterial routes which cross the City centre North and South are particularly sensitive to disruption. Other frequently sought routes include the Mound and the area around the Scottish Parliament.
- 3.9 Princes Street has traditionally been one of the main thoroughfares used for parades and processions. Since the introduction of the trams this is no longer viable, and many parades have been displaced to the High Street.
- 3.10 Further work on this will be required to be done to examine the feasibility of identifying 'preferred routes' for parades. An update on this work will be included in a subsequent report.

High Street

- 3.11 A number of complaints have been received about the use of the High Street for parades and processions. Some parades using this route have disrupted tourist and business activity in that area. Particularly at weekends a number of wedding ceremonies or similar have been disturbed by the noise from bands taking part in parades.
- 3.12 It is therefore proposed that there should be special consideration for future use of the High Street for parades and processions, and that all such notifications are referred to the Licensing Sub-Committee of the Regulatory Committee for consideration. Any parade which gives less than 28 days notice requires the Council to agree to 'waive' the notice period. Where possible those cases will be referred to committee to determine. Otherwise the parade will not go ahead unless a Director, after consulting the Convenor, uses the power to deal with 'Urgent Business' under Standing Orders.

Further Issues

- 3.13 Normally organisers should have regard to places of worship, whether or not services are in progress, or any other location where a recognised religious, cultural, or legal ceremony is taking place. Details of all such locations should be identified as part of the notifications process, and the necessary risk assessment conducted.
- 3.14 Particular items of concern would be weddings or civil partnership ceremonies taking place in Lothian Chambers or the City Chambers, and events such as Fringe performances. Concern has been expressed that some parades have not taken account of other activity in the city and have disrupted or disturbed events.
- 3.15 In response to questions raised by members of the Committee members are asked to note that it is not possible to determine in advance that a particular street will not be suitable for a parade. The legislation provides that parades or processions do not require prior permission of the Council to go ahead. Each

notification has to be considered on its merits, and the onus is on the Council to show good reason why it might choose to exercise its limited powers in this area.

- 3.16 The further work outlined in paragraph 3.6 and 3.10 will examine the scope to strengthen policy and conditions to respond to these concerns and report back with possible options. This work will seek to provide committee with a consolidated approach to parades and processions.

Measures of success

- 4.1 That the Council discharges its statutory duties.

Financial impact

- 5.1 None arising directly from this report. Costs from managing parades and processions are met from the revenue budget.

Risk, policy, compliance and governance impact

- 6.1 Risk that any decision to prohibit or apply conditions may be appealed to the Sheriff. Since 2012, the Council has 'prohibited' two marches, and of these one order was successfully appealed.
- 6.2 It is intended that the revised Policy and Code of Conduct will strengthen the Council's position in the event of a legal challenge.

Equalities impact

- 7.1 The proposals in this report demonstrate a high degree of relevance to the public sector equality duty to eliminate unlawful discrimination, harassment and victimisation, and to foster good relations. The proposals also demonstrate a high degree of relevance to human rights articles concerning freedom of assembly, conscience and religion, and freedom of expression.
- 7.2 The Committee have to consider the rights of organisers to stage processions, and the Council's duty to foster good relations and ensure the protection of public order and safety. These must be balanced against the relevant statutory duties.

Sustainability impact

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

Consultation and engagement

- 9.1 Police Scotland and interested service areas within the Council, including Legal Services, were consulted regarding the proposed standard conditions, and supports their introduction. The introduction of a Policy and Code of Conduct on Public Processions will require detailed consultation with the public, affected businesses and Police Scotland. Any consultation will, at a minimum, meet any statutory requirements, and in most instances will exceed these requirements.

Background reading / external references

Scottish Government guidance - [Review of parades and marches in Scotland \(2006\)](#)

John Bury

Acting Director of Services for Communities

Contact: Andrew Mitchell, Community Safety Manager

Gordon Hunter, Licensing Policy Officer

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

gordon.hunter@edinburgh.gov.uk | Tel: 0131 529 4252

Links

Coalition pledges	N/A
Council outcomes	N/A
Single Outcome Agreement	N/A
Appendices	Appendix A – Standard Conditions for Parades and Processions

Appendix A - General March Conditions

1. The procession moves off promptly at the times specified above.
2. The procession adheres to the stated routes.
3. The procession will at all times continue moving and no part will stop except for emergency purposes, on the direction of or with the agreement of the police / council officer, or at the procession route end.
4. After the procession concludes participants disperse at the specified times above.
5. Official(s) are appointed to liaise with the police / council officer and shall identify themselves to the Police Officer / Council Officer in Charge at the assembly point before the commencement of the parade/procession.
6. Sufficient stewards and marshals shall be provided by the organiser of the parade/procession. Stewards and marshals will be readily identifiable and shall be present throughout to supervise the parade/procession and to ensure that all participants comply with directions.
7. A sufficient number of suitably trained medical personnel should be in attendance. The level of attendance is to be agreed with the Council.
8. Unless by prior agreement, all persons participating in the parade/procession shall not walk not more than six and not less than four abreast.
9. The terms of the Public Order Act 1936 in relation to the prohibition of the wearing of uniforms signifying any association with any banned organisation etc. shall be observed.
10. Unless by prior agreement, the use of any staves, wooden poles or other item shall not be used to display or carry banners, placards, flags or posters.
11. Banners, placards, flags and posters bearing inflammatory images or words will not be displayed.
12. The conditions of Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers shall be observed.
13. The conditions of the Environmental Protection Act 1990 shall be observed insofar as making noise during the parade/procession is concerned.
14. The organiser will assist the police/ council officers in ensuring that regular and appropriate passage across the parade/procession is allowed for traffic and pedestrians.
15. Any band or bands taking part in a parade/procession shall cease playing when approaching and passing any place of worship, whether or not services are in progress, or any other location where a recognised religious, cultural, or legal ceremony is taking place.
16. No vehicles or animals should be part of the procession unless by approval of Police Scotland and City of Edinburgh Council prior to the day of the event
17. Any instructions given by the police or council officers are immediately complied with.