

Notice of meeting and agenda

Regulatory Committee

9.30am, Tuesday 26 June 2018

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

Email: stephen.broughton@edinburgh.gov.uk /
rachel.gentleman@edinburgh.gov.uk

Tel: 0131 529 4261 / 0131 529 4107

1. Order of business

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

2. Declaration of interests

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

3. Deputations

- 3.1 If any.

4. Minutes

- 4.1 Regulatory Committee of 7 May 2018 (circulated) - submitted for approval as a correct record.
- 4.2 Regulatory Committee of 14 May 2018 (circulated) - submitted for approval as a correct record.

5. Rolling Actions Programme

- 5.1 Rolling Actions Programme (circulated)

6. Business Bulletin

- 6.1 Regulatory Committee Business Bulletin – June 2018 (circulated)

7. Executive Decisions

- 7.1 Cinemas Act – Allowing Performance for Parents or Carers with Infants – report by the Executive Director of Place (circulated)
- 7.2 Landlord Registration: Consultation on a Review of Registration, Application and Fees – report by the Executive Director of Place (circulated)
- 7.3 Animal Boarding Establishments – report by the Executive Director of Place (circulated)
- 7.4 Demand for Taxis: Six Monthly Update – report by the Executive Director of Place (circulated)
- 7.5 Private Rented Sector Enforcement Activities – report by the Executive Director of Place (circulated)

8. Routine decisions

8.1 None.

9. Motions

None.

Laurence Rockey

Head of Strategy and Insight

Committee Members

Councillors Fullerton (Convener), Arthur, Barrie, Burgess, Dixon, Rose, Neil Ross, Smith and Wilson.

Information about the Regulatory Committee

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

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

Further information

If you have any questions about the agenda or meeting arrangements, please contact 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 committee.services@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.

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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.

Regulatory Committee

10.00am, Monday 14 May 2018

Present

Councillors Fullerton (Convener), Barrie, Burgess, Dixon, Rose, Neil Ross and Smith.

1. Taxi Fares Review – Outcome of Public Consultation

The Committee agreed to hear deputations from Les McVey on behalf of City Cabs, and Tony Kenmuir on behalf of Central Taxis in relation to the report by the Executive Director of Place on the consultation on the review of taxi fares.

1.1 Deputation by City Cabs

The deputation highlighted the following points:

- Appreciation of the extensive consultation which had been undertaken and being given the chance to contribute.
- There was a desire to implement fares which were broadly accepted by the trade and this had for the most part been achieved.
- The airport pickup charge had remained at 80p for over 15 years and was due to be reviewed.
- There was confusion among the trade regarding different drop-off and pickup areas at the airport which incurred different charges for use, and during the consultation an agreement was made that there should be a single £2.80 airport pickup charge.
- Efforts had been made to organise a meeting of key groups representing the taxi trade to reach consensus however this had not been possible, and there remained some disagreement among the trade about the airport pickup charge.

1.2 Deputation by Central Taxis

The deputation highlighted the following points:

- That the consultation response was submitted late due to miscommunication with officers and Central Taxis believing that their response was on time.
- Central Taxis were satisfied with the airport's proposition to decrease the fee for picking up at the designated pre-booked hire areas at the airport to £2.80, and the Council proposing to include an airport pickup charge of the same amount in the taxi fares as this meant taxis would be able to pass this charge on to customers.
- It was not clear that drivers would be required to sign a contract with the airport agreeing to abide by certain conditions to use the designated pickup areas.
- Drivers were not previously required to pay to pick up customers who had pre-booked a taxi from the designated area, however this charge had increased

regularly since being introduced and due to the airport byelaws were unable to pick up from elsewhere.

- There were concerns over taxi drivers being responsible for collecting an airport pickup charge and passing this on to customers.

1.3 Report by the Executive Director of Place

A consultation had been carried out regarding a routine review of the fare scales and charges used by taxis. A report was presented which outlined the current and proposed tariffs and fare card, and the responses received from the consultation.

Decision

- 1) To agree to consider the late consultation response submitted by Central Taxis.
- 2) To note the report by the Executive Director of Place and that the Council's further statutory duties had been met in relation to consultation.
- 3) To agree to fix the taxi fare scales as set out at Appendix 2 of the report, subject to the amendment of the airport pickup charge to read "£2.80 maximum", and an explanatory note to be added below the fare table stating that "any airport pickup fee incurred by the driver subject to a maximum of £2.80 would be applied." The revised fare scales would be effective from 18 June 2018.
- 4) To instruct the Executive Director of Place to carry out the statutory notification procedures in relation to the revised taxi fare scales as fixed by the Committee.

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

Item 5.1 Rolling Actions Programme

Regulatory Committee

3 May 2013 to 26 June 2018

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	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	Summer 2018		Report submitted to June Committee
2	21.11.16	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	Summer 2018		Report submitted to June Committee

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
3	01.02.16	Licensing Policy Development Street Trading Consultation Update	<p>1. To agree to receive a further report on issues highlighted during the consultation process.</p> <p>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.</p>	Executive Director of Place	August 2017		Ongoing
4	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	16 March 2018	Discharge
5	21.08.17	Survey of Demand for Taxis within the City of Edinburgh	To receive a further update report in one cycle	Executive Director of Place	December 2017	16 March 2018	Discharge

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
6	24.10.17	Age Limitation of Taxis and Private Hire Cars (Air Quality) Consultation Update – report by the Executive Director of Place	<p>1) Instructs the Executive Director of Place to establish a working group, consult with relevant Council Officers and representative trade bodies on the proposed timelines for the introduction of the Euro 5 and Euro 6 emissions standards, and to report back to the Committee in three months' time.</p> <p>2) To note that the Executive Director of Place would provide further information on EURO emissions standards in the report to be submitted to the committee in three months.</p>	Executive Director of Place	January 2018	16 March 2018	Discharge

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
7	24.10.17	Street Trader Licensing – Pedicabs: Update and Proposed Licensing Conditions – report by the Executive Director of Place	To agree to receive a final report on the outcome of the consultation.	Executive Director of Place	Oct 2018		Update submitted in business bulletin
8	16.03.18	Taxi Fares Review 2017	<ol style="list-style-type: none"> 1. Instruct the Executive Director of Place to publish these proposed fare scales in a newspaper circulating in the Council area in the manner required under section 17(4A) (c) of the Act including the date on which the fare scale is planned to take effect, and to report back on any representation(s) received as a result of the consultation. 2. The Executive Director of Place to continue discussions with the 	Executive Director of Place	April 2018	16 March 2018	Discharge

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			Taxi and Private Hire trade in respect of tariffs 3 and 4 and provide an update to committee in a future Business Bulletin				
9	16.03.18	Age Limitation of Taxis and Private Hire Cars (Air Quality) Consultation Update	To instruct the Executive Director of Place to amend the proposed conditions for taxis and Private Hire Cars and submit these to the Regulatory Committee for approval	Executive Director of Place	Mar 2018	16 Mar 2018	Discharge
10	07.05.18	Street Trading: High Street and Hunter Square Update	To receive a further report in due course on wider issues of street trading and proposed policies in line with the Public Spaces Protocol.	Executive Director of Place	August 2018		Ongoing

Regulatory Committee

9.30am, Thursday 26 June 2018

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

Convener:	Members:	Contact:
<p>Councillor Catherine Fullerton</p> 	<p>Councillor Scott Arthur Councillor Gavin Barrie Councillor Steve Burgess Councillor Denis Dixon Councillor Cameron Rose Councillor Neil Ross Councillor Stephanie Smith Councillor Donald Wilson</p>	<p>Stephen Broughton Committee Services 0131 529 4261</p>

Taxi Fare Review

Following the decision of the Regulatory Committee on [14 May 2018](#), the Taxi Trade were notified by letter of the introduction of a new tariff on 18 May 2018, with an advert subsequently published in the Edinburgh Evening News on 5 June 2018.

There have been no notifications of appeal received and therefore the new tariff came into effect on 18 June 2018.

The Taxi Examination Centre has contacted the Council-approved taxi meter providers and have made the necessary arrangements to update vehicles on to the new Tariff Table. Copies of the Tariff Table will be available at the Customer Hub (City Chambers), the Taxi Examination Centre and from taxi meter providers.

European Emission Standards - First of the new rules now effective

Following the introduction of the Age and Emission Standards policy, the first of the new rules has now come into effect. The rules were introduced to reduce polluting vehicles in licensed fleet.

As 7 May 2018 operators will no longer be able to licence any Euro 0-4 vehicle not already licence by the Council, this prevents vehicles be introduced to the city which are often second hand and unable to be licensed in other cities.

Any Euro 0-4 vehicle will have to be replaced or withdrawn from service by 31 March 2020.

All operators have been contacted to ensure awareness of these policy changes and officers continue to engage with the trade on issues arising from the new rules.

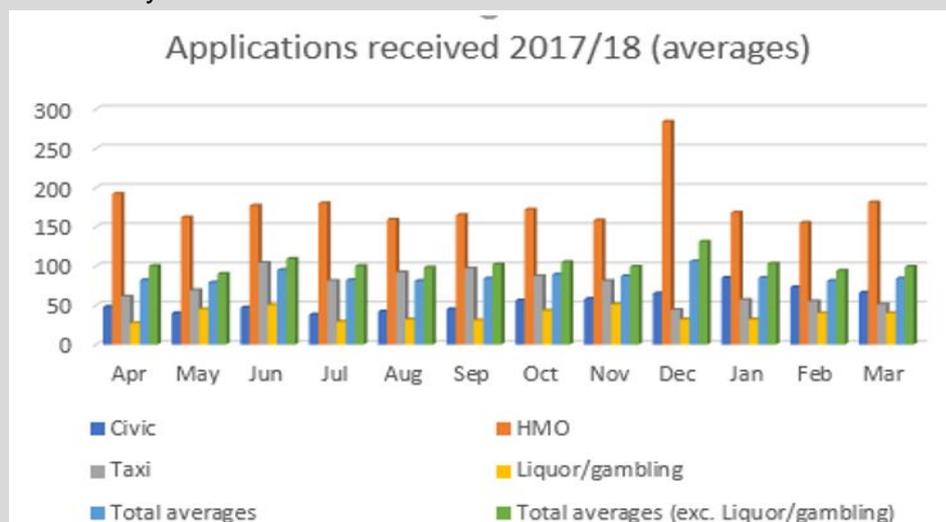
The Council, as Licensing Authority under the Civic Government (Scotland) Act 1982 for taxis, is required to review and fix the scale of fares and other charges which may be used by taxis licensed within the city. This review must take place at intervals not greater than 18 months. The Council last fixed taxi fares on 13 November 2016, following an appeal to the Traffic Commissioner. The Council has 18 months from that date to fix fares again. The taxi fare tariff sets out the maximum charges which licensed taxis may charge any passenger for a journey within the City.

