

Regulatory Committee

9.30 am, Friday 21 April 2017

Present

Councillors Bridgman (Convener), Aitken, Burgess, Cairns, Doran, Heslop, Lunn and Redpath

1. Minutes

Decision

To approve the minute of the Regulatory Committee of 17 February 2017 as a correct record.

2. Rolling Actions Programme

The Regulatory Committee Rolling Actions Programme for 3 May 2013 to 21 April 2017 was presented.

Decision

To note the Rolling Actions Programme and that items 4, 8 and 9 been discharged.

(References – Act of Council No. 12 of 24 October 2013; Regulatory Committee Rolling Actions Programme –21 April 2017, submitted)

3. Implementation of Air Weapons and Licensing (Scotland) Act 2015 – Use of Electronic Communications

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.

The provisions in the 2015 Act makes changes to the Civic Government (Scotland) Act 1982 Act ('the 1982 Act') which has implications for the Council's licensing function. The provisions within 'the 2015 Act' are being commenced in a staged manner.

Section 83 relating to the use of Electronic Communications under 'the 1982 Act' was commenced on 1 November 2016. This allows the Local Authority to accept by means of an electronic communication applications for the grant or renewal of a licence; objections or representations and notifications of a change to a licence. In addition it

allows the Local Authority to use electronic communication to provide notices and reasons. Section 83 relating to the use of Electronic Communications under ‘the 1982 Act’ was commenced on 1 November 2016.

Decision

1. To note the commencement of the Air Weapons and Licensing (Scotland) Act 2015 Section 83;
2. To note the intention to accept, by means of an electronic communication, applications for the grant or renewal of a licence; objections or representations and notifications of a change to a licence;
3. To note the intention to use electronic communication to provide notices and reasons; and
4. To note that application forms will be amended to reflect the change in policy and include the statements detailed in paragraph 3.7 of the report by the Executive Director of Place.

(Reference – Regulatory Committee 25 September 2015 (item 5), 19 September 2016 (item 8); report by the Executive Director of Place, submitted)

4. Implementation of Air Weapons and Licensing (Scotland) Act 2015 – Civic Licensing Standard Officers

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.

The provisions in the 2015 Act makes changes to the Civic Government (Scotland) Act 1982 Act (‘the 1982 Act’) which has implications for the Council’s licensing function. The provisions within ‘the 2015 Act’ are being commenced in a staged manner.

Section 82 relating to the appointment of Civic Licensing Stands Offices takes effect from 1 May 2017. The Council must appoint one or more Civic Licensing Standards Officers (CLSOs).

The key areas of the new CLSO role are to provide information and guidance on licensing matters, supervise licence compliance and provide mediation services to resolve disputes between licence holders and any other person. The officers will have the power to enter and inspect premises and issue notices requiring rectification of any breaches.

The City of Edinburgh Council is already well placed to meet the statutory requirements of the Act. The new role mirrors that of existing roles carried out by council officers within Regulatory Services. It was recommended that these staff were designated to carryout the role of the CSLO.

Decision

1. To note the commencement of the Air Weapons and Licensing (Scotland) Act 2015 Section 82;

2. To note the intention that council officers in the post detailed at paragraph 3.2 of the report by the Executive Director of Place, are designated to carryout the function of Civic Licensing Standards Officers;
3. To note the intention to delegate authority to the Executive Director of Place to designate officers to carryout the function of Civic Licensing Standards Officers as per the provision of 'the 2015 Act'; and
4. To instruct the Chief Executive to include the additional delegation in the Council's Scheme of Delegation when submitted to Council for approval.

(Reference – Regulatory Committee 25 September 2015 (item 5), 19 September 2016 (item 8); report by the Executive Director of Place, submitted)

5. Update – Implementation of The Equality Act 2010 Sections 165/167

The Equality Act 2010 received Royal Assent on 8 April 2010. A number of the provisions within 'the 2010 Act' impact on Civic Government (Scotland) Act 1982 Act ('the 1982 Act') specifically in relation to Taxi and Private Hire Cars (PHCs) these continue to require a series of actions and policy considerations for the Council as Licensing Authority.

Sections 165/167 of the '2010 Act' which relate to wheelchair accessible Taxi and PHCs were commenced on 6 April 2017 making it a criminal offence for drivers of designated taxi and PHCs to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra.

The current licence conditions require that all vehicles licensed as taxis by the City of Edinburgh Council (the Council) must be wheelchair accessible. Taxi drivers, unless they have a wheelchair exemption certificate, are required to assist customers using wheelchairs into the taxi, using ramps if necessary, and ensure that they are properly secured by means of appropriate straps and the seatbelts before commencing a journey. Prior to the grant of a Taxi Driver's Licence applicants are required to undertake a module of training on 'Wheelchair Access and Disability Awareness'.

A small number of PHCs are also wheelchair compliant, and it was recommended to adopt the provisions of Section 167 'the 2010 Act' in respect of all licensed PHC vehicles that are wheelchair compliant

Decision

1. To note the changes to legislation.
2. To agree to implement the provisions of section 165/167 of the "the 2010 Act.
3. To instruct the Executive Director of Place to:
 - (a) Notify relevant operators, that all taxis licensed by the City of Edinburgh Council are considered 'designated vehicles under section 167 of the Act; and

- (b) Update the existing register of licensed taxis to show that that they are wheelchair accessible and thus considered 'designated vehicles' for the purposes of Section 167 of 'the 2010 Act'.
- (c) Notify relevant operators, that Private Hire Car (PHC) licensed by the City of Edinburgh Council which are wheelchair accessible are considered 'designated under section 167 of the Act; and
- (d) Update the existing register of licensed PHC to show which vehicles are wheelchair accessible and thus considered 'designated vehicles' for the purposes of Section 167 of 'the 2010 Act'.

(Reference – Regulatory Committees 23 June 2015 (item 3), 1 February 2016 (item 5), 21 November 2016 (item 8); report by Executive Director of Place, submitted)

6. Proposed fees for House in Multiple Occupation Licences 2017/2018

The regulatory Committee on 17 February 2017 agreed in principle to proposed changes to the fee structure for House in Multiple Occupation Licences and instructed the Executive Director of Place to report on the level of fees once a financial modelling exercise had been completed.

Decision

1. To note the report.
2. To approve the proposed fees and three year licences, as set out in Appendix 1 of the report by Executive Director of Place which would take effect from 1 June 2017.
3. To note that the fee structure approved by the Regulatory Committee on 17 February 2017 had been updated with relevant fee bands as set out in Appendix 2 of the report by Executive Director of Place.
4. To note the intention to delegate authority to the Executive Director of Place to determine whether or not it is appropriate to restrict the grant of a licence to one year for premises not considered suitable for a three year licence, based on the assessment criteria as detailed at paragraph 3.10 of the report by Executive Director of Place.
5. To instruct the Chief Executive to include the additional delegation in the Council's Scheme of Delegation when submitted to Council for approval.
- 6 To discharges the outstanding remit of the Regulatory Committee on 17 February 2017.

(Reference – Regulatory Committees 19 September 2016 (item 5); 17 February 2017(item 6); report by the Executive Director of Place, submitted)