

Regulatory Committee

9.30am, Monday 7 May 2018

Present

Councillors Barrie (In the chair), Dixon, Rose, Neil Ross, Smith, Staniforth (substitute for Councillor Burgess) and Work (substitute for Councillor Fullerton).

1. Chair

Decision

In the absence of the Convener, Councillor Fullerton, Councillor Barrie was appointed to Chair the meeting.

2. Street Trading: High Street and Hunter Square Update

1.1 Deputation

The Committee agreed to hear a deputation from Chandra Mather on behalf of the High Street and Playfair Steps Street Traders Association in relation to the update report by the Executive Director of Place on street trading on the High Street and Hunter Square.

The deputation advised that their intention was to show that, after much timely investigation, that there was no further reason to suspend stances 4-7 on the High Street, despite continual efforts to ask the licensing department since March 2017 for the contact about who requested the suspension. Information that has been continually denied, in fact all requests have been completely ignored. I tried since March 2017 as it became clear that there was not going to be any obstruction to these stances.

Examples of email correspondence had been provided to members to show how many times this information was requested since March 2017, sometimes receiving replies which did not pass on the information requested, other times completely ignored.

We now know that the original works proposed have never taken place and the department which originally requested the suspension as confirmed they no longer require the stances suspension.

We are sure you are aware there is now a report in place from the licensing department confirming that the original reason for suspension is no longer required, yet licensing wish to continue exacerbating the already difficult supply and demand problem regarding trading stances on the High Street, and are requesting the suspension remain in place to 'maintain the status quo' whilst they research eradicating street trading from the High Street permanently. The same report outlines that stances 14-17

will end within the next 6-8 months. In October 2016 our stance sizes were reduced arbitrarily by 4 feet, (they are not as is stated in the report 'up to 7 metres wide' in any location - we are allowed only 8 feet now). There is ample room outside the customer hub for all 8 stances of this size.

We are asking for these stances to be reinstated with immediate effect, as the original 6 month period is now 16 months on, and the 6 months that was approved by committee ended in July 2017. Whilst we understand things change, there has been a deliberate choice by licensing to keep certain information 'secret' so that we may not continue our own investigation and have these stances freed up as soon as the decision that they were not required was made. Since this information has passed via investigations, emails, phone calls, and in the end an FOI request, a sudden report from Licensing explaining the plan to eradicate street trading has emerged this week. We suggest that this is not the fair and proper way to go about this, and, if indeed they would like to cancel the stances that have existed for over 30 years, then there would be more correct ways to do that within the committee system that would allow stakeholders a voice.

Appendix 4 of the report considered at the 21 October 2016 committee was not attached to the committee papers, which is referred to in the report from that as the document which requests the suspension. At the time our solicitor requested this and was informed it was a 'typographical error' and this Appendix 4 did not exist. Via the FOI request we saw Appendix 4, which arrived this Monday 30th April. The missing Appendix 4 is an email from, a project officer for the buildings programme team. It was after this I called project officer and asked him whether the suspension was still required by his department, and he was surprised to discover that the suspension is still in place, he assumed it had only run until July 2017 as agreed at committee in October 2016, and he has since confirmed that the suspension is no longer required.

I had contacted the Head of Facilities Management, whilst waiting for the for the FOI request to come through. His reply also confirms that the suspension was, in the end, never actually required.

There has been no compound obstructing stances 4-7 on the High Street at any point in the past 16 months, though it is mentioned in the report to this committee. There was a skip for a few weeks, but it did not block the stances. We have taken regular photographs over the 16 month period which show this area clear with space for all 4 stances to trade. (a total of 32 feet is required for 4 stances).

In January 2018 I emailed again to request moving forward with freeing up the stances, the reply was that a check would be undertaken that works had been completed, and response issued. No reply was received. Had it been checked at that point it would have learned, as we all did several months later, that the works never commenced, and were most definitely 'completed' by the time I contact again in March 2018 when I was told 'there are no plans to reinstate stances 4-7' and was reminded that street trading is of a temporary nature.

There is much talk throughout about the 'temporary nature' of trading on the high street and traders should not expect to 'trade consistently'. I would like to point out some traders in the recent draw received up to 8 weeks consistent trading, whilst others received 1 or 2 weeks. I personally received no weeks to trade his summer. I have traded on the Royal Mile for over 20 years, and though the licenses granted may

have been temporary to allow them to be suspended for parades, special days, fringe festivals etc, there was never any information over the first 15 years I traded that there was any predisposition against people trading there regularly. The department has granted licenses to the same people year after year, with only a recent decision that it is to be 'temporary'. This is confusing the license type with the activity we feel.