The licensing of taxis and private hire cars (PHCs) is an optional activity in terms of the Civic Government (Scotland) Act 1982 ('the Act').

The Regulatory Committee approved a motion by Councillor Steve Burgess and a feasibility report was presented to the Committee on [21 November 2016](#). The Committee agreed in principle that the conditions of licences will be altered to improve the air quality in the city by reducing the emissions from taxis and PHCs and to consult on options to achieve this by either introducing an age limitation in respect of taxis and PHCs or increasing incrementally the minimum emissions standards for the engines in these vehicles, which would improve emissions standards. A statutory consultation followed and results were presented to the Committee on [24 October 2017](#).

License Numbers for 2017/18

Please find below a summary of the License numbers received by month in 2017/18:



Houses of Multiple Occupation (HMO)

Following a fatal fire in a property in Glasgow in 1999, legislation was introduced to implement HMO licenses under the Housing (Scotland) Act 2006. The landlord of the property which went on fire applied for an HMO license. As part of the inspection process which is regularly undertaken by Glasgow City Council the landlord has recently been prosecuted successfully for not having appropriate arrangements in place for his HMO properties. This example demonstrates the importance of HMO inspections for the safety of those living in rental properties. City of Edinburgh Council carry out regular inspections of HMO properties and take appropriate actions on enforcement where necessary. The link below summarises the Glasgow case for information.

<https://www.bbc.co.uk/news/uk-scotland-glasgow-west-43640615>

Street Trading

The consultation on a revised policy for pedicabs and conditions of licence has closed and there has been a good response. A project of enforcement activity is now underway with Police Scotland to investigate current levels of compliance and safety of existing pedicabs and their drivers. The final report will be submitted after the summer recess to allow results of the project to be included.

The Council licences HMOs under the Housing (Scotland) Act 2006.

The operation of pedicabs in the city is licensed by the City of Edinburgh Council by means of Street Trader licensing, in this instance with respect to the offering of a service (pedicab rides) for money.

Training of Taxi Drivers and Private Hire Car (PHC) Drivers

Work continues on implementation of training for Taxi and PHC drivers but there have been a number of delays in completing this. It is hoped that a follow-up report will be presented to Committee in the autumn.

Veterinary Expertise for Riding Establishments

As outlined to members during a meeting of Licensing Sub-Committee on 1 May 2018, a procurement exercise has been undertaken to secure ongoing veterinary expertise for Riding Establishments. Five tender bids were received, of which three met the tender specification. From this a successful bidder has now been identified. The service will now write to all affected licence holders providing appropriate information on likely bills in future years.

A second procurement exercise is underway for the general service of veterinary expertise for all other licence types where a vet is required or requested.

Regulatory Committee

9.30am, Tuesday, 26 June 2016

Cinemas Act – Allowing Performance for Parents or Carers with Infants

Item number	7.1
Report number	
Executive/routine	
Wards	Citywide
Council Commitments	n/a

Executive Summary

The Council, as Licensing Authority for cinemas under the Cinemas Act 1985, applies conditions to cinema licences.

Currently in Edinburgh local condition 2 is applied, which requires cinemas to restrict access by children or young people where they are under the age of the relevant age certificate issued by the British Board of Film Classification (BBFC). This means that any screening for parents and carers can only show certificate U, PG and 12A films.

At its meeting in February, Councillor Mary Campbell made a motion calling for a report on the feasibility of operating a scheme which would allow an infant not older than 12 months to attend specific screenings of age restricted performances, provided they are accompanied by a parent or carer over the age of 18.

Cinemas Act – Allowing Performances for Parents or Carers with Infants

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 Agrees to a policy of allowing babies or infants to attend screenings with their parents;
 - 1.1.2 Allows individual cinemas to seek a variation to their licence in order to facilitate this; and
 - 1.1.3 Agrees revised conditions (Appendix 2) and notes that work on revising the current conditions of licence will be reported to a future committee.

2. Background

- 2.1 Cinema licensing currently applies only in Scotland. The Cinemas Act 1985 ('the Act') originally applied across the UK, and revised licensing legislation eventually replaced it in England and Wales. As a reserved matter, however, the Scottish Government does not have power to replace it in Scotland and the matter is thus in limbo.
- 2.2 The Act's language and the relevant concepts have become antiquated as the industry has moved on. The Act is thus not fit for its purpose.
- 2.3 Current conditions require films to be age certified and for premises to comply with the age restriction.

3. Main report

- 3.1 The Council has general discretion to allow non-certified films to be shown or to vary conditions to allow under-age attendance at appropriate film screenings.
- 3.2 For daytime showings at certain cinema it would be appropriate for this restriction to be relaxed, particularly to allow parents and carers (and their young children) access. This would have limited impact on the wider public as such showings are not normally marketed to other groups and would take place at times other than those of peak demand.

- 3.3 This variation to standard licence conditions would have to be applied for by each relevant premise.
- 3.4 The application will be required to clearly set out measures to ensure that rules are not abused.
- 3.5 The application will have to set out which type of films will be allowed and the proposed screening times.
- 3.6 Grant of the variation will be dependent on the child under the suggested age rating being accompanied by a parent or carer over the age of 16. Any parent aged 16 or 17 shall be subject to the normal age restriction of the film, i.e. will not be permitted to view an 18-certificate film.

4. Measures of success

- 4.1 That cinemas in the city can apply for a licence that ensures child safety.

5. Financial impact

- 5.1 A variation fee will be applicable for any application to vary a Cinema Licence.

6. Risk, policy, compliance and governance impact

- 6.1 This report establishes a policy and provides a mechanism of controlling how the policy will be implemented.

7. Equalities impact

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

8. Sustainability impact

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

9. Consultation and engagement

- 9.1 The Council has received letters from a number of cinemas supporting this proposed policy.

10. Background reading/external references

10.1 None.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager

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

11. Appendices

11.1 Appendix 1 – Current Cinema Conditions

11.2 Appendix 2 – Proposed conditions for Parent and Baby screenings

11.3 Appendix 3 – Motion by Councillor Mary Campbell

Cinemas Act 1985
LICENCE CONDITIONS

1. 'Film' in these conditions means 'Film exhibition' as defined in the Cinemas Act 1985. 'Council' means the Council as Licensing Authority under the 1985 Act.
2. Subject to conditions 3 and 4:
 - (a) No film shall be exhibited unless it has received a 'U', 'PG', '12A', '15' OR '18' certificate from the British Board of Film Classification.
 - (b) No one under the age of 18 shall be admitted seeing a film with an '18' certificate.
 - (c) No one under the age of 15 years shall be admitted seeing a film with a '15' certificate.
 - (d) No one under the age of 12 years shall be admitted seeing a film with a '12A' certificate unless accompanied by a responsible adult.
3. Any film may be exhibited if the permission of the Council is first obtained and any conditions of such permission are complied with.
4. The Council may prohibit the showing of any film by giving written notice to the Licensee.
5. The terms of any certificate given by the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates.
6. There shall be prominently exhibited at each public entrance whenever premises are open to the public for the showing of films a notice indicating clearly:
 - (a) the title of each film to be shown on that day, other than trailers and films of less than 5 minutes duration.
 - (b) the approximate time of commencement of each film;
 - (c) whether each film has received a 'U', 'PG', '12A', '15' OR '18' certificate from the British Board of Film Classification and (d) the effect of the certificates on the admission of persons under the age of 18 years.
7. The type of certificate received from the British Board of Film Classification shall be clearly indicated by 'U', 'PG', '12A', '15' OR '18' in any advertisement of the film displayed at the premises.
8. No advertisement displayed at the premises of a film to be exhibited there shall depict any scene or incident not included in the film as certified by the British Board of Film Classification or as approved for exhibition by the Council.
9. Where the Council has given notice in writing to the Licensee objecting to an advertisement, that advertisement shall not be displayed at the premises.
10. The premises shall only open between 8am and 1am the following day unless the written consent of the Council is given to open earlier or later.
11. No animals shall be permitted in the premises during the exhibition of a film except guide dogs. The Licensee shall not refuse admission to patrons with guide dogs.

- 12 All attendants on duty shall wear a distinguishing uniform or armband, and shall, have in their possession an electric torch in working condition.
- 13 Films in the 'RESTRICTED (18)' category shall not be shown without the consent in writing of the Council.
Any consent granted in terms of this condition shall be subject to all the following conditions being complied with and any other conditions the Council consider necessary.
 - (a) Films in the 'RESTRICTED (18)' category shall not be exhibited except at licensed premises being operated as a club.
 - (b) No films in the 'RESTRICTED (18)' category shall be shown in a multi-screen complex unless the area used for such films and all facilities (including foyers, lavatories, and refreshment areas) are wholly segregated and accessible only through a separate entrance and box office.
 - (c) A register of members shall be maintained and made available for immediate inspection by Council officials or police constables. A membership card (with a photograph of the member) shall be issued to each member.
 - (d) Tickets shall not be sold to persons other than members.
 - (e) No one shall be admitted to view a film in the 'RESTRICTED (18)' category unless a valid membership card for that person is displayed at the time of admission.
 - (f) Advertising for films in the 'RESTRICTED (18)' category shall specify only the title of the film and the category and will not include pictorial material or other information about the names of performers or the plot.
 - (g) No one under 18 years shall be employed in any capacity at premises showing films in the 'RESTRICTED (18)' category.
 - (h) Membership rules for club cinemas shall include the following:-
 - (i) Membership shall only be open to people of not less than 18 years of age. Applications for membership, including name and address, shall be in writing and signed by the applicant. Applicants shall provide proof of their age to the Licensee.
 - (j) No one shall be admitted to membership until at least 24 hours after the application has been approved by the Licensee.
 - (k) Membership cards shall not be transferable.
- 14 The Licensee or Manager shall be responsible for the day to day running of the premises. There shall be sufficient staff on duty when the premises are open to the public.
- 15 The Licensee or Manager shall give clear instructions to staff on their duties in the event of fire. A legible statement of such duties shall be posted in conspicuous positions in the premises. The Licensee shall comply with any requirements of the Firemaster.
- 16 The number of people admitted to the premises shall be strictly controlled to ensure that there is no overcrowding.
- 17 The general layout and arrangement of the premises shall be such as to allow safe and orderly evacuation to the Council's satisfaction, in the event of an emergency.
- 18 All approaches, staircases and passageways shall be kept free from obstruction. No seat or other obstruction shall be placed in any of the passageways and no-one shall be allowed to stand or sit in any passageway during performances.

