

# Notice of meeting and agenda

## Regulatory Committee

**PLEASE NOTE  
TIME OF MEETING**

**9.30 am, Friday, 17 February 2017**

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

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## **1. Order of business**

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

## **2. Declaration of interests**

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

## **3. Deputations**

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- 3.1 If any

## **4. Minutes**

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- 4.1 Regulatory Committee of 21 November 2016 (circulated – submitted for approval as a correct record).

## **5. Work Plan and Rolling Actions Programme**

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- 5.1 Rolling Actions Programme (circulated)

## **6. Executive Decisions**

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- 6.1 Update – Implementation of Air Weapons and Licensing (Scotland) Act 2015 and the Immigration Act 2016 - report by the Executive Director of Place (circulated)
- 6.2 Taxi Examination Centre - Performance Update - report by the Executive Director of Place (circulated)
- 6.3 Licensing Performance Update - report by the Executive Director of Place (circulated)
- 6.4 Proposed Fee Structure for Houses in Multiple Occupation Licences – Consultation Update - report by the Executive Director of Place (circulated)

## **7. Routine decisions**

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- 7.1 None

## **8. Motions**

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- 9.1 If any

### **Kirsty-Louise Campbell**

Interim Head of Strategy and Insight

## **Committee Members**

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Councillors Bridgman (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Cairns, Doran, Heslop, Lunn and Redpath.

## **Information about the Regulatory Committee**

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The Regulatory Committee consists of 9 Councillors and is appointed by the City of Edinburgh Council. The Regulatory Committee usually meets every eight weeks. The Regulatory Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

## **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Stephen Broughton, Committee Services, City of Edinburgh Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 529 4261, e-mail [stephen.broughton@edinburgh.gov.uk](mailto:stephen.broughton@edinburgh.gov.uk)

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh. The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/cpol](http://www.edinburgh.gov.uk/cpol).

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substantial damage or distress to any individual, please contact Committee Services on 0131 529 4105 or [committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk) .

## Regulatory Committee

**10.00 am, Monday 21 November 2016**

### Present

Councillors Bridgman (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Cairns, Doran, Heslop and Redpath

### 1. Deputation: Scottish Taxi Federation

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In terms of Standing Order 12.1, the Committee agreed to hear a deputation from Murray Fleming and Jonny Nisbett on behalf of the Scottish Taxi Federation in relation to item 6.3 Licensing Policy Development – Taxi and Private Hire Driver Training - Consultation Update and Item 6.4 Licensing Policy Development – Taxi and Private Hire Car and Driver Licence Conditions – Consultation Update.

Jonny Nesbitt thanked the Committee for hearing the deputation and advised that the Scottish Taxi Federation had taken part in the consultation and submitted fairly detailed comments and suggestions.

The following concerns and matters were raised:

- The training was viewed as a barrier to entry to the trade and for the retention of drivers, with the additional requirement to pass exams. This required a significant investment in time and the sitting of an exam which could prove to be off-putting to a number of applicants and licence holders.
- Reference was made to continuous improvement, this aspect had not been the subject of much consideration. Had there been any discussion with other local authorities and an appraisal of the findings? Had the training improved standards? A request was made that the number of applicants be reported to Committee quarterly to monitor any drop in the numbers, and that this cycle be retained for at least the first two years to monitor and evaluate the situation.
- The offer from the trade to assist with marking of the topographical test was raised. It was highlighted that the people who would undertake this function of marking a practical test had no practical experience themselves. A disconnect existed between what the examiners expected and the education of the applicants. Assistance was offered from experienced practitioners in order to

compliment the current marking team and add a practical voice to this – the offer had been refused.

- Currently there had been no information on course content, therefore it was unknown how the trade would be able to assist in this matter. It was hoped that liaison would continue until further information was available.
- The frequency of the training had been proposed as three years which in effect would coincide with the renewal of the licence. This was considered to be onerous and costly. A six year period had been proposed by the trade.
- First aid training was a major issue. It was not accepted that the job of a taxi driver included taking a risk assessment of a medical situation and administering first aid. The job of the taxi driver was to convey a passenger from A to B with courtesy, in safety and in accordance with Licensing conditions and the Road Traffic Act. The first aid training would be a mandatory undertaking. There was concern around the legality of this. An example was provided that if this first aid was given without consent, the person administering it could be accused of criminal assault if this was misconstrued. The administration of first aid could in fact cause harm or worse if administered in error. This could result in civil liability for which they would not be insured. There should be no requirement to have this insurance.
- It was noted that there would be no advice given to members from the Scottish Taxi Federation on the administering of first aid. Section 13 (5) was referred to and there could be no justification in making this a mandatory condition of licence. The proposal stated that the administering of first aid would be up to each driver, meaning that they had a choice, and in this context there was confusion as to why the training would be mandatory. The taxi trade would be happy if this was an optional extra.
- There had been a previous legal challenge to the introduction of this condition in 2015 where it was ruled that although other local authorities had introduced this and that the idea behind the policy introduction was well intentioned, these factors were overruled.
- It was requested that when the course was eventually designed and there was material to assess, that this would come back to committee. Clarity on who the trainers would be and their qualifications should be notified at the earliest.
- Within Licensing Conditions 34(O) and 38(N), there is an obligation on whomever was operating the camera to provide footage within 7 days and if they didn't provide this, it would be considered a criminal act. There is a disconnect with the Data Protection Act and what would be expected.

- Sections 50 and 51 are considered unlawful. Section 7(7) disclosure of convictions, places that responsibility on the licence holder where as the proper avenue for this would be to request information from the Clerk of Court. A licence holder is required to inform the Licensing Authority of a change of circumstances. A fixed penalty would not be considered a change of circumstances and in relation to legislation by parliament would not be required to advise of this. It was asserted that the Council cannot create by condition, that Parliament does not give them authority to do (section 50). In section 51, (a duty to report), there is no legal duty to report crime. It was challenged why this would be included as this would criminalise licence holders who did not report crime to the Licensing Authority. Parliament does not criminalise those who do not report crime.
- There were potential issues in relation to defamation, if reports were made that were untrue. How was the licence holder supposed to know of issues that could impact on their ability or fitness to drive as they were not medical professionals.

The Convener thanked the Deputation for their presentation and invited them to remain for the Committee's consideration of the reports by the Executive Director of Place.

## 2. Licensing Policy Development – Taxi and Private Hire Driver Training Consultation Update

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On 19 September 2016, the Regulatory Committee considered a report setting out training proposals and referred the report to the Hire Car Consultation Group for consultation. A report on the outcome of the consultation was provided.

Approval was sought to agree the proposals to adopt a new training programme.

### Decision

1. To note the outcome of the Hire Car Consultation Group Meeting.
2. To note paragraph 2.11 in the report and to agree to adopt the proposals to change current licensing conditions for PHC drivers, to introduce compulsory training for PHC drivers.
3. To agree to adopt the proposals to adopt a compulsory training programme for all new taxi and PHC drivers, with a requirement to gain a qualification prior to the grant of a licence.
4. To agree to adopt the proposals to adopt a new training programme for all existing taxi and PHC drivers, on completion of which they may sit an assessment formally recognising their achievement.
5. To agree to adopt the proposals that all taxi and PHC drivers would be required to complete refresher training every three years.
6. To agree to adopt the proposals that the training should be delivered in-house.

7. To agree that final course content and training manuals would be developed in consultation with the trade.
8. To note that the Executive Director of Place would continue to engage with the trade in respect of topographical testing.

(Reference - Regulatory Committee 19 September 2016 (item 6); report by the Executive Director of Place, submitted)

### **3. Licensing Policy Development – Taxi and Private Hire Car Driver Licensing Conditions Consultation Update**

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An update report was provided on the outcome of the consultation on the licensing conditions for taxis, private hire cars and their drivers together with a proposal to consolidate previous amendments and changes into one document.

Approval was sought for the proposed revised licensing conditions as set out in appendix 5 to the report and to be effective for any grant or renewal from 1 December 2016.

#### **Decision**

1. To note the proposals and to agree to approve the proposed revised licensing conditions for taxis, private hire cars and their drivers set out in appendix 5 to the report. The conditions shall be effective on any grant or renewal of any licence from 1 December 2016.
2. To authorise the Executive Director of Place to make minor adjustments to the licensing conditions for taxis, private hire cars and their drivers as may be necessary in respect of changes to designations of Council officers and minor grammatical or spelling corrections.
3. Conditions 142 and 226 to read:  
The driver shall not:
  - (a) use a mobile phone (even by means of a 'hands free' kit) whilst conveying passengers; or
  - (b) any other communication device; or
  - (c) conduct themselves in any manner which would prevent them from exercising full control over the speed and direction of the licensed vehicle whilst it is in motion.

(Reference – Regulatory Committee 25 September 2015 (item 8); report by Head of Housing and Regulatory Services, submitted)

## 4. Minutes

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### Decision

To approve the minutes of the Regulatory Committee of 19 September and 21 October 2016 as a correct records.

## 5. Rolling Actions Programme

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The Regulatory Committee Rolling Actions Programme for 3 May 2013 to 21 November 2016 was presented.

### Decision

To note the Rolling Actions Programme and that items 4, 5, 7 and 16 had been discharged.

(References – Act of Council No. 12 of 24 October 2013; Regulatory Committee Rolling Actions Programme –21 November 2016, submitted)

## 6. Public Safety at Sports Grounds: Annual Update 2015/16

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An update report in relation to public safety at sports grounds between October 2015 and September 2016 was presented.

No enforcement action was taken during this period.

### Decision

To note the report on safety at sports grounds.

(Reference – report by the Executive Director of Place, submitted)

## 7. Request for Variation: Taxi Vehicle Licenses

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The Committee were asked to consider a request from Eyetease Ltd for a variation to the current conditions placed on taxi or private hire vehicles, in relation to advertising in or on the vehicles.

The request was to permit Eyetease to install its “iTaxitop”, ‘taxi top illuminated advertising technology’ on TX4 model taxis.

### Decision

To refuse the variation request.

(Reference – report by the Head of Housing and Regulatory Services, submitted)

## 8. Access to Taxis by Customers Using Wheelchairs

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An update report was provided, detailing progress made with regard to wheelchair accessibility and assistance.

### Decision

1. To note the progress of the report.

2. To agree to receive further updates concerning wheelchair accessibility and assistance as part of the ongoing development of taxi driver training and taxi licence conditions.
3. To discharge the outstanding remit from 1 February 2016.

(Reference – Regulatory Committee 1 February 2016 (item 5); report by Executive Director of Place, submitted)

## 9. Age Limitation of Taxis and Private Hire Cars – Feasibility Report

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A report was provided on the feasibility and means of introducing a maximum age limit for taxis and private hire cars licensed by the City of Edinburgh Council.

### Decision

1. To note the content of the report.
2. To agree in principle that conditions of licences would be altered to improve the air quality in the City by reducing emissions from Taxis and Private Hire Cars and to consult on options to achieve that by either:
  - 1.2.1 Introducing an age limitation in respect of taxis and private hire cars, or
  - 1.2.2 Increasing incrementally the minimum emissions standards for the engines in these vehicles, which would improve emissions standards; and
3. Instructs the Executive Director of Place to consult with the relevant officers, the public and the taxi trade and to report back to Committee in six months time.

(Reference – report by the Executive Director of Place, submitted)

## 10. Taxi Fare Scales: Outcome of Appeal and Timetable for Next Review

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The Committee was asked to note the outcome of an appeal lodged with the Traffic Commissioner for Scotland, in relation to the scale of fares fixed in February 2015.

The Commissioner did not fix a date for the revised tariff to come into effect. The tariff would therefore increase by 2.1%, effective from 13 November 2016.

The Committee were provided with options for the timing of the next review.

### Decision

1. To note the outcome of the appeal and the revised fare scale set by the Traffic Commissioner.
2. To note that the Council must complete its next review of taxi fares within 18 months beginning with the date on which the scales came into effect – therefore no later than 13 May 2018; and
3. To agree Option B from the options in paragraph 3.10 in the report as the preferred option.

'Instruct CH2M Hill to commence a full fare review in April 2017, report to Committee in August and November 2017'.

(Reference – report by the Executive Director of Place, submitted)

## **11. Licensing Customer Survey 2016**

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A report was provided which detailed the results of the 2016 Licensing Customer Survey with an Action Plan for continuous improvement at Appendix 2 to the report.

Each individual aspect within the framework, 'satisfaction with Licensing Service' questions, had shown an improvement from the previous year's survey results.

### **Decision**

1. To note the report.
2. To agree to receive a further report in 12 months on the 2017 survey results.

(Reference – report by the Executive Director of Place, submitted)

## **12. Licensing Policy Development: Monthly Instalment Payments**

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A report was provided which detailed the outcome of research undertaken into the feasibility of introducing monthly payment plans for licensing fees.

Committee were advised that at present it would not be legally feasible to allow instalment payments for licence applications. Under the Civic Government (Scotland) Act 1982 ('the Act'), any application would be deemed incomplete until a full payment fee had been received.

### **Decision**

To note the report and the legal opinion obtained.

(Reference – report by the Head of Housing and Regulatory Services, submitted)



# Item 5.1 Rolling Actions Programme

## Regulatory Committee

3 May 2013 to 17 Feb 2017

| No | Date     | Report Title                             | Action  | Action Owner                | Expected completion date | Actual completion date | Comments   |
|----|----------|--|---|-----------------------------|--------------------------|------------------------|--|
| 1  | 20.06.14 | Street Trader Licensing - Pedicabs       | To complete the review of Pedicabs.   | Executive Director of Place | Summer 2017              |                        | Ongoing  |
| 2  | 28.04.15 | Private Rented Sector Enforcement Policy | To agree to consult on the use of third party reporting powers to the Private Rented Housing Panel, with a report detailing the findings of the consultation to be brought before the September 2015 Committee. | Executive Director of Place | Apr 2017                 |                        | Ongoing  |
| 3  | 28.04.15 | Private Rented Sector Enforcement Policy | Annual report on the details and statistics on the enforcement action taken by Private Rented Services.   | Executive Director of Place | Apr 2017                 |                        | Ongoing following Transformational change of this team |

| No | Date     | Report Title  | Action   | Action Owner                | Expected completion date | Actual completion date | Comments                             |
|----|----------|---|--|-----------------------------|--------------------------|------------------------|--------------------------------------|
| 4  | 25.09.15 | Update Air Weapons and Licensing (Scotland) Act 2015            | To agree to update the Committee Work Plan to include additional areas of work required by the implementation of the Bill described in the report by the Acting Director of Services for Communities.  | Executive Director of Place | Summer 2018              |                        | Update report submitted for Feb 2017 |
| 5  | 21.11.16 | Public safety at sports grounds annual update 2014 - 2015       | Annual Report  | Executive Director of Place | November 2017            |                        | Annual Report                        |
| 6  | 01.02.16 | Licensing Policy Development Street Trading Consultation Update | <ol style="list-style-type: none"> <li>1. To agree to receive a further report on issues highlighted during the consultation process.</li> <li>2. The Executive Director of Place to meet with stakeholders as soon as possible to discuss the concerns raised in the consultation prior to the proposed further report being considered by the Regulatory Committee.</li> </ol> | Executive Director of Place | Jun 2017                 |                        | Ongoing                              |

| No | Date     | Report Title                                     | Action   | Action Owner                | Expected completion date | Actual completion date | Comments              |
|----|----------|--|--|-----------------------------|--------------------------|------------------------|-----------------------|
| 7  | 01.02.16 | Policy and Code of Conduct on Public Processions | <ol style="list-style-type: none"> <li>1. To agree to consult widely on the proposed Policy and Code of Conduct on Public Processions in line with statutory requirements.</li> <li>2. To agree to consult on the Parades notification form in line with statutory requirements.</li> <li>3. To receive a further update in six months</li> </ol>                        | Executive Director of Place | April 2017               |                        | Consultation underway |
| 8  | 24.06.16 | Licensing Performance Update                     | <ol style="list-style-type: none"> <li>1. To receive a further update report in six months</li> <li>2. The next update report to include information on late applications submitted</li> <li>3. The Executive Director of Place to provide information to members on any instances of verbal abuse to staff and action taken since the policy was introduced.</li> </ol> | Executive Director of Place | Feb 2017                 |                        | Report submitted      |

| No | Date     | Report Title  | Action  | Action Owner                | Expected completion date | Actual completion date | Comments   |
|----|----------|---|---|-----------------------------|--------------------------|------------------------|--|
| 9  | 24.06.16 | Taxi Examination Centre – Vehicle Inspection Pass Rates           | <p>1. To receive an update report in six months:</p> <p>(i) providing figures for the number of missed appointments in a year highlighting peaks and troughs in the year</p> <p>(i) proposals for the introduction of a fee being charged for missed appointments;</p> <p>(ii) other measures that could be brought in to mitigate the vehicle examiners time lost due to missed appointments.</p> <p>(iii) details of the type of faults identified by the examiners to be reported back to the Regulatory Committee</p> | Executive Director of Place | Feb 2017                 |                        | Report submitted   |
| 10 | 24.06.16 | Age of Taxis and Private Hire Cars – Motion by Councillor Burgess | <p>1. To receive a report in November 2016.</p>   |                             | Summer 2017              |                        | Report submitted to Nov 16 Committee – Recommended for closure |

| No | Date     | Report Title   | Action  | Action Owner                | Expected completion date | Actual completion date | Comments              |
|----|----------|--|---|-----------------------------|--------------------------|------------------------|-----------------------|
| 11 | 19.9.09  | Proposed Fees Structure for House in Multiple Occupation Licences  | To agree to receive a final report on the outcome of the consultation as set out in paragraphs 3.19-3.20 of the report by the Executive Director of Place.  | Executive Director of Place | Apr 2017                 |                        | Report Submitted      |
| 12 | 19.09.16 | Licensing Policy Development – Late Hours Catering Consultation    | To agree that further consultation should be carried out regarding late night premises wishing to operate a delivery only service and Executive Director of Place to report to the Committee in due course. | Executive Director of Place | Apr 2017                 |                        | Consultation underway |
| 13 | 21.11.16 | Age Limitation of Taxis and Private Hire Cars – Feasibility Report | Instructs the Executive Director of Place to consult with the relevant officers, the public and the taxi trade and to report back to Committee in six months time.  | Executive Director of Place | June 2017                |                        | Ongoing               |

| No | Date     | Report Title  | Action  | Action Owner                | Expected completion date | Actual completion date | Comments |
|----|----------|---|---|-----------------------------|--------------------------|------------------------|----------|
| 14 | 21.11.16 | Taxi Fare Scales: Outcome of Appeal and Timetable for Next Review | To agree Option B from the options in paragraph 3.10 in the report as the preferred option. 'Instruct CH2M Hill to commence a full fare review in April 2017, report to Committee in August and November 2017'. | Executive Director of Place | August and November 2017 |                        | Ongoing  |
| 15 | 21.11.16 | Licensing Customer Survey 2016                                    | To agree to receive a further report in 12 months on the 2017 survey results  | Executive Director of Place | November 2017            |                        | Ongoing  |

# Regulatory Committee

9.00am, Monday, 17 February 2017

## Update – Implementation of Air Weapons and Licensing (Scotland) Act 2015 and the Immigration Act 2016

|                   |           |
|-------------------|-----------|
| Item number       | 6.1       |
| Report number     |           |
| Executive/routine | Executive |
| Wards             | All       |

### Executive Summary

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This report provides the Committee with an update on the implementation of changes to the licensing regime as a result of the Air Weapons and Licensing (Scotland) Act 2015.

The Bill for this Act of the Scottish Parliament received Royal Assent on 4 August 2015. The introduction of the Act continues to require a series of actions and policy considerations for the Council as Licensing Authority.

The report updates the Committee on key areas of work which arise from this Act and the Immigration Act 2016. These will be included in the Committee Work Plan for the coming year.

### Links

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|                          |                     |
|--------------------------|---------------------|
| Coalition Pledges        | <a href="#">P28</a> |
| Council Priorities       | <a href="#">CP5</a> |
| Single Outcome Agreement | <a href="#">SO1</a> |

## Update - Implementation of Air Weapons and Licensing (Scotland) Act 2015 and the Immigration Act 2016

### 1. Recommendations

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- 1.1 It is recommended that the Regulatory Committee:
  - 1.1.2 notes the implications of the Air Weapons and Licensing (Scotland) Act 2015 and the Immigration Act 2016
  - 1.2.2 agrees to update the Committee Work Plan as proposed at Appendix 1.

### 2. Background

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- 1.1 The Council acts as Licensing Authority for a range of legislation including the Civic Government (Scotland) Act 1982 ('the 1982 Act').
- 1.2 The Air Weapons and Licensing (Scotland) Act ('the 2015 Act') was passed by the Scottish Parliament on 25 June 2015 and received Royal Assent on 4 August 2015.
- 1.3 The provisions in the 2015 Act and the Immigration Act 2016 ('the 2016 Act') have implications for the Council's licensing function and, as a result, will have a significant impact on the Work Plan of the Committee.
- 1.4 The Immigration Act 2016 is UK legislation which makes provisions regarding persons' "rights to enter or remain in the UK" and amends the 1982 Act and will amend the Licensing (Scotland) Act 2005. The Council, as the licensing authority under the 1982 Act, must refuse applications or grant licences for limited periods to reflect an applicant's immigration status and any right to work in relation to certain types of licences. Provisions of the 1982 Act in relation to the licensing of taxi and private hire car drivers have already commenced, with further commencement due to take effect later in 2017.

### 3. Main report

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#### **The Air Weapons and Licensing (Scotland) Act**

- 3.1 The key sections of the 2015 Act were outlined in reports to the Regulatory Committee in September 2014 and September 2015.

- 3.2 Policy consideration of certain new discretionary areas of licensing will be required. The Council will have to decide whether to adopt the provisions in these areas. Each element will require significant consultation.
- 3.3 The areas outlined below at 3.4 – 3.11 arise as a result of the enactment of sections of the 2015 Act.

#### **Testing of Private Hire Car Drivers (PHCs)**

- 3.4 The Council now has a discretionary power to require an applicant for a PHC driver's licence to take a test of his knowledge of the licensable area or "such other matters relating to the operation of a PHC as the authority consider desirable". An application can be refused if the applicant does not satisfy the local authority that he has adequate knowledge of any of these matters.
- 3.5 As previously reported this power will take effect on 1 May 2017 and the Committee resolved to adopt this at its meeting on [21 November 2016](#). Work has commenced on the actual training content and this will be reported to Committee in due course.

#### **Restriction of exemption for Public Entertainment licence**

- 3.6 Previously any premises which held a premises or an occasional licence to sell alcohol were not required to obtain a separate Public Entertainment Licence for any entertainment taking place on the premises.
- 3.7 Under the new provisions, where premises are operating under an occasional licence an exemption is no longer available. This provision came in to effect on 1 November 2016, and is likely to lead to an increase in applications for Public Entertainment licences. Members may wish to note that there may also be an associated increase in requests for fee reduction.

#### **Revocation of licences**

- 3.8 If a complaint has been made, or following an immediate suspension under paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982, a licence can now be revoked on the same grounds as it can be suspended
- 3.9 This change provides a further option for the Committee when considering whether to take action against a licence holder. A suspended licence continues to exist but cannot be used during the period of suspension and has no effect, whereas a revocation means that the licence holder loses the licence. A suspension can be recalled, whereas a revocation results in permanent loss of the licence.
- 3.10 This provision came in to effect on 1 November 2016 and applies to any request to suspend or revoke a licence received by or notified to the Council after this date. Training will be developed for elected members and council officers involved in the Regulatory Committee's process to enable them to address changes to legislation, policy and practice.

#### **Electronic communication**

- 3.11 The Council may determine that applications, objections/representations and notices of changes to licences may be accepted by means of e-communication. Such a determination would have to be formally made by the Regulatory Committee and be

published by the Council. Changes to the application process will be factored into the Committee Work Plan and will be the subject of a future committee report.

### **The Immigration Act 2016**

- 3.12 The Immigration Act 2016 (which received Royal assent on 12 May 2016), makes provisions regarding a person's "rights to enter or remain in the UK" and amends the 1982 Act. Sections of the 2016 Act were commenced on 1 December 2016 and were outlined in a report to the Regulatory Committee on 19 September 2016.
- 3.13 The areas outlined at 3.14 – 3.16 below relate to immigration status checks resulting from the implementation of the 2016 Act.

#### **Immigration status checks for taxi and PHC drivers**

- 3.14 Council Officers are now required to check the immigration status and right to work in the UK of all taxi and PHC driver applicants, as the Council must not grant licences to illegal immigrants. The check must take place at some point during the application process.
- 3.15 In addition, if a migrant has leave to remain in the UK for a limited time then the grant of any licence must be restricted to the duration of that leave to remain. If a licence holder becomes disqualified from holding a licence by reason of his immigration status then the licence will cease to have effect.
- 3.16 The 2016 Act provides that the Council may suspend or revoke a licence where a licence holder commits an immigration offence or is required to pay an immigration penalty. These grounds of suspension/revocation will not apply if the conviction is spent, or the penalty is fully paid and was imposed over three years ago.

### **Changes to the 2015 Act in force from May 2017**

#### **Refusal to grant PHC licence on grounds of overprovision**

- 3.17 The Council will be able to refuse an application for a PHC vehicle licence if satisfied that there is, or would be, overprovision in the locality.
- 3.18 The Council would be required to adopt an overprovision policy which determines the 'locality' or 'localities' in which overprovision will be assessed. This can be the whole local authority area. In determining overprovision the Council must have regard to the number of PHCs operating in the locality and the demand for PHCs in the locality.

#### **Deemed grant of applications**

- 3.19 The timescales for consideration of an application (full, temporary or variation applications) and reaching a final decision are effectively extended by three months. If final determination is not made within the statutory timescales then an application will be deemed to have been granted. This will be one year for a full application, or

for the period applied for a temporary application, and for the unexpired period of a licence for a variation application.

### **Civic Licensing Standards Officers**

- 3.20 The Council must appoint one or more Civic Licensing Standards Officers (CLSOs). The role of these officers will be to provide information and guidance to applicants, to supervise compliance with licensing conditions and to provide mediation services to resolve disputes between licence holders and any other person.
- 3.21 Where a CLSO believes that a licence condition is being breached then a compliance notice must be issued to the licence holder. Any reports to the Licensing Sub-Committee of the Regulatory Committee recommending suspension or revocation on the grounds that a condition of licence has been breached will have to include details of any compliance notice that has been issued by CLSOs. It must also contain details of any failure to comply with such a notice, or a statement as to why the officer considers it appropriate to refer the matter to the Committee without having first served a compliance notice.

### **Other relevant information**

#### **The Air Weapons and Licensing (Scotland) Act 2015**

- 3.22 The Scottish Government has indicated that provisions relating to Sexual Entertainment venues are likely to commence in May 2017, with the first licences being issued in early 2019. This will be subject to a separate report to the Committee in due course.
- 3.23 Changes to theatre licensing will commence in summer 2017. The commencement order will include transitional arrangements which will enable the council to put in place new arrangements prior to the repeal of the Theatres Act 1968 in 2018. It is proposed that Theatre licensing will become part of the Public Entertainment licensing process. The 1982 Act requires that the Council identifies which places or classes of premises are considered to be places of public entertainment, in the form of a Public Entertainment Resolution. To enable this change the Committee will be required to review the Public Entertainment Resolution, consider any proposed changes and then consult on them.
- 3.24 Officers have already met with representatives of the Edinburgh Festival to discuss relevant changes and how the Council is likely to implement these.
- 3.25 Changes to the Public Entertainment Resolution will be factored into the Committee Work Plan and be the subject of a separate report.

### **Action Plan**

- 3.26 The Scottish Government has indicated or laid orders to implement the following provisions. The dates of the order coming into effect is shown below :
- Electronic Communications – 1 November 2016;

- Electronic signatures – 1 November 2016;
- Revocation of a licence – 1 November 2016,
- Sexual Entertainment – Summer 2017;
- PHC overprovision – 1 May 2017;
- Revocation of Theatre Licensing system – summer 2017; and
- Civic Licensing Standards Officers – 1 May 2017.

Council officers will bring forward options for future consideration on the adoption of new policies where appropriate. It is proposed that the Committee updates its Work Plan as detailed in Appendix 1.

### **The Immigration Act 2016**

3.27 The Scottish Government has indicated that provisions relating to Booking Offices, and Late Hours Catering premises, in respect of the 1982 Act, are likely to commence in May/June 2017. It is proposed that the Committee updates its Work Plan as detailed in Appendix 1 to include reports on:

- Immigration checks for holders of Booking Office licences
- Immigration checks for applicants for Late Hours Catering Premises licences.