It is also mentioned in a report to this committee by licensing that there were a number of traders they received complaints about regarding 'multiple applications', in an attempt to question our character and suitability to trade. We would like to remind committee that our solicitor proved at that time that no breach of existing council policy had been made, and that the applications were in the end accepted. The licensing department had been made aware of the problem for several years, we asked them repeatedly to change the application procedure to eradicate this issue to maintain a fairness for all, but procedure was not changed until committee requested them to do so. It is quite unfair of them to try to use this situation against us in this way now. Our solicitor showed we were not in breach of any current policy at that time and that should have been the end of that matter.

Now that the market in the Tron Church has closed there is nowhere for traders to go to if they cannot trade on the High Street

She requested that:

As the original reason for the suspension request has finally been shown to not exist and that it has been in place for 16 months instead of 6, we would like an immediate reinstatement of stances 4 - 7 on the High Street, allowing several more local traders the opportunity to trade during the busy summer months of 2018. There is a huge demand by local independent businesses for the opportunity to trade. To maintain the status quo' is not sufficient reason to deny several local people the livelihood they have relied for a very long time.

That the applications already submitted to trade on the High Street this summer are used to allocate these 4 stances to traders who received little, or no stances in the previous draw.

It costs a substantial amount of money to apply for several weeks trading and several months to receive a 90 percent refund. As the stances should have been reinstated by now, we feel it would be fair and proper to use the applications already submitted but not successful.

That the licensing department are reminded by the Committee that if they have an agenda to eradicate street trading from the high street, then this is done in a proper manner by applying to committee and bringing a report forward that details the reasons, the suggested complaints against street traders etc. We do not feel it is sufficient to insinuate this but not actually deliver any evidence of such, yet use this as an excuse to continue the suspension of 4 desperately needed trading stands.

In conclusion she advised that other cities celebrate their street life, with street markets in all European cities, but in Edinburgh dealing with the licensing department has always been a very difficult and frustrating process that has blocked a vibrant street life. We can assure you tourists love the stalls on the high street, we are a friendly face of Edinburgh for them to ask directions and chat about local places to eat and drink etc. We suggest it is not us that threatens the World Heritage Site status, we add to it.

There have been traders on the Royal Mile in Edinburgh for 100's of years. Visitors expect to see this, and are always delighted to come across our stands when wandering down our fantastic Royal Mile.

Independent business is important for a thriving community. Please allow it to continue.

1.2 Report by the Executive Director of Place

An update was provided of the current position regarding street trading on the High Street and in Hunter Square

Motion

1. To note the content of the report by the Executive Director of Place.
2. Not to reinstate stances 4 – 7 for street trading; and
3. To note that a further report would be submitted in due course on wider issues of street trading and proposed policies in line with the Public Spaces Protocol.
 - moved by Councillor Barrie, seconded by Councillor Dixon.

Amendment

1. To note the content of the report by the Executive Director of Place.
2. To reinstate stances 4 – 7 for street trading; and
3. To note that a further report would be submitted in due course on wider issues of street trading and proposed policies in line with the Public Spaces Protocol.
 - moved by Councillor Staniforth, seconded by Councillor Neil Ross.

Voting

For the motion: 5 votes
(Barrie, Dixon and Rose, Smith and Work)

For the amendment: 2 votes
(Councillors Staniforth and Neil Ross,)

Decision

To approve the motion by Councillor Barrie

(Reference – Regulatory Committees 4 April 2014 (item 2), 25 September 2015 (item 6) and 24 June 2016 (item 3); report by the Executive Director of Place, submitted)

3. Minutes

Decision

To approve the minute of the Regulatory Committee of 16 March 2018 as a correct record.

2. Taxi Fares Review

Decision

To note that the report by the Executive Director of Place had been withdrawn

3. Age Limitation of Taxis and Private Hire Cars (Air Quality)

The Regulatory Committee on 16 March 2018 had agreed to introduce a Taxi and Private Hire Cars Age Limitation and Emission Standards policy, and instructed the Executive Director of Place to submit for approval proposed conditions for taxis and Private Hire Cars to give effect to that policy.

Details of the new the conditions were provided

Decision

- 1) To note the contents of the report by the Executive Director of Place and the age limitation and emission standards policy previously agreed by the committee, as detailed in Appendix 1 of the report; and
- 2) To approve the proposed conditions of licence for taxis and PHCs as set out in Appendix 2 of the report by the Executive Director of Place, which were required to implement the policy agreed in Appendix 1, these to be effective from 7 May 2018.

(Reference – Regulatory Committees of 24 June 2016 (item 7), 21 November 2016 (item 9) and 24 October 2017 (item 1), 16 March 2018 (item 2); report by the Executive Director of Place, submitted

Declaration of interest

Councillor Work declared a financial interest in the above item as he was a licenced taxi driver, withdrew from meeting and took no part in the decision.