- 19 All doors and barriers shall open outwards and shall not be fastened or locked except by push bar mechanisms which release the door under pressure.
- 20 All exit doors in the premises shall be indicated by a fixed lighting transparency bearing the word 'EXIT' in letters no less than 10 centimetres high. All exit doors shall be useable at the end of each performance. The transparency shall be illuminated by a maintained system of lighting and must be visible from the auditorium at all times when the premises are open to the public.
- 21 Any decorative surface finishes shall be either non-combustible or durably flame-proofed.
- 22 All scenery, curtain drapes and fabrics shall be flame resistant.
- 23 The use of smoke bombs, smoke generators, flash powder, flash boxes, detonators and similar items is not permitted without the written approval of the Firemaster and the Council.
- 24 All upholstered furniture shall comply with the Smouldering Cigarette Test and Butane Flame Test in British Standard 5852, Part 2; 1982.
- 25 The Licensee or the Manager shall intimate every outbreak of fire to the Firemaster immediately.
- 26 Lasers or other similar devices shall not be used without the Council's written permission.
- 27 The premises shall be lit to the satisfaction of the Council. A maintained system of secondary lighting shall be provided throughout the building, kept in proper working order and kept on when the premises are open to the public.
- 28 The electric installation of the premises shall be kept in proper working order to the satisfaction of the Council. No alterations or additions to the electrical installation shall be made without the Council's written approval.
- 29 No temporary electric lighting installation shall be used in any part of the premises without the Council's written consent. All temporary connections to the permanent installation in the premises shall be disconnected immediately after each performance.
- 30 All electrical lighting switches to public areas shall be inaccessible to the public.
- 31 The premises shall be properly ventilated and heated to the satisfaction of the Council. Temporary or moveable forms of heating shall not be used without the Firemaster's written approval.
- 32 Sanitary accommodation shall be provided to the satisfaction of the Council.
- 33 The Food Hygiene Regulations and The Health and Safety at Work Act 1974 shall be complied with.

- 34 Any amplified music and speech shall be controlled so as not to cause annoyance to the satisfaction of the Director of Environmental and Consumer Services.
- 35 A telephone shall be installed in the premises.
- 36 The Licensee shall display the Cinema Licence and Conditions in a prominent position.
- 37 No alteration shall be made to the structure, seating arrangements or exits without the Council's written consent.
- 38 The Firemaster, any Police Constable and any authorised Council Officer shall be permitted free access to the premises at any time.
- 39 The Council or Firemaster shall have the power to set a limit on the maximum number of people to be admitted to the premises for any performance.
- 40 One or more leakage circuit breakers must be installed if live amplified music is to be performed on the premises. The installation should comply with the current Institute of Electrical Engineers Regulations.

Proposed Conditions for Parent and Baby Screenings

- No child over 12 months shall be admitted
- cinema shall take reasonable steps to control lighting, sound and other aspects of the theatre in a manner that prevents a negative impact on a child's welfare;
- cinema shall ensure that such screenings are restricted to adults/carers over the age of 16 with a child under 12 months; subject to the normal condition of licence which would not allow a 16 or 17 year old to attend an 18 certificate screening;
- cinema shall maintain a policy which sets out how these screenings will be managed and the policy shall be available for inspection by council officers and the Police

8.1 Motion by Councillor Mary Campbell - Baby and Carer Screenings Committee:

Notes that cinemas in Scotland are licensed by the Council under the Cinemas Act 1985 and each cinema must adhere to statutory requirements and local conditions of licence;

Notes that currently in Edinburgh local condition 2 is applied, which requires cinemas to restrict access to films by children or young people where they are under the age of the relevant age certificate issued by the British Board of Film Classification (BBFC) and that this means any screening for parents and carers can only show certificate U, PG and 12A films;

Notes however, that the Council can vary conditions of licence within the framework of the Act and can consider varying the requirements controlling admission of children for specific cinema screenings; Therefore agrees to call for a report on the feasibility of operating a scheme which would allow an infant not older than 12 months to attend specific screenings of age restricted performances provided they are accompanied by a parent or carer over the age of 18.

Regulatory Committee

9.30am, Tuesday, 26 June 2018

Landlord Registration: Consultation on a Review of Registration, Application and Fees

Item number	7.2
Report number	
Executive/routine	
Wards	Citywide
Council Commitments	N/A

Executive Summary

The Council, as Licensing Authority maintains a Register of Private Landlords under the Antisocial Behaviour etc. (Scotland) Act 2004.

Scottish Government has published a consultation on amendments to the fee payable and certain technical requirements for applications for registration.

Due to the response deadline, officers submitted a reply after consultation with the Convenor. This report advises the Committee of the response sent.

Landlord Registration: Consultation on a Review of Registration, Application and Fees

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee notes the response sent.

2. Background

- 2.1 The Antisocial Behaviour etc. (Scotland) Act 2004 introduced a requirement for Landlord Registration.
- 2.2 Private landlords must register with their local authority and ensure they meet the legal requirements for letting houses. The local authority must be satisfied that the landlord is a fit and proper person to let houses before they can be entered on the register. Local authorities are also responsible for enforcing landlord registration. Operating as a registered landlord without being registered or having applied to be registered is subject to a maximum £50,000 fine and suspension of rent payments. Generally, registration is not required if the property is the owner's only or main residence.
- 2.3 The landlord registration scheme provides a register of all private landlords for public inspection. Additionally, the Council will consider whether or not an applicant is fit and proper.
- 2.4 It further provides a regularly updated register that can be used to help communication between councils and landlords, and ensures that landlord registration enforcement action is focused on tackling the worst landlords in the sector, including those who fail to act to minimise their tenants' anti-social behaviour.

3. Main report

- 3.1 In spring 2018 the Scottish Government sought local authority views on the landlord registration scheme. A response was submitted on behalf of the Council in June 2018 (Appendix 1).
- 3.2 Proposals on improving registration applications were broadly supported. Revised fees in line with inflation were also supported. Further fee adjustments were supported in part. The consultation sets out measures which are intended to update

and strengthen the application process. Proposals to update the application process are broadly supported with some minor comments. Revised fees in line with inflation are also supported. Further fee adjustments, in particular discounts, are proposed and again these are supported.

- 3.3 The Convener was consulted prior to submission because the end date for the consultation was before this Committee meeting.

4. Measures of success

- 4.1 Not relevant as this is a response to a consultation.

5. Financial impact

- 5.1 Revisions to the Landlord Registration scheme will generate additional income if implemented.

6. Risk, policy, compliance and governance impact

- 6.1 Copy of response has been attached to the report and therefore complies with standing orders.

7. Equalities impact

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

8. Sustainability impact

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

9. Consultation and engagement

- 9.1 Response submitted May 2018 (Appendix 1).

10. Background reading/external references

- 10.1 [Consultation](#)

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager

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

11. Appendices

11.1 Appendix 1 – Response to Consultation

Response ID ANON-7P46-ZU3Y-C

Submitted to Consultation on proposals for reviewing the current landlord registration fee structure and expanding the range of prescribed information applicants must provide to local authorities
Submitted on 2018-06-06 14:23:25

Part 1 – Prescribed information

1a Do you think that landlords should have to confirm whether they comply with each of the requirements specified above?

Yes

Please explain your answer.:

1b If not, which requirement(s) do you think landlords should not have to confirm that they comply with and why?

Please explain your answer below.:

1c Do you think that landlords should be required to provide evidence of compliance with any of the requirements specified?

Not Answered

Please explain your answer below.:

Should be required on challenge or as part of random sampling

2 What other questions, if any, do you think should be included in an application for landlord registration?

Please explain your answer below.:

Any day-to-day manager or agent?

How many properties do you own?

Has your property portfolio changed in number in the past 36 months? If so how i.e. increase or decrease in numbers

3 Do you think that landlords should be asked to provide the domestic EPC rating for property?

Yes

Please explain your answer below.:

Drive up standard

4 Do you think that the applicants should only be required to provide a home address and a correspondence address?

No

If not, why is this?:

Essential that any day-to-day manager or agent recorded and easily contacted

5 Do you think that applicants should be required to provide an email address, home and mobile phone number (if they have one)?

Yes

If not, why is this?:

Yes - cost efficient and provides better service

Part 2 – Landlord Registration Application Fees

6 Do you think it is reasonable to increase registration fees in line with inflation, to reflect the increased cost to local authorities?

Yes

Please explain your answer below.:

7 Do you think it is reasonable for local authorities to charge a lower additional fee, in cases where the maximum set fee exceeds the costs of the work undertaken to prompt a landlord to make an application?

No

Please explain your answer below.:

Very difficult for local authorities to quantify. May provoke complaints. Consistency.

8 Do you think that the 10% discount applied to on-line applications should be changed? If so, what should be changed?

Yes

If so, what should be changed? :

Removed as no longer relevant

9 What are your views on including an amount in the application fee to cover the operating costs of the on-line registration service?

Please explain your answer below.:

Supported, general tax payer. Should not have to subsidise.

10 Do you think that a local authority should receive an application fee when they carry out a fit and proper person test on a joint owner?

Yes

Comments::

Council carries out work and should be reimbursed

11 Do you think that each local authority should receive the full application fee when a person applies to more than one local authority, and the fit and proper person assessment is required?

Yes

Comments::

12 Do you think that landlords should receive a 100% discount on the application fee for a letting agent who has applied to be registered with the Scottish Government?

No

Comments::

13 What are your views on charging a fee for specific changes in circumstance to an existing registration?

Comments::

This is necessary or such changes will go unchecked

14 What are your views on offering incentives to landlords and agents to apply for registration and/or improve their practice?