Council officers will bring forward options for future consideration on the adoption of new policies where appropriate.

## **4. Measures of success**

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4.1 That the licensing function is fit for its purpose and any licence application is dealt with according to the relevant statutory provisions.

## **5. Financial impact**

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5.1 Any additional costs will be required to be offset against new or increased fees.

5.2 Early indications are that there is likely to be a loss in income from certain areas of licensing, including those of theatre licensing.

5.3 Further consideration of the impact of changes will be considered and reported back to the Committee as part of the ongoing work plan.

## **6. Risk, policy, compliance and governance impact**

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6.1 These legislative changes will have an impact on the Committee's work programme and may require both immediate and subsequent changes to policy.

- 6.2 The Committee will want to be aware that issues relating to ‘sexual entertainment’ may be similar to those dealt with in respect of the licensing of saunas in 2013. The decision whether or not to adopt a ‘sexual entertainment venue’ licensing regime is likely to be a high profile one, with the potential to attract strong views. There will clearly be links to other Council and partnership policies.
- 6.3 Matters regarding liquor licensing are outwith the remit of this Committee and will be dealt with by the Licensing Board. Joint work will be required in this area.
- 6.4 Training will be provided for elected members and council officers involved in the Regulatory Committee’s process to enable them to address changes to legislation, policy and practice

## **7. Equalities impact**

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- 7.1 There is no equalities impact arising directly from the contents of this report. As the Council considers each of the issues highlighted, further consideration of any equalities impact will be required to be undertaken.

## **8. Sustainability impact**

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

## **9. Consultation and engagement**

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- 9.1 As each major piece of work comes forward (e.g. decision on licensing of sexual entertainment venues), further consultation will be required.

## **10. Background reading/external references**

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- 10.1 [Report to Regulatory Committee – 25 September 2015](#)
- 10.2 [Report to Regulatory Committee – 19 September 2016](#)

### **Paul Lawrence**

Executive Director of Place

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## 11. Links

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|                                 |  |
|---------------------------------|--|
| <b>Coalition Pledges</b>        | P28 – Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic wellbeing of the city |
| <b>Council Priorities</b>       | CP5 – Business growth and investment   |
| <b>Single Outcome Agreement</b> | SO1 – Edinburgh’s economy delivers increased investment, jobs and opportunities for all  |
| <b>Appendices</b>               | <a href="#">Appendix 1</a> : Additions to Regulatory Committee Work Plan   |

## Appendix 1: Regulatory Committee Workplan – additional items

| Issue   | Decision required   | Introduction date for legislation   | Expected Date of Report to Committee                                  |
|---|---|---|---|
| 1. Introduction of Private Hire Car driver training.  | Confirm introduction date and policy  | Training programme now being developed commencement Autumn 2017               | Summer 2017 on implementation.  |
| 2. Introduction of limits on Private Hire Cars  | To decide whether to adopt this discretionary power.  | 1 May 2017  | Autumn 2017   |
| 3. Contract Hire Vehicles to be licensed  | Awaiting details of legislation   | Awaiting date for implementation from SG                                      | Awaiting date for implementation from SG                              |
| 4. Review of the Public Entertainment Resolution on   | To decide whether theatres should be added to the resolution  | Transitional arrangement from May 2017 with commencement date due Summer 2018 | Report to committee Summer 2017                                       |
| 5. Introduction of discretionary powers to license premises providing sexual entertainment. | To decide whether to adopt this power. If power is adopted to also decide whether the numbers of any such premises should be limited, either at a city level or more locally, and what that number limit should be. | Autumn 2017   | Spring 2018 (note earliest licences could be in force 2019).          |
| 6. Introduction of deemed grants for Liquor Licences  | Adopt provision to address terms of the legislation   | 1 May 2017.   | This work will be carried out in conjunction with the Licensing Board |
| 7. Introduction of Civic Licensing Standards Officers                                       | Consider how best to introduce this statutory role.   | 1 May 2017.   | Summer 2017   |
| 8. Power to accept electronic signatures and forms  | Adopt provision to allow electronic submissions.  | 1 Nov 2017  | April 2017  |
| 9. Introduction of Immigrations checks for Booking Offices, Late Hours Catering premises    | on arrangements   | Awaiting date from UK Government  | Summer 2017   |

# Regulatory Committee

9.00am, Friday, 17 February 2017

## Taxi Examination Centre – Performance Update

|                          |           |
|--------------------------|-----------|
| <b>Item number</b>       | 6.2       |
| <b>Report number</b>     |           |
| <b>Executive/routine</b> | Executive |
| <b>Wards</b>             | All       |

### Executive Summary

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This report provides the Committee with an updated performance report on pass and failure rates in respect of vehicle inspections which form part of the application process for taxi and private hire car licences and renewals.

### Links

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|                                 |                     |
|---------------------------------|---------------------|
| <b>Coalition Pledges</b>        | <a href="#">P28</a> |
| <b>Council Priorities</b>       | <a href="#">CP5</a> |
| <b>Single Outcome Agreement</b> | <a href="#">SO1</a> |

## Taxi Examination Centre – Performance Update

### 1. Recommendations

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- 1.1 It is recommended that the Regulatory Committee:
  - 1.1.1 notes the content of this report;
  - 1.1.2 discharges the outstanding remit from the Regulatory Committee held on [24 June 2016](#) to report back to the Committee on licensing performance; and
  - 1.1.3 agrees to receive an annual update report.

### 2. Background

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- 2.1 The Council, as the 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 upon application for new licences or renewal of existing licences. New vehicles (intended to replace an existing licensed vehicle) are also required to be inspected. In addition, licensed vehicles may be subject to spot checks or called in for ad-hoc inspections, as required by Police or Council Officers.
- 2.2 The testing of taxis and PHCs is carried out at the Council's test facility, the Taxi Examination Centre (TEC) operated by Fleet Services at the Murrayburn Road Council Depot. The TEC also carries out similar examination and enforcement functions for both West Lothian and Midlothian Councils.
- 2.3 The TEC was formerly managed and operated on behalf of the Council by Police Scotland. Following a decision by the Regulatory Committee at its meeting of 4 April 2014, the service transferred from Police Scotland to in-house delivery on 1 November 2014.
- 2.4 The Regulatory Committee last received a report on 24 June 2016 which provided performance data for the period April 2015 - March 2016 and an undertaking to report back to the Committee as part of regular licensing performance reporting.

### 3. Main report

3.1 A comparison of information on the key measures between April 2015 - March 2016 and April 2016 - November 2016, provided by the TEC, is noted in the table below.

| Measure   | April 2015 - March 2016        | April 2016 - November 2016     |
|---|--------------------------------|--------------------------------|
| Council-licensed vehicles tested passing first time | 47% (overall pass rate 62%)    | 53% (overall pass rate 64%)    |
| Red labels issued                                   | 69                             | 33                             |
| Red labels issued (taxis)                           | 50                             | 26                             |
| Red labels issued (PHCs)                            | 19                             | 7                              |
| Appointments missed                                 | 145 (3% of total appointments) | 112 (2% of total appointments) |
| Tests abandoned due to poor vehicle condition       | 60 (1% of total appointments)  | 47 (1% of total appointments)  |

- The national average pass rate is currently circa 70% for Class III and IV vehicles (statistics available on DVSA website).
- 'Red labels' are prohibition notices banning the use of the vehicle for hire.
- Missed appointments resulted in 224 lost hours for the vehicle examiners.
- Abandoned tests resulted in 94 lost hours and where it related to a serious technical fault a 'Red Label' was issued.

3.2 Detailed performance data is attached at Appendix 1.

3.3 The faults leading to a failed inspection all relate to serious defects which can create safety issues. These include defects in bodywork, driver's view, driving controls, brakes, steering, lights, tyres, exhaust, fuel and emissions, seat belts, suspension and wheels.

3.4 Information on the key measures previously reported to the Committee on 24 June 2016 is attached at Appendix 2.

3.5 During 2015/16 pressure increased on waiting time for new vehicles to be inspected. This resulted from:

- a high initial failure rate leading to re-inspections; and

- an increase in the number of PHC licence applications and vehicles submitted for inspection.
- 3.6 A number of measures have been taken to address the increased demand including:
- Installation of a replacement inspection ramp. Older ramps require two examiners to operate safely. This ramp can be operated by a single vehicle examiner, thereby leading to efficiencies in time..
  - Additional space capacity within the Murrayburn Road Depot has been secured to accommodate two additional vehicle inspection ramps. A Procurement Plan is in place to procure and install these ramps, which will lead to increased capacity. The timeline for this process has been accelerated as much as possible while still complying with the statutory framework. The two additional ramps are expected to be operational in April 2017.

#### **4. Measures of success**

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- 4.1 That the Council discharges its duties in terms of licensing and provides a robust and secure facility for inspecting taxis and PHCs.
- 4.2 That service users of the facility will continue to be provided with a high level of service.
- 4.3 That the standards of vehicles presented for inspection can be monitored and driven up, reducing the need for vehicle retests.

#### **5. Financial impact**

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- 5.1 The costs of the TEC are paid for by fees generated by taxi and PHC licence applications to the Council. West Lothian Council and Midlothian Council are charged respectively for the work undertaken on their behalf.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 Taxis and PHCs are tested to MoT standard, and inspected to ensure compliance with any relevant conditions of licence.

#### **7. Equalities impact**

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

## 8. Sustainability impact

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- 8.1 The TEC is an Approved MoT Testing Centre and all licensed vehicles are tested to MoT standards, irrespective of age and including emissions testing where applicable. The licensed fleets between new registration and three years old are therefore more rigorously tested and controlled than private vehicles.

## 9. Consultation and engagement

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- 9.1 None.

## 10. Background reading/external references

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- 10.1 [Regulatory Committee – 24 June 2016](#) - item 6.3

### Paul Lawrence

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## 11. Links

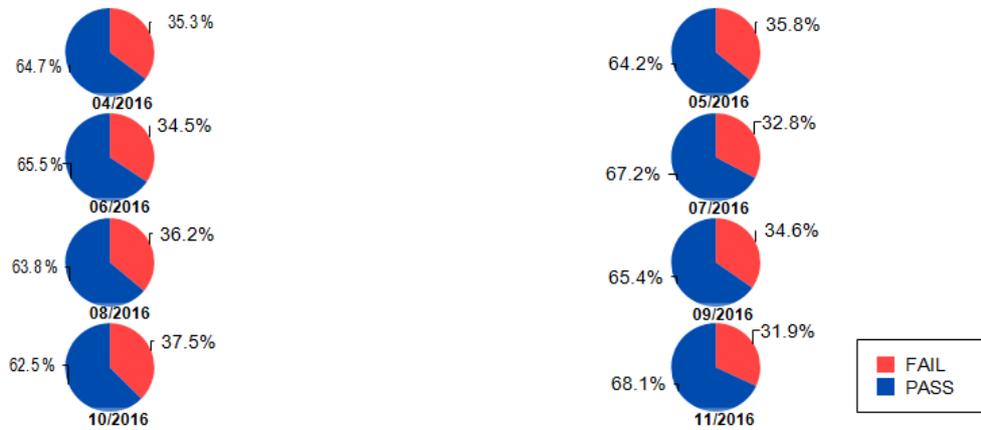
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|                                 |   |
|---------------------------------|---|
| <b>Coalition Pledges</b>        | P28 – Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city   |
| <b>Council Priorities</b>       | CP5 – Business growth and investment  |
| <b>Single Outcome Agreement</b> | SO1 – Edinburgh’s economy delivers increased investment, jobs and opportunities for all   |
| <b>Appendices</b>               | Appendix 1 – Key Performance Indicators Report – April 2016 to November 2016<br>Appendix 2 – Key Performance Indicators Report - April 2015 to March 2016<br>Appendix 3 – Information on key measures April 2015 – March 2016 |

# Appendix 1 - Key Performance Indicators Report April 2016 - November 2016

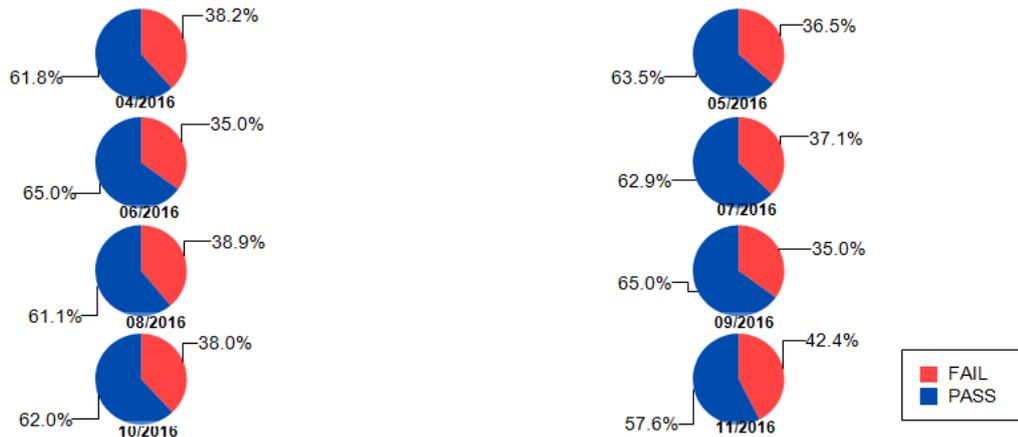
## Taxi Examination Centre Performance Indicators

Combined Pass Rate All Authorities



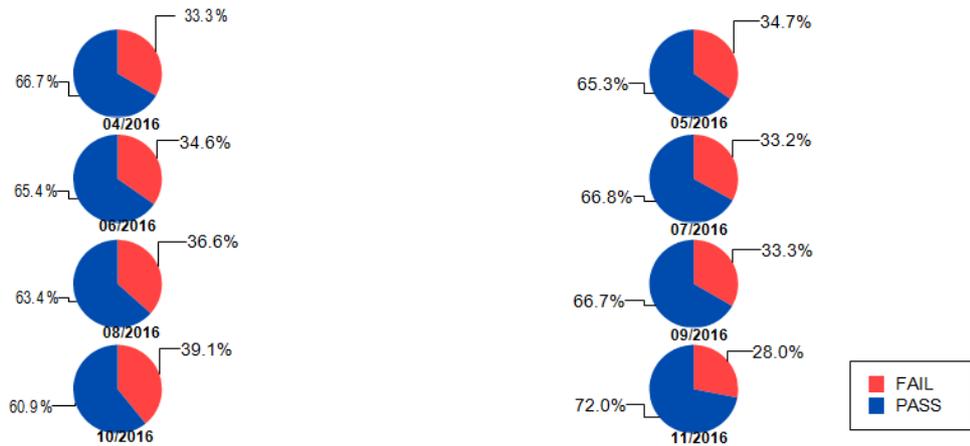
|                | 04/2016     | 05/2016     | 06/2016     | 07/2016     | 08/2016     | 09/2016     | 10/2016     | 11/2016     | Total       |
|----------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>FAIL</b>    | 35%         | 35%         | 34%         | 32%         | 36%         | 34%         | 37%         | 31%         | <b>34%</b>  |
| No Of Vehicles | 187         | 202         | 184         | 156         | 198         | 193         | 210         | 210         | 1,540       |
| <b>PASS</b>    | 64%         | 64%         | 65%         | 67%         | 63%         | 65%         | 62%         | 68%         | <b>65%</b>  |
| No Of Vehicles | 343         | 363         | 349         | 320         | 349         | 365         | 350         | 448         | 2,887       |
| <b>Total</b>   | <b>100%</b> |
| No Of Vehicles | 530         | 565         | 533         | 476         | 547         | 558         | 560         | 658         | 4,427       |

## City of Edinburgh Council Combined Pass Rate - Taxi



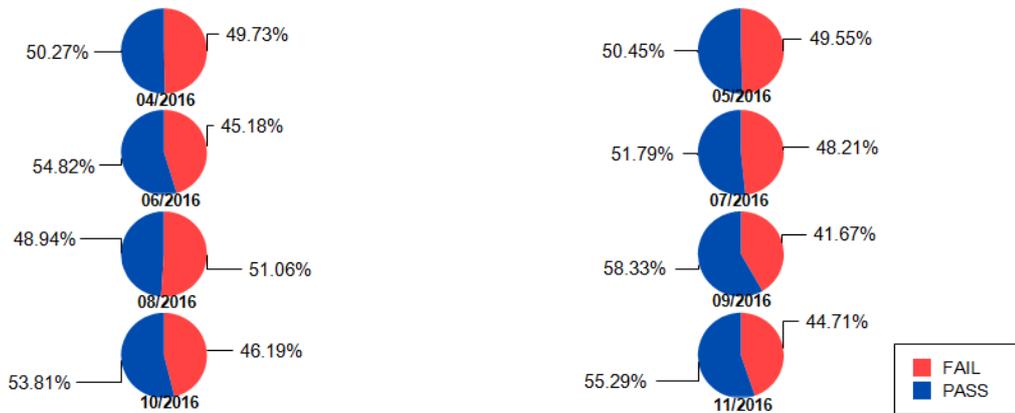
|                | 04/2016     | 05/2016     | 06/2016     | 07/2016     | 08/2016     | 09/2016     | 10/2016     | 11/2016     | Total       |
|----------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>FAIL</b>    | 38%         | 36%         | 35%         | 37%         | 38%         | 34%         | 38%         | 42%         | <b>37%</b>  |
| No Of Vehicles | 86          | 92          | 70          | 62          | 72          | 72          | 76          | 73          | 603         |
| <b>PASS</b>    | 61%         | 63%         | 65%         | 62%         | 61%         | 65%         | 62%         | 57%         | <b>62%</b>  |
| No Of Vehicles | 139         | 160         | 130         | 105         | 113         | 134         | 124         | 99          | 1,004       |
| <b>Total</b>   | <b>100%</b> |
| No Of Vehicles | 225         | 252         | 200         | 167         | 185         | 206         | 200         | 172         | 1,607       |

## City of Edinburgh Council Combined Pass Rate - Private Hire Cars



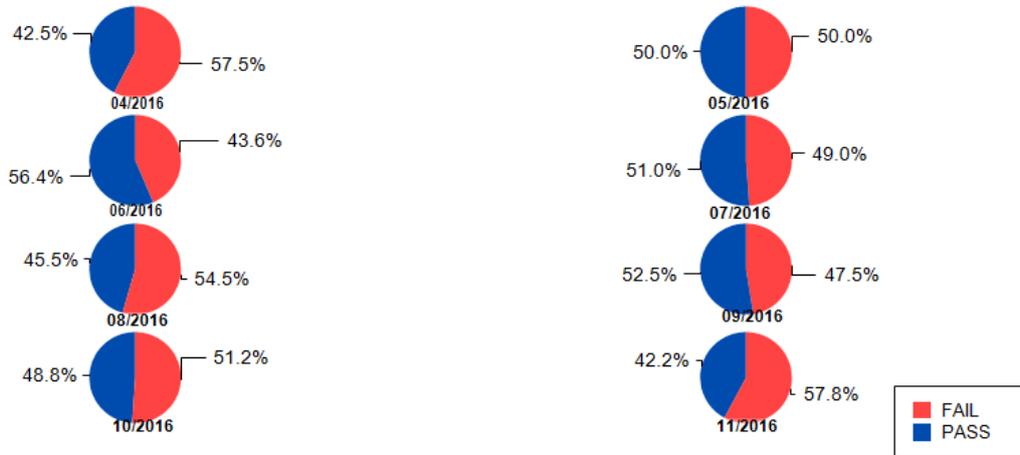
|                | 04/2016     | 05/2016     | 06/2016     | 07/2016     | 08/2016     | 09/2016     | 10/2016     | 11/2016     | Total       |
|----------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>FAIL</b>    | 33%         | 34%         | 34%         | 33%         | 36%         | 33%         | 39%         | 27%         | <b>33%</b>  |
| No Of Vehicles | 63          | 75          | 83          | 73          | 100         | 81          | 108         | 96          | 679         |
| <b>PASS</b>    | 66%         | 65%         | 65%         | 66%         | 63%         | 66%         | 60%         | 72%         | <b>66%</b>  |
| No Of Vehicles | 126         | 141         | 157         | 147         | 173         | 162         | 168         | 247         | 1,321       |
| <b>Total</b>   | <b>100%</b> |
| No Of Vehicles | 189         | 216         | 240         | 220         | 273         | 243         | 276         | 343         | 2,000       |

## City of Edinburgh Council First Time Pass Rate - All Vehicles



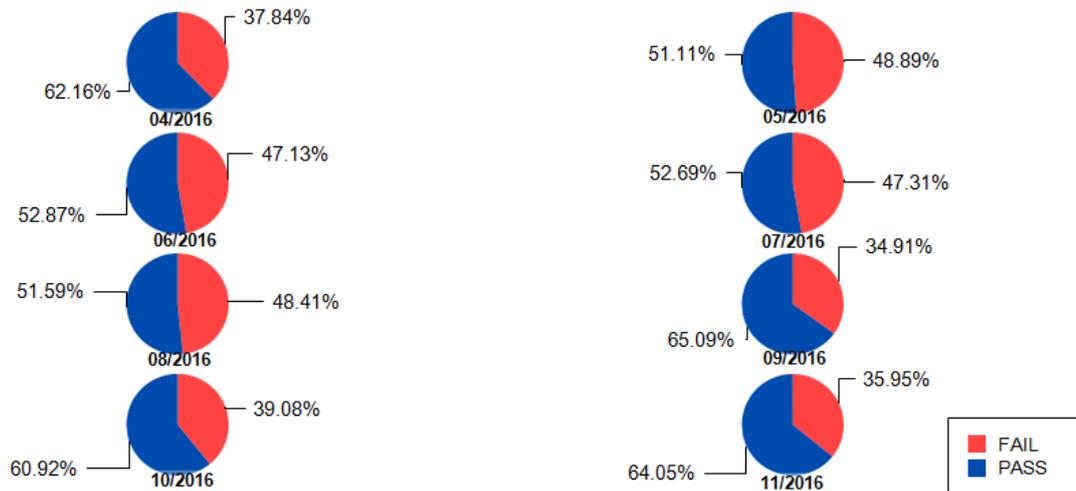
|                | Apr 2016    | May 2016    | Jun 2016    | Jul 2016    | Aug 2016    | Sep 2016    | Oct 2016    | Nov 2016    | Total       |
|----------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>FAIL</b>    | 49%         | 49%         | 45%         | 48%         | 51%         | 41%         | 46%         | 44%         | <b>46%</b>  |
| No Of Vehicles | 93          | 109         | 89          | 94          | 120         | 95          | 97          | 114         | 811         |
| <b>PASS</b>    | 50%         | 50%         | 54%         | 51%         | 48%         | 58%         | 53%         | 55%         | <b>53%</b>  |
| No Of Vehicles | 94          | 111         | 108         | 101         | 115         | 133         | 113         | 141         | 916         |
| <b>Total</b>   | <b>100%</b> |
| No Of Vehicles | 187         | 220         | 197         | 195         | 235         | 228         | 210         | 255         | 1,727       |

## City of Edinburgh Council First Time Pass Rate - Taxi



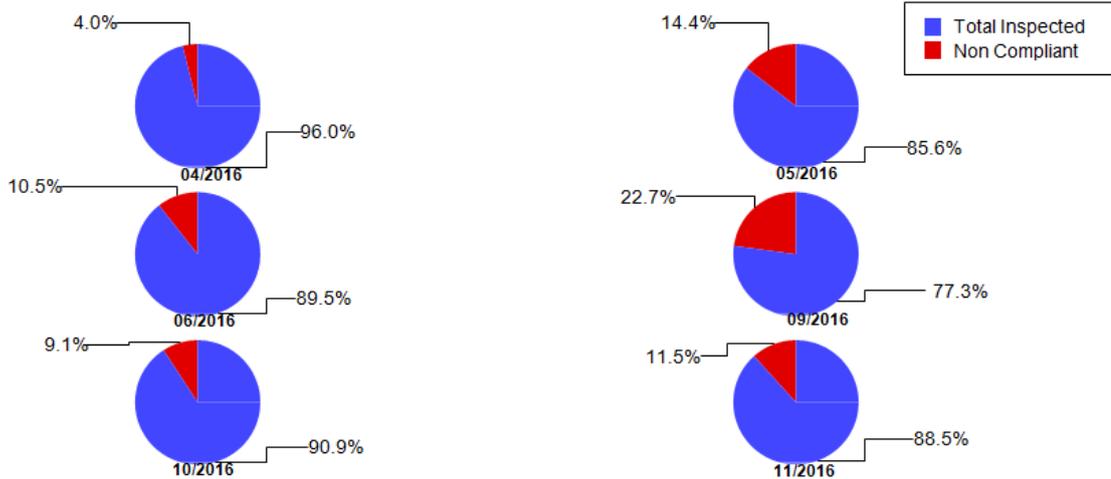
|              | 04/2016     | 05/2016     | 06/2016     | 07/2016     | 08/2016     | 09/2016     | 10/2016     | 11/2016     | Total       |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>FAIL</b>  | 57%         | 50%         | 43%         | 49%         | 54%         | 47%         | 51%         | 57%         | <b>51%</b>  |
|              | 65          | 65          | 48          | 50          | 60          | 58          | 63          | 59          | <b>468</b>  |
| <b>PASS</b>  | 42%         | 50%         | 56%         | 50%         | 45%         | 52%         | 48%         | 42%         | <b>48%</b>  |
|              | 48          | 65          | 62          | 52          | 50          | 64          | 60          | 43          | <b>444</b>  |
| <b>Total</b> | <b>100%</b> |
|              | 113         | 130         | 110         | 102         | 110         | 122         | 123         | 102         | <b>912</b>  |

## City of Edinburgh Council First Time Pass Rate - Private Hire Cars



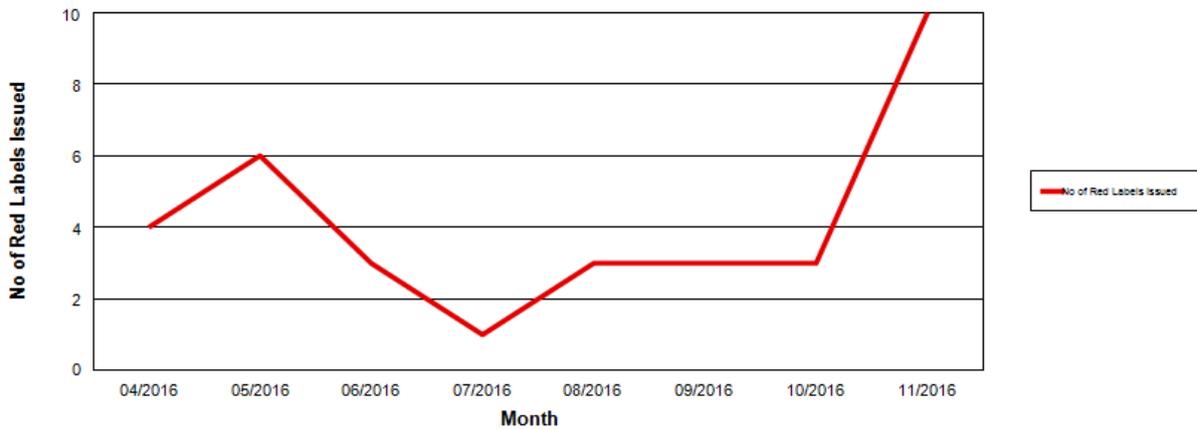
|              | Apr 2016    | May 2016    | Jun 2016    | Jul 2016    | Aug 2016    | Sep 2016    | Oct 2016    | Nov 2016    | Total       |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>FAIL</b>  | 37%         | 48%         | 47%         | 47%         | 48%         | 34%         | 39%         | 35%         | <b>42%</b>  |
|              | 28          | 44          | 41          | 44          | 61          | 37          | 34          | 55          | <b>344</b>  |
| <b>PASS</b>  | 62%         | 51%         | 52%         | 52%         | 51%         | 65%         | 60%         | 64%         | <b>57%</b>  |
|              | 46          | 46          | 46          | 49          | 65          | 69          | 53          | 98          | <b>472</b>  |
| <b>Total</b> | <b>100%</b> |
|              | 74          | 90          | 87          | 93          | 126         | 106         | 87          | 153         | <b>816</b>  |

## City of Edinburgh Council Roadside Enforcement - All Vehicles



|                 | 04/2016 | 05/2016 | 06/2016 | 09/2016 | 10/2016 | 11/2016 | Total  |
|-----------------|---------|---------|---------|---------|---------|---------|--------|
| Total Inspected | 170.00  | 119.00  | 51.00   | 34.00   | 40.00   | 23.00   | 437.00 |
| Non Compliant   | 7.00    | 20.00   | 6.00    | 10.00   | 4.00    | 3.00    | 50.00  |

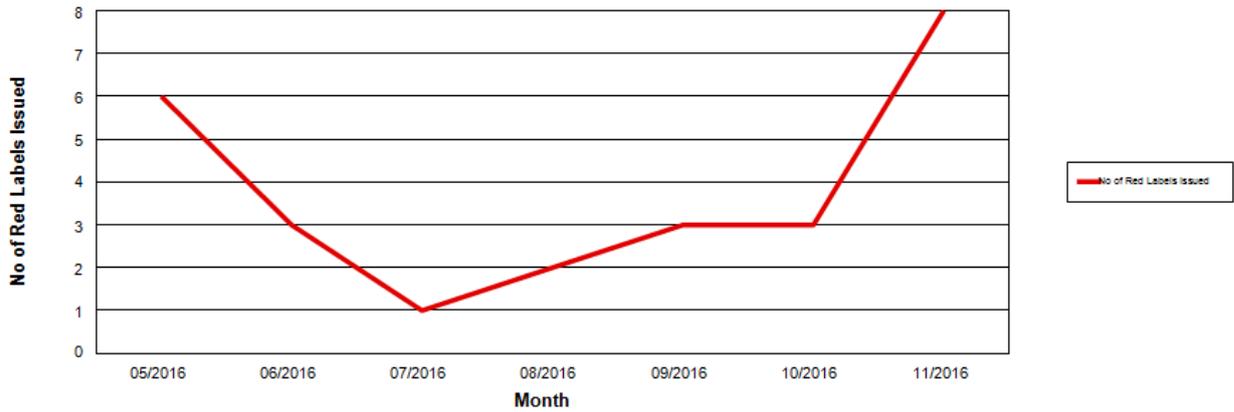
## City of Edinburgh Red Labels Issued- All Vehicles



|                  | 04/2016 | 05/2016 | 06/2016 | 07/2016 | 08/2016 | 09/2016 | 10/2016 | 11/2016 | Total |
|------------------|---------|---------|---------|---------|---------|---------|---------|---------|-------|
| Red Label Issued | 4       | 6       | 3       | 1       | 3       | 3       | 3       | 10      | 33    |
| Total            | 4       | 6       | 3       | 1       | 3       | 3       | 3       | 10      | 33    |

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

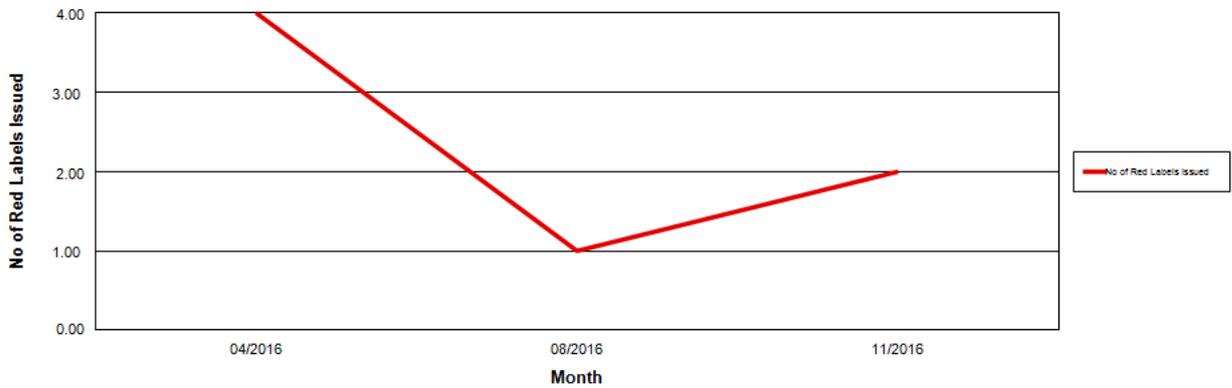
## Taxi Examination Centre Performance Indicators Red Labels Issued- Taxis



|                         | 05/2016 | 06/2016 | 07/2016 | 08/2016 | 09/2016 | 10/2016 | 11/2016 | Total |
|-------------------------|---------|---------|---------|---------|---------|---------|---------|-------|
| <b>Red Label Issued</b> | 6       | 3       | 1       | 2       | 3       | 3       | 8       | 26    |
| <b>Total</b>            | 6       | 3       | 1       | 2       | 3       | 3       | 8       | 26    |

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

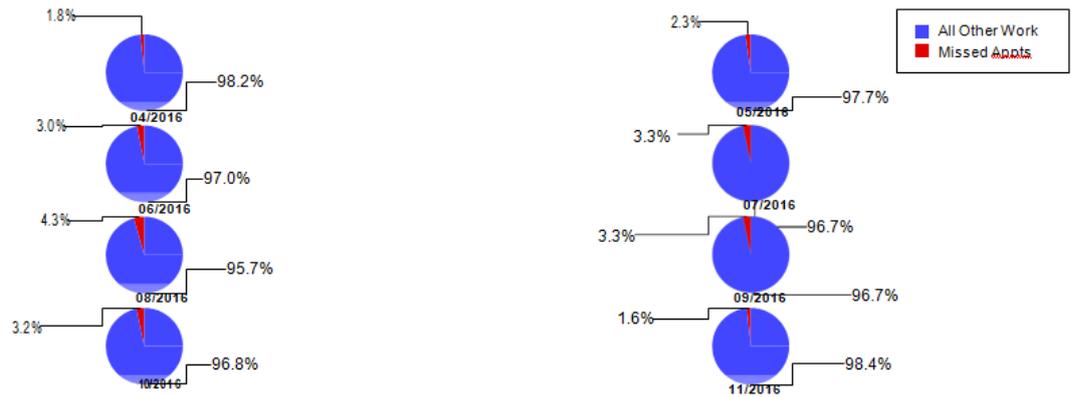
## Taxi Examination Centre Performance Indicators Red Labels Issued- Private Hire Vehicles



|                         | 04/2016 | 08/2016 | 11/2016 | Total |
|-------------------------|---------|---------|---------|-------|
| <b>Red Label Issued</b> | 4       | 1       | 2       | 7     |
| <b>Total</b>            | 4       | 1       | 2       | 7     |

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

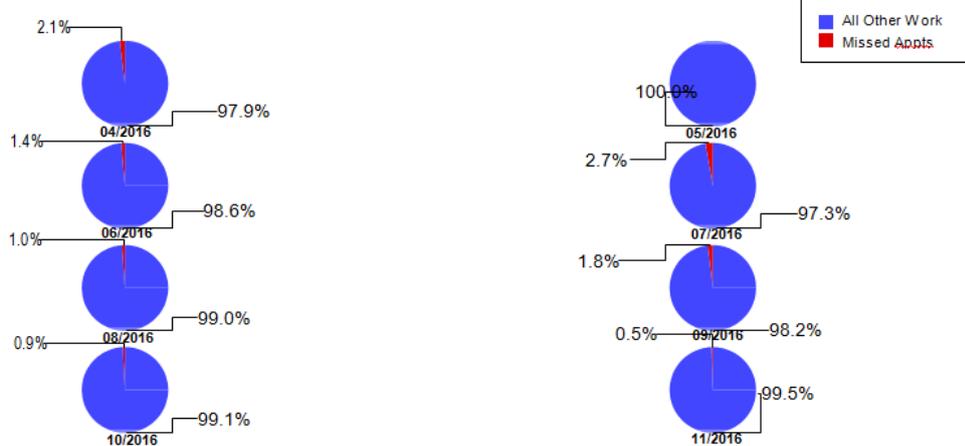
## City Of Edinburgh Council Missed Appointments - All Vehicles



|                            | 04/2016 | 05/2016  | 06/2016 | 07/2016 | 08/2016  | 09/2016 | 10/2016  | 11/2016  | Total    |
|----------------------------|---------|----------|---------|---------|----------|---------|----------|----------|----------|
| <b>All Other Work</b>      | 98%     | 97%      | 97%     | 96%     | 95%      | 96%     | 96%      | 98%      | 97%      |
| <b>Hours on Vehicles</b>   | 870     | 998      | 910     | 810     | 972      | 948     | 1,020    | 1,134    | 7,662    |
| <b>No Of Vehicles</b>      | 435     | 499      | 455     | 405     | 486      | 474     | 510      | 567      | 3,831    |
| <b>Missed Appointments</b> | 1%      | 2%       | 2%      | 3%      | 4%       | 3%      | 3%       | 1%       | 2%       |
| <b>Hours Lost</b>          | 16      | 24       | 28      | 28      | 44       | 32      | 34       | 18       | 224      |
| <b>No Of Vehicles</b>      | 8       | 12       | 14      | 14      | 22       | 16      | 17       | 9        | 112      |
| <b>Total</b>               | 100%    | 100%     | 100%    | 100%    | 100%     | 100%    | 100%     | 100%     | 100%     |
|                            | 886.00  | 1,022.00 | 938.00  | 838.00  | 1,016.00 | 980.00  | 1,054.00 | 1,152.00 | 7,886.00 |
|                            | 443     | 511      | 469     | 419     | 508      | 490     | 527      | 576      | 3,943    |

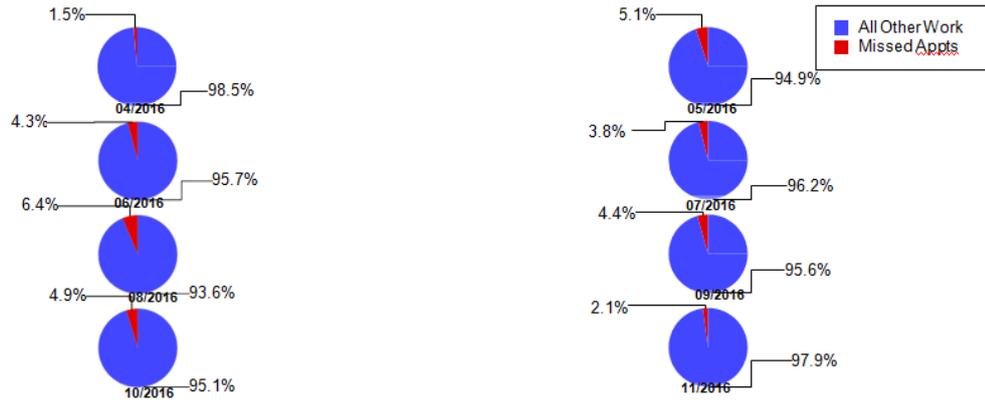
Note: Examiners currently work 37 hours per week

## City of Edinburgh Council Missed Appointments - Taxis



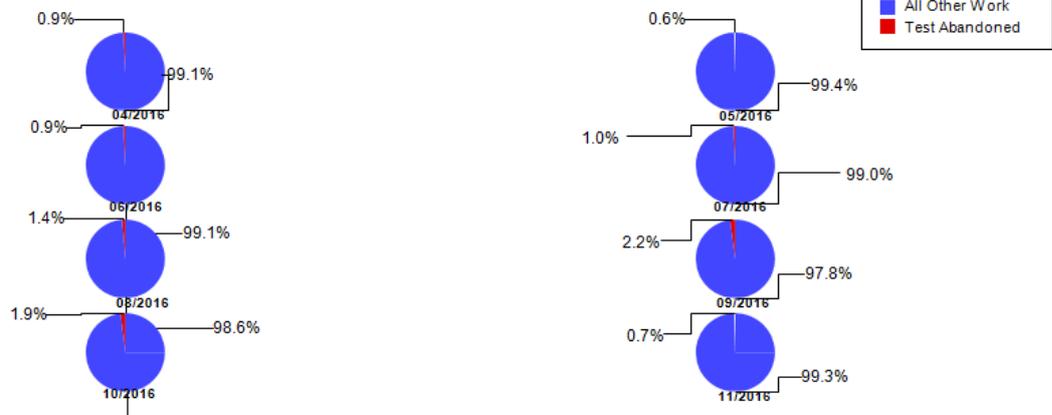
|                            | 04/2016 | 05/2016 | 06/2016 | 07/2016 | 08/2016 | 09/2016 | 10/2016 | 11/2016 | Total    |
|----------------------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b>      | 97%     | 100%    | 98%     | 97%     | 98%     | 98%     | 99%     | 99%     | 98%      |
| <b>Hours on Vehicles</b>   | 472     | 554     | 416     | 354     | 388     | 428     | 432     | 388     | 3,432    |
| <b>No Of Vehicles</b>      | 236     | 277     | 208     | 177     | 194     | 214     | 216     | 194     | 1,716    |
| <b>Missed Appointments</b> | 2%      | 0%      | 1%      | 2%      | 1%      | 1%      | 0%      | 0%      | 1%       |
| <b>Hours Lost</b>          | 10      | 0       | 6       | 10      | 4       | 8       | 4       | 2       | 44       |
| <b>No Of Vehicles</b>      | 5       | 0       | 3       | 5       | 2       | 4       | 2       | 1       | 22       |
| <b>Total</b>               | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
|                            | 482.00  | 554.00  | 422.00  | 364.00  | 392.00  | 436.00  | 436.00  | 390.00  | 3,476.00 |
|                            | 241     | 277     | 211     | 182     | 196     | 218     | 218     | 195     | 1,738    |

## City of Edinburgh Council Missed Appointments - Private Hire Cars



|                       | 04/2016 | 05/2016 | 06/2016 | 07/2016 | 08/2016 | 09/2016 | 10/2016 | 11/2016 | Total    |
|-----------------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b> | 98%     | 94%     | 95%     | 96%     | 93%     | 95%     | 95%     | 97%     | 95%      |
| Hours on Vehicles     | 398.00  | 444.00  | 494.00  | 456.00  | 584.00  | 520.00  | 588.00  | 746.00  | 4,230.00 |
| No Of Vehicles        | 199     | 222     | 247     | 228     | 292     | 260     | 294     | 373     | 2,115    |
| <b>Missed Appts</b>   | 1%      | 5%      | 4%      | 3%      | 6%      | 4%      | 4%      | 2%      | 4%       |
| Hours Lost            | 6.00    | 24.00   | 22.00   | 18.00   | 40.00   | 24.00   | 30.00   | 16.00   | 180.00   |
| No Of Vehicles        | 3       | 12      | 11      | 9       | 20      | 12      | 15      | 8       | 90       |
| <b>Total</b>          | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
|                       | 404.00  | 468.00  | 516.00  | 474.00  | 624.00  | 544.00  | 618.00  | 762.00  | 4,410.00 |
|                       | 202     | 234     | 258     | 237     | 312     | 272     | 309     | 381     | 2,205    |

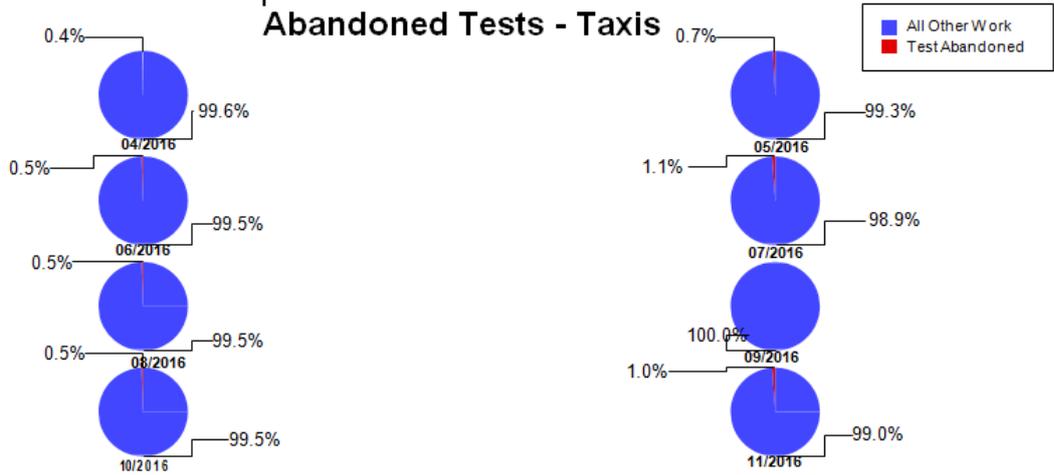
## City of Edinburgh Council Abandoned Tests - All Vehicles



|                       | 04/2016 | 05/2016  | 06/2016 | 07/2016 | 08/2016  | 09/2016 | 10/2016  | 11/2016  | Total    |
|-----------------------|---------|----------|---------|---------|----------|---------|----------|----------|----------|
| <b>All Other Work</b> | 99%     | 99%      | 99%     | 99%     | 98%      | 97%     | 98%      | 99%      | 98%      |
| Hours on Vehicles     | 878     | 1,016    | 930     | 830     | 1,002    | 958     | 1,034    | 1,144    | 7,792    |
| No Of Vehicles        | 439     | 508      | 465     | 415     | 501      | 479     | 517      | 572      | 3,896    |
| <b>Test Abandoned</b> | 0%      | 0%       | 0%      | 0%      | 1%       | 2%      | 1%       | 0%       | 1%       |
| Hours Lost            | 8       | 6        | 8       | 8       | 14       | 22      | 20       | 8        | 94       |
| No Of Vehicles        | 4       | 3        | 4       | 4       | 7        | 11      | 10       | 4        | 47       |
| <b>Total</b>          | 100%    | 100%     | 100%    | 100%    | 100%     | 100%    | 100%     | 100%     | 100%     |
|                       | 886.00  | 1,022.00 | 938.00  | 838.00  | 1,016.00 | 980.00  | 1,054.00 | 1,152.00 | 7,886.00 |
|                       | 443     | 511      | 469     | 419     | 508      | 490     | 527      | 576      | 3,943    |

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

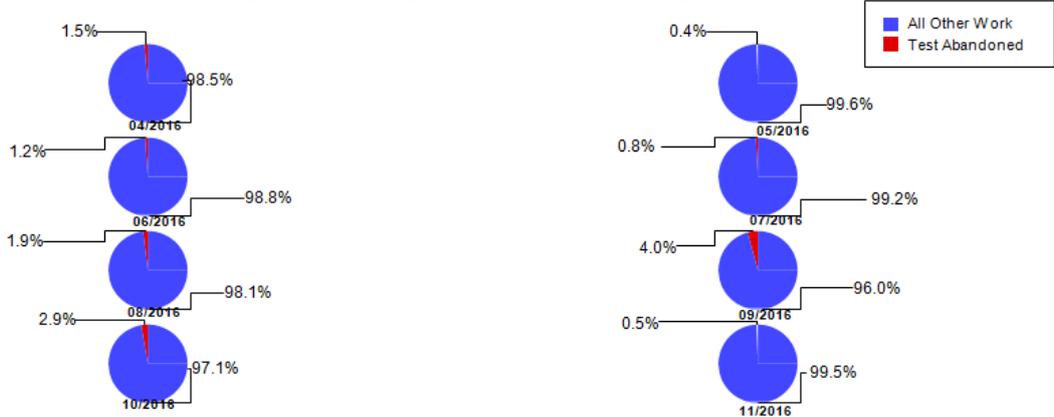
## City of Edinburgh Council Abandoned Tests - Taxis



|   | 04/2016     | 05/2016     | 06/2016     | 07/2016     | 08/2016     | 09/2016     | 10/2016     | 11/2016     | Total       |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>All Other Work Hours on Vehicles</b> | 99%         | 99%         | 99%         | 98%         | 99%         | 100%        | 99%         | 98%         | 99%         |
|   | 480.00      | 550.00      | 420.00      | 360.00      | 390.00      | 436.00      | 434.00      | 386.00      | 3,456.00    |
| <b>Test Abandoned Hours Lost</b>        | 0%          | 0%          | 0%          | 1%          | 0%          | 0%          | 0%          | 1%          | 0%          |
|   | 2.00        | 4.00        | 2.00        | 4.00        | 2.00        | 0.00        | 2.00        | 4.00        | 20.00       |
| <b>Total</b>                            | <b>100%</b> |
|   | 482.00      | 554.00      | 422.00      | 364.00      | 392.00      | 436.00      | 436.00      | 390.00      | 3,476.00    |

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

## City of Edinburgh Council Abandoned Tests - Private Hire Cars

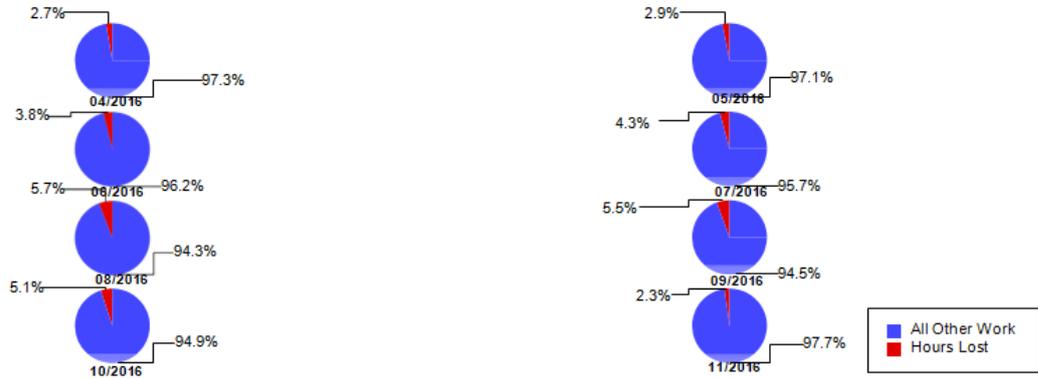


|   | 04/2016     | 05/2016     | 06/2016     | 07/2016     | 08/2016     | 09/2016     | 10/2016     | 11/2016     | Total       |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>All Other Work Hours on Vehicles</b> | 98%         | 99%         | 98%         | 99%         | 98%         | 95%         | 97%         | 99%         | 98%         |
|   | 398.00      | 468.00      | 510.00      | 470.00      | 612.00      | 522.00      | 600.00      | 758.00      | 4,338.00    |
| <b>No Of Vehicles</b>                   | 199         | 233         | 255         | 235         | 306         | 261         | 300         | 379         | 2,168       |
| <b>Test Abandoned Hours Lost</b>        | 1%          | 0%          | 1%          | 0%          | 1%          | 4%          | 2%          | 0%          | 1%          |
|   | 6.00        | 2.00        | 6.00        | 4.00        | 12.00       | 22.00       | 18.00       | 4.00        | 74.00       |
| <b>No Of Vehicles</b>                   | 3           | 1           | 3           | 2           | 6           | 11          | 9           | 2           | 37          |
| <b>Total</b>                            | <b>100%</b> |
|   | 404.00      | 468.00      | 516.00      | 474.00      | 624.00      | 544.00      | 618.00      | 762.00      | 4,410.00    |
|   | 202         | 234         | 258         | 237         | 312         | 272         | 309         | 381         | 2,205       |

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

## City of Edinburgh Council

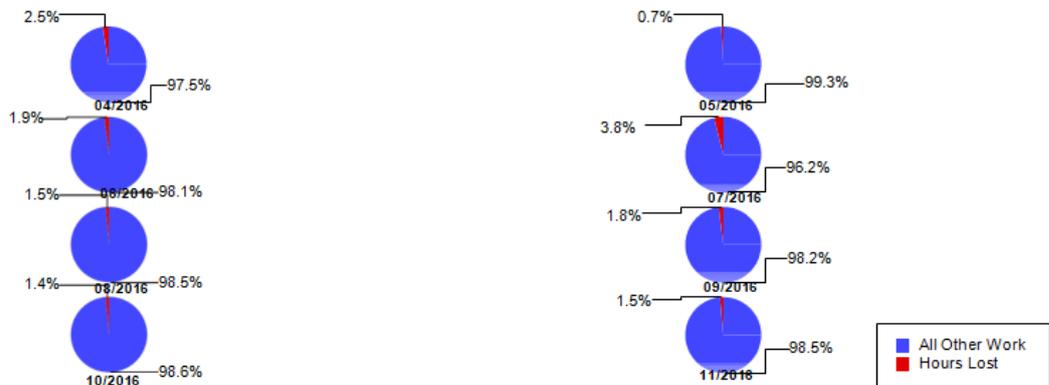
### Total Examiner Hours Lost - All Vehicles



|                          | 04/2016 | 05/2016  | 06/2016 | 07/2016 | 08/2016  | 09/2016 | 10/2016  | 11/2016  | Total    |
|--------------------------|---------|----------|---------|---------|----------|---------|----------|----------|----------|
| <b>All Other Work</b>    | 97%     | 97%      | 96%     | 95%     | 94%      | 94%     | 94%      | 97%      | 95%      |
| <b>Hours on Vehicles</b> | 862.00  | 992.00   | 902.00  | 802.00  | 958.00   | 926.00  | 1,000.00 | 1,126.00 | 7,568.00 |
| <b>No Of Vehicles</b>    | 431     | 496      | 451     | 401     | 479      | 463     | 500      | 563      | 3,784    |
| <b>Hours Lost</b>        | 2%      | 2%       | 3%      | 4%      | 5%       | 5%      | 5%       | 2%       | 4%       |
| <b>No Of Vehicles</b>    | 12      | 15       | 18      | 18      | 29       | 27      | 27       | 13       | 159      |
| <b>Total</b>             | 100%    | 100%     | 100%    | 100%    | 100%     | 100%    | 100%     | 100%     | 100%     |
|                          | 886.00  | 1,022.00 | 938.00  | 838.00  | 1,016.00 | 980.00  | 1,054.00 | 1,152.00 | 7,886.00 |
|                          | 443     | 511      | 469     | 419     | 508      | 490     | 527      | 576      | 3,943    |

Note: This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests. As a guide each Examiner currently works 36 hours per week.

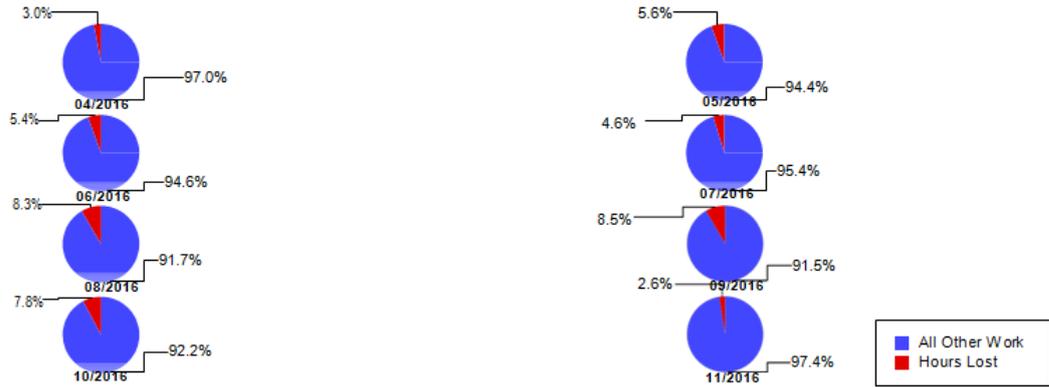
### City of Edinburgh Council Examiner Hours Lost - Taxis



|                          | 04/2016 | 05/2016 | 06/2016 | 07/2016 | 08/2016 | 09/2016 | 10/2016 | 11/2016 | Total    |
|--------------------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b>    | 97%     | 99%     | 98%     | 96%     | 98%     | 98%     | 98%     | 98%     | 98%      |
| <b>Hours on Vehicles</b> | 470.00  | 550.00  | 414.00  | 350.00  | 386.00  | 428.00  | 430.00  | 384.00  | 3,412.00 |
| <b>No Of Vehicles</b>    | 235     | 275     | 207     | 175     | 193     | 214     | 215     | 192     | 1,706    |
| <b>Hours Lost</b>        | 2%      | 0%      | 1%      | 3%      | 1%      | 1%      | 1%      | 1%      | 1%       |
| <b>No Of Vehicles</b>    | 6       | 2       | 4       | 7       | 3       | 4       | 3       | 3       | 32       |
| <b>Total</b>             | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
|                          | 482.00  | 554.00  | 422.00  | 364.00  | 392.00  | 436.00  | 436.00  | 390.00  | 3,476.00 |
|                          | 241     | 277     | 211     | 182     | 196     | 218     | 218     | 195     | 1,738    |

Note: This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests. As a guide each Examiner currently works 36 hours per week.