Comments::

Difficult to see within limited fees how this can be affordable. Already have a proposed penalty for late renewal therefore don't agree discount for incentive

Part 3 – Impact Assessments

15 Are there any proposals in this consultation which impact or have implications on 'equality groups'?

Not Answered

Comments::

16 Do any of the proposals in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)?

Not Answered

Comments::

About you

What is your name?

Name:

Andrew Mitchell

What is your email address?

Email:

isla.burton@edinburgh.gov.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
City of Edinburgh Council

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Please enter comments here.:

Regulatory Committee

9.30am, Tuesday, 26 June 2018

Animal Boarding Establishments

Item number	7.3
Report number	
Executive/routine	
Wards	Citywide
Council Commitments	N/A

Executive Summary

This report requests that the Committee approves proposals to introduce revised sets of animal boarding conditions under the Animal Boarding Establishments Act 1963.

This will more readily reflect the types of dog boarding which are being carried out under the licences that have already been granted.

A proposed revised structure for the pricing of Animal Boarding Establishment Licences is also submitted for the Committee's consideration.

Animal Boarding Establishments

1. Recommendations

- 1.1 The Regulatory Committee is asked to:
 - 1.1.1 Note this report;
 - 1.1.2 Agree to consult on the proposed conditions (Appendix 2 and 3);
 - 1.1.3 Agree in principle to the new fee structure and instruct officers to consult licence holders on this; and
 - 1.1.4 Agree to receive a subsequent report on completion of the consultation.

2. Background

- 2.1 Traditionally, licences granted under the Animal Boarding Establishments Act 1963 are for commercial dog kennels and catteries, where the animals are kept in pens or cages and are let out on a daily basis to be exercised in the establishment's exercise facilities.
- 2.2 Home boarding of dogs is becoming increasingly widespread where homeowners create a small-scale business in their homes, looking after other people's dogs in a home environment whilst the dog owner goes on holiday or is at work. This often additionally includes overnight boarding.
- 2.3 Businesses or individuals offering day boarding for dogs, either in their home or on private land, is more popularly known as 'dog day care', 'dog crèche' or similar variations. These premises generally board dogs during the day but not overnight.
- 2.4 The Animal Boarding Establishments Act 1963 is antiquated and in need of update. The Animal Health and Welfare (Scotland) Act 2006 contains a provision to repeal the legislation but this provision has never been brought into force.
- 2.5 There is currently one fee for an Animal Boarding Licence, which is applied regardless of the number of animals being boarded.

3. Main report

Licensing Conditions

- 3.1 The current conditions for animal boarding do not reflect how the industry has changed, and in particular do not address the activities described at 2.2 and 2.3

above. The current conditions relate only to accommodation, the suitable supply of food, drink and bedding and the reasonable steps to be taken to prevent and control the spread of infectious or contagious diseases.

- 3.2 In a home boarding scenario dogs mingle in a communal area rather than in cages, both during the day and overnight. Exercise is either provided in the home owner's garden or in public space in either residential or rural areas. Typically, a home boarder will only board one to three dogs at a time.
- 3.3 'Dog day care' can be a small operation at the carer's home, or as a commercial operation in specially adapted premises including an outdoor area. In both types the dogs mix with other dogs. In a home operation the dogs are looked after by the carer, who may have some additional staff. In a commercial operation the dogs are cared for by a number of staff in a communal area. A home dog day care centre is likely to look after one to three dogs, whereas a commercial centre can look after up to 80 dogs per day. All dog day care staff are required to undertake appropriate training. The dogs in a dog day care centre are not boarded overnight
- 3.4 Current conditions for Animal Boarding do not reflect either of the above activities, as they do not take into account the unique natures of home boarding or dog day care boarding.
- 3.5 This report proposes to introduce separate conditions for traditional animal boarding, home boarding and dog day care centres. The proposed conditions cater for dogs which are being boarded in the different environments, ensuring that their welfare and health needs are met. A number of the conditions are the same across all boarding establishments, whilst others reflect the differing environments.
- 3.6 The current conditions for dog boarding are included at Appendix 1. Proposed model conditions for home boarding are outlined in Appendix 2, while proposed model conditions for dog day care are outlined in Appendix 3. All sets of conditions will enable establishments to operate and meet the requirements of their customers, whilst ensuring that the statutory objectives of the Animal Boarding Establishments Act 1963 are met.

Licence fees

- 3.7 The Committee is asked to adopt in principle a new fee structure, in which the relevant fee will more accurately correspond to the size of the business. It is recommended that the Committee adopts the revised fee structure attached at Appendix 4. The current annual fee is £323 irrespective of the number of animals.
- 3.8 Unlike the Riding Establishments Act 1964, the Animal Boarding Establishments Act 1963 does not require the Committee to consider fees with respect to a vet's report. All inspections of animal boarding establishments can therefore be carried out by in-house inspectors. It may however be necessary for a vet to be involved in larger inspections, such as a large dog day care centre with over 50 dogs, or a commercial kennel operation.

- 3.9 Where a vet is normally required for premises over 50 animals or is asked for on discretion, this fee will be passed onto the licence applicant.
- 3.10 Should the Committee be minded to approve these changes in policy after the appropriate consultation, it is recommended that the Directorate then publicises the changes. In Edinburgh it is suspected that there are currently a small number of unlicensed online dog home boarding businesses. These businesses are generally difficult to trace. If a reduction in fees was to be publicised it is hoped that this will encourage compliance.

4. Measures of success

- 4.1 That Animal Boarding Establishments are licensed in an appropriate manner.
- 4.2 The welfare of animals is secured.

5. Financial impact

- 5.1 Applicable fees will follow the normal approach of seeking to cover the Council's cost of processing and administering the licensing system. As such there will be no significant impact on the Council with any additional costs being recovered. The sliding scale proposed will reflect costs without being overly burdensome on businesses. When it is considered appropriate that a veterinary inspection is required in support of any licence application, that fee will be fully recharged to the applicant. Officers will take a view on the maximum number of animals suitable for a premises and may seek veterinary advice, notwithstanding the number of animals being less than 50.
- 5.2 There is a risk that any perception of increased licensing costs may be viewed negatively by the operators and viewed as detrimental to business development. However, the sliding scale of application fees will reflect Council costs and ensure proportionality to the scale of the commercial enterprise. The modest fees proposed for small operators reflect both the Council expenditure and also the desire not to encourage operations to evade licensing.

6. Risk, policy, compliance and governance impact

- 6.1 None

7. Equalities impact

- 7.1 None

8. Sustainability impact

8.1 None

9. Consultation and engagement

9.1 Consultation with stakeholders is the next step.

10. Background reading/external references

10.1 None

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager

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

11. Appendices

- 11.1 Appendix 1 - Animal Boarding Establishments Act 1963 – CURRENT STANDARD CONDITIONS
- 11.2 Appendix 2 - ANIMAL BOARDING ESTABLISHMENTS ACT 1963 – HOME BOARDING proposed conditions
- 11.3 Appendix 3 - Animal Boarding Establishments Act 1963 – Dog Day Care Centre Licence proposed conditions
- 11.4 Appendix 4 – table of proposed application fees for Animal Boarding Establishment Licences

Animal Boarding Establishments Act 1963

CURRENT STANDARD CONDITIONS

1. That animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
2. That animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
3. That all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;
4. That appropriate steps will be taken for the protection of the animals in case of fire or other emergency;
5. That a register be kept containing a description if any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an Officer of the Council, Veterinary Surgeon or Veterinary Practitioner authorised under Section 2(1) of the said Act.
6. It is recommended that all boarding establishments be kept free of the parasite *toxocara* and therefore all dogs and cats entering such establishments should be treated with an *antitoxocara* drug at, or immediately before, the time of admission.

ANIMAL BOARDING ESTABLISHMENTS ACT 1963 – HOME BOARDING

1. GENERAL LICENSING CONDITIONS

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.
- 1.2 The Licence holder must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance. In addition to this it is recommended that care, custody and control insurance is in place.
- 1.3 No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.
- 1.4 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) and dogs subject to Dog Control Notices served under the Control of Dogs (Scotland) Act 2010 are not to be accepted for home boarding.
- 1.5 Entire males and bitches in season or bitches due to be in season during the boarding must not be boarded together or boarded with resident dogs.
- 1.6 Dogs under 6 months shall only be boarded if they are suitably vaccinated and difficulties had not been identified during a trial socialisation period. There is an exception for puppies where they are being boarded with mother or siblings provided no other dogs are boarded on the premises at any time.
- 1.7 A copy of the Licence and its associated conditions and a Certificate of Insurance shall be made available to each client.
- 1.8 The maximum number of day boarders to be kept at any one time is noted on your licence. The maximum number of night time boarders to be kept at any one time is marked on your licence.
- 1.9 Dogs must not be boarded with any cat, unless they normally live together in the same household or there is prior agreement with the client and difficulties had not been identified during a trial socialisation period.
- 1.10 Only dogs from the same household may be boarded at the same time unless the following precautions are taken:
 - Specific written consent of each household is given, showing confirmation that they are content for their dogs to be boarded with others.
 - A mandatory, trial (documented) familiarisation session for all dogs prior to stay.

- Separation of dogs from different households in secure areas when left unattended.
 - Separate feeding of dogs (unless from the same family and normally fed together) to minimise the likelihood of dispute and aggression.
- 1.11 The Licence holder will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.
- 1.12 The means of transportation, dogs, premises and anything therein and the Register may be inspected at all reasonable times by a local authority officer or veterinary surgeon authorised by the local authority under Section 2 (1) of the Act.
- 1.13 Dogs must wear a collar and tag during the stay of boarding. The tag must be made of a durable and hardwearing material and shall display the contact telephone number of the boarding establishment.
- 1.14 The establishment must be operated in such a manner that it does not cause a statutory nuisance to occupiers of neighbouring properties.

2. CONSTRUCTION

- 2.1 Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs for boarded animals.
- 2.2 There must be adequate space, light, heat and ventilation for the dogs.
- 2.3 As far as reasonably practicable, all areas/rooms within the home to which boarded dogs have access, must have no physical or chemical hazards that may cause injury to the dogs.
- 2.4 There must be sufficient space available to keep the dogs separately if required.

3. KITCHEN FACILITIES

- 3.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.
- 3.2 All bulk supplies of food shall be kept in vermin proof containers.

4. CLEANLINESS

- 4.1 All areas where the dogs have access to, including the kitchen etc. must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
- 4.2 All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.
- 4.3 All bedding areas must be kept clean and dry.
- 4.4 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the

first aid treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.