## City of Edinburgh Council Examiner Hours Lost - Private Hire Cars



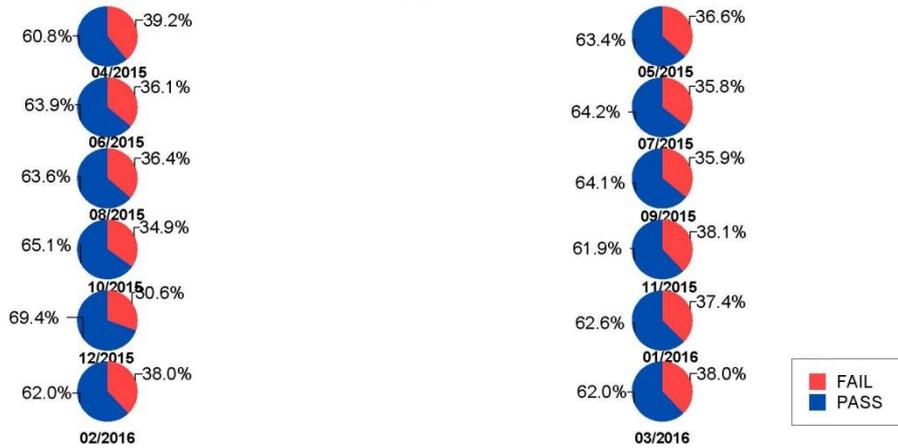
|                          | 04/2016 | 05/2016 | 06/2016 | 07/2016 | 08/2016 | 09/2016 | 10/2016 | 11/2016 | Total    |
|--------------------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b>    | 97%     | 94%     | 94%     | 95%     | 91%     | 91%     | 92%     | 97%     | 94%      |
| <b>Hours on Vehicles</b> | 392.00  | 442.00  | 488.00  | 452.00  | 572.00  | 498.00  | 570.00  | 742.00  | 4,156.00 |
| <b>No Of Vehicles</b>    | 196     | 221     | 244     | 226     | 286     | 249     | 285     | 371     | 2,078    |
| <b>Hours Lost</b>        | 2%      | 5%      | 5%      | 4%      | 8%      | 8%      | 7%      | 2%      | 5%       |
|                          | 12.00   | 26.00   | 28.00   | 22.00   | 52.00   | 46.00   | 48.00   | 20.00   | 254.00   |
| <b>No Of Vehicles</b>    | 6       | 13      | 14      | 11      | 26      | 23      | 24      | 10      | 127      |
| <b>Total</b>             | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
|                          | 404.00  | 468.00  | 516.00  | 474.00  | 624.00  | 544.00  | 618.00  | 762.00  | 4,410.00 |
|                          | 202     | 234     | 258     | 237     | 312     | 272     | 309     | 381     | 2,205    |

Note: This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests. As a guide each Examiner currently works 36 hours per week.

# Appendix 2 – Key Performance Indicators Report April 2015 – March 2016

## Taxi Examination Centre Performance Indicators

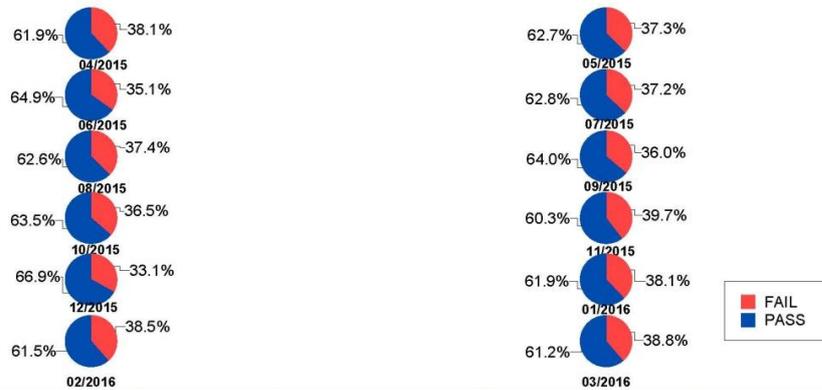
Combined Pass Rate All Authorities  
2015/16



|                | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total       |
|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
| <b>FAIL</b>    | 39%     | 36%     | 36%     | 35%     | 36%     | 35%     | 34%     | 38%     | 30%     | 37%     | 38%     | 37%     | <b>36%</b>  |
| No Of Vehicles | 179     | 148     | 155     | 173     | 162     | 143     | 157     | 168     | 138     | 148     | 170     | 185     | 1,926       |
| <b>PASS</b>    | 60%     | 63%     | 63%     | 64%     | 63%     | 64%     | 65%     | 61%     | 69%     | 62%     | 61%     | 62%     | <b>63%</b>  |
| No Of Vehicles | 278     | 256     | 274     | 310     | 283     | 255     | 293     | 273     | 313     | 248     | 277     | 302     | 3,362       |
| <b>Total</b>   | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | <b>100%</b> |
| No Of Vehicles | 457     | 404     | 429     | 483     | 445     | 398     | 450     | 441     | 451     | 396     | 447     | 487     | 5,288       |

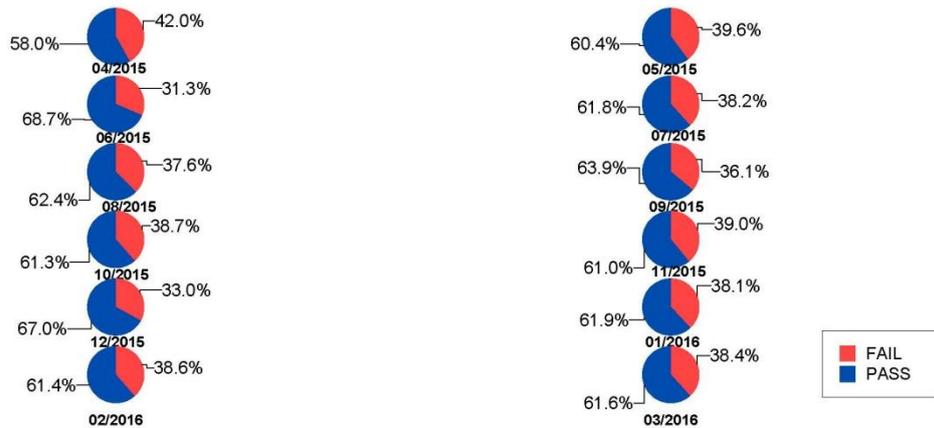
## City of Edinburgh Council

Combined Pass Rate All Vehicles



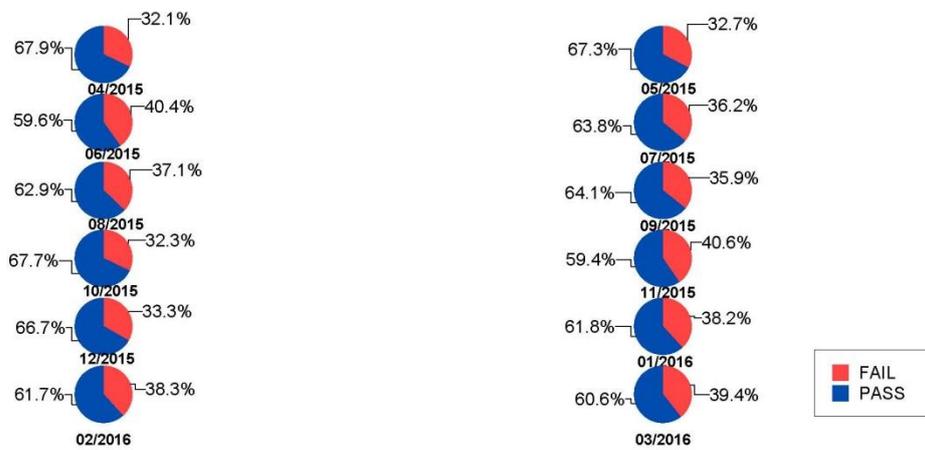
|                | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total       |
|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
| <b>FAIL</b>    | 38%     | 37%     | 35%     | 37%     | 37%     | 36%     | 36%     | 39%     | 33%     | 38%     | 38%     | 38%     | <b>37%</b>  |
| No Of Vehicles | 133     | 120     | 127     | 144     | 135     | 108     | 132     | 131     | 117     | 119     | 146     | 163     | 1,575       |
| <b>PASS</b>    | 61%     | 62%     | 64%     | 62%     | 62%     | 64%     | 63%     | 60%     | 66%     | 61%     | 61%     | 61%     | <b>62%</b>  |
| No Of Vehicles | 216     | 202     | 235     | 243     | 226     | 192     | 230     | 199     | 236     | 193     | 233     | 257     | 2,662       |
| <b>Total</b>   | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | <b>100%</b> |
| No Of Vehicles | 349     | 322     | 362     | 387     | 361     | 300     | 362     | 330     | 353     | 312     | 379     | 420     | 4,237       |

## City of Edinburgh Council Combined Pass Rate - Taxi



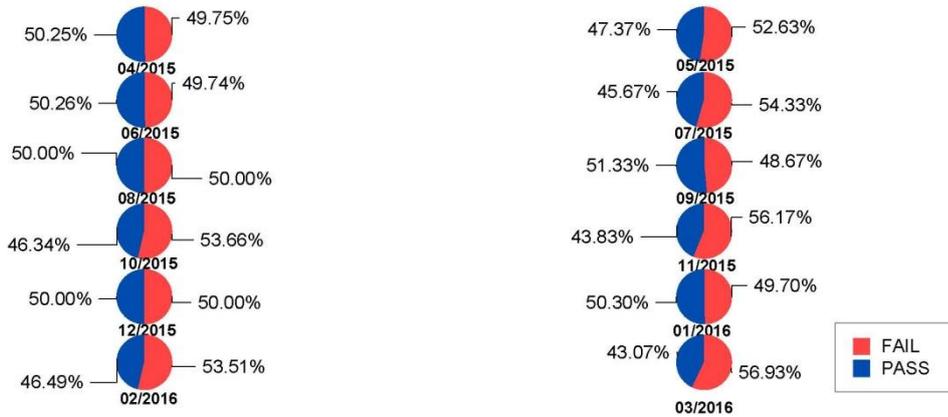
|                | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total       |
|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
| <b>FAIL</b>    | 41%     | 39%     | 31%     | 38%     | 37%     | 36%     | 38%     | 39%     | 32%     | 38%     | 38%     | 38%     | <b>37%</b>  |
| No Of Vehicles | 89      | 84      | 66      | 76      | 73      | 56      | 92      | 73      | 62      | 67      | 95      | 94      | 927         |
| <b>PASS</b>    | 58%     | 60%     | 68%     | 61%     | 62%     | 63%     | 61%     | 60%     | 67%     | 61%     | 61%     | 61%     | <b>62%</b>  |
| No Of Vehicles | 123     | 128     | 145     | 123     | 121     | 99      | 146     | 114     | 126     | 109     | 151     | 151     | 1,536       |
| <b>Total</b>   | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | <b>100%</b> |
| No Of Vehicles | 212     | 212     | 211     | 199     | 194     | 155     | 238     | 187     | 188     | 176     | 246     | 245     | 2,463       |

## City of Edinburgh Council Combined Pass Rate - Private Hire Cars



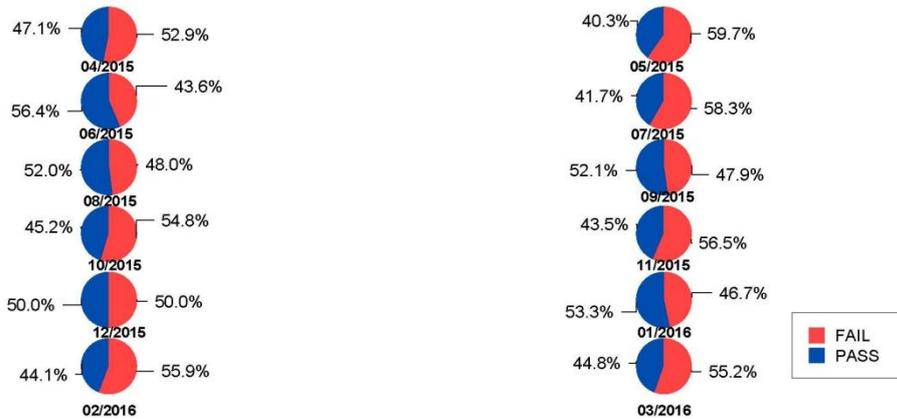
|                | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total       |
|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
| <b>FAIL</b>    | 32%     | 32%     | 40%     | 36%     | 37%     | 35%     | 32%     | 40%     | 33%     | 38%     | 38%     | 39%     | <b>36%</b>  |
| No Of Vehicles | 44      | 36      | 61      | 68      | 62      | 52      | 40      | 58      | 55      | 52      | 51      | 69      | 648         |
| <b>PASS</b>    | 67%     | 67%     | 59%     | 63%     | 62%     | 64%     | 67%     | 59%     | 66%     | 61%     | 61%     | 60%     | <b>63%</b>  |
| No Of Vehicles | 93      | 74      | 90      | 120     | 105     | 93      | 84      | 85      | 110     | 84      | 82      | 106     | 1,126       |
| <b>Total</b>   | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | <b>100%</b> |
| No Of Vehicles | 137     | 110     | 151     | 188     | 167     | 145     | 124     | 143     | 165     | 136     | 133     | 175     | 1,774       |

## City of Edinburgh Council First Time Pass Rate - All Vehicles



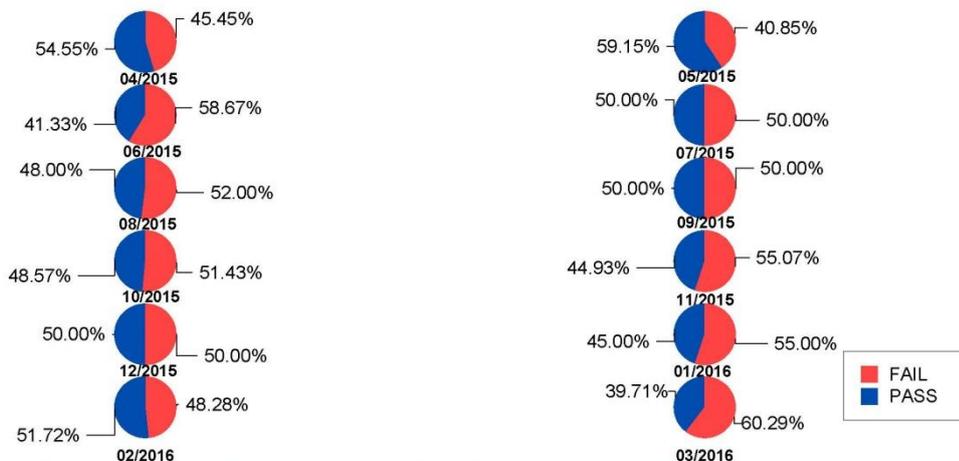
|              | Apr 2015    | May 2015    | Jun 2015    | Jul 2015    | Aug 2015    | Sep 2015    | Oct 2015    | Nov 2015    | Dec 2015    | Jan 2016    | Feb 2016    | Mar 2016    | Total       |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>FAIL</b>  | 49%         | 52%         | 49%         | 54%         | 50%         | 48%         | 53%         | 56%         | 50%         | 49%         | 53%         | 56%         | <b>52%</b>  |
|              | 99          | 100         | 95          | 113         | 88          | 73          | 110         | 91          | 74          | 82          | 99          | 115         | 1,139       |
| <b>PASS</b>  | 50%         | 47%         | 50%         | 45%         | 50%         | 51%         | 46%         | 43%         | 50%         | 50%         | 46%         | 43%         | <b>47%</b>  |
|              | 100         | 90          | 96          | 95          | 88          | 77          | 95          | 71          | 74          | 83          | 86          | 87          | 1,042       |
| <b>Total</b> | <b>100%</b> |
|              | 199         | 190         | 191         | 208         | 176         | 150         | 205         | 162         | 148         | 165         | 185         | 202         | 2,181       |

## City of Edinburgh Council First Time Pass Rate - Taxi



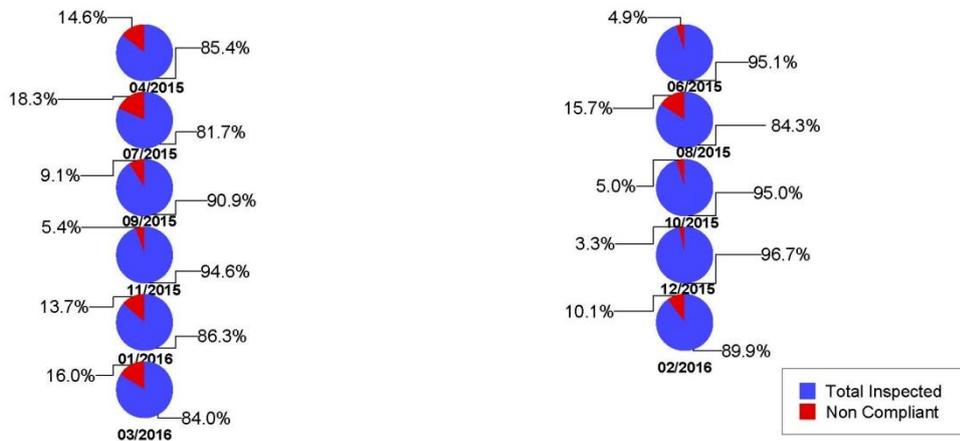
|              | 04/2015     | 05/2015     | 06/2015     | 07/2015     | 08/2015     | 09/2015     | 10/2015     | 11/2015     | 12/2015     | 01/2016     | 02/2016     | 03/2016     | Total       |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>FAIL</b>  | 52%         | 59%         | 43%         | 58%         | 48%         | 47%         | 54%         | 56%         | 50%         | 46%         | 55%         | 55%         | <b>52%</b>  |
|              | 63          | 71          | 51          | 63          | 48          | 45          | 74          | 52          | 49          | 49          | 71          | 74          | 710         |
| <b>PASS</b>  | 47%         | 40%         | 56%         | 41%         | 52%         | 52%         | 45%         | 43%         | 50%         | 53%         | 44%         | 44%         | <b>47%</b>  |
|              | 56          | 48          | 66          | 45          | 52          | 49          | 61          | 40          | 49          | 56          | 56          | 60          | 638         |
| <b>Total</b> | <b>100%</b> |
|              | 119         | 119         | 117         | 108         | 100         | 94          | 135         | 92          | 98          | 105         | 127         | 134         | 1,348       |

## City of Edinburgh Council First Time Pass Rate - Private Hire Cars



|              | Apr 2015 | May 2015 | Jun 2015 | Jul 2015 | Aug 2015 | Sep 2015 | Oct 2015 | Nov 2015 | Dec 2015 | Jan 2016 | Feb 2016 | Mar 2016 | Total       |
|--------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-------------|
| <b>FAIL</b>  | 45%      | 40%      | 58%      | 50%      | 52%      | 50%      | 51%      | 55%      | 50%      | 55%      | 48%      | 60%      | <b>51%</b>  |
|              | 35       | 29       | 44       | 50       | 39       | 28       | 36       | 38       | 25       | 33       | 28       | 41       | 426         |
| <b>PASS</b>  | 54%      | 59%      | 41%      | 50%      | 48%      | 50%      | 48%      | 44%      | 50%      | 45%      | 51%      | 39%      | <b>48%</b>  |
|              | 42       | 42       | 31       | 50       | 36       | 28       | 34       | 31       | 25       | 27       | 30       | 27       | 403         |
| <b>Total</b> | 100%     | 100%     | 100%     | 100%     | 100%     | 100%     | 100%     | 100%     | 100%     | 100%     | 100%     | 100%     | <b>100%</b> |
|              | 77       | 71       | 75       | 100      | 75       | 56       | 70       | 69       | 50       | 60       | 58       | 68       | 829         |

## City of Edinburgh Council Roadside Enforcement - All Vehicles



|                        | 04/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total    |
|------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>Total Inspected</b> | 82.00   | 39.00   | 85.00   | 134.00  | 40.00   | 246.00  | 123.00  | 58.00   | 315.00  | 186.00  | 89.00   | 1,397.00 |
| <b>Non Compliant</b>   | 14.00   | 2.00    | 19.00   | 25.00   | 4.00    | 13.00   | 7.00    | 2.00    | 50.00   | 21.00   | 17.00   | 174.00   |

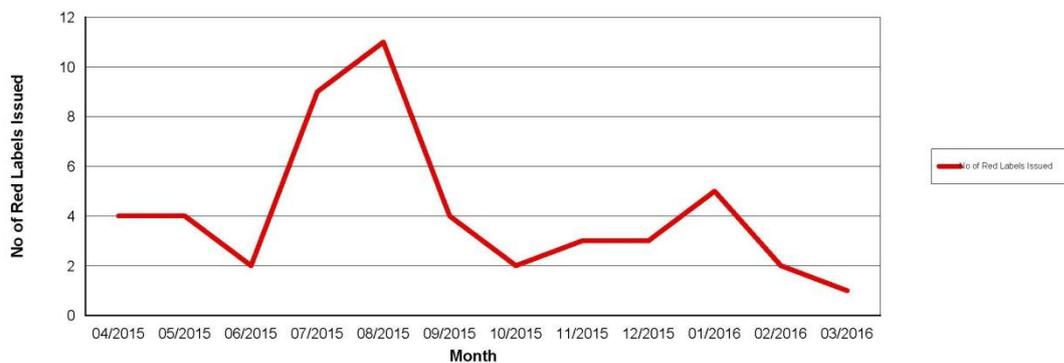
### City of Edinburgh Red Labels Issued- All Vehicles



|                  | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total |
|------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|
| Red Label Issued | 7       | 5       | 3       | 10      | 12      | 5       | 2       | 4       | 3       | 9       | 5       | 4       | 69    |
| Total            | 7       | 5       | 3       | 10      | 12      | 5       | 2       | 4       | 3       | 9       | 5       | 4       | 69    |

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

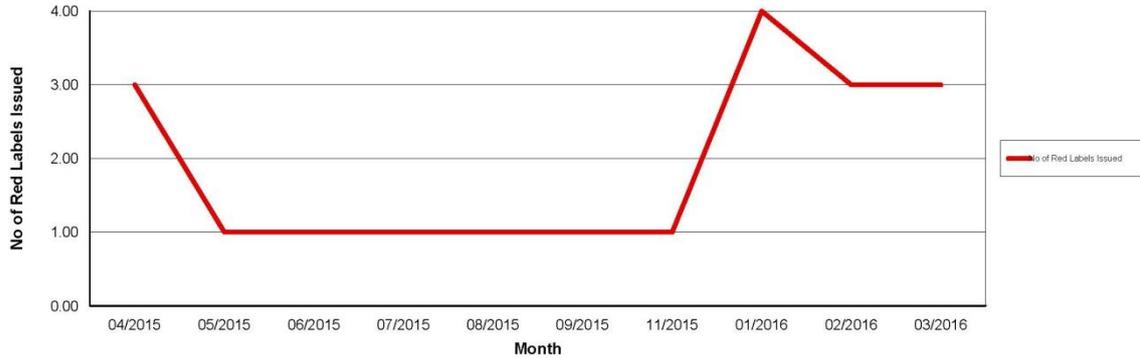
### Taxi Examination Centre Performance Indicators Red Labels Issued- Taxis



|                  | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total |
|------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|
| Red Label Issued | 4       | 4       | 2       | 9       | 11      | 4       | 2       | 3       | 3       | 5       | 2       | 1       | 50    |
| Total            | 4       | 4       | 2       | 9       | 11      | 4       | 2       | 3       | 3       | 5       | 2       | 1       | 50    |

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

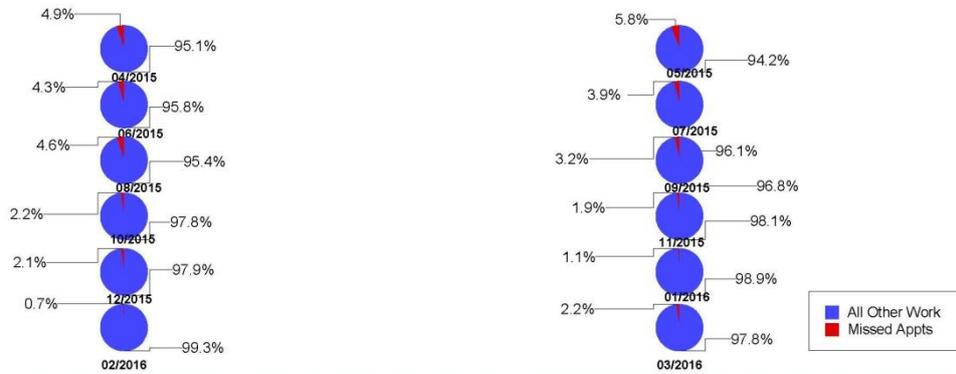
## Taxi Examination Centre Performance Indicators Red Labels Issued- Private Hire Vehicles



|                  | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total |
|------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|
| Red Label Issued | 3       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 4       | 3       | 3       |         | 19    |
| Total            | 3       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 4       | 3       | 3       |         | 19    |

Note: This report only refers to Red Labels issued as part of Enforcement or Spot Checks. Red Labels issued as part of Annual Inspections are included on the 'Fail' figures quoted under the Pass Rate KPI.