- 4.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

5. DISEASE CONTROL

- 5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.
- 5.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases. With the exception of where a bitch and her pups are boarded together, the course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with the manufacturer's instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.
- 5.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.
- 5.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site and in any vehicle used for transporting boarded dogs.
- 5.5 The Licensee must be registered with a veterinary practice that can provide help and advice. Where night time boarding is carried out registration should be with a 24-hour veterinary practice. The clients own veterinary practice must be known and consulted if necessary.
- 5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. A record must be maintained of all routine and emergency treatment for parasites.
- 5.7 The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.
- 5.8 Cleaning substances must be suitable for the purpose and the cleaning substance and its fumes must pose no risks to the dogs.

6. ISOLATION

- 6.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
- 6.2 The Licensee must inform the Licensing Authority by the next working day on becoming aware that a dog has developed an infectious disease.
- 6.3 Following an episode of infectious disease during any stay, the premises must undergo suitable cleaning and a reasonable quarantine period before new boarders

are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon. A record must be maintained of each episode of infectious disease, together with details of the implemented quarantine period.

- 6.4 The Licensing Authority must be informed by the next working day of any animal death on the premises. The Licence holder must make arrangements for the body to be stored under suitable conditions until the owner returns.

7. FOOD AND WATER SUPPLIES

- 7.1 All dogs shall have an adequate supply of suitable food as directed by the client.
- 7.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and drinking vessels cleaned at least once per day.
- 7.3 Clients must be encouraged to provide each dog with its own clean bedding, bowls, grooming materials etc. If supplied, these items must be cleaned regularly to prevent cross-infection. The Licence holder should be able to provide extra bedding material as required.
- 7.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

8. REGISTER

- 8.1 A register must be kept of all dogs boarded. The information kept must include the following:
- Date and time of arrival;
 - Name of dog, any identification system such as microchip number or tattoo;
 - Description, breed, age and gender of dog;
 - Name, address and telephone number of owner or keeper;
 - Name, address and telephone number of contact person whilst boarded;
 - Name, address and telephone number of dog's veterinary surgeon;
 - Anticipated and actual date of departure;
 - Proof of current vaccinations, medical history and requirements;
 - Health, welfare, nutrition and exercise requirements;
 - Date of last season for a bitch; and
 - Written agreement in respect of emergency veterinary treatment.
- 8.2 The Register shall be available for inspection at all reasonable times by an officer of the local authority or an authorised veterinary surgeon.
- 8.3 The Register must be kept readily available for a minimum period of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.
- 8.4 Details of any medication administered must be recorded, including type of medication, quantity and time administered.

8.5 Where records are computerised, a back-up copy must be kept. The Register must also be available to key members of staff of the establishment at all times.

9. SUPERVISION

9.1 A fit and proper person with relevant experience must be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises.

9.2 Dogs must be visited at regular intervals, as necessary, for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time and then not on a routine basis.

9.3 No person under 16 years of age is permitted to walk boarded dogs in public places unless supervised by a fit and proper person.

9.4 No child under 16 shall be left unaccompanied with boarded dogs at any time.

9.5 If there is a resident dog within the household, the boarded dogs must be kept separated on the occasions when they are left unattended.

10. TRAINING

10.1 A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out.

11. FIRE/EMERGENCY PRECAUTIONS

11.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

11.2 The occupier of the property must be aware of the location of the dogs in the property at all times.

11.3 Fire detection and firefighting equipment must be provided in accordance with general advice given by the Fire Safety Officer.

11.4 All doors to rooms where dogs are boarded must be kept shut at night.

11.5 All electrical installations and appliances must be maintained in a safe condition. No unsupervised dog must be left in a room with loose or trailing cables or wires.

11.6 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no regular or routine use of freestanding gas or oil appliances.

11.7 Arrangements must be made whereby spare keys can be obtained to allow access to the premises in the event of an emergency or alternatively, an emergency contact number shall be displayed in an obvious location at the premises.

12. EXERCISE

12.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owners written permission. The Licensee must be satisfied that the dogs are under proper control at all times.

12.2 There must be access to a suitable outside area.

12.3 Any exercise/garden area of the premises to which the boarded dogs may have unrestricted access must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.

12.4 The Licensing Authority must be informed by the next working day if a dog is lost.

13. TRANSPORTATION

13.1 If a collection and delivery service is provided or transport is used to travel to an exercise area then a suitable vehicle must be used. An individual dog must be secured within a dog cage or behind a dog guard whilst travelling within the vehicle. Where more than one dog is to be transported at any time the vehicle must be fitted with individual cages of adequate size for the safe transportation of the dogs. The journey time shall be kept to a minimum when transporting boarded dogs.

Animal Boarding Establishments Act 1963

Kennels and/or Dog Day Care in Non-Residential Property Licence Conditions

- 1.1** Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the day care of dogs.
- 1.2** The Licence holder must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employer's liability insurance. Proof of such must be provided with any application.
- 1.3** If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.
- 1.4** A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in or about the day care establishment.
- 1.5** Entire males and bitches in season or bitches due to be in season during the boarding must not be boarded together or boarded with resident dogs.
- 1.6** Dogs under 6 months shall only be boarded if they are suitably vaccinated and difficulties had not been identified during a trial socialisation period. There is an exception for puppies where they are being boarded with mother or siblings provided no other dogs are boarded on the premises at any time.
- 1.7** Dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness .
- 1.8** Appropriate steps will be taken for the protection of the dogs in case of fire or other emergency.
- 1.9** All dogs must be adequately supplied with suitable food as agreed with the owner
- 1.10** Wholesome water must be available at all times and changed at least twice daily.

- 1.11** Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must be maintained in a clean condition.
- 1.12** There must be direct access to a suitable outside area. The area / garden must only be for use by the business (not shared with other neighbouring properties) and must be kept clean.
- 1.13** The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.
- 1.14** The establishment must be operated in such a manner that it does not cause a statutory nuisance to occupiers of neighbouring properties.
- 1.15** The maximum number of dogs to be kept at any one time is XX (number to be added at point of grant of licence)
- 1.16** No animals other than dogs are to be boarded within the licensed facilities without the written approval of the City of Edinburgh Council
- 1.17** No dogs registered under The Dangerous Dogs Act 1991 must be accepted for day care
- 1.18** Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. wolf hybrids) are not to be accepted for day care.
- 1.19** The number of dogs onsite at any time should take into account the size and breed of each dog to ensure a harmonious setting
- 1.20** Suitable bedding which is capable of being easily and adequately cleaned and sanitised must be provided which allows each dog to be comfortable during its stay at the day care centre. All bedding material must be maintained in a clean, parasite free and dry condition.
- 1.21** Areas where dogs have access to must open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.
- 1.22** On a daily basis a register must be kept of all dogs present in the day care centre. The information kept must include a description if any animals received into the

establishment, date of arrival and departure, and the name and address of the owner,

- 1.23** The register must also include proof of current vaccinations, medical history and requirements, along with any health welfare and nutrition requirements.
- 1.24** The register must be available for inspection at all times by an Officer of the Council, Veterinary Surgeon or Veterinary Practitioner authorised under Section 2(1) of the said Act.
- 1.25** Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.
- 1.26** Written consent from the owner to their dog having contact with other dogs must also be received in writing.
- 1.27** The licence holder must have a way of identifying each dog and a system in place which ensures that relevant information about the dog is readily available.
- 1.28** The Licensing Authority must be informed by the next working day if a dog is lost.
- 1.29** A written training policy must be provided. Systematic training of staff must be demonstrated to have been carried out.
- 1.30** Licence holders and key staff must be trained in dog first aid and a record of this training kept.
- 1.31** A fit and proper person must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises.
- 1.32** There must be a ratio of one member of staff to every six dogs at all times. Dogs will not be left unattended for their health, safety and welfare
- 1.33** Staff must have relevant experience and must not have any criminal convictions or accepted any simple cautions for any animal welfare related offences.

Type of establishment	Fee per annum
Animal Boarding (Commercial kennels)	£323
Home Boarding or Dog Day Care, (1 - 4 animals)	£100
Home Boarding or Dog Day Care, (5 -10 animals)	£150
Home Boarding or Dog Day Care (more than 10 animals)	£323

Additionally, applicant will pay any veterinary fee incurred by the Council in inspecting the premises.

Regulatory Committee

9.30am, Tuesday, 26 June 2018

Demand for Taxis: Six Monthly Update

Item number	7.4
Report number	
Executive/routine	
Wards	Citywide
Council Commitments	n/a

Executive Summary

This report provides an interim update on analysis of demand for taxis in the City. The report provides the Committee with the most recent analysis of demand, carried out by Vector Transport Consultancy in February 2018.

Demand for Taxis: Six Monthly Update

1. Recommendations

- 1.1 The Regulatory Committee is asked to:
 - 1.1.1 Note the attached report from Vector Transport Consultancy (Appendix 2);
 - 1.1.2 Further note that on 21 August 2017 the Regulatory Committee agreed to maintain the limitation policy and to fix the number of available licences at 1,316;
 - 1.1.3 agree that there is currently no evidence of significant unmet taxi demand and therefore maintains the limit of 1,316 on the number of taxis licensed in the city; and
 - 1.1.4 agree to use this survey as the basis for determining demand in any future applications for a taxi licence until the next taxi stance survey is completed.

2. Background

- 2.1 The Council has a policy of limiting the number of taxi licences issued within the city, utilising the powers available to it under Section 10 (3) of the Civic Government (Scotland) Act 1982. This power can only be used if the Council is satisfied that there is no 'significant unmet demand' for taxis. The Council is required to keep this position under regular review.
- 2.2 A full demand survey is carried out every three years. In order to ensure that there are not significant changes in demand the Regulatory Committee had previously agreed to commission consultants to review taxi demand at more frequent intervals. These interim surveys are carried out every six to eight months and provide the Committee with data and analysis concerning 'any significant unmet demand' for taxis.
- 2.3 The research findings are generally reported to the Committee at six monthly intervals. The most recent research took place in February 2018 and forms the basis of this report. Appendix 1 shows a summary analysis of the Vector

3. Main report

- 3.1 The Council acts as a Licensing Authority for the purpose of licensing taxis within the city. The Council has adopted a policy of limiting the number of taxi licences

issued where there is no evidence of significant unmet demand. All applications for taxi licences are currently referred to the Licensing Sub-Committee for a hearing and decision.

- 3.2 The policy of restricting the number of taxi licences within the city attracts considerable debate. One view, generally held by taxi licence holders, is strongly in favour of retaining the restriction on licence numbers, on the grounds that too many taxis would harm the taxi trade in general by reducing the business available to each taxi. Some individuals have argued that the policy is a restraint on trade, and seek the removal of the restriction. These applicants typically include people who do not currently have a taxi licence but wish to obtain one, or licensed taxi drivers who wish to operate their own taxi as opposed to driving shifts in taxis licensed to others.
- 3.3 The restriction policy has not been successfully legally challenged since 2011. The Council's policy was challenged in the form of appeals to the Sheriff against decisions of the Licensing Sub-Committee to refuse certain applications for taxi licences. Importantly, the Sheriffs' decisions made it clear that, in order to maintain a restriction, the Council must regularly inform itself on provision, and specifically on whether there is any unmet demand. A historic appeal against a previous decision has been reactivated and is currently in the courts.
- 3.4 The Scottish Government has issued guidance for licensing authorities which operate a limitation policy. The guidance clearly indicates that the level of unmet demand must be kept under regular review. The guidance also makes clear that authorities should consider any evidence of 'peak demand' and consider the impact of this when considering if there is 'significant unmet demand'. Examples of 'peak demand' may be after pubs and clubs close at weekends. The guidance also makes clear that peak demand should not be considered in isolation, but balanced against the full range of data. This review was last conducted in 2017, the result of which was reported to the Regulatory Committee on 21 August 2017.
- 3.5 The Vector Transport Consultancy research provides Committee with an up to date review of the level of demand for taxis in the city. If accepted by Committee, this will form the basis on which individual licences would be considered. Research to update the position with respect to unmet demand will continue to be carried out approximately every six months.
- 3.6 Interim survey results were last reported to the Committee in August 2017.
- 3.7 The survey on which this report is based was carried out in February 2018 by Vector Transport Consultancy.
- 3.8 The survey includes the monitoring of periods of peak demand, e.g. after midnight and, in particular, late nights on Fridays and Saturdays. The report shows that overall there is no evidence of significant unmet demand.
- 3.9 The Council has received no complaints about the availability of taxis within the city since the Committee last considered this issue. No complaints about the number of taxis have been raised with the Council by the hospitality or business communities.

- 3.10 Members are asked to note that at this time 1,316 licences have been issued, and thus if the Committee agrees to maintain the limit at 1,316 there are no licences available.

4. Measures of success

- 4.1 That the City has sufficient taxis to meet the customer demand placed upon the fleet.

5. Financial impact

- 5.1 The cost of the Vector Transport Consultancy research is contained within the income from the taxi licence fees.

6. Risk, policy, compliance and governance impact

- 6.1 This regular monitoring is necessary to allow the Committee the option to maintain its policy of limiting the number of taxis.
- 6.2 There is a risk that unsuccessful individual applications for taxi licences may be appealed to the sheriff. The research described in this report reduces the risk to the Council from any challenge to the current limitation policy.

7. Equalities impact

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

8. Sustainability impact

- 8.1 Any increase in the taxi fleet by increasing the number of licences issued would have an impact on the Environment within the City, potentially including levels of pollution.

9. Consultation and engagement

- 9.1 Interim surveys are carried out on the Council's behalf by Vector Transport Consultancy approximately every six months.

10. Background reading/external references

- 10.1 [Restriction of Taxi Numbers In Edinburgh: report to full Council 23 August 2007.](#)

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager

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

11. Appendices

11.1 Appendix 1: Summary

11.2 Appendix 2: Vector Transport Consultancy report

TAXI MONITORING REPORT ANALYSIS

Assessment of Current Demand for Taxi Services in Edinburgh – February 2018

This report has been prepared on behalf of the Director of Place to assist members of the Licensing Sub-Committee in relation to applications for new taxi licences which may be considered at any meeting on or after 26 June 2018.

Stance observations indicate that there is no significant unmet demand for taxi services at this time.

Background

1. In January 2017, CH2M was commissioned to carry out surveys on the demand for taxi services in the city. CH2M reported on taxi rank observations, interviews and surveys conducted with passengers between April and May 2017. CH2M concluded there was no unmet demand at that time.
2. The conclusions of the CH2M report were presented to the Council's Regulatory Committee on 21 August 2017. Large scale surveys by consultants such as CH2M are obtained approximately every three years.
3. To provide information on taxi demand between the large-scale surveys, interim taxi rank observation surveys are carried out by Vector Transport Consultancy.

Stance Observation Survey

4. Vector Transport Consultancy provided the results of taxi rank surveys which were carried out at least twice at each location in February 2018. A selection of representative ranks was observed on different days and at different times. The 18 ranks selected for observation for both periods reflect locations both within the city centre and outwith it.
5. An additional 13 ranks were also observed in order to obtain a rough indication of the level of use at these ranks.
In total, 1,542 passengers were observed.
6. There are currently 82 taxi stances located throughout the city with a combined capacity for 293 waiting taxis. The stances observed make up 35% of the overall stances within the city.
 - The latest stance observations indicate that, at individual stances at the 18 'core' ranks, most passengers at ranks were able to obtain a taxi immediately. The average wait time per passenger was 13 seconds.

- At the additional 11 ranks surveyed, levels of activity were generally low. Passenger volumes observed were low and no passenger waiting was observed.

Additional Information

7. Between the last interim demand survey being reported in August 2017 and this latest observation period, no complaints concerning a lack of taxis in the city were received by the Council.

Conclusions

8. The stance observations indicate that most passengers at ranks were able to obtain a taxi immediately. The overall average time that a passenger had to wait at the 'core' ranks observed was 13 seconds.
9. Evidence of 'peak demand' in the form of waiting times longer than three minutes was recorded at certain times in the city centre. The Committee should note that the times given include instances where potential passengers 'gave up' waiting and left the queue.
 - Lothian Road (Saturday 3 Feb 2018)
Between 3:00 and 5:00 am the average passenger wait time was 3 minutes 46 seconds
 - Waverley Bridge (Monday 5 Feb 2018)
Between 2.00 and 4.00 am the average passenger wait time was 7 minutes 54 seconds
10. Councils are permitted to take a broad view of the demand for taxis over the week. The information in paragraphs seven to nine needs to be balanced against the information in paragraph nine with respect to 'peak demand'.
11. Therefore, taking into account the data provided by Vector Transport Consultancy, it has been concluded that there is no evidence of significant unmet demand for taxi services at this time.



Edinburgh interim survey of taxi stances February 2018

Survey Report

March 2018



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1 BACKGROUND AND OBJECTIVES

1.1 Introduction

This survey has been conducted by Vector Transport Consultancy on behalf of the City of Edinburgh Council.

The survey was undertaken to collect usage statistics from taxi stances around Edinburgh. The survey maintains the approach taken by previous, similar surveys, when surveys were conducted at frequencies of approximately six months. During interim surveys in previous years, 18 taxi stances were surveyed over a series of days and time periods.

The 18 taxi stances regularly surveyed are:

- Castle Street
- Cluny Avenue
- Dundas Street
- Frederick Street
- Grassmarket
- Grosvenor Street
- Hanover Street
- High Street
- Holyrood Road
- Little France Crescent
- Lothian Road
- Morningside Road
- Morrison Street
- Nicolson Street
- Queensferry Street
- Rutland Street
- Waverley Bridge
- Wester Hailes

The City of Edinburgh Council maintains a list of current taxi stances. This list is available online at the following web address:

http://www.edinburgh.gov.uk/download/downloads/id/3566/licensed_taxi_stances_in_edinburgh.pdf

The list indicates 82 taxi stances, of which 18 are regularly surveyed. In order to provide some additional indication of the level of use experienced at the stances which are not regularly surveyed, twelve of the stances which are not regularly surveyed during the interim rank surveys, were chosen for a one-off survey during each of the interim rank surveys. It is anticipated that a different twelve ranks will be chosen for each of the future interim surveys.

For the interim surveys undertaken during February 2018, twelve stances from the list were surveyed, plus a temporary rank established on the North side of St Andrews Square. The thirteen stances surveyed were:



- Cannongate
- Commercial Street
- George IV Bridge
- Granton Square
- Great Junction Street
- Leith Walk - Baxters Place
- Leith Walk – Omni
- London Road, East
- North Bridge, East
- North Bridge, West
- North St. Andrews Square (temporary)
- South St. Andrews Square
- Portobello High Street



2 REGULAR INTERIM RANK SURVEYS

2.1 Comments on the surveys

Of the 18 taxi stances normally surveyed, the stance at Little France Crescent (Royal Infirmary) had been suspended during the survey period. At the time, construction work was under way at the hospital and the road on which the taxi stance is normally located, was closed and was due to be closed for several months. As an interim measure, taxis were told to wait in one of the car parks. When passengers wanted a taxi, they were told to go to the Accident and Emergency entrance and to speak to a member of the security staff there, who would call by radio to a colleague in the car park, who would send a taxi to the Accident and Emergency entrance to pick up the waiting passenger. As this measure was not normal, nor comparable with previous surveys at the hospital rank, it was agreed that for this particular survey round, the hospital stance would be excluded from the survey. This was the same instance in the last interim survey.

2.2 Summary of rank survey results

The results of the regular interim rank surveys are summarised in the following tables.