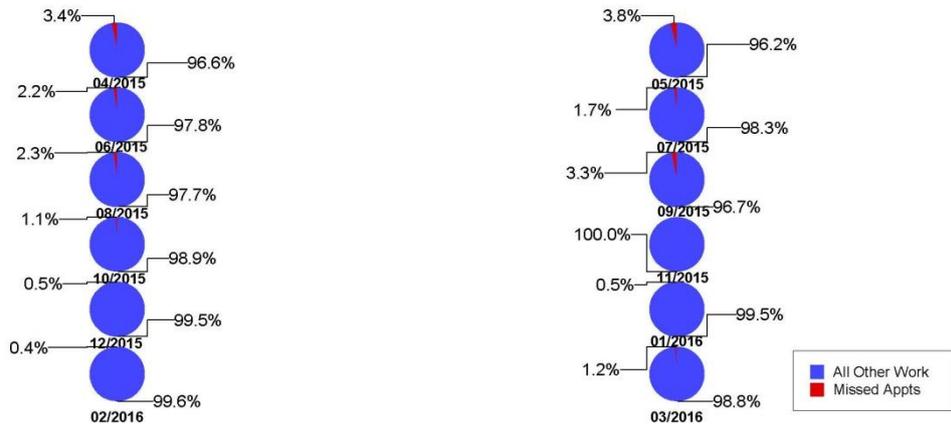
## City Of Edinburgh Council Missed Appointments - All Vehicles



|                                  | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total    |
|----------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| All Other Work Hours on Vehicles | 95%     | 94%     | 95%     | 96%     | 95%     | 96%     | 97%     | 98%     | 97%     | 98%     | 99%     | 97%     | 96%      |
| Hours on Vehicles                | 742     | 684     | 766     | 844     | 784     | 664     | 784     | 708     | 740     | 700     | 816     | 872     | 9,104    |
| No Of Vehicles                   | 371     | 342     | 383     | 422     | 392     | 332     | 392     | 354     | 370     | 350     | 408     | 436     | 4,552    |
| Missed Appts Hours Lost          | 4%      | 5%      | 4%      | 3%      | 4%      | 3%      | 2%      | 1%      | 2%      | 1%      | 0%      | 2%      | 3%       |
| Hours Lost                       | 38      | 42      | 34      | 34      | 38      | 22      | 18      | 14      | 16      | 8       | 6       | 20      | 290      |
| No Of Vehicles                   | 19      | 21      | 17      | 17      | 19      | 11      | 9       | 7       | 8       | 4       | 3       | 10      | 145      |
| Total                            | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
|                                  | 780.00  | 726.00  | 800.00  | 878.00  | 822.00  | 686.00  | 802.00  | 722.00  | 756.00  | 708.00  | 822.00  | 892.00  | 9,394.00 |
|                                  | 390     | 363     | 400     | 439     | 411     | 343     | 401     | 361     | 378     | 354     | 411     | 446     | 4,697    |

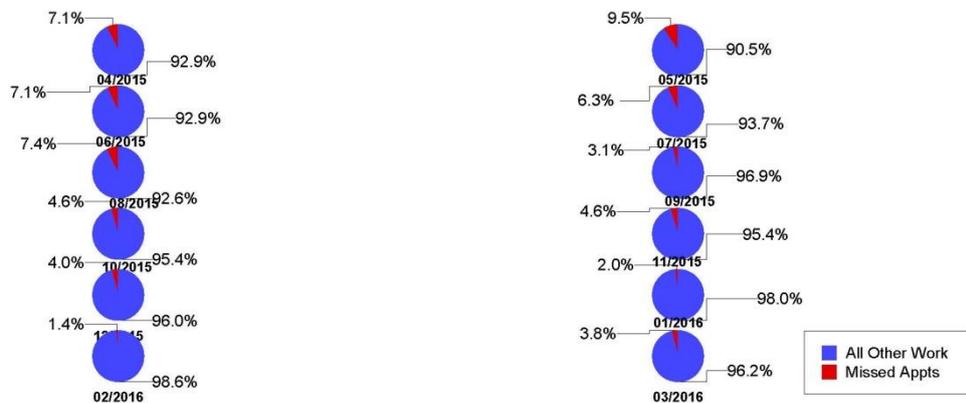
Note : Examiners currently work 37hours per week

## City of Edinburgh Council Missed Appointments - Taxis



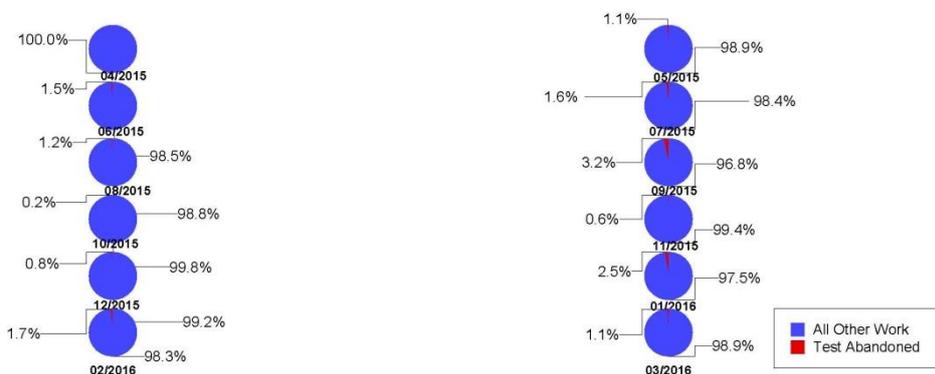
|                          | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total    |
|--------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b>    | 96%     | 96%     | 97%     | 98%     | 97%     | 96%     | 98%     | 100%    | 99%     | 99%     | 99%     | 98%     | 98%      |
| <b>Hours on Vehicles</b> | 456     | 456     | 450     | 454     | 432     | 354     | 534     | 418     | 408     | 406     | 536     | 514     | 5,418    |
| <b>No Of Vehicles</b>    | 228     | 228     | 225     | 227     | 216     | 177     | 267     | 209     | 204     | 203     | 268     | 257     | 2,709    |
| <b>Missed Appts</b>      | 3%      | 3%      | 2%      | 1%      | 2%      | 3%      | 1%      | 0%      | 0%      | 0%      | 0%      | 1%      | 1%       |
| <b>Hours Lost</b>        | 16      | 18      | 10      | 8       | 10      | 12      | 6       | 0       | 2       | 2       | 2       | 6       | 92       |
| <b>No Of Vehicles</b>    | 8       | 9       | 5       | 4       | 5       | 6       | 3       | 0       | 1       | 1       | 1       | 3       | 46       |
| <b>Total</b>             | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
|                          | 472.00  | 474.00  | 460.00  | 462.00  | 442.00  | 366.00  | 540.00  | 418.00  | 410.00  | 408.00  | 538.00  | 520.00  | 5,510.00 |
|                          | 236     | 237     | 230     | 231     | 221     | 183     | 270     | 209     | 205     | 204     | 269     | 260     | 2,755    |

## City of Edinburgh Council Missed Appointments - Private Hire Cars



|                          | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total    |
|--------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b>    | 92%     | 90%     | 92%     | 93%     | 92%     | 96%     | 95%     | 95%     | 95%     | 98%     | 98%     | 96%     | 94%      |
| <b>Hours on Vehicles</b> | 286.00  | 228.00  | 316.00  | 390.00  | 352.00  | 310.00  | 250.00  | 290.00  | 332.00  | 294.00  | 280.00  | 358.00  | 3,686.00 |
| <b>No Of Vehicles</b>    | 143     | 114     | 158     | 195     | 176     | 155     | 125     | 145     | 166     | 147     | 140     | 179     | 1,843    |
| <b>Missed Appts</b>      | 7%      | 9%      | 7%      | 6%      | 7%      | 3%      | 4%      | 4%      | 4%      | 2%      | 1%      | 3%      | 5%       |
| <b>Hours Lost</b>        | 22.00   | 24.00   | 24.00   | 26.00   | 28.00   | 10.00   | 12.00   | 14.00   | 14.00   | 6.00    | 4.00    | 14.00   | 198.00   |
| <b>No Of Vehicles</b>    | 11      | 12      | 12      | 13      | 14      | 5       | 6       | 7       | 7       | 3       | 2       | 7       | 99       |
| <b>Total</b>             | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
|                          | 308.00  | 252.00  | 340.00  | 416.00  | 380.00  | 320.00  | 262.00  | 304.00  | 346.00  | 300.00  | 284.00  | 372.00  | 3,884.00 |
|                          | 154     | 126     | 170     | 208     | 190     | 160     | 131     | 152     | 173     | 150     | 142     | 186     | 1,942    |

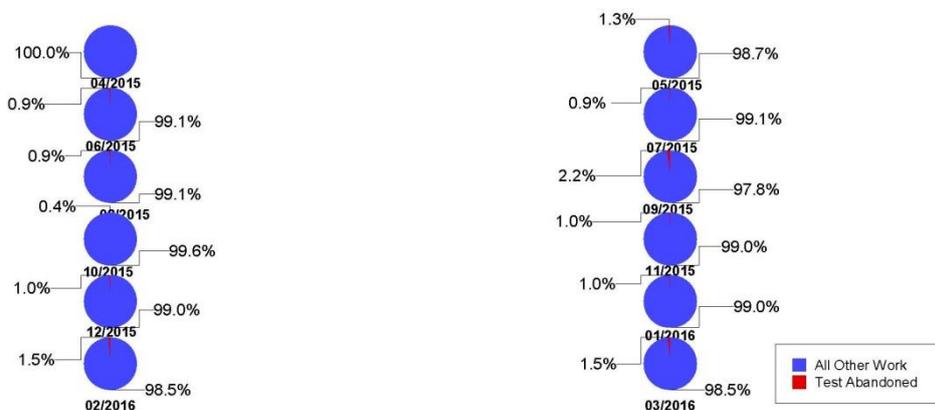
### City of Edinburgh Council Abandoned Tests - All Vehicles



|                       | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total    |
|-----------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b> | 100%    | 98%     | 98%     | 98%     | 98%     | 96%     | 99%     | 99%     | 99%     | 97%     | 98%     | 98%     | 98%      |
| Hours on Vehicles     | 780     | 718     | 788     | 864     | 812     | 664     | 800     | 718     | 750     | 690     | 808     | 882     | 9,274    |
| No Of Vehicles        | 390     | 359     | 394     | 432     | 406     | 332     | 400     | 359     | 375     | 345     | 404     | 441     | 4,637    |
| <b>Test Abandoned</b> | 0%      | 1%      | 1%      | 1%      | 1%      | 3%      | 0%      | 0%      | 0%      | 2%      | 1%      | 1%      | 1%       |
| Hours Lost            | 0       | 8       | 12      | 14      | 10      | 22      | 2       | 4       | 6       | 18      | 14      | 10      | 120      |
| No Of Vehicles        | 0       | 4       | 6       | 7       | 5       | 11      | 1       | 2       | 3       | 9       | 7       | 5       | 60       |
| <b>Total</b>          | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
| Hours on Vehicles     | 780.00  | 726.00  | 800.00  | 878.00  | 822.00  | 686.00  | 802.00  | 722.00  | 756.00  | 708.00  | 822.00  | 892.00  | 9,394.00 |
| No Of Vehicles        | 390     | 363     | 400     | 439     | 411     | 343     | 401     | 361     | 378     | 354     | 411     | 446     | 4,697    |

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

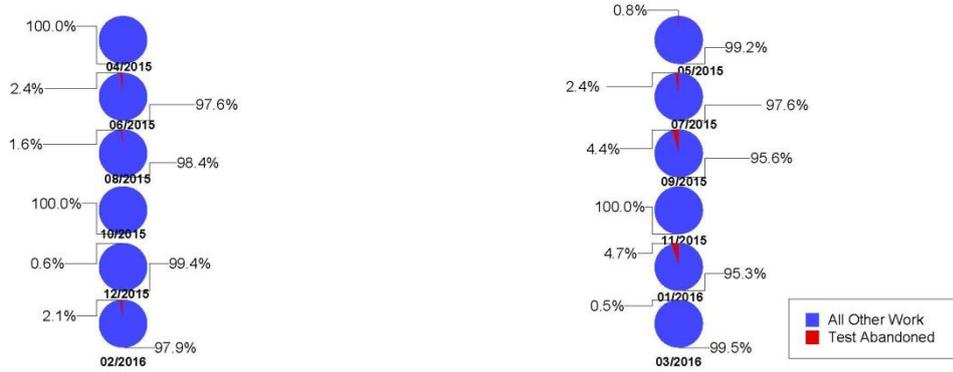
### City of Edinburgh Council Abandoned Tests - Taxis



|                       | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total    |
|-----------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b> | 100%    | 98%     | 99%     | 99%     | 99%     | 97%     | 99%     | 99%     | 99%     | 99%     | 98%     | 98%     | 98%      |
| Hours on Vehicles     | 472.00  | 468.00  | 456.00  | 458.00  | 438.00  | 358.00  | 538.00  | 414.00  | 406.00  | 404.00  | 530.00  | 512.00  | 5,454.00 |
| <b>Test Abandoned</b> | 0%      | 1%      | 0%      | 0%      | 0%      | 2%      | 0%      | 0%      | 0%      | 0%      | 1%      | 1%      | 1%       |
| Hours Lost            | 0.00    | 6.00    | 4.00    | 4.00    | 4.00    | 8.00    | 2.00    | 4.00    | 4.00    | 4.00    | 8.00    | 8.00    | 56.00    |
| <b>Total</b>          | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
| Hours on Vehicles     | 472.00  | 474.00  | 460.00  | 462.00  | 442.00  | 366.00  | 540.00  | 418.00  | 410.00  | 408.00  | 538.00  | 520.00  | 5,510.00 |

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

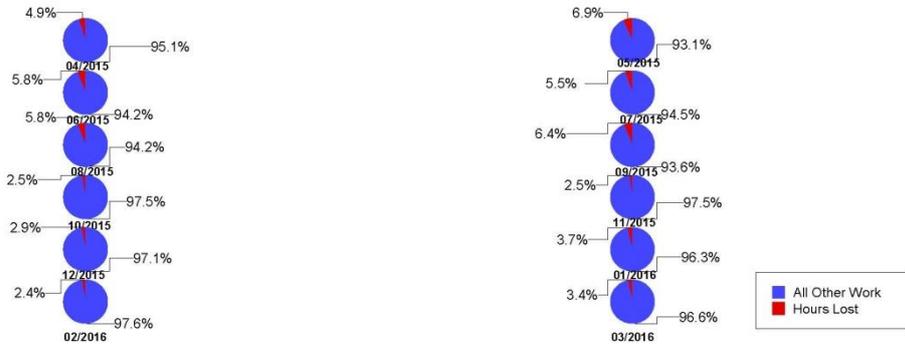
### City of Edinburgh Council Abandoned Tests - Private Hire Cars



|                       | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total    |
|-----------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b> | 100%    | 99%     | 97%     | 97%     | 98%     | 95%     | 100%    | 100%    | 99%     | 95%     | 97%     | 99%     | 98%      |
| Hours on Vehicles     | 308.00  | 250.00  | 332.00  | 406.00  | 374.00  | 306.00  | 262.00  | 304.00  | 344.00  | 286.00  | 278.00  | 370.00  | 3,820.00 |
| No Of Vehicles        | 154     | 125     | 166     | 203     | 187     | 153     | 131     | 152     | 172     | 143     | 139     | 185     | 1,910    |
| <b>Test Abandoned</b> | 0%      | 0%      | 2%      | 2%      | 1%      | 4%      | 0%      | 0%      | 0%      | 4%      | 2%      | 0%      | 1%       |
| Hours Lost            | 0.00    | 2.00    | 8.00    | 10.00   | 6.00    | 14.00   | 0.00    | 0.00    | 2.00    | 14.00   | 6.00    | 2.00    | 64.00    |
| No Of Vehicles        | 0       | 1       | 4       | 5       | 3       | 7       | 0       | 0       | 1       | 7       | 3       | 1       | 32       |
| <b>Total</b>          | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
| Hours on Vehicles     | 308.00  | 252.00  | 340.00  | 416.00  | 380.00  | 320.00  | 262.00  | 304.00  | 346.00  | 300.00  | 284.00  | 372.00  | 3,884.00 |
| No Of Vehicles        | 154     | 126     | 170     | 208     | 190     | 160     | 131     | 152     | 173     | 150     | 142     | 186     | 1,942    |

Note: Tests are abandoned when a vehicle is presented in poor condition or a high number of faults identified

### City of Edinburgh Council Total Examiner Hours Lost - All Vehicles



|                       | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total    |
|-----------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b> | 95%     | 93%     | 94%     | 94%     | 94%     | 93%     | 97%     | 97%     | 97%     | 96%     | 97%     | 96%     | 95%      |
| Hours on Vehicles     | 742.00  | 676.00  | 754.00  | 830.00  | 774.00  | 642.00  | 782.00  | 704.00  | 734.00  | 682.00  | 802.00  | 862.00  | 8,984.00 |
| No Of Vehicles        | 371     | 338     | 377     | 415     | 387     | 321     | 391     | 352     | 367     | 341     | 401     | 431     | 4,492    |
| <b>Hours Lost</b>     | 4%      | 6%      | 5%      | 5%      | 5%      | 6%      | 2%      | 2%      | 2%      | 3%      | 2%      | 3%      | 4%       |
| Hours Lost            | 38.00   | 50.00   | 46.00   | 48.00   | 48.00   | 44.00   | 20.00   | 18.00   | 22.00   | 26.00   | 20.00   | 30.00   | 410.00   |
| No Of Vehicles        | 19      | 25      | 23      | 24      | 24      | 22      | 10      | 9       | 11      | 13      | 10      | 15      | 205      |
| <b>Total</b>          | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
| Hours on Vehicles     | 780.00  | 726.00  | 800.00  | 878.00  | 822.00  | 686.00  | 802.00  | 722.00  | 756.00  | 708.00  | 822.00  | 892.00  | 9,394.00 |
| No Of Vehicles        | 390     | 363     | 400     | 439     | 411     | 343     | 401     | 361     | 378     | 354     | 411     | 446     | 4,697    |

Note: This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests. As a guide each Examiner currently works 37 hours per week.

### City of Edinburgh Council Examiner Hours Lost - Taxis



|                          | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total    |
|--------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b>    | 96%     | 94%     | 96%     | 97%     | 96%     | 94%     | 98%     | 99%     | 98%     | 98%     | 98%     | 97%     | 97%      |
| <b>Hours on Vehicles</b> | 456.00  | 450.00  | 446.00  | 450.00  | 428.00  | 346.00  | 532.00  | 414.00  | 404.00  | 402.00  | 528.00  | 506.00  | 5,362.00 |
| <b>No Of Vehicles</b>    | 228     | 225     | 223     | 225     | 214     | 173     | 266     | 207     | 202     | 201     | 264     | 253     | 2,681    |
| <b>Hours Lost</b>        | 3%      | 5%      | 3%      | 2%      | 3%      | 5%      | 1%      | 0%      | 1%      | 1%      | 1%      | 2%      | 2%       |
| <b>No Of Vehicles</b>    | 16.00   | 24.00   | 14.00   | 12.00   | 14.00   | 20.00   | 8.00    | 4.00    | 6.00    | 6.00    | 10.00   | 14.00   | 148.00   |
| <b>Total</b>             | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
|                          | 472.00  | 474.00  | 460.00  | 462.00  | 442.00  | 366.00  | 540.00  | 418.00  | 410.00  | 408.00  | 538.00  | 520.00  | 5,510.00 |
|                          | 236     | 237     | 230     | 231     | 221     | 183     | 270     | 209     | 205     | 204     | 269     | 280     | 2,755    |

**Note:** This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests. As a guide each Examiner currently works 37 hours per week.

### City of Edinburgh Council Examiner Hours Lost - Private Hire Cars



|                          | 04/2015 | 05/2015 | 06/2015 | 07/2015 | 08/2015 | 09/2015 | 10/2015 | 11/2015 | 12/2015 | 01/2016 | 02/2016 | 03/2016 | Total    |
|--------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| <b>All Other Work</b>    | 92%     | 89%     | 90%     | 91%     | 91%     | 92%     | 95%     | 95%     | 95%     | 93%     | 96%     | 95%     | 93%      |
| <b>Hours on Vehicles</b> | 286.00  | 228.00  | 308.00  | 360.00  | 346.00  | 296.00  | 250.00  | 290.00  | 330.00  | 280.00  | 274.00  | 356.00  | 3,622.00 |
| <b>No Of Vehicles</b>    | 143     | 113     | 154     | 190     | 173     | 148     | 125     | 145     | 165     | 140     | 137     | 178     | 1,811    |
| <b>Hours Lost</b>        | 7%      | 10%     | 9%      | 8%      | 8%      | 7%      | 4%      | 4%      | 4%      | 6%      | 3%      | 4%      | 6%       |
| <b>No Of Vehicles</b>    | 22.00   | 26.00   | 32.00   | 36.00   | 34.00   | 24.00   | 12.00   | 14.00   | 16.00   | 20.00   | 10.00   | 16.00   | 262.00   |
| <b>Total</b>             | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%    | 100%     |
|                          | 308.00  | 252.00  | 340.00  | 416.00  | 380.00  | 320.00  | 262.00  | 304.00  | 346.00  | 300.00  | 284.00  | 372.00  | 3,884.00 |
|                          | 154     | 126     | 170     | 208     | 190     | 160     | 131     | 152     | 173     | 150     | 142     | 186     | 1,942    |

**Note:** This is the total number of hours lost and includes Hours lost from Missed Appointments and Abandoned tests. As a guide each Examiner currently works 37 hours per week.

**Appendix 3 – Information on key measures April 2015 – March 2016 (as previously reported to Regulatory Committee 24 June 2016)**

- 47% of all Council licensed vehicles tested passed, compared to a 62% pass rate overall.
- A total of 69 Red Labels (prohibition notices banning the use of vehicle for hire) were issued for vehicles licensed by the Council, of which 50 related to taxis and 19 to PHCs.
- 3% of appointments for inspections were missed (145 vehicles), resulting in 190 lost hours for vehicle examiners.
- 1% of all tests for Council licensed vehicles (60 vehicles) were abandoned due to the poor condition of the vehicle.

# Regulatory Committee

9.00am, Friday, 17 February 2017

## Licensing Performance Update

|                   |           |
|-------------------|-----------|
| Item number       | 6.3       |
| Report number     |           |
| Executive/routine | Executive |
| Wards             | All       |

### Executive Summary

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Placing customers at the heart of the service and increasing customer satisfaction are key priorities for the Licensing Service. Publishing performance data is a key step in achieving transparency and responding to the needs of customers.

A performance framework was agreed for the Licensing Service at the Regulatory Committee's meeting in February 2015. The Committee last received an update in June 2016, and this report provides a further update on the performance of the Licensing Service.

### Links

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|                          |                     |
|--------------------------|---------------------|
| Coalition Pledges        | <a href="#">P28</a> |
| Council Priorities       | <a href="#">CP5</a> |
| Single Outcome Agreement | <a href="#">SO1</a> |

## Licensing Performance Update

### 1. Recommendations

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- 1.1 It is recommended that the Regulatory Committee:
  - 1.1.1 notes the report;
  - 1.1.2 notes progress to date against agreed performance targets; and
  - 1.1.3 agrees to receive an update report in six months.

### 2. Background

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- 2.1 The Licensing Service has undergone a comprehensive review to modernise and improve service delivery. To date this has included a full structured review, a range of improvements to customer service, installation of a new software system ('APP'), a major review of fees and charges, and an ongoing workplan to update licensing policy.
- 2.2 The introduction of agreed performance measures and targets was a key aspect of this improvement programme. A range of performance indicators were approved by Regulatory Committee in [February 2015](#) and these are listed in Appendix 1. The list includes a number of corporate targets e.g. complaint handling and freedom of information requests.
- 2.3 A report outlining the performance of the service is presented to Committee on a six monthly basis. The last report was considered in June 2016.
- 2.4 Service demand on the licensing service varies throughout the year, with significant peaks around major festivals. Key renewal dates can also cause a surge in demand. Management of these variable service demands is an ongoing challenge for the service.

### 3. Main report

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- 3.1 The period up to April 2016 had shown a sustained improvement in performance, with measures 2 and 3 as set out in Appendix 1 approaching or exceeding target.
- 3.2 The period from April to November 2016 has seen a number of significant challenges and as a result performance dipped over the period. Analysis of

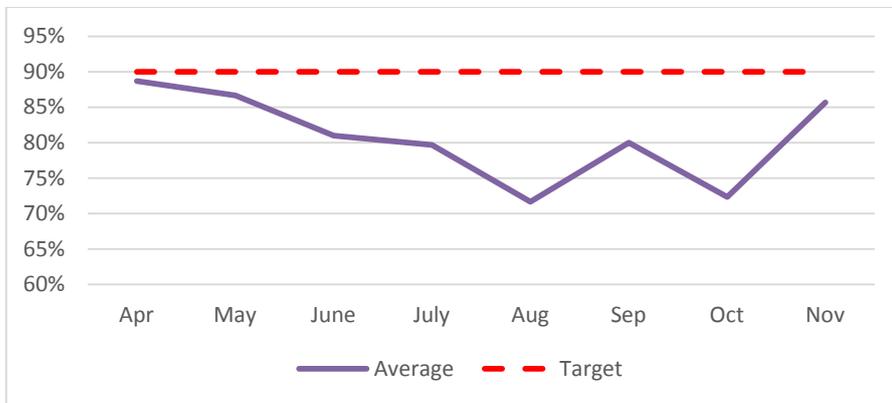
performance against measures 1-3 is set out below. Performance against the remaining indicators over the period is attached at Appendix 3.

3.3 Compared with the same period last year there has been an overall increase of 4% in applications received, rising from 13,480 in 2015 to 14,080 in 2016.

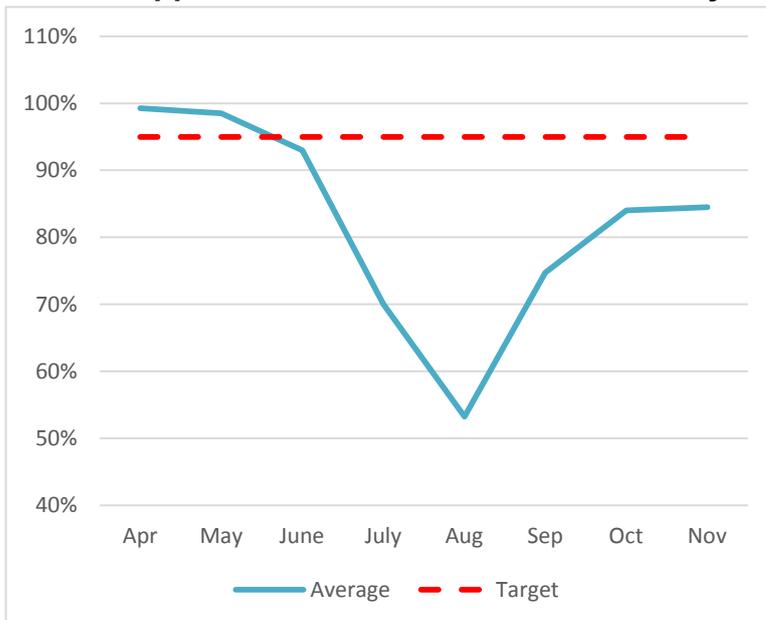
Within the total applications there are surges of demand created by the Festival and Fringe which occur at a peak period for the service. There are roughly 2000 applications received from the end of June to early August. These applications require very fast turnaround, and a significant adjustment of the staffing resource is required to deliver this.

The period also saw an increase in demand for temporary licences as well as PHC and PHC driver licences. The latter increased by 120%, which is likely to be due to impending changes to legal requirements for applicants as a result of the Immigration Act 2016.

3.3 **Table 1. Applications completed within 72 days.**



**Table 2. Applications consulted on within 7 days.**



There was a significant dip in performance in the period May to August. This resulted from a range of factors:

- the increase in demand for licences outlined above.
- the introduction of new statutory duties in relation to the Immigration Act 2016. All taxi and PHC drivers must now complete a personal interview as part of the application process. This was subject to a separate report to the Regulatory Committee on 19 September 2016. The significant preparation, system and process redesign required to implement these checks has had a significant impact on workload, and affected performance.
- ICT issues affecting the availability of the system and resulting in manual processing and need for re-entering of data. Loss of the system at a peak demand period created major issues for the service.
- Police Scotland ICT issues resulting in delays in clearance for taxi/PHC licences.

3.7 This combination of significant factors has had a major impact on service performance over the period. A range of actions are in place to address these issues and performance is now showing improvement.

3.8 The service is committed to achieving consistent and sustained high performance. Further work is ongoing to consider how best to manage demand on the licensing service. A range of additional service improvements are also being introduced, including:

- introduction of payment facilities
- introduction of channel shift, which will allow online applications and payment facilities. This is now scheduled for phased implementation during the second half of 2017.

## **4. Measures of success**

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4.1 A range of performance measures are in place that improve performance and deliver excellent customer service.

- More efficient service
- Improved response times
- Improved customer satisfaction

## **5. Financial impact**

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5.1 Licensing income is monitored. The income detailed is ring-fenced for the administration of licences and does not form part of the Council's revenue budget. Periodic updates will be provided.

## **6. Risk, policy, compliance and governance impact**

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- 6.1 The agreed reports and performance measures improve the governance of the Licensing Service; they reduce risk and improve the transparency of Service performance.

## **7. Equalities impact**

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- 7.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties
- 7.2 The contents and recommendations described in the report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.

## **8. Sustainability impact**

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

## **9. Consultation and engagement**

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- 9.1 Not applicable.