2.3 Summary of interim taxi stance survey results

Table 1 - Summary of interim stance survey results part 1

Site no.	Street	Period	Edinburgh Council Rank No.	Day	Date	Survey Hours	Total no. taxis at rank	Average taxi wait time	Total passengers	Number of passengers who had to wait for a taxi to arrive.	Average passenger wait time for all passengers (mm:ss)	Average passenger wait time for passengers who had to wait for a taxi to arrive at the rank (mm:ss)
1	Castle Street	1	5	Thursday	01/02/2018	12:00-14:00	23	00:15:21	20	0	00:00	00:00
	Castle Street	2		Saturday	03/02/2018	12:00-14:00	18	00:05:38	13	0	00:00	00:00
2	Cluny Avenue	1	8	Thursday	01/02/2018	18:00-18:00	1	00:10:10	0	0	00:00	00:00
	Cluny Avenue	2		Saturday	03/02/2018	18:00-18:00	0	00:00:00	0	0	00:00	00:00
3	Dundas Street	1	13	Thursday	01/02/2018	12:00-14:00	28	00:11:36	19	2	00:05	00:52
	Dundas Street	2		Friday	02/02/2018	18:00-18:00	28	00:03:23	30	11	00:42	01:53
	Dundas Street	3		Saturday	03/02/2018	12:00-14:00	13	00:03:34	11	8	01:31	02:04
	Dundas Street	4		Saturday	03/02/2018	16:00-18:00	14	00:16:13	6	0	00:00	00:00
4	Frederick Street	1	19	Friday	02/02/2018	12:00-14:00	30	00:18:40	24	0	00:00	00:00
	Frederick Street	2		Friday	02/02/2018	21:00-23:00	37	00:07:33	43	0	00:00	00:00
5	Grassmarket	1	28 & 29	Saturday	03/02/2018	12:00-14:00	9	00:04:46	15	0	00:00	00:00
	Grassmarket	2		Tuesday	06/02/2018	00:00-02:00	1	00:03:53	4	0	00:00	00:00
6	Grosvenor Street	1	31	Saturday	03/02/2018	18:00-18:00	2	00:04:22	0	0	00:00	00:00
	Grosvenor Street	2		Wednesday	07/02/2018	00:00-02:00	1	00:00:00	0	0	00:00	00:00
7	Hanover Street	1	33	Friday	02/02/2018	16:00-18:00	45	00:07:53	49	2	00:06	02:35
	Hanover Street	2		Saturday	03/02/2018	12:00-14:00	34	00:06:28	50	5	00:08	01:32
8	High Street	1	34	Tuesday	06/02/2018	02:00-04:00	7	00:09:52	101	11	00:08	01:16
	High Street	2		Wednesday	07/02/2018	18:00-18:00	44	00:10:23	36	5	00:11	01:19
	High Street	3		Friday	09/02/2018	12:00-14:00	38	00:15:07	32	0	00:00	00:00
	High Street	4		Friday	09/02/2018	16:00-18:00	35	00:17:08	22	0	00:00	00:00
	High Street	5		Saturday	10/02/2018	12:00-14:00	33	00:17:37	40	0	00:00	00:00
	High Street	6		Saturday	10/02/2018	16:00-18:00	61	00:06:45	87	0	00:00	00:00
9	Holyrood Road	1	35	Wednesday	07/02/2018	12:00-14:00	15	00:11:40	4	0	00:00	00:00
	Holyrood Road	2		Saturday	10/02/2018	16:00-18:00	6	00:06:12	8	0	00:00	00:00



Table 2 - Summary of interim stance survey results part 2

Site no.	Street	Period	Edinburgh Council Rank No.	Day	Date	Survey Hours	Total no. taxis at rank	Average taxi wait time	Total passengers	Number of passengers who had to wait for a taxi to arrive.	Average passenger wait time for all passengers (mm:ss)	Average passenger wait time for passengers who had to wait for a taxi to arrive at the rank (mm:ss)
11	Lothian Road	1	54 & 55	Friday	02/02/2018	03:00-05:00	1	00:00:38	1	0	00:00	00:00
	Lothian Road	2		Saturday	03/02/2018	03:00-05:00	33	00:02:24	52	40	03:46	04:53
	Lothian Road	3		Tuesday	06/02/2018	12:00-14:00	35	00:23:25	32	0	00:00	00:00
	Lothian Road	4		Wednesday	07/02/2018	18:00-18:00	50	00:15:31	43	0	00:00	00:00
	Lothian Road	5		Friday	09/02/2018	02:00-04:00	18	00:07:53	19	0	00:00	00:00
	Lothian Road	6		Saturday	10/02/2018	12:00-14:00	28	00:11:21	16	0	00:00	00:00
12	Morningside Road	1	58	Wednesday	07/02/2018	18:00-18:00	5	00:02:52	7	0	00:00	00:00
	Morningside Road	2		Saturday	03/02/2018	12:00-14:00	10	00:11:03	11	0	00:00	00:00
13	Morrison Street	1	59 & 60	Friday	02/02/2018	18:00-18:00	21	00:07:55	12	0	00:00	00:00
	Morrison Street	2		Saturday	03/02/2018	12:00-14:00	1	00:00:28	2	0	00:00	00:00
14	Nicolson Square	1	62	Thursday	01/02/2018	00:00-02:00	2	00:15:43	0	0	00:00	00:00
	Nicolson Square	2		Saturday	03/02/2018	18:00-18:00	12	00:18:06	6	0	00:00	00:00
15	Queensberry Street	1	69	Saturday	03/02/2018	18:00-18:00	30	00:05:02	34	0	00:00	00:00
	Queensberry Street	2		Monday	05/02/2018	21:00-23:00	4	00:02:02	6	0	00:00	00:00
16	Rutland Street	1	72	Saturday	03/02/2018	18:00-18:00	52	00:04:47	84	18	00:13	01:02
	Rutland Street	2		Monday	05/02/2018	02:00-04:00	2	00:34:14	2	0	00:00	00:00
	Rutland Street	3		Tuesday	06/02/2018	12:00-14:00	21	00:23:02	25	0	00:00	00:00
	Rutland Street	4		Saturday	10/02/2018	18:00-18:00	37	00:11:11	46	0	00:00	00:00
17	Waverley Bridge	1	79	Friday	02/02/2018	21:00-23:00	59	00:15:51	70	0	00:00	00:00
	Waverley Bridge	2		Saturday	03/02/2018	18:00-18:00	93	00:05:58	170	0	00:00	00:00
	Waverley Bridge	3		Monday	05/02/2018	02:00-04:00	7	00:26:53	4	4	07:54	07:54
	Waverley Bridge	4		Saturday	10/02/2018	18:00-18:00	120	00:04:02	223	12	00:02	00:44
18	Wester Hailes	1	80 & 81	Tuesday	30/01/2018	12:00-14:00	27	00:17:53	21	0	00:00	00:00
	Wester Hailes	2		Thursday	01/02/2018	18:00-18:00	8	00:03:02	11	4	00:31	01:24
	Wester Hailes	3		Saturday	03/02/2018	12:00-14:00	22	00:08:28	28	0	00:00	00:00
	Wester Hailes	4		Saturday	03/02/2018	16:00-18:00	9	00:13:31	2	0	00:00	00:00
Total across all ranks surveyed							1294	00:09:45	1542	122	00:13	02:44



2.4 Weather conditions during the surveys

The following table presents the maximum and minimum temperatures experienced each day in Edinburgh, during the survey period.

Table 3 - Maximum and minimum temperatures

Date	Maximum temperature (°C)	Minimum temperature (°C)
30/01/18	7	4
01/02/18	7	1
02/02/18	7	1
03/02/18	4	1
04/02/18	7	0
05/02/18	3	0
06/02/18	4	-4
07/02/18	5	-5
09/02/18	5	1
10/02/18	9	1

General weather conditions during each of the survey periods were as follows:



Table 4 - Weather conditions

Date	Time start	Time finish	Weather conditions
30/01/2018	12:00	14:00	Dry with sunny spells
01/02/2018	00:00	02:00	Dry
01/02/2018	12:00	14:00	Bright and sunny
01/02/2018	16:00	18:00	Bright and sunny
02/02/2018	03:00	05:00	Dry
02/02/2018	12:00	14:00	Bright and sunny
02/02/2018	16:00	18:00	Dry with sunny spells
02/02/2018	21:00	23:00	Dry
03/02/2018	03:00	05:00	Rain showers
03/02/2018	12:00	14:00	Rain showers with sunny spells
03/02/2018	16:00	18:00	Rain showers with sunny spells
03/02/2018	21:00	23:00	Rain showers
05/02/2018	02:00	04:00	Dry
05/02/2018	12:00	14:00	Sunny spells and snow showers
05/02/2018	21:00	23:00	Dry
06/02/2018	00:00	02:00	Snow showers
06/02/2018	02:00	04:00	Snow showers
06/02/2018	12:00	14:00	Bright and sunny
07/02/2018	00:00	02:00	Dry
07/02/2018	12:00	14:00	Bright and sunny
07/02/2018	16:00	18:00	Sunny spells and snow showers
08/02/2018	12:00	14:00	Sunny with rain showers
08/02/2018	16:00	18:00	Bright and sunny
08/02/2018	21:00	23:00	Dry
09/02/2018	02:00	04:00	Dry
09/02/2018	12:00	14:00	Bright and sunny
09/02/2018	16:00	18:00	Dry with sunny spells
09/02/2018	21:00	23:00	Dry
10/02/2018	12:00	14:00	Bright and sunny
10/02/2018	16:00	18:00	Sunny with rain showers
10/02/2018	21:00	23:00	Rain showers

During the rank observation periods, the weather was varied but normal for the time of year. There is no clear evidence that the observations of activity at the taxi ranks were affected by weather.

2.5 Commentary on Results

The highest passenger volume observed over any of the survey periods was 223 passengers observed at Waverley Bridge between 16:00 and 18:00 on Saturday afternoon. The most significant passenger waiting occurred on Lothian Road during the early hours of Saturday morning (03:00 to 05:00), when 40 passengers had to wait for taxis to arrive at the taxi stance. These passengers had to wait for an average of 4 minutes 53 seconds. The passengers waiting at Lothian Road on Saturday morning accounted for thirty-three percent of all



passengers which were observed to have to wait for a taxi to arrive at the ranks. When taking all of the ranks into account, 122 passenger in total had to wait for taxis to arrive at the ranks. These 122 passengers waited an average of 2 minutes and 44 seconds.

In total, 1,542 passengers were observed. Most passengers arrived at the ranks to find taxis waiting to be hired. Hence, the majority of passengers did not have to wait for taxis.

2.6 Maximum taxi waiting times

The maximum time that a taxi was observed waiting at each rank, during each survey period, is presented in the following table.



Table 5 - Maximum taxi vehicle waiting times

Site no.	Street	Period	Edinburgh Council Rank No.	Day	Date	Survey Hours	Maximum wait time
1	Castle Street	1	5	Thursday	01/02/2018	12:00-14:00	00:36:06
	Castle Street	2		Saturday	03/02/2018	12:00-14:00	00:18:28
2	Cluny Avenue	1	8	Thursday	01/02/2018	16:00-18:00	00:10:10
	Cluny Avenue	2		Saturday	03/02/2018	16:00-18:00	00:00:00
3	Dundas Street	1	13	Thursday	01/02/2018	12:00-14:00	00:48:24
	Dundas Street	2		Friday	02/02/2018	16:00-18:00	00:12:06
	Dundas Street	3		Saturday	03/02/2018	12:00-14:00	00:20:38
	Dundas Street	4		Saturday	03/02/2018	16:00-18:00	00:33:38
4	Frederick Street	1	19	Friday	02/02/2018	12:00-14:00	00:47:50
	Frederick Street	2		Friday	02/02/2018	21:00-23:00	00:21:34
5	Grassmarket	1	28 & 29	Saturday	03/02/2018	12:00-14:00	00:12:50
	Grassmarket	2		Tuesday	06/02/2018	00:00-02:00	00:03:53
6	Grosvenor Street	1	31	Saturday	03/02/2018	16:00-18:00	00:06:06
	Grosvenor Street	2		Wednesday	07/02/2018	00:00-02:00	00:00:00
7	Hanover Street	1	33	Friday	02/02/2018	16:00-18:00	00:23:58
	Hanover Street	2		Saturday	03/02/2018	12:00-14:00	00:17:10
8	High Street	1	34	Tuesday	06/02/2018	02:00-04:00	00:38:37
	High Street	2		Wednesday	07/02/2018	16:00-18:00	00:41:38
	High Street	3		Friday	09/02/2018	12:00-14:00	00:33:53
	High Street	4		Friday	09/02/2018	16:00-18:00	00:50:08
	High Street	5		Saturday	10/02/2018	12:00-14:00	00:42:14
	High Street	6		Saturday	10/02/2018	16:00-18:00	00:19:50
9	Holyrood Road	1	35	Wednesday	07/02/2018	12:00-14:00	00:37:00
	Holyrood Road	2		Saturday	10/02/2018	16:00-18:00	00:18:00
11	Lothian Road	1	54 & 55	Friday	02/02/2018	03:00-05:00	00:00:38
	Lothian Road	2		Saturday	03/02/2018	03:00-05:00	00:32:56
	Lothian Road	3		Tuesday	06/02/2018	12:00-14:00	00:44:44
	Lothian Road	4		Wednesday	07/02/2018	16:00-18:00	00:37:30
	Lothian Road	5		Friday	09/02/2018	02:00-04:00	00:27:08
	Lothian Road	6		Saturday	10/02/2018	12:00-14:00	00:32:41
12	Morningside Road	1	58	Wednesday	07/02/2018	16:00-18:00	00:07:08
	Morningside Road	2		Saturday	03/02/2018	12:00-14:00	00:39:02
13	Morrison Street	1	59 & 60	Friday	02/02/2018	16:00-18:00	00:23:31
	Morrison Street	2		Saturday	03/02/2018	12:00-14:00	00:00:28
14	Nicolson Square	1	62	Thursday	01/02/2018	00:00-02:00	00:15:43
	Nicolson Square	2		Saturday	03/02/2018	16:00-18:00	00:37:04
15	Queensferry Street	1	69	Saturday	03/02/2018	16:00-18:00	00:16:32
	Queensferry Street	2		Monday	05/02/2018	21:00-23:00	00:06:20
16	Rutland Street	1	72	Saturday	03/02/2018	16:00-18:00	00:20:29
	Rutland Street	2		Monday	05/02/2018	02:00-04:00	01:01:23
	Rutland Street	3		Tuesday	06/02/2018	12:00-14:00	00:54:34
	Rutland Street	4		Saturday	10/02/2018	16:00-18:00	00:25:10
17	Waverley Bridge	1	79	Friday	02/02/2018	21:00-23:00	00:29:24
	Waverley Bridge	2		Saturday	03/02/2018	16:00-18:00	00:14:46
	Waverley Bridge	3		Monday	05/02/2018	02:00-04:00	00:56:27
	Waverley Bridge	4		Saturday	10/02/2018	16:00-18:00	00:14:41
18	Wester Hailes	1	80 & 81	Tuesday	30/01/2018	12:00-14:00	00:48:56
	Wester Hailes	2		Thursday	01/02/2018	16:00-18:00	00:13:04
	Wester Hailes	3		Saturday	03/02/2018	12:00-14:00	00:22:07
	Wester Hailes	4		Saturday	03/02/2018	16:00-18:00	00:33:19



2.7 Maximum passenger waiting times

The maximum time that a passenger was observed waiting at each rank, during each survey period, is presented in the following table.



Table 6 - Maximum passenger waiting times

Site no.	Street	Period	Edinburgh Council Rank No.	Day	Date	Survey Hours	Maximum wait time
1	Castle Street	1	5	Thursday	01/02/2018	12:00-14:00	00:00:00
	Castle Street	2		Saturday	03/02/2018	12:00-14:00	00:00:00
2	Cluny Avenue	1	8	Thursday	01/02/2018	16:00-18:00	00:00:00
	Cluny Avenue	2		Saturday	03/02/2018	16:00-18:00	00:00:00
3	Dundas Street	1	13	Thursday	01/02/2018	12:00-14:00	00:01:44
	Dundas Street	2		Friday	02/02/2018	16:00-18:00	00:08:14
	Dundas Street	3		Saturday	03/02/2018	12:00-14:00	00:07:42
	Dundas Street	4		Saturday	03/02/2018	16:00-18:00	00:00:00
4	Frederick Street	1	19	Friday	02/02/2018	12:00-14:00	00:00:00
	Frederick Street	2		Friday	02/02/2018	21:00-23:00	00:00:00
5	Grassmarket	1	28 & 29	Saturday	03/02/2018	12:00-14:00	00:00:00
	Grassmarket	2		Tuesday	06/02/2018	00:00-02:00	00:00:00
6	Grosvenor Street	1	31	Saturday	03/02/2018	16:00-18:00	00:00:00
	Grosvenor Street	2		Wednesday	07/02/2018	00:00-02:00	00:00:00
7	Hanover Street	1	33	Friday	02/02/2018	16:00-18:00	00:03:02
	Hanover Street	2		Saturday	03/02/2018	12:00-14:00	00:04:46
8	High Street	1	34	Tuesday	06/02/2018	02:00-04:00	00:03:18
	High Street	2		Wednesday	07/02/2018	16:00-18:00	00:03:18
	High Street	3		Friday	09/02/2018	12:00-14:00	00:00:00
	High Street	4		Friday	09/02/2018	16:00-18:00	00:00:00
	High Street	5		Saturday	10/02/2018	12:00-14:00	00:00:00
	High Street	6		Saturday	10/02/2018	16:00-18:00	00:00:00
9	Holyrood Road	1	35	Wednesday	07/02/2018	12:00-14:00	00:00:00
	Holyrood Road	2		Saturday	10/02/2018	16:00-18:00	00:00:00
11	Lothian Road	1	54 & 55	Friday	02/02/2018	03:00-05:00	00:00:00
	Lothian Road	2		Saturday	03/02/2018	03:00-05:00	00:26:36
	Lothian Road	3		Tuesday	06/02/2018	12:00-14:00	00:00:00
	Lothian Road	4		Wednesday	07/02/2018	16:00-18:00	00:00:00
	Lothian Road	5		Friday	09/02/2018	02:00-04:00	00:00:00
	Lothian Road	6		Saturday	10/02/2018	12:00-14:00	00:00:00
12	Morningside Road	1	58	Wednesday	07/02/2018	16:00-18:00	00:00:00
	Morningside Road	2		Saturday	03/02/2018	12:00-14:00	00:00:00
13	Morrison Street	1	59 & 60	Friday	02/02/2018	16:00-18:00	00:00:00
	Morrison Street	2		Saturday	03/02/2018	12:00-14:00	00:00:00
14	Nicolson Square	1	62	Thursday	01/02/2018	00:00-02:00	00:00:00
	Nicolson Square	2		Saturday	03/02/2018	16:00-18:00	00:00:00
15	Queensferry Street	1	69	Saturday	03/02/2018	16:00-18:00	00:00:00
	Queensferry Street	2		Monday	05/02/2018	21:00-23:00	00:00:00
16	Rutland Street	1	72	Saturday	03/02/2018	16:00-18:00	00:05:12
	Rutland Street	2		Monday	05/02/2018	02:00-04:00	00:00:00
	Rutland Street	3		Tuesday	06/02/2018	12:00-14:00	00:00:00
	Rutland Street	4		Saturday	10/02/2018	16:00-18:00	00:00:00
17	Waverley Bridge	1	79	Friday	02/02/2018	21:00-23:00	00:00:00
	Waverley Bridge	2		Saturday	03/02/2018	16:00-18:00	00:00:00
	Waverley Bridge	3		Monday	05/02/2018	02:00-04:00	00:14:50
	Waverley Bridge	4		Saturday	10/02/2018	16:00-18:00	00:01:26
18	Wester Hailes	1	80 & 81	Tuesday	30/01/2018	12:00-14:00	00:00:00
	Wester Hailes	2		Thursday	01/02/2018	16:00-18:00	00:03:48
	Wester Hailes	3		Saturday	03/02/2018	12:00-14:00	00:00:00
	Wester Hailes	4		Saturday	03/02/2018	16:00-18:00	00:00:00

Full details of passenger wait times are presented in Appendix E.



2.8 Conclusions

Stance observations indicate that most passengers at ranks were able to obtain a taxi immediately. When we aggregate all passenger waiting time and divide by the total number of passengers (including both those who didn't have to wait and those who did have to wait) the average wait time per passenger was 13 seconds.



3 ADDITIONAL RANK SURVEYS

3.1 Comments on the surveys

A selection of 13 of the ranks in Edinburgh, not included in the regular interim surveys, was made. Each of these locations was recorded on video camera from either 7am Thursday 1st February 2018 – 7am Sunday 4th February 2018 or 7am Thursday 8th February 2018 – 7am Sunday 11th February 2018.. For each of the three 24 hour periods, there was an analysis of how busy the hourly intervals were. These were categorised by: no = no taxis in the hour, low = fewer than 3 taxis per hour, and active = 3 or more taxis per hour. This analysis is presented in Appendix C

3.2 Summary of rank survey results

At active stances, several periods, in common with the periods analysed for the main interim rank surveys, were chosen for detailed analysis of Taxi arrival and departure times and passenger volume and waiting analysis. These detailed results are presented in the following table.



Table 7 - Summary of additional rank survey results

Street	Period	Edinburgh Council Rank No.	Day	Date	Survey Hours	Total no. taxis at rank	