## **10. Background reading/external references**

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Report to Regulatory Committee – [‘Licensing Review and Performance’](#) February 2015

Report to Regulatory Committee – [‘Licensing Performance Update’](#) November 2015

Report to Regulatory Committee – [‘Licensing Performance Update’](#) June 2016

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## 11. Links

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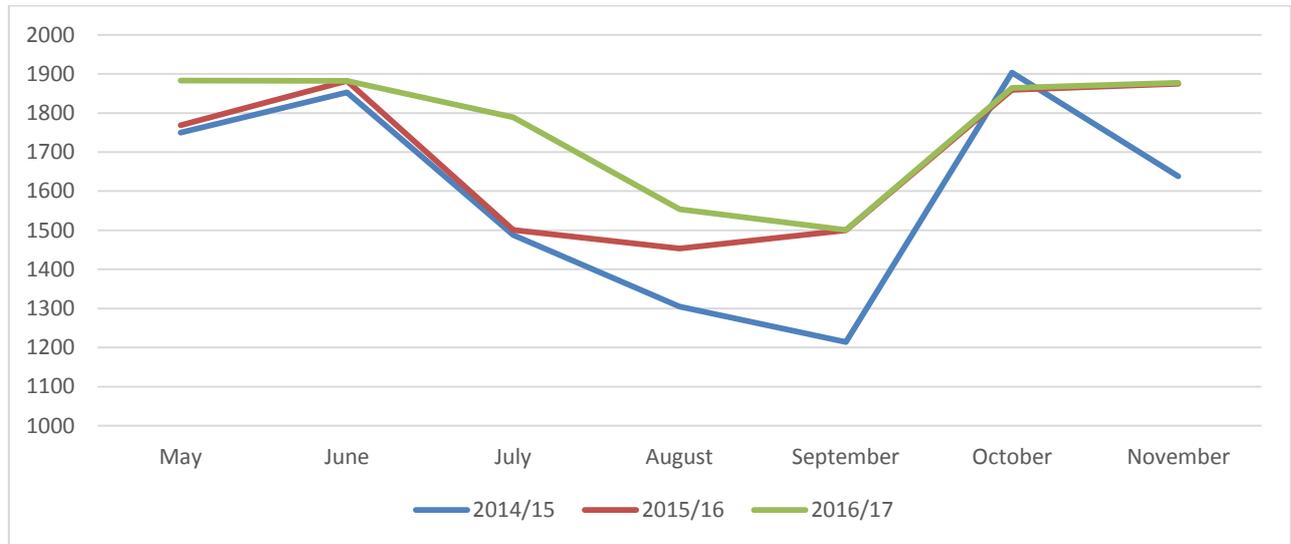
|                                 |   |
|---------------------------------|---|
| <b>Coalition Pledges</b>        | <b>P28</b> – Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic wellbeing of the city |
| <b>Council Priorities</b>       | <b>CP5</b> – Business growth and investment   |
| <b>Single Outcome Agreement</b> | <b>SO1</b> – Edinburgh’s economy delivers increased investment, jobs and opportunities for all  |
| <b>Appendices</b>               | <b>Appendix 1</b> – performance measures.<br><b>Appendix 2</b> – no. applications received<br><b>Appendix 3</b> - performance results                                     |

## Appendix 1

| Measure   | Indicator   | Target             |
|---|---|--------------------|
| 1. The total number of licence applications received  | Under headings of HMO, Taxi and Civic (applications).<br>Compared to previous years.                                | N/A                |
| 2. The time to complete the processing of applications  | Percentage completed within 72 days using Civic, Liquor and Taxi/PHC licence types.                                 | 90% within 72 days |
| 3. Time taken from application receipt to sending out requests for a consultation response to all services relevant to each application | Percentage completed within 7 days using the main licence types.  | 95% within 7 days  |
| 4. Service Issues:  |   |                    |
| a) Front line complaints  | Number per month dealt with within 5 working days   | 100%               |
| b) Investigation complaints   | Number per month dealt with within 20 working days  | 100%               |
| c) Failure to complete within statutory timescales therefore application has been deemed to be granted.                                 | Number of applications which have not been completed prior to the statutory timescale                               | <0.5%              |
| d) FOIs received  | Number per month dealt with within 20 working days  | 100%               |
| 5. Appeals  | The number of requests for statement of reasons, new appeals, outstanding appeals, appeals settled and appeals lost | N/A                |

## Appendix 2

### 1. Number of applications received



## Appendix 3

| Measure  | Indicator   | Target   | Oct 15 – Mar 16  |
|--|---|--|--|
| 4. Service Issues:   |   |  |  |
| a) Front line complaints   | No. per month dealt with within 5 working days  | 100%   | 59% (22/37)<br>This result highlighted a training need for staff. Training has now been completed. |
| b) Investigation complaints  | No. per month dealt with within 20 working days   | 100%   | 80% (8/10)   |
| c) Failure to complete within statutory timescales, therefore application deemed to be granted | No. applications which have not been completed prior to the statutory timescale   | <0.5%  | 0.001%   |
| d) FOIs received   | No. dealt with per month within 20 working days   | 100%   | 89%  |
| 5. Appeals etc.  | <ul style="list-style-type: none"> <li>• statement of reasons</li> <li>• new appeals</li> <li>• outstanding appeals</li> <li>• appeals settled</li> <li>• appeals lost</li> </ul> | <ul style="list-style-type: none"> <li>• 17</li> <li>• 2</li> <li>• 4</li> <li>• 0</li> <li>• 1</li> </ul> |  |

# Regulatory Committee

9.00am, Friday, 17 February 2017

## Proposed Fee Structure for Houses in Multiple Occupation Licences – Consultation Update

|                   |           |
|-------------------|-----------|
| Item number       | 6.4       |
| Report number     |           |
| Executive/routine |           |
| Wards             | All Wards |

### Executive Summary

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This report updates the Committee on the outcome of the consultation for a proposed fee structure for Houses in Multiple Occupation Licences.

The new fee structure reflects changes in the growth of larger shared accommodation properties and rationalises the current fee arrangements into a more transparent and consistent fee structure. The consultation ran from 5 October until 30 November 2016.

### Links

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|                          |                     |
|--------------------------|---------------------|
| Coalition Pledges        | <a href="#">P13</a> |
| Council Priorities       | <a href="#">CP4</a> |
| Single Outcome Agreement | <a href="#">SO4</a> |

## Proposed Fee Structure for Houses in Multiple Occupation Licences

### Recommendations

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It is recommended that the Committee:

- 1.1 notes the content of the report and agrees to approve the proposed changes to the fee structure as set out in Appendix 3;
- 1.2 notes the intention to hold a stakeholders meeting;
- 1.3 agrees to receive a further report on the level of fees once the financial modelling exercise has been completed. The new fees and fee structure shall be effective from 1 June 2017;

### Background

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- 2.1 The Council is required to license Houses in Multiple Occupation (HMO), where three or more individuals or families live in a property. The Council charges a fee to cover the costs of operating and enforcing the licensing scheme.
- 2.2 The current HMO Licence fee structure was last modified in 2006. The fee structure has since remained largely unchanged, with minor adjustments made in line with inflation in 2014 and 2016.
- 2.3 There has been significant change in the HMO market, particularly with respect to conversions of existing property to increase capacity. There has also been a growth of purpose-built student accommodation operated on a commercial basis.
- 2.4 The current fee structure reflects the size of the HMO which is being licensed, and is currently capped at five occupiers and above. Since 2012 the proportion of licensed HMOs that are larger than five occupiers has increased by 3%, and now accounts for 10% of the total number of licensed HMOs.
- 2.5 In addition, in line with other local authorities, discounts are given to HMO properties that are operated by named educational institutions. With increasing complexity regarding the way in which this type of accommodation is funded (e.g. property owned and managed by financial institutions or commercial operators and run in partnership with educational institutions), the discount structure requires to be re-examined.

- 2.6 The proposal to introduce a new fee structure was presented to the Regulatory Committee on 19 September 2016, when it was agreed that a consultation should be carried out. The consultation ran from 5 October until 30 November 2016.
- 2.7 An internal audit exercise in March 2015 made an advisory recommendation that the existing fee structure should be reviewed and this report discharges that piece of work.

## Main report

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### Consultation

- 3.1 During the consultation process Licence holders, Landlords, Letting Agents and other interested parties were given an opportunity to provide their thoughts and feedback about the suggested changes to the HMO licence process.
- 3.2 To ensure as wide an audience as possible was reached the consultation was published on the front page of 'Insideletting' an electronic newsletter which acts as a link between the City of Edinburgh Council and Edinburgh's Landlords, Letting Agents and other interested parties (see Appendix 1). Insideletting is circulated by email to approximately 42,000 individuals. In addition to the Insideletting circulation emails were also sent out to all Community Councils, known Letting Agents and Educational Establishments.
- 3.3 There were a total of 62 responses submitted to the Consultation (see Appendix 2). The responders were divided into six distinct groups Landlords / Licence holders, Letting Agents, Community Councils, Landlord Association, Educational Establishments and members of the public:
- 44 responses were received from Landlords / Licence holders (70%)
  - 12 responses were received from Letting Agents (19%)
  - 3 responses were received from Community Councils (5%)
  - 1 response was received from a Landlord Association (2%)
  - 1 response was received from a member of the public (2%)
  - 1 response was received from Educational Establishments (2%)
- 3.4 Letting agents advised that they had consulted with their clients and represented the views of 1000 plus licence holders.
- 3.5 There were a number of common themes running through the consultation responses:
- introduction of three year licence
  - introduction of two year licence
  - retention of an annual licence option
  - reduction in the level of administration
  - submission of relevant certificates documentation

- the option for online submission of HMO Licence applications
- the cost of renewing a licence should reflect the costs to the Council
- request for fees to be partially refundable for landlords who sell their property
- revised fee structure for Educational Establishments and removal of discounts
- robust enforcement and inspection of HMO property
- further consultation and discussion with stakeholders

3.6 Responses were broadly supportive of the proposed changes.

### **Duration of Licences**

3.7 There was general support for the introduction of a three year licence, the majority of respondent saw the benefits not only to the council but also to Letting Agents and Landlords.

3.8 A number of respondents identified that the option of a one year licence should be retained so that landlords who prefer not to pay the three year fee up front are able to continue in line with the current system. In addition this would allow Landlords who plan to sell their flats before the end of the three year cycle the benefit of applying for a one year licence where appropriate.

3.9 The introduction of one, two or three year licence was proposed in a number of responses.

3.10 Respondents also proposed that all new licences should be granted initially for one year only, renewable after the first year when a three year licence may be applied for if the property meets relevant standards. This approach would also offer some protection for residents who as neighbours may be impacted adversely and provide them with an opportunity to make representation to a renewal after the first year.

3.11 The Licensing of Houses in Multiple Occupation Statutory Guidance for Scottish Local Authorities suggests that “general practice should be that licences are granted for a three year period, with licences of a shorter duration being granted where the authority is satisfied that justification for a shorter period exists.”

### **Proposals: Duration of Licence**

3.12 It is proposed to retain one year licences where the applicant wishes to apply for one. It is also proposed to retain a mandatory one year licence for the grant of all new licences.

3.13 No evidence has been presented that would support a business case to introduce a two year licence category. It is not proposed to introduce a new two year licence category which mirrors the existing position with other licence currently granted under the Civic Government (Scotland) Act 1982.

3.14 The existing fee structure only allows for the grant of an annual licence. In line with the statutory guidance it is proposed to introduce a new three year licence

category. It is proposed that a three year licence would only be considered for suitable properties. Existing licence holders can apply for the grant of a three year licence, this would be determined using a risk based assessment process, taking into account previous monitoring and inspection visits, complaints and enforcement issues. The introduction of a risk based assessment process coupled with a robust complaints system should address any perceived problems.

### **Administration Process**

- 3.15 The administration process did not form part of the consultation exercise however a number of comments were received on this subject. All feedback will be considered as part of the ongoing transformation and development of the licensing service and included in any future reviews.
- 3.16 A number of respondents found the current administrative process to be cumbersome in that much of the information was considered repetitive. Equally a number felt that there have been an increasing number of burdens and compliances placed on HMO landlords in recent years all of which were now having had an impact on the viability of the private rental sector.
- 3.17 During a review of the application process it was identified that the majority of applications that were submitted were incomplete and it required significant council resource to ensure relevant documentation and certification was submitted prior to the actual grant of a licence. The system introduced on 1 November 2016 now requires the following relevant documentation at point of application:
- Annual Gas Certificate
  - Current Electrical Installation Certificate (EICR)
  - Annual Emergency Lighting Certificate
  - Annual Portable Appliance Test Certificate (PAT)
  - Annual Fire Appliances Certificate or Current Invoice
  - Annual Part 1 Fire Alarm System Certificate
  - Annual Sprinkler System Inspection Certificate in accordance with BS9251

This enables the officers carrying out the inspection to check relevant documentation in advance of an inspection and ultimately reduces the requirement for re-inspection and follow up investigations.

- 3.18 There was strong support from respondents that the HMO licence process should allow the option for online submission of applications, including the submission of electronic copies of certificates. In addition a number of respondents identified that since 1 November 2016 the application process has changed and now requires paper copies of all certificates to be submitted with the application form.

Further improvements to the service, aimed at increasing customer satisfaction and performance levels are planned as part of the Council transformation process. The plans include the introduction on-line application and payment facilities.

### **Proposals: Safety Check and documentation**

- 3.19 Relevant checks require to be carried out on an annual basis. The trade support the introduction of the submission of retrospective checks at time of renewal. It is not currently proposed to introduce a system of retrospective checks. Further consideration of a process to ensure public safety will need to be given in respect of submission of annual certification on the introduction of a three year licence. The department will engage with the trade on this.

### **Fees**

- 3.20 The majority of respondents sought clarification on the level of fee and how the pricing structure would work in practice. The major concerns being economy of scale i.e. would a three year licence cost three times that of an annual licence and the cost per head of occupants which is significantly higher in two and three occupant property.
- 3.21 Respondents felt strongly that a substantial fee reduction should be applied to reflect the anticipated reduction in work undertaken by Council staff and a number highlighted that Glasgow provide a fee reduction of 50% for a three year renewal of licence.
- 3.22 The general approach of fees being increased for multiple unit properties was supported. A number of respondents felt that the proposals did not go far enough, especially in respect of halls of residence let on a commercial basis, and expressed concern that owners with single unit HMOs were being unfairly penalised.
- 3.23 Respondents also highlighted that a flat with identical footprint/mirror image still needs inspected individually and whilst there are economies of scale to be considered it may be more appropriate to consider a discount on the second property rather than a fixed rate. All new property or property which has had a material change in layout involves a requirement for full inspection by council officers and officer from the Fire and Rescue Service. The current fee system allows an applicant to pay a flat fee for each additional flat within multiple unit properties that all have an identical footprint/mirror image.
- 3.24 A number of respondents questioned a discount for accommodation operated by educational institutions let on a commercially basis (such as university owned halls of residences) and felt that there was no justification for this high level of discount whether or not they were a registered charity.
- 3.25 Respondents supported large discount for accommodation operated by a charity on a non commercial basis (such as homeless charities) recognising the need to address the issue of homelessness in the city.
- 3.26 Respondents recognised that that the Council has to balance the cost of licences with the cost of administration, public safety and enforcement activity to protect the rights of the occupiers, to ensure public confidence in the regime, and to ensure that responsible HMO owners are not put at a disadvantage. Equally

respondents highlighted that the proposed fees and process needs to be fully transparent.

- 3.27 Respondents felt strongly that provision should be made for fees to be partially refundable for landlords who sell their property or withdraw from the HMO Licence scheme during the term of a three year licence cycle.

### **Proposals: Fees**

- 3.28 It is proposed that the cost associated with the introduction of a three year licence will be balanced against reduced administration, public safety and enforcement activity. The final level of fee for a three year licence will be developed and will be at a discounted level that incentivises the shift from a one year licence to a three year licence and reflects the reduction in licence processing costs.
- 3.29 The decision to apply for a one or three year licence is a commercial consideration for an applicant. The Council charges a fee to cover the costs of operating and enforcing the licensing scheme accordingly it is not intended to offer a partial refund in these circumstances.
- 3.30 It is proposed to carryout a financial modelling exercise on the fee structure and report back to committee in April 2017, and it is proposed that the new fee structure will come into effect on 1 June 2017.

### **Enforcement and Inspection of HMO property**

- 3.31 Respondents indicated that any changes to the fee structure and licensing service should incorporate a robust and consistent enforcement and inspection regime. It was identified that the increase in the licence period from one to three years could potentially reduce the level of inspection. It was hoped that any additional resources arising from the reduced inspection activity could be used to enhance enforcement and compliance.
- 3.32 Respondents highlighted that it was important to the integrity of HMO licensing system that action is seen to be taken against those either evading the regulation through licensing and/or who are not fit and proper to hold HMO licences. Non-compliance by Landlords and Managing Agents who do not Register as Landlords or apply for HMO Licences when required to do so is unacceptable.

### **Next Steps**

- 3.33 The respondents indicated that for the proposed scheme to be successfully implemented it was crucial that key stakeholders including landlords, managing agents and companies like HMO Scotland were involved in the process.
- 3.34 It is proposed that a meeting is arranged to give key stakeholders an opportunity to meet with council officers and discuss the future plans for the licensing service, fee structure, implementation and application process. Whilst this could prove challenging with over 7000 licence holders potentially wanting to take part along with other interested parties, trade groups and letting agents steps will be taken to ensure that appropriate representation is achieved.

## Summary of proposals

3.35 It is proposed that the new fee structure (see Appendix 3) is adopted in full:

- The fee for a new property reflects the additional inspection costs associated with a first time application.
- A second or subsequent application, where no changes are made to the existing licensed property, attracts a discount to be determined as part of the financial modelling exercise.
- Introduction of a band from six to 10 occupiers and 11+ occupiers. The width of these bands reflects the efficiencies of inspecting large properties, and will cover the majority of normal residential property enlarged by an extension or attic conversion.
- A fee for properties with 11+ occupiers will consist of a flat fee plus an additional charge for up to every additional 10 occupiers (e.g. 21-30, 31-40 etc) is introduced.
- Where the applicant is a registered charity with the Scottish Charity Regulator and linked to homeless accommodation are given a percentage discount on their fee.
- Where the applicant is a registered charity with the Scottish Charity Regulator and / or owned and managed by an Educational institution itself, consideration will be given to retaining a percentage discount on their fee but this will form part of the financial modelling exercise.
- No discount for commercial operators of student accommodation.
- In line with the statutory guidance the introduction of a new three year licence category.
- three year licence would only be considered for suitable properties. This would be determined by using a risk based assessment process, taking into account previous monitoring and inspection visits, complaints and enforcement issues.
- The development of a risk based assessment process / matrix.
- The retention of an option to apply for an annual licence. This will allow applicants an opportunity to budget accordingly.
- The retention of an annual licence for all new licences.

## Measures of success

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- 4.1 That the city's licensing function is modernised to ensure that it meets the needs of customers and residents.
- 4.2 That the fee levels work on a cost recovery model, and as such should not be subsidised by other Council budgets.
- 4.3 That the fee structure remains effective and transparent and costs within the system are minimised.

## **Financial impact**

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2016. Any costs from implementing policy changes will be contained within the current ring-fenced income generated from licensing fees
- 5.2 The measures outlined in this report will match expenditure on licensing costs to the level of income generated.
- 5.3 A financial modelling exercise will be carried out on the fee structure and the outcome of this exercise will report back to committee April.

## **Risk, policy, compliance and governance impact**

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- 6.1 The main items of legislation that constrain how the Council can set its fees are the Housing (Scotland) Act 2006 and the Provision of Services Regulations 2009.
- 6.2 The 2006 Act allows Scottish Ministers to set regulations on how fees are to be arrived at, maximum fee levels, etc. To date no such regulations have been made. Statutory guidance has been issued by the Scottish Government under the 2006 Act, which provides an overview of what is considered to be appropriate when setting fees. The proposed HMO licensing fee structure is in line with this guidance.
- 6.3 HMO licensing schemes are a type of authorisation scheme defined by the 2009 Act and thus subject to regulation under the Act. The main obligation the 2009 Act places on the Council in relation to fees are that "charges ... must be reasonable and proportionate to the cost of the procedures and formalities under the scheme".

## **Equalities impact**

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- 7.1 An Equality and Rights Impact Assessment was carried out prior to the enactment of the Private Rented Housing (Scotland) Act 2011 and at that time found there were no equalities issues. It is proposed to carry out a further assessment as part of the consultation process and any impacts, direct or otherwise, on any group of people with one or more protected characteristics, will be reported.

## Sustainability impact

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- 8.1 The effects of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised at 8.3 below.
- 8.2 The proposals in this report will help to achieve a sustainable Edinburgh by ensuring that there is shared accommodation, which is safe and well managed, to meet the housing demands of the residents of Edinburgh.
- 8.3 The proposals in this report will reduce carbon emissions, because having shared accommodation that works allows people to live near to place of work or study reducing the need to travel.

## Consultation and engagement

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- 9.1 The consultation ran from 5 October until 30 November 2016.
- 9.2 Landlords, Letting Agents and interested parties were given an opportunity to provide their thoughts and feedback about the suggested changes to the HMO licence process.
- 9.3 It is proposed that a meeting is arranged with key stakeholders to give them an opportunity to meet with council officers and discuss the future plans for the licensing service, fee structure, and implementation and application process.

## Background reading/external references

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- 10.1 [The Provision of Services Regulations 2009](#)
- 10.2 [Housing \(Scotland\) Act 2006](#)
- 10.3 [Licensing of Houses in Multiple Occupation Statutory Guidance for Scottish Local Authorities](#)
- 10.4 [Regulatory Committee Report 19 September 2016 - Proposed fees structures for house in multiple occupation licences](#)
- 10.5 [Insideletting: Issue 42](#)

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## Links

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|                                 |   |
|---------------------------------|---|
| <b>Coalition Pledges</b>        | <b>P13</b> - Enforce tenancy agreements (council and private landlord) with a view to ensuring tenants and landlords fulfil their good conduct responsibilities.  |
| <b>Council Priorities</b>       | <b>CP4</b> – Safe and empowered communities   |
| <b>Single Outcome Agreement</b> | <b>SO4</b> - Edinburgh's communities are safer and have improved physical and social fabric   |
| <b>Appendices</b>               | <p><b>Appendix 1</b>- House in Multiple Occupation (HMO) – Proposed changes to licence Consultation</p> <p><b>Appendix 2</b> - House in Multiple Occupation (HMO) – Proposed changes to licence Consultation Responses</p> <p><b>Appendix 3</b>- Summary of Proposed Changes to HMO licensing fee structure</p> |

## Appendix 1 – House in Multiple Occupation (HMO) - Proposed change to licence Consultation

### HMO three year licence

#### House in Multiple Occupation (HMO) - Proposed change to licence

A report was sent to the Regulatory Committee on Monday 19 September 2016 which proposes the following changes to the HMO licence:

- three year HMO licenses
- a new fee structure
- consultation arrangements.



Landlords should take advantage of the opportunity to give their opinion of the proposed changes to HMO licences. Details of the consultation period for the proposed changes to HMO licences, is shown below.

#### Landlord feedback required

City of Edinburgh Council would like your thoughts and feedback about the suggested changes to the HMO licence process. If you require further information about the proposed changes or are interested in participating in this consultation process please read the [full report](#).

For feedback contact City of Edinburgh Council direct by [email](#).

The last date for submitting your feedback is 30 November 2016.

## Appendix 2 – House in Multiple Occupation (HMO) - Proposed change to licence Consultation Responses

|   |   |
|---|---|
| 1 | <p>Deborah Charlesworth</p> <p>This is to request that the Southside Community Council be regarded as a “key stakeholder” for the proposed consultation on this matter, as it is clearly something that may concern our neighbourhood, and we represent the interests of occupants of the stairs that will be affected by the possibility of less frequent inspections. Landlords are obviously not the only group with an interest, and it is important to prevent the current situation of neglect and failure to keep up with repairs getting worse.</p> <p>Deborah Charlesworth<br/>Secretary, Southside Community Council</p>  |
| 2 | <p>Andrew Heron</p> <p>I have looked at proposed new HMO licensing fee structure and have the following comments:</p> <ol style="list-style-type: none"> <li>1. In general a 3 year license makes sense, provided a one year license is still an option (ie for a landlord wishes to sell or stop renting).</li> <li>2. Since the council will save work, the 3 year fee should be significantly less than 3 times the current annual fee</li> </ol> <p>Jean Heron</p>  |
| 3 | <p>To be blunt the council could do well to look at the service provided by the HMO team .</p> <p>Seven months &amp; still waiting for a license.</p> <p>three different personnel have been involved then disappeared presumably being made redundant but in the meantime have not made provision for continuity of information.</p> <p>Poor service for the cost.</p> <p>David Towers</p>   |
| 4 | <p>Dear Sir/Madam,</p> <p>I refer to the consultation exercise on the introduction of 3 year HMO Licences as set out in the latest edition of Inside Letting. Having read through the report and discussed the possible implications of the proposed scheme with clients I would comment as follows:</p> <ul style="list-style-type: none"> <li>• The introduction of 3 year HMO licences is broadly welcomed due to the reduction in the level of administration undertaken each year under the current annual renewal process and the avoidance of annual changes to standards commonly introduced by Council inspectors and the Fire Officer</li> <li>• The option of a 1 year licence should be retained (as indicated in point 3.18 of the report) so that landlords who prefer not to pay the 3 year fee up front are able to continue in line with the current system</li> <li>• Landlords who plan to sell their flats before the end of the 3 year cycle should</li> </ul> |

also be given the benefit of applying for a 1 year licence (this is particularly common among landlords which have bought a property to house a son or daughter and friends whose studies in Edinburgh are coming to a close)

- The introduction of a 2 year licence should also be considered (an option offered in Stirling for example)
- Provision should be made for fees to be partially refundable for landlords who sell their property or withdraw from the HMO Licence scheme during the term of a 3 year licence cycle
- A substantial fee reduction should be applied to reflect the anticipated reduction in work undertaken by Council staff. To use the example of Glasgow the fee for a 3 year licence renewal is 50% less than the fee for a new licence application.
- Further consultation and discussion with stakeholders is required to establish how the 3 year licence process would work, in particular with regards to the submission of certificates, the criteria applied to establish which landlords are considered to be lower risk and therefore eligible to apply for 3 year licences and whether any interim inspections by Council staff will take place.
- The current HMO licence process should allow the option for online submission of HMO Licence applications, including the submission of electronic copies of certificates. From 1<sup>st</sup> November the application process has changed such that paper copies of all certificates must be submitted with the application form (which has also increased from 2 A4 pages to 5), I feel this is a hugely retrograde step that should be reconsidered as soon as possible.
- It is anticipated that annual certificates will be supplied with the application for the 3 year licence and not in the interim licence period, again this would be consistent with current practice in Glasgow
- Point 9.1 of the Regulatory Committee report states 'A carefully structured consultation exercise, using a combination of methodologies will be undertaken. The methodologies include focus group research with key stakeholder groupings, wider survey work and specific localised research for some key sites, to help elicit informed and creative thinking'. I would be grateful if you could confirm the details of how this level of consultation and engagement has been achieved.

For the proposed scheme to be successfully implemented it is crucial that key stakeholders including landlords, managing agents and companies like HMO Scotland (we lodge in the region of 350-400 HMO licence applications each year) are involved in further consultation to ensure the proposed change benefits landlords, agents and Council staff alike. I also feel that consultation would be beneficial prior to any further proposed changes to the process so that the system can run as smoothly as possible to the benefit of everyone involved.

Kind regards,

Brian Morgan MRICS



5

Just to add my own thoughts on this, the only aspect that *infuriates* me is the new

application process; it is now so laborious and time consuming, and is definitely a backwards step.

My strong objections are as follows:

- All new application form – why could the additional information not just be added to the existing form? The new form essentially has all the previous information, with the addition of the checklist for the required certificates, but the layout has been changed. So now each and every renewal application has to be done from scratch, rather than using previous applications and just changing a couple of details. A lengthy and completely unnecessary process.
- Layout of the form – small but irritating point is that the only part of the new application pack that is to be completed and submitted is numbered page 7 - 11; and the property address does not appear on the front page (7) which makes checking to make sure you've done them all a bit tricky. Application form should surely be numbered separately and made user friendly.
- Certificates – these now have to be printed out and submitted with the application; only to then be scanned and uploaded to your system, then presumably destroyed. This is such a waste of time and effort on both our parts, and paper on ours. Why can't these simply be sent electronically, as was previously the case when they were sent to PRS? I handed in the November applications for Braemore last week, and the new application process does fly in the face of the enormous banner urging us to "SAVE TIME, DO IT ONLINE". A complete online application process would surely be the way forward.

Is there any move to revise the application process to streamline it for everyone?

**Alison Westwater**  
HMO Compliance Co-ordinator  
**Braemore**



6

Dear Sir/Madam

CONSULTATION ON THE LICENSING OF HMO PROPERTIES

Thank you for the opportunity to comment on your proposals for changes to the processing of HMO licences in Edinburgh.

At Grant Property, we consider ourselves to be particularly well-placed to respond to this as we have significant experience of managing HMO properties not only in Edinburgh, where we have responsibility for 300 HMOs, but also having HMOs in Glasgow, Dundee, Aberdeen and Stirling as well as in a number of locations in England.

The benefits to ourselves, our landlords and the Council are obvious – significantly reduced

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|   | <p>costs in administration and manpower. It is for these reasons that both our landlords and ourselves welcome the proposal to introduce licences for the maximum permissible period of three years. This is the practice adopted by virtually all other local authorities in Scotland.</p> <p>It would be useful if landlords could have the option of renewing for a lesser duration of licence ie 1, 2 or 3 years and it is hoped that consideration may be given to this.</p> <p>The cost of renewing a licence should reflect the reduced costs to the Council. Currently, the amount of reduced fee at renewal levied by City of Edinburgh Council is determined by the size of HMO. The minimum discount is in excess of 29%. By comparison, Glasgow provide a fee reduction of 50% for a three year renewal of licence.</p> <p>In the case of three year licence renewals, we would recommend that the practice of other local authorities is adopted in terms of safety certification – the relevant certification should be produced for the preceding three years at time of renewal.</p> <p>We would ask the Council to give consideration to providing a reimbursement of fees for any full year period of licence not required by the landlord due to sale of the property.</p> <p>In addition, further streamlining of the process could be achieved by processing applications and certification online.</p> <p>Robust enforcement of HMO licensing is vital and we would expect that additional resources arising from the reduced activity of inspection staff could be put into this by the Council at no cost. It is important to the integrity of HMO licensing that action is seen to be taken against those either evading the regulation through licensing and/or who are not fit and proper to hold HMO licences.</p> <p>The Council is to be commended for giving this matter consideration and we would welcome any opportunity to play a further role, along with other stakeholders, in this consultation process. It is the detail of the process that will ensure all parties benefit from a more efficient, practical and fair approach.</p> <p>Brian Grieve<br/>HMO Operations Manager</p> <p><b>Grant Property</b><br/><b>Trusted + Knowledgeable + Innovative</b></p> |
| 7 | <p>Dear Sirs</p> <p>We have consulted with a number of our clients whose HMO Licenced properties we manage. On their behalf we manage over 180 HMO Licenced properties contributing around £70,000 to the HMO Licencing department budget. We would like to summarise our clients and our own views for consideration as part of your consultation.</p> <ol style="list-style-type: none"> <li>1 We support the option of there being 1 or 3 year HMO Licences</li> <li>2 At renewal of HMO Licences granted for 3 years the applicants will produce</li> </ol>  |

confirmation of continuous compliance of all safety certification.

3 The renewal of an HMO Licence for 3 years will incur a fee equal to 3 times the annual fee less a discount to reflect reduction in work required by the Council. We would support the Council's discount in Appendix 3 which we understand implies the current discount of between 29.9 % and 34.6% is continued for renewals. All current HMO Licenced properties would incur the discounted fee at the first 3 year renewal.

4 Council to refund any full year of a 3 year Licence in the event of a sale during that period, equivalent of one third of the fee paid at the beginning of the 3 year period.

5 New and renewal applications should be submitted electronically as should the submission of all supporting certificates.

6 The enforcement of compliance should be resourced adequately. Non-compliance by Landlords and Managing Agents who do not Register as Landlords or apply for HMO Licences when required to do so is unacceptable.

7 Some clients have suggested an option to apply for a 2 year Licence

We commend consideration of following the Glasgow model. The opportunity offered brings Edinburgh into line with other Scottish cities.

Our clients have asked whether or not Cullen Property Ltd are part of a working party being consulted by the Council. We would be very interested in joining with other stakeholders in such discussions to ensure an outcome which is workable and fair to all. The cash flow generated by HMO Licencing should be adequate to fund the HMO Licencing department to fulfil its obligations both in regard to compliance and enforcement ensuring employment security for those working in the processes. There are specialisms involved in the assessing of new and renewal applications for which staff retention is important. Those qualified to a suitable level should be encouraged to pursue a career in safety and quality provision of the rented sector.

Yours sincerely

Malcolm

**Malcolm Warrack MARLA**

Managing Director

Cullen Property Ltd



8

Dear Mr Mitchell

I have read with interest the proposition for introducing 3 year HMO Licences for those landlords and letting agents who comply.

We support this strategy due to the efficiencies it should introduce for both the

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|   | <p>Council, landlords and Managing Agents.</p> <p>I have read the Regulatory Committee Report; could you assist with a couple of questions?</p> <p>At Cullen we manage about 190 HMO Licenced properties predominantly 3 to 6 bedroom properties in private ownership let to a mixture of occupants, both student and professional.</p> <p>1 In the paper you have produced I cannot see the fee that would be paid at the start of the application for a 3 year Licence. Could you confirm the amount for each Band?</p> <p>2 Assuming a 3 year licence is granted what arrangements are you proposing for receiving renewals of the various certificates at 1<sup>st</sup> and 2<sup>nd</sup> Anniversaries of the Licence? I am presuming you will wish to see these as and when they are renewed within the 3 year cycle?</p> <p>I am copying this email to your colleagues in HMO Licencing with whom we are in regular contact for their information and possible contribution to this email exchange</p> <p>As I suggest above we are very much in favour of this proposition as are many of our client landlords. If you could provide further detail as set out above (and on any other aspects which you think relevant) it would greatly assist in our and our clients giving positive support to your consultation.</p> <p>Regards</p> <p>Malcolm</p> <p><b>Malcolm Warrack MARLA</b></p> <p>Managing Director</p> <p>Cullen Property Ltd</p> |
| 9 | <p>Response to the City of Edinburgh Council's Consultation on HMO Licensing Changes</p> <p>Submitted by:</p> <p>Scottish Association of Landlords</p> <p>28 November 2016</p> <p>Scottish Association of Landlords</p> <p>The Scottish Association of Landlords (SAL) is the largest and only dedicated national organisation that represents landlords and letting agents throughout Scotland. We support and represent our members' interests through providing resources and assistance as well as delivering lobbying and campaigning work.</p> <p>The Scottish Association of Landlords (SAL), welcomes The City of Edinburgh Council's consultation and the opportunity to be involved in shaping the future of HMO Licensing in the city.</p> <p><a href="#">Response</a></p>    |

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|    | <p><b>New forms and processes</b></p> <p>SAL wishes to express our members' concerns about the Council's change in policy about receiving forms and certificates electronically. In a modern age when the Council should be encouraging applicants to be mindful of the need to avoid unnecessary paper usage, it seems a retrogressive step to require applicants to print documents to post to the Council which then will simply be scanned and shredded. As many of these documents originate in electronic format, surely it would be more appropriate to accept them electronically?</p> <p>This policy change is surely in opposition to the City of Edinburgh's strategic objective to reduce waste and encourage the use of electronic communications. SAL strongly suggests that the Council reconsiders this policy and encourages applications to be submitted, received, checked, stored and recorded by electronic means. This should also reduce the unnecessary burden of administering and processing applications as well as cost to both the Council and applicants.</p> <p><b>3 year licenses</b></p> <p>SAL welcomes the proposal to introduce the opportunity for landlords to apply for 3 year licenses in line with many other Councils in Scotland. However, we do have concerns over the lack of information about the proposed fees of such licenses and how attractive they will be to landlords. SAL considers that the fee structure should adequately reflect the reduced burden on the Council in the region of 10-15%. Any fee reduction must be attractive to applicants and encourage a cost saving to the Council.</p> <p><b>Fee structure</b></p> <p>As noted above, SAL is concerned about the lack of information provided about the proposed fee structures for both the period of licenses and size of property portfolios and therefore we find it difficult to make an informed comment on what fees should be charged. Whilst encouraging the need to consider reduced fee structures for housing of those in need by specialist housing providers, the Council should also be mindful of the need not to disenfranchise the vast majority of licence holders who only own one or a few properties and provide the bulk of the much needed accommodation in the city.</p> |
| 10 | <p><b>Feedback from Marchmont &amp; Sciennes Community Council on proposal to move to 3-yearly licensing of HMOs (as publicised in <a href="http://www.insideletting.org.uk/">http://www.insideletting.org.uk/</a>)</b></p> <p>1] We note that at 3.14 it is "proposed that a three year licence would be only be considered for suitable properties. This would be determined by using a risk based</p>  |

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|    | <p>assessment process, taking into account previous monitoring and inspection visits, complaints and enforcement issues. Properties that would be considered suitable for a three year licence would include new build student accommodation.”</p> <p>2] We support this as long as suitable is defined as for landlords with a good reputation, or rather landlords without a bad reputation. We would also like to see the regulations address the problem of bad tenants. They do exist all too frequently and landlords are helpless to act.</p> <p>3] HMO licensing should have some reference to shared stairs in tenement flats: the council website only details quality standards within the flat (secure doors, smoke detectors etc) but does not list responsibility for secure front doors, stair lighting etc. This is especially important now that communal stairs are no longer maintained/managed by councils.</p> <p>best wishes,<br/>Alastair Philp (Secretary, MSCC)</p> |
| 11 | <p>To: [REDACTED]<br/>Subject: CHARGE FOR FILLING BLACK BINS<br/>Dear Mark</p> <p>Having noticed a number of HMO flats changing over in the last few weeks - resulting in the black bins being filled an overflowing with everything that gets chucked from the flats.</p> <p>Could I suggest that HMO are charged £100 (or a sum) to cover this extra rubbish when the tenants move out.</p> <p>It is not just the tenants that are abusing the bin situation – also the Property cleaning companies are filling them as well.</p> <p>Regards Margaret M Brown</p>  |
| 12 | <p><b>University of Edinburgh response to City of Edinburgh Council consultation on a Proposed Fee Structure for Houses in Multiple Occupation Licences</b></p> <p>The University of Edinburgh Property and Residential Services welcomes the opportunity to participate in this consultation process. We have experienced a very positive and collaborative working relationship with the City of Edinburgh Council’s HMO Licensing Team since its inception. Our comments on the document are below.</p> <p><b>Basic Fee Structure</b></p> <p>We welcome the proposal to retain discounts for renewal and premises with an identical layout.</p> <p><b>Accommodation for students / homeless hostels</b></p> <p>We welcome the proposal to give a discount for charities registered with The Scottish Charity Regulator and owned and managed by an educational institution and we will</p>  |

meet this criteria.

We seek clarification on the proposed fee increase as it is not stated in this consultation document making it difficult to provide a response.

### **Period of licence**

We welcome the proposed introduction of a three year licence category. We seek clarification on how the pricing for this would operate and also if there will still be an option to renew on an annual basis.

Point 3.14 of the document states "Properties that would be considered suitable for a three year licence would include new build student accommodation". We have a large number of properties which were either built some time ago (i.e. 1960s onwards) as purpose-built student accommodation or which have been converted into student accommodation. We seek clarification on whether those types of properties would be eligible for the three year licensing.

Point 3.14 also states that the suitability for a three year licence will be considered using a risk based assessment process. We seek clarification on the possibility of viewing the risk assessment.

We seek clarification on point 3.21 and the proposed implementation date of the changes.

### **Appendix 3 – HMO licence fee bands**

We seek clarification on the proposed further fee structure which will apply for every 10 occupiers above 20.

We have always felt that the Licensing Team had a real understanding of the challenges of our operating requirements, for example allowing inspections to take place in May / June during our void periods. We have always involved the HMO Licensing Team early in the process of any new build developments, working collaboratively with Inspectors, Planning Officers and Fire Officers to ensure the construction plans meet the HMO licensing requirements and we would hope that this would still be the process in future.

Should you have any queries or if you would like to discuss any of our comments further please don't hesitate to contact us.

Kind regards

**Fiona Murray**

**Head of Operations - Campus Properties and Services  
Accommodation, Catering and Events  
The University of Edinburgh**

13

**From:** mike normand

**Sent:** 28 November 2016 12:13

**To:** Licensing

**Subject:** HMO 3 YEAR LICENCE - COMMENTS

Dear Sir/Madam,

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|    | <p>1. The consultation information lacks detail at this stage that clearly identifies the benefits to be implemented, apart from the assumed reduction in administration - The HMO process proposed needs to be fully transparent to allow evaluation of the advantages of proceeding to a 3 year licence.</p> <p>2. I would recommend that say, in the event of say a property being sold, there should be a rebate system available for any unexpired years, (similar to that operated for rebates for vehicle taxation).</p> <p>Yours faithfully<br/>WMM Normand</p>  |
| 14 | <p><b>From:</b> Willie Fisher<br/><b>Sent:</b> 21 November 2016 13:56<br/><b>To:</b> Inside Letting<br/><b>Subject:</b> Re: House in Multiple Occupation (HMO) - Proposed change to licence</p> <p>Hello</p> <p>I think that any new laws come in that protect the tenants can only be good , am all for it</p> <p>Regards<br/>William Fisher</p>  |
| 15 | <p><b>From:</b> Henry Knowles<br/><b>Sent:</b> 23 November 2016 09:07<br/><b>To:</b> Inside Letting<br/><b>Subject:</b> Re: House in Multiple Occupation (HMO) - Proposed change to licence</p> <p>What is the proposed new fee structure? Pleased provide a table to compare existing fees with proposed discount for three year licence.</p> <p>Henry Knowles</p> <p>Dear Sirs,</p> <p>I refer to the consultation exercise for the above proposal.</p> <p>I have been unable to find the exact fee structure proposed by Edinburgh Council for the new 3 year HMO licence. It would have been useful to have this included in the full report 19 Sept 2016 mentioned in your email.</p> <p>The new fee for a 3 year report should give a substantial reduction when compared with three individual HMO yearly fees.</p> <p>At present a 5 person licence is £627 (new) £440 (renewal) yet it is only £53 for an identical footprint/mirror image.</p> <p>To my mind if there is a second flat in a tenement, regardless of its shape or size, it still needs to be fully inspected to ensure that it complies with all of the regulations. If the council can inspect flats of identical footprint/mirror</p> |

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|    | <p>image for the reduced fee of £53 then the second and third year fee element in a three year HMO licence of the SAME flat should be priced on a similar basis i.e. £53 per flat per year.</p> <p>I should be grateful if you would bear this in mind when considering the fee structure.</p> <p>Yours sincerely,</p> <p>Henry Knowles</p>   |
| 16 | <p><b>From:</b> Tony Harris<br/> <b>Sent:</b> 28 November 2016 10:54<br/> <b>To:</b> Licensing<br/> <b>Cc:</b> [REDACTED]<br/> <b>Subject:</b> Regulatory Committee - Proposed Introduction of HMO 3 Year Licence</p> <p>Our attention has been drawn to this consultation and the Report to the Regulatory Committee of 19th September 2016. We have no objection in principle to the introduction of a 3 year HMO Licence and no comments on the proposed fee structure. We note that in 3.14 of the Report that the 3 year licence would only be considered for suitable properties, which are not fully defined. We also note that the one year licence option is to be retained. We propose that for any new HMO Application, if granted the initial licence should always be for one year only, renewable after the first year when a 3 year licence may be applied for if the property meets the suitability criteria.</p> <p>This proposal is for the protection of residents who as neighbours may be impacted adversely by an HMO but who could then object to a renewal after the first year. It would also help to meet the Measures of Success set out in paragraph 4.1 in that it would meet the needs of residents more broadly, because the Report as submitted meets only the needs of those residents who may be HMO applicants or licensees but ignores the needs of those residents who may as neighbours be adversely affected by HMOs. We suggest there should be a better balance.</p> <p>Regards,</p> <p>Tony Harris<br/> Grange/Prestonfield Community Council</p> |
| 17 | <p><b>From:</b> Pat Nicol<br/> <b>Sent:</b> 27 November 2016 20:30<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> Proposed change to HMO licence consultation</p> <p>Dear Sir,</p> <p>As a private landlord I wish to make two points about the proposed alterations to licensing HMO properties. My husband and I are registered landlords and I understand from ' Inside Letting' you are seeking private landlord's comments about the proposed changes to HMO licences.</p> <p>1). I would like to be able to apply to have a 3 year licence if it is judged the houses are up to a well maintained standard and have been throughout my time as a landlord. I would advocate that annual safety certificates could be sent electronically to the licensing committee as at present. This would reduce tenant involvement which is sometimes difficult to organise, landlord arrangements if no agent, and bureaucracy to say nothing of extra costs.</p> <p>2). The fee structure. I feel it needs to be more transparent. It has recently increased with no explanation. I understand costs have to be covered but there seem to be arbitrary amounts per tenant. 3 persons are charged £117 each, 4</p>  |

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|    | <p>persons are charged £99 each and 5+ are £121 which decreases with any additional tenants over 5 so bringing it below a 3 person flat.</p> <p>As a general comment on the visits of inspectors it would be appreciated if they all gave the same information regarding checks to be made within a house. Also, it is not appreciated being treated by some as the naughty child because they find something needing attention. The Council needs to give private landlords who abide by the law some measure of respect as we provide a necessary service. The general feeling given is that private landlords are on the make which is not always the case. I trust getting rid of rogue landlords is to be pursued vigorously.</p> <p>Yours sincerely,<br/>Pat Nicol</p>  |
| 18 | <p>Thanks [REDACTED] -</p> <p>I just wanted to comment that in regard to the three year licensing proposal and the revised fee structure, I am fully in favour. The annual safety checks would of course still be carried out and so the three year licence proposal should in no way compromise the security and safety of tenants while greatly reducing the administrative overhead.</p> <p>My only other comment is slightly off the topic of the main report and may not be for this forum but I would like to raise it nonetheless. The fact that HMO licensing does not apply to short term / holiday lets is something which I strongly believe needs to be examined. The safety and amenity of neighbours of such flats is now becoming a serious issue. It seems ludicrous that such a high risk group would be exempt from the requirement for basic safety facilities and checks. I am aware that this is an issue coming to the attention of many city councils and local authorities in recent times and I personally have had great support from CEC planning and building control and also the Scottish government planning department over issues affecting my properties. They are certainly aware of the problems caused by unregulated "party" flats, let through web sites such as Airbnb. The time may be right to look at this issue.</p> <p>Many thanks thanks for your help.</p> <p>Len Timson<br/>Registered landlord</p> |
| 19 | <p><b>From:</b> Rachel MacDonell<br/><b>Sent:</b> 25 November 2016 12:48<br/><b>To:</b> Licensing<br/><b>Subject:</b> Feedback on public consultation for 3 year licence</p> <p>Dear Team</p> <p>Please find Braemore's response below:</p> <ol style="list-style-type: none"> <li>1. Please provide an indication to fee banding for a three year licence</li> <li>2. If three year licence gets approval, how will you ensure yearly renewal certification occurs</li> </ol>  |

3. At what time during the renewal process will the fee be required to be paid
4. What impact do you anticipate previous noise complaints will have on the renewal process
5. Will there be an option to continue to renew yearly if preferred
6. What plans are there to improve the application process and allow the submission in email format

Thanks

**Rachel MacDonell**

Letting and Property Management Director

**Braemore**



20

**From:** Syd house

**Sent:** 25 November 2016 11:11

**To:** Licensing

**Subject:** RE: HMO Licence Application Process Change

Dear [REDACTED],

I should have responded to your email of 30 September earlier but did not do so.

My purpose in replying now is to express disappointment that such a major change in the way that HMO renewal applications should have been introduced without apparent consultation with applicants like myself. This seems in direct contrast to the recent invite to comment on other changes to HMO procedures (and I attach my response to that for your information). Would it not have been more appropriate to incorporate this proposed change into these proposals?

Having submitted 4 HMO applications under the previous arrangements prior to 1 November, I failed to remember the change from that date and had my next application post 1 Nov rejected. I will now re-submit that application.

However, in doing the revised application it is clear that I will now have to supply considerably more information to the Council in the form of certification which was preciously ascertained via the inspection process and via my agent. I will now have to review that process and probably will require to ask my agent to submit future HMO renewal applications directly (at my expense) to avoid complex liaison between us.

My overall comments to you are that this is a major change; has been introduced without, as far as I can see, consultation at a time when other major changes ARE being consulted upon, and will introduce further bureaucratic complexity for applicants with inevitable expense.

I have no problem with measures which enhance the safe and efficient administration of the HMO process but, taken alongside other changes to the HMO/letting sector, there is a clear and concerted increase on the burdens for HMO applicants which will inevitably have a long term impact on the viability of the sector for small-scale

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|    | <p>landlords like myself and thus the viability of remaining in the private rented sector, something which will have implications for Edinburgh with its long traditions of private rentals for the student population (and I speak as an ex-student and tenant as well as a current landlord).</p> <p>Your sincerely</p> <p>Syd House</p>   |
| 21 | <p>Dear Sir/Madam,</p> <p>Thank you for the opportunity to comment on the above proposals.</p> <p>I and my wife are the joint owners, and thus the landlords, of 5 HMO properties in Edinburgh though we do operate through a letting agency who manage all the properties on our behalf. We have held our properties for over 12 years so are familiar with the HMO process and the way it has evolved over the years. We have also had experience of the HMO licensing process elsewhere in Scotland and are thus able to compare our experience in Edinburgh with elsewhere.</p> <p>My comments on the proposed changes are as follows:</p> <p><b>1. 3 year HMO licenses</b></p> <p><b>I strongly support this move</b> particularly for those landlords with a good track record of responsibility and compliance with the HMO regulatory process. The current one year licence renewal requirement has a number of disadvantages:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> It is administratively rather cumbersome in that much of the information is repetitive</li> <li><input type="checkbox"/> The cost to the Council of annual HMO administration and inspections must be significant. In these days of severe constraints on public finances, 3 year licences would be much more efficient use of Council staff resources particularly in conjunction with an appropriate risk assessment of applicants. I have had experience of 3 year licences elsewhere in Scotland which seem to operate perfectly acceptably from both the Council and HMO applicant perspective</li> <li><input type="checkbox"/> No sooner has one round of HMO licences been submitted and approved than it is nearly time to start the process all over again (contrary to my express wishes I am not allowed to submit my 5 HMO applications at the same time but rather have to stagger them which means that the process drags over a much longer period than I would wish). There has been an</li> </ul> |

increasing number of burdens and compliances placed on HMO landlords in recent years all of which have had an impact on the viability of the private rental sector. It would be good to see moves by Councils which reduce administrative burdens where there is a good case to do so.

□ Invariably there are different interpretations by inspectors of the HMO guidance and rules. From the point of view of an HMO applicant, annual inspections magnify these differences. For example, the interpretation of what is an appropriate front door lock or how to deal with internal cupboard doors has changed over the years to my frustration and ongoing expense. Three year inspections would reduce some of this frustration over relatively minor interpretations especially where the applicant has a good track record of HMO compliance

□ One year licences hardly help climate change mitigation what with all the paper used (what about online applications?) and the transport costs of inspections and visits by council staff, agents and landlords! Three years would be much more efficient from this perspective.

## **2. A new fee structure**

I have no real comment on the fee structure and welcome the continued recognition of an appropriate discount for HMO licence renewals. You have commented that the fees have not increased much since 2006 however, it is not apparent how the current fee structure relates to covering the cost of 'operating and enforcing the licensing scheme' (para 2.1). I would welcome a clear commitment to maintaining that approach and thus passing on any savings gained, for example by adopting the proposed 3 year licensing regime, to applicants by way of a reduced fee structure. In other words, a 3 year licence should cost less to the applicant than 3 individual and separate one year licences and act as an incentive to good landlords

## **3. Consultation arrangements**

I am slightly confused about this aspect. Are you asking about this current consultation or about future consultation? If it's the former (and the accompanying email which invited this response does refer to this consultation) then I would suggest that the process has been fairly ad hoc and

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|    | <p>unstructured and actually rather lacking in some detail (eg a bit more on who might be encouraged/eligible for 3 year licences). If you are talking about future consultation, I would welcome the opportunity to comment again but would suggest you do it in a more structured manner using advice from consultation experts so as to ensure all key parties have the opportunity to participate</p> <p>Thank you for the opportunity to comment.</p> <p>Yours faithfully<br/>Syd House<br/>Landlord and HMO Applicant</p>  |
| 22 | <p><b>From:</b> Peter Edwards<br/><b>Sent:</b> 24 November 2016 17:10<br/><b>To:</b> Licensing<br/><b>Subject:</b> Comments on Proposed Change to HMO Licences</p> <p>Inside Letting Issue 42 stated that "City of Edinburgh Council would like your thoughts and feedback about the suggested changes to the HMO licence process", and I am writing to give my comments.</p> <p>My interest is that I own one 3 bedroomed HMO property which I let out to three unrelated tenants.</p> <p>1) I strongly support the proposal that HMO licences should be granted for a three year period, in line with the guidance from the Scottish Government.</p> <p>2) I note that the paper presented to the Regulatory Committee on 19 September 2016 does not mention the level of the fees for three year licences, in comparison to the current fees for one year licences. The paper does, however, make it clear (Para 3.16) that the regulations state that "fees charged in relation to a licensing regime must be reasonable and ... not exceed the cost of all procedures required to carry out this function." As the work that the Council will have to do for each three year licence will be very similar to that required for each one year licence, it follows that <u>the fee for each three year licence should not be significantly more than the fee for each one year licence</u>. Unfortunately paragraph 3.18 implies that this will not be the case.</p> <p>I should be grateful if you would take my comments into account when coming to a final decision.</p> <p>Thank you.</p> <p>Peter N Edwards</p> |
| 23 | <p><b>From:</b> James Ewen<br/><b>Sent:</b> 24 November 2016 13:43<br/><b>To:</b> Licensing<br/><b>Subject:</b> Proposed introduction of HMO 3 year licence and changes to fees</p>  |

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|    | <p>Dear Sir or Madam,</p> <p>I am own several HMO's and would like to comment on the proposed changes to HMO licensing.</p> <p>I am broadly in favour of the proposal but would like to offer specific comments:</p> <p><b><u>3 year HMO licenses</u></b></p> <p>I am strongly in favour of this for all properties where the property is well maintained, of a good standard and the owner/agent has consistently demonstrated responsible, good management of the property. 3 year licences would ease the administrative and cost burden for both the council and the owner, and result in less inconvenience for tenants</p> <p><b><u>New fee structure</u></b></p> <p>I am in favour that the fees should be increased for multiple unit properties, however, whilst I recognise there are some economies of scale I do not think the proposals go nearly far enough. For example, a halls of residence block of 50+ flats (which is let on a commercial basis) is currently only charged £1,476. Owners with single unit HMO's are being unfairly penalised, as they are charged a similar amount for the renewal of only 4 flats. The same fee scale should be applied to flats within a large block with a discount of perhaps 10% to account for the economies of scale.</p> <p>I do not think the fee of £53 for a flat with a identical footprint/mirror image is enough. Again, there are economies of scale, but the properties still need inspected individually so there is work for the inspectors to do. I feel a discount of around 25% for the second property would be more more appropriate.</p> <p>I am in favour of a large discount for accommodation operated by a charity on a charitable basis (such as homeless charitys) as these properties are being let on a non-commerical basis and indeed reduce the costly burden on the council to house the homeless.</p> <p>I am not in favour of a discount for accommodation operated by educational institutions let on a commercially basis (such as university owned halls of residences). Discounting these properties is grossly unfair to small, private landlords. For example, on the current fee scale a landlord with 15 individual HMO's would pay a similar annual renewal fee as Heriot Watt University for it's entire HMO portfolio. Educational institutions often charge rents that are in excess of private landlords so there is no justification for this high level of discount.</p> <p>Sincerely,</p> <p>James Ewen<br/>Director</p>  |
| 24 | <p>Dear Sir<br/>My wife and I own 4 HMO flats in Edinburgh.<br/>We agree with the proposal to generally have licences granted for 3- years although</p>   |

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|    | <p>I'd like to learn the new fee structure Yours faithfully</p> <p>Iain Matheson (Sent from my iPhone)</p>   |
| 25 | <p><b>From:</b> Bruce Callan<br/> <b>Sent:</b> 23 November 2016 13:23<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> HMO 3 Year Licence Proposal</p> <p>Hello</p> <p>I am a private landlord of a 3-bed HMO property.</p> <p>Having read the report <i>Proposed Fee Structure for Houses in Multiple Occupation Licences</i>, I am in support of the proposal for a 3 year HMO licence.</p> <p>Regards<br/> Bruce Callan</p>   |
| 26 | <p><b>From:</b> carol.gilmour<br/> <b>Sent:</b> 19 November 2016 05:43<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> Change of license - HMO</p> <p>Hi - just giving feedback on the new rules. We must say, as landlords, this 3 year HMO license is long overdue and a great idea. And let's hope the new fees will NOT be harsh to go along with it. Saves a lot of yearly financial expense.</p> <p>And yes, please can we go ahead with the consultation arrangements beforehand as sometimes we do not know what has to change and what has not to change before getting the issued license. It might be worth just renting to two people (where there is no HMO license) if too much would have to be done for three or four people!</p> <p>Many thanks<br/> Carol and Stephen GILMOUR</p> |
| 27 | <p><b>From:</b> sarah ryanfrost<br/> <b>Sent:</b> 22 November 2016 20:06<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> Comment</p> <p>Dear Sirs</p> <p>I would like to comment on the proposed changes to Licence for HMO's.</p> <p>While the idea of 3 year HMO licenses seem on the surface to be a good one it is hard to respond positively without knowing the fee structure you intend to charge. It is hardly a consultation if you don't give us all the information.</p> <p>So i would be grateful if you'd advise me of the rates please.</p> <p>Many Thanks<br/> Sarah</p>   |

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|    | Sarah Ryan Frost  |
| 28 | <p><b>From:</b> Erica Wimbush<br/> <b>Sent:</b> 22 November 2016 22:05<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> Feedback on proposed changes to HMO licensing</p> <p>My feedback is offered as a licensed landlord of an HMO property in Edinburgh.</p> <p>Moving to a 3 year license period will save time and cost for landlords, managers and the Council. The 3 year cycle of inspections is more practical for the majority of landlords and property managers who generally maintain good standards. The current regime of annual HMO inspections frequently generate only minor adjustments e.g. to door closers etc. It is not yet clear whether the Council will still require landlords to produce safety certificates on an annual basis.</p> <p>My concerns are around key areas of uncertainty:</p> <ul style="list-style-type: none"> <li>• Cost. What is the likely fee for a 3 year Licence? Amongst landlords and agents it has been suggested that it will be 3 times the annual fee with a discount of at least 10%.</li> <li>• Application process. A new application form for both new and renewal of HMO licences was introduced at the beginning of November which has resulted in a considerable increase in the work involved in the application process.</li> <li>• Transferability of Licence. The HMO Licence is personal to the owner. The issue in future is if a landlord wishes to sell a property with an HMO license, there may be a more substantial write off to consider with a 3 year HMO Licence. Is there the possibility of applying for an annual Licence at renewal as an alternative to the 3 year option?</li> </ul> <p><i>Erica Wimbush</i></p> |
| 29 | <p><b>From:</b> Audrey Scott<br/> <b>Sent:</b> 18 November 2016 20:45<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> HMO licence change</p> <p>As a landlord/owner I would much appreciate a move to 3 years.</p> <p>Thank you for giving me the opportunity to give feedback.</p> <p><i>Audrey Scott</i></p>   |
| 30 | <p><b>From:</b> Robert Gair<br/> <b>Sent:</b> 22 November 2016 13:33<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> HMO Licensing Consultation</p> <p>Dear Sir,</p> <p>My wife and I are existing HMO licence holders and we understand that CEC is considering new licencing proposals. In response to your request for views on the</p>   |

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|    | <p>proposals, in principle offering a three year licence will certainly save time and administrative effort on behalf of landlords and the council and therefore should be encouraged. The documentation is not clear to me if both 1 year and 3 year licenses will be made available – offering landlords the flexibility of both would appear to make sense. In the case of a 3 year license, the proposal notably does not discuss cost: I trust you are not proposing multiplying the existing cost by three and will be passing on some of the administration savings referenced above to the landlords. I would recommend as an “inducement” for landlords towards the 3 year license that something in the order of a 20% discount would be appropriate. Also, the HMO licence is not currently transferrable – given the longer period it would be wise to include some form of refund if the property is sold early.</p> <p>I trust this is useful. Please don’t hesitate to get in touch should you require any clarification.</p> <p>Best regards,</p> <p>Robert</p>   |
| 31 | <p>From: Al Smith<br/>Sent: 21 November 2016 16:10<br/>To: Licensing<br/>Cc: Cullen Malcolm<br/>Subject: New HMO proposals</p> <p>Dear Sirs</p> <p>I currently let a property to 3 individuals using Cullen as my letting agent. They have brought your proposals regarding HMO licensing to my notice and suggested that I respond.</p> <p>In general the proposals seem positive in that they should simplify the process and cut down on effort and cost by changing to a three year cycle.</p> <p>My main concerns are:</p> <ol style="list-style-type: none"> <li>1. You have not included the new fee structure but I would expect a substantial discount on the current annual times 3 charge to reflect the reduction in council administration.</li> <li>2. Currently an annual licence is not transferable to a new owner and the previous owner is required to write off any outstanding licence period. This will be exacerbated in the event of a three year licence.</li> </ol> <p>I would propose that you either introduce a refund process or that you offer an annual licence alternative to a three year licence.</p> <p>Kind regards<br/>Alistair Smith</p> |
| 32 | <p>From: Louise Armour<br/>Sent: 21 November 2016 17:07<br/>To: Licensing<br/>Subject: 3 year licence</p> <p>I think it a a good idea but am concerned about the transfer of a license.<br/>how do rebates work if a license is renewed and paid for 3 years and a new owner appointed after 18months?<br/>Does the 3 year license offer a reduction if paid wholly upfront or is there a capacity for 3 direct debit payments?</p>   |

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|    | <p>I am concerned about the financial implications as the rent is only collected one month ahead.</p> <p>Thank you for your time.</p> <p>Louise armour</p>  |
| 33 | <p><b>From:</b> Alastair Gray<br/> <b>Sent:</b> 21 November 2016 15:56<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> Proposed Change from annual to three yearly HMO licences</p> <p>Dear Sirs</p> <p><b>Landlord Registration Reference Number</b> [REDACTED]</p> <p>I wholeheartedly support the proposed transition from annual to three yearly HMO licences at a reduced rate for existing approved HMO Licensed properties on the grounds of reduced disruption to tenants and reduced costs to landlords( and therefore to tenants)</p> <p>Yours truly</p> <p>Alastair D Gray</p> <p>Sent from my iPad</p>   |
| 34 | <p><b>From:</b> Peter Cannell<br/> <b>Sent:</b> 18 November 2016 20:11<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> Changes to HMO licensing</p> <p>Dear Sir/Madam,</p> <p>I have the following comments on the proposals:</p> <ol style="list-style-type: none"> <li>1. Given that the inspection and administration for a 3 year licence is the same as for a one year licence, the 3 yearly fee should be no more than the current one year fee, in line with the requirement for your charges to be cost reflective.</li> <li>2. It would be a good idea to consider the appeals procedure that will apply if a 3 year licence is refused in favour of a 1 year licence; I foresee considerable time and money wasted in this area unless there is an efficient and accepted procedure.</li> </ol> <p>Peter Cannell</p> |
| 35 | <p><b>From:</b> Johnlovett<br/> <b>Sent:</b> 18 November 2016 20:01<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> 3 year HMO licence</p> <p>This seems to make sense. You introduced the three year ones some time ago but reverted. You will know the rogues and suspect landlords anyway so can give them one or two, year licences</p> <p>Dr John Lovett from my iPad</p>   |

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| 36 | <p><b>From:</b> yasmin akhtar<br/> <b>Sent:</b> 19 November 2016 02:03<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> HMO- Proposed change to Licence</p> <p>Dear Sir/madam</p> <p>Whilst we understand that 1 year licence is to make landlords keep their property's safety etc in place, we don't normally get full year licence . the department is so backlogged, especially wen a reinspection is needed, that by the time that is done - it's cut into your 1 year so you only have 9 months licence or sometimes less.</p> <p>At least with new proposals you get full 3 years licence but inspections can still be yearly</p> <p>Plus the fee needs to be re-structured definitely - it's hitting £500 per year !!!!!</p> <p>Regards</p> <p>Yasmin</p>  |
| 37 | <p><b>From:</b> Elizabeth Forty<br/> <b>Sent:</b> 19 November 2016 09:14<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> HMO comments</p> <p>Hi there,</p> <p>I have read the documentation you sent on the proposed HMO fee structure. My husband and I are landlords of a one bedroom flat and therefore the HMO licence changes will not affect our current situation. However, my comments are as follows:</p> <ul style="list-style-type: none"> <li>• it is reasonable for the costs to inspect and provide advice for HMO licence work to be covered by fee income received</li> <li>• it is reasonable to have a sliding fee scale aligned to tenant volume within a property</li> <li>• it is commercially prudent to apply fee reduction on new HMO licences where a landlord has several identical flats within one building. Thus the landlord taps into economies of scale for reduced council resource for the replicated work undertaken within a batch environment</li> <li>• extending the HMO licence renewal from one year to 3 sounds like a relaxation of the legislative burden for HMO landlords and the council alike which is probably welcome by both stakeholders.</li> <li>• if my interpretation of the rules is correct; that the extension to a 3 year licence does not increase the HMO licence fee, this will be well received by landlords as it again taps into economies of scale for both stakeholders. It also demonstrates an even handed approach to the process of give and take</li> <li>• it is socially responsible to apply a discount for education and homeless charities</li> </ul> <p>Regards</p> <p>Elizabeth Forty</p> |

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| 38 | <p><b>From:</b> Margery Gutteridge<br/> <b>Sent:</b> 19 November 2016 10:39<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> Proposed changes to HMO licensing</p> <p>I have read the report on the proposed changes to HMO licensing. In principal I support the idea of a 3 year licence being granted. It would be useful to know the proposed cost of this new arrangement.</p> <p>Will Edinburgh City Council take this opportunity when revising the application process to also apply the Scottish Government standards to ALL HMO properties and ensure a good standard of accommodation for ALL tenants?</p> <p>Having viewed several HMO properties before purchasing I was shocked at the extremely poor condition of some of the properties holding an HMO licence. I think some of them may have obtained a licence some time ago, because they certainly did not comply with current regulations</p> <p>I have seen properties where bedrooms are much smaller than the approved sizes, window frames where there is no longer any paint on the window frames due to no maintenance and flats where there is a gas central heating system but no carbon monoxide monitor.</p> <p>Having gone through the HMO application process twice now in Edinburgh and been advised to replace a stained kitchen worktop seal, adjust a smoke detector placing by a cm or two and told that a window didn't open easily enough, I am perplexed at the apparent inconsistency in standards applied. Please be clear that I am happy to have received the advice of the inspection teams, and have followed their advice to the letter, but am puzzled as to how some properties can be so non-compliant yet still have a licence.</p> <p>If a move is made to 3 year licences I am concerned that some properties will fall into even worse states of repair with no official programme of checking them between licence applications.</p> <p>Kind regards</p> <p>Margery Gutteridge</p> |
| 39 | <p><b>From:</b> Martin Crook<br/> <b>Sent:</b> 21 November 2016 15:05<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> Consultation - HMO Licensing</p> <p>I support these proposed changes.</p> <p>As a landlord of one HMO property I believe the licensing scheme is a valuable and necessary scheme, however I have always believed that an annual license was burdensome and expensive.</p>   |

I believe that inspectors can easily distinguish between good responsible landlords and those that require more monitoring.

Best Regards,  
Martin Crook

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**From:** MICHAEL MACKAY

**Sent:** 21 November 2016 14:46

**To:** Licensing

**Subject:** HMO License Holder feedback on proposed new HMO Licensing process to grant 3 year Licences

To whom it may concern,

Myself and my family hold 5 CEC HMO Licences and we consider there is merit in your new licensing proposal for the following reasons:

1 Avoiding the need for the renewal applications and the inspection process at the 1<sup>st</sup> and 2<sup>nd</sup> anniversaries which will certainly save time and cost for both landlords, managers and the Council.

2 Annual HMO inspections frequently produce relatively minor adjustments to door closers etc. As long as compliant landlords and managers maintain good standards we see the 3 yearly cycle of inspections as being much more practical.

Our concerns are:

A Cost.....there has been no indication from the Council as to the likely fee for a 3 year Licence. Because going to a 3 year cycle will reduce Council costs, as a customer of the Council we would expect to see 3-year license costs costing less than 3 1-year licenses. I would expect to see at least a 25% decrease in total costs payable to the Council because I anticipate this system will cost the Council somewhere between 40%-60% less than the current system and surely some of these savings should be passed on to your customers.

B Processes.....at the beginning of November the Council introduced a new application form for both new and renewal of HMO licences. This has resulted in a considerable increase in the work involved in the submission of all applications with no net advantage to any parties. Please do not use this change to a 3-year process to add more unnecessary complications and costs.

C Transferability of Licence.....the HMO Licence is personal to the owner. Under the current system in order for the benefit of the current HMO licence to pass to a new owner the seller of a HMO property needs to ensure the HMO Licence is valid at the date of sale. The new owner can only apply for the Licence in their name after the purchase has completed. Under the current system therefore the vendor writes off any cost of the outstanding HMO Licence in their name since the Council do not refund any fees. The issue in future therefore is if a vendor does wish to sell there may be a more substantial write off to consider during a 3 year Licence. There should be the possibility for transferring licenses to new owners and for applying pre-purchase and for applying for an annual Licence at renewal as an alternative to the 3

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|    | <p>year option to add flexibility to the system with no loss of firmness with respect to the rules and no additional costs</p> <p>D I've never felt in the past that the Council has much listened to responsible landlord input and feedback and I'd be concerned that that pattern will repeat here and now on this proposed change. I am / we are big supporters of a good and improving HMO license system for all the same reasons the Council also has. We are big payers into Council coffers and yet I've never felt our input has ever either been welcomed or acknowledged, let alone used to inform Council action. Please take this opportunity to start a process of addressing this concern and listening to responsible landlord input. Which I'd say would be in the Council's interests.</p> <p>Kind regards<br/>Mike Mackay</p>   |
| 41 | <p><b>From:</b> Catherine Gray<br/><b>Sent:</b> 21 November 2016 13:59<br/><b>To:</b> Licensing<br/><b>Subject:</b> Proposed 3 year HMO licence for rented property</p> <p>Dear Sirs</p> <p>As a registered landlord [REDACTED] with joint ownership of three HMO properties in Edinburgh, I would fully support moving from an annual HMO licence to a three yearly licence.</p> <p>Having co-owned the flats for over thirty years, I have scrupulously adhered to the measures that have to be taken to comply with the licensing requirements for the properties and would continue to do so. I know that some other local authorities have been following the three year inspection programme for a number of years and that the fewer number of inspections is welcomed as being less disruptive to the tenants and, by incurring less expense, prevents their rents from being increased to go towards annual inspection costs.</p> <p>Yours faithfully<br/>Catherine Gray</p> |
| 42 | <p><b>From:</b> Susan Richardson<br/><b>Sent:</b> 21 November 2016 14:39<br/><b>To:</b> Licensing<br/><b>Subject:</b> HMO Licences extended to 3 years</p> <p>As a responsible landlord of only 1 property this would seem to be a good idea, but what would the fee be for a flat with 4 occupants?<br/>However there are landlords who might take advantage as they do in England where the regulatory system seems to be minimal.</p> <p>Sue Richardson</p>  |
| 43 | <p><b>From:</b> Carlos Werner<br/><b>Sent:</b> 19 November 2016 20:53<br/><b>To:</b> Licensing<br/><b>Subject:</b> HMO proposed changes</p> <p>Dear Sir/Madam,</p>  |

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|    | <p>As landlord of a HMO certified property, I agree with the proposed changes related to:</p> <p>3 year licenses</p> <ul style="list-style-type: none"> <li>• new fee structure</li> <li>• consultation arrangements</li> </ul> <p>Best regards</p> <p>Carlos W. Werner</p>  |
| 44 | <p><a href="#">From: Noy Property Co</a><br/> <a href="#">Sent: 18 November 2016 18:57</a><br/> <a href="#">To: Licensing</a><br/> <a href="#">Subject: HMO changes - feedback</a></p> <p>Dear Licensing dept<br/> I have concerns about a 3 year license.<br/> We believe this should be given or achieved after a 3-5 year proof of running an HMO properly and without neighbourly issue. Until this 3 year entitlement is approved, current arrangements should continue.<br/> Kind regards<br/> Sumalee Higgins</p>   |
| 45 | <p><b>From:</b> Neil Ellis<br/> <b>Sent:</b> 21 November 2016 09:35<br/> <b>To:</b> Licensing; Houses in Multiple Occupancy Licensing<br/> <b>Cc:</b> [REDACTED]<br/> <b>Subject:</b> Regulatory Committee report - 16th September 2016<br/> <b>Importance:</b> High</p> <p>Dear Sirs.</p> <p>As Managing Agent for Mr K Mir, holder of several large HMO licences in the Local Authority Area, we are very interested in finding out more and wish to be involved at the highest public level in any consultation.</p> <p>The report highlights areas where the Council wish to review the current fee structure to better reflect the work carried out.</p> <p>As we have highlighted in the past, to Head of HMO service, we are very keen to see where we can help in that regard to reduce cost and burden as ultimately we have to pay the fee.</p> <p>I look forward to hearing from you in due course.</p> <p>Best regards</p> <p>Neil Ellis FIH<br/> Group General Manager<br/> CGHG &amp; Place Hotels</p> |
| 46 | <p><a href="#">From: anne wilcox</a><br/> <a href="#">Sent: 20 November 2016 16:57</a><br/> <a href="#">To: Licensing</a><br/> <a href="#">Subject: Proposed HMO changes</a></p>   |

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|    | <p>We strongly feel that the renewal of HMO licences every 3 years should be allowed for people like us who only have 4 students in the property and we have been known to the Council as good Landlords for many years.</p> <p>Regards,</p> <p>Mrs Anne Wilcox and Dr Paul Wilcox</p>   |
| 47 | <p><b>From:</b> john hall<br/> <b>Sent:</b> 20 November 2016 21:01<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> HMO three- year licence</p> <p>I understand that there is a possibility of 3-year licences being available in appropriate circumstances.</p> <p>Having registered for an hmo licence in the early days nearly 20 years ago, I think such a scheme is sensible in many cases. I own a 3—bedroom flat lounge and kitchen in Marchmont with three 30+physiotherapists.</p> <p>I would have thought that provided gas, electric circuit and pat tests, fire extinguisher documentation is provided annually, there is little point in an annual inspection. Generally anything found is very minor – last year there were no actions required and the year before, one sash window in the sitting room was found to close very slowly (3 seconds) with no real hazard. The ladies all thought the rectification I had to undertake was ‘over the top’ since the windows and weights had been in for over 100 years.</p> <p>I would have thought that a review of inspection history would indicate whether a landlord’s property would be suitable for a tri-annual inspection. I do so hope that this policy will become the norm and save money.</p> <p>Jenny Hall</p> |
| 48 | <p><b>From:</b> Alastair Burn-Murdoch<br/> <b>Sent:</b> 20 November 2016 22:58<br/> <b>To:</b> Licensing<br/> <b>Subject:</b> HMO licence changes..</p> <p>Hello</p> <p>Having looked over the report I would be very much in favour of a new 3 year term for HMO licenses.</p> <p>I manage 2 HMO properties within the same stair and it would make good sense to only inspect these every 3 years.</p> <p>Best wishes<br/> Rose Burn-Murdoch</p>   |
| 49 | <p>Following on the report regarding proposed changes to the HMO licence, our feedback is as follows:-</p>   |

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|    | <ul style="list-style-type: none"> <li>• We are supportive of the changes to the HMO and believe the changes will not be a problem for good agents and landlords and not an issue for ourselves.</li> <li>• Our only further suggestion is that there should be an option that Council Inspections can recommend that there be a 2 year inspection rather than 3, however understand that random inspections will be carried out.</li> </ul> <p>Kind regards</p> <p><b>Emma Dick</b></p>  <p>SouthSide Property Management</p>  |
| 50 | <p>Feedback re HMO's</p> <ol style="list-style-type: none"> <li>1. Yes 3 year licence much better</li> <li>2. Cost for renewal should drop as staff required will be less</li> <li>3. Same footprint discount – remove this as its excessive or drastically reduce the discount</li> <li>4. Reduce the fee burden for owner of 1 property only – this compared to large halls of residence<br/>or multi flat owner in the same stair is grossly unfair</li> <li>5. Increase the fees for student accommodation block owners to make up any shortfall in fees<br/>( many many blocks being presently built for students )</li> </ol> <p>regards<br/>alasdair mackay</p> |
| 51 | <p>Dear Sir, Madam,</p> <p>I have a one bedroom flat in Edinburgh which I rent to a young co-habiting couple. I agree that my fee for the 3 year licence should be kept at it's current rate. I agree that Landlord who rent multiple occupancy should be charged at the appropriate amount.</p> <p>Regards<br/>F. Irvanipour</p>  |
| 52 | <p>Dear Sir/Madam,</p> <p>I would like to object to the proposed fee structure for HMO properties on the grounds following.</p> <p>The proposal disadvantages the small-scale, private landlord such as myself. If the proposed cost of the renewal fee per student-tenant or the cost per study-bedroom (in my case these are the same thing because each of my five rooms is occupied by one student-tenant) is calculated then the figure for a single student-tenant (or room) in a purpose-built "block of flats" is very much less than it is for the similar accommodation in a small-scale private</p>   |

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|    | <p>enterprise such as my own. The accommodation is not identical, of course, but it is similar. I do take the point that renewal inspections are easier in a block of almost identical rooms or flats but the difference between the two figures cannot, I submit, be justified by the difference in ease of inspection. My own five rooms, while not in purpose-built accommodation for students, are, for the purpose of the inspection, very nearly identical. They each have a sprinkler-head, a fire-door, an automatic hydraulic door-closer, a night-storage heater, a single bed, the required number of electricity sockets, ... . Inspection to check that this is the case cannot take the greater amount of time/effort that would be required if the difference in fee is to be justified on that basis. There is in the proposals a bias in favour of the large commercial concern or university hall of residence against the small-scale private landlord.</p> <p>Yours,<br/>David Bateman</p>  |
| 53 | <p>Hi</p> <p>Here is my feed back.</p> <p>I think 3 year licences makes a lot more sense.</p> <ol style="list-style-type: none"> <li>1. Nothing in my property has changed. So the process should be a very quick unless there are new laws.</li> <li>2. It is difficult to find out when to apply for the new licence. Nowhere in writing could I find the exact dates when a reapplication must be returned. So I eared on the side of caution and left several weeks.</li> <li>3. I am a responsible and legal landlord that uses a reputable rental agent - but I have to remember to apply and then forward the notice to the agent and chase them and sort out site notices etc.</li> <li>4 3 year licences will mean a lot less work for the council.</li> </ol> <p>So I hope the cost will be reduced accordingly. I think its unfair that legal and responsible landlords are targeted for large fees. I read that only 10% of landlords are registered.</p> <p>"Consultancy work" does this mean answering questions from landlords but charging them extra?</p> <p>If so, then the paper work and online information must be top notch so responsible and legal landlords are not charged unfairly.</p> <p>Maybe some landlords would like to use the services of a "consultant" but these are usually private companies</p> <p>General HMO feedback</p> <p>I have always found the staff at ECC HMO friendly and helpful. Though difficult to get</p> |

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|    | <p>hold of sometimes.</p> <p>The difference between Licencing and HMO departments means information is not shared. They contact me instead of the agent etc. Updating information in one area does not inform the other.</p> <p>Best Regards</p> <p>F Barker</p>   |
| 54 | <p>I support the proposal to introduce three year licences for HMOs.</p> <p>James Ballantyne</p>   |
| 55 | <p>Thank you for your recent email in connection with proposed changes to the HMO licencing arrangements.</p> <p>This does not affect my property at [REDACTED] since my flat is a five bedroom property.</p> <p>With thanks</p> <p>Dotti Irving<br/>Chief executive - Four Colman Getty</p>    |
| 56 | <p>As a landlord of a property rented out to tenants under HMO regulations I fully support the move to inspections every 3 years for properties with a track record of conformity to HMO</p> <p>Geoffrey Bennett<br/>Landlord,</p>   |
| 57 | <p>Dear Edinburgh City Council,</p> <p>As a non-resident landlord (NRL) registered with you and co-owning several properties with my brother (some with 3+ persons and others with 5+ persons), all factored on our behalf, I'm at a loss to understand your proposed fee re-structure;</p> <p>A property with 5+ persons will pay a renewal fee of 440.00 GBP whilst a property with 3 persons will pay 542.00 GBP - is this not disproportionate?</p> <p>I would welcome a fee that is reflects the income generated by the rental property - this does not seem to be the case ?</p> <p>Lastly, I would prefer an annual licence fee rather than one large fee every three (3) years - if that is what you are proposing.</p> <p>Thanks for teh opportunity to provide feedback,</p> <p>Gavin (John) Durbin</p> |

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|    | <p>Gavin Durbin<br/>Chief Executive Officer</p>  <p>AML Solutions International</p>   |
| 58 | <p>The Gills</p> <p>A three year license would be easier and help reduce costs. Indeed I suspect the yearly method was some historical method linked to corruption in the council that is now under better control.</p>  |
| 59 | <p><a href="#">I would support a 3 year licence.</a></p> <p><a href="#">Anne (Foster)</a></p>  |
| 60 | <p><b>From:</b> Ian Linklater<br/><b>Sent:</b> 03 November 2016 16:38<br/><b>To:</b> Licensing<br/><b>Subject:</b> HMO consultation</p> <p>I am a private Landlord who holds an HMO license for a 3 person property.</p> <p>Fee based on number of occupants:</p> <p>The proposed arrangements would seem to be an equitable solution and would redress the position of educational establishments who 'got off very lightly' in 2006.</p> <p>Period of license:</p> <p>Given that the Statutory Guidance suggests a 3 year period and that several other authorities operate a 3 year license period it is surprising that Edinburgh Council have not already adopted the 3 year license as part of their policy. I endorse the proposal to make 3 year licenses available, however, what is being proposed at 3.14 does not match the Statutory Guidance.</p> <p>The Statutory Guidance suggests that the 3 year license is the default and that shorter licenses are issued where there are concerns about the property or Landlord; this is the procedure used by other authorities. What is proposed at 3.14 is the obverse of the Statutory Guidance suggestion; 3.14 states that the 3 year license would only be considered for suitable properties, ie the 1 year license would remain the default. Confusingly 3.18 states that it maybe possible to apply for annual licenses.</p> <p>Costs associated with 3 year licenses:</p> <p>3.17 seems to imply that there will be costs associated changing to a 3 year license. I find this puzzling, the same checks will take place and the same inspection will take place - so why will it cost more? Please provide evidence of the rationale behind the wording of 3.17</p> |

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|    | <p>Discount at renewal:</p> <p>Provided that there has been no substantial changes to the living space requirements in statute then the background work required for a renewal application is substantially reduced. Any changes to 'safety' requirements will generally be contained with electrical, gas and fire protection testing/certification and this would not add to the background work required at application. It is therefore not unreasonable to offer a reduction for renewal although based on past experience I wonder is the discount is large enough.</p> <p>Discount for charity:</p> <p>This is an entirely reasonable proposal, provided the applicant is a genuine charity providing assistance to those in need. I have concerns that some educational establishments which are registered as charities may take advantage of this discount.</p> <p>Discount for educational establishments:</p> <p>I have difficulty with this proposal. Educational Establishments charge their tenants rent not only to cover their cost but also to make a substantial profit, as the parent of a former University of Edinburgh student I am all too aware of the very high cost of accommodation. While in the past university halls of residence may have provided 'cheap accommodation' that is no longer the case and any discount offered to Educational Establishments is not reflected by a rent which is below that of the private sector. Offering a discount to Educational Establishments is in effect a subsidy.</p> <p>Discount for identical footprint:</p> <p>I have difficulty with the logic of this proposal. Most of the cost associated with an HMO application relates to the inspection and legal checks on the Landlord, we can see this because the renewal cost is 60% of the new application. I would hope that every HMO property undergoes a physical inspection irrespective of whether it is a 'identical/mirror' property, that being the case the costs associated with the inspection remain. While I appreciate that less background work is required in an 'identical/mirror' application I have great difficulty with the 92% reduction that currently exists.</p> <p>Ian Linklater</p> |
| 61 | <p>From: willieandgina</p> <p>Sent: 25/10/2016 14:24:30</p> <p>Subject: 3 year HMO licences</p> <p>I would welcome a 3 year licence system instead of the one year system that is in place just now.</p> <p>I have always complied with the regulations as most responsible landlords do and it seems to be unnecessary to inspect properties annually. I hope my comments will add to the decision making process regarding this initiative.</p> <p>Georgina Angus</p>   |

62

From: Adam Kamenetzky  
Sent: 26 October 2016 07:23  
To: Licensing  
Subject: Proposed HMO licence fee consultation

To whom it may concern,

I am a private landlord who has held an HMO license for an 8 bedroom flat for over 10 years.

I would ask that as part of the proposed consultation the City of Edinburgh Council publishes full details of the numbers of HMO flats currently licensed within each fee band and the revenue this generates (per band and in total, for both new licenses and renewals), to include larger properties (e.g. halls of residence, as listed in the appendix to the proposals dated 2006). The Council should publish this alongside the expected revenue generated from the proposed changes to licensing fees (modelled for 1 and 3 year renewals), as well as the costs of the licensing process itself. These data would reassure private landlords that the fees being proposed are commensurate with the size of flat and any discount being applied.

Though I am broadly supportive of the introduction of 3 year licenses - and was at the last point they were proposed, to no effect, over a decade ago - without this data I would not consider the consultation to be sufficiently transparent to encourage landlords to subsidise the Council's licensing costs with, effectively, a 3-year upfront loan.

I therefore think that the terms of the consultation and the proposed data to be shared should be more explicit in this regard.

Yours faithfully,  
Adam Kamenetzky

## Appendix 3 - Proposed Changes to House in Multiple Occupation Licence Fee Structure

### Renewal and New Applications

| Current  | Proposed                            |
|--|-------------------------------------|
| Lower fees where applicant holds a current HMO licence for the property (renewal application) vs. a new application to reflect differing inspection costs. | A lower fee will continue to apply. |

### HMO licence fee bands

| Current Band | Proposed Band   |
|--------------|---|
| 3 Occupiers  | 3 Occupiers   |
| 4 Occupiers  | 4 Occupiers   |
| 5+ Occupiers | 5 Occupiers   |
|              | 6 -10 Occupiers   |
|              | 11 - 20 Occupiers*  |
|              | * thereafter in addition to this fee a further fee applies for every 10 occupiers or less (e.g. 21-30 , 31-40 etc.) |

### Discounts

| Current Discount  | Proposed Discount  |
|---|--|
| Mirror Image / Identical Footprint                                      | <b>Removal of fixed discount based</b> on requirement for full inspection by 2 council officers and officer from the Fire and Rescue Service, for properties in the same property.                               |
| N/A   | Percentage discount for charity register with The Scottish Charity Regulator (OSCR) and linked to homeless accommodation.  |
| Named educational institutions use fee table as set out in October 2006 | <b>Proposed discount options will form part of a financial modelling</b> exercise in respect a charity registered with The Scottish Charity Regulator (OSCR) and owned and managed by an educational institution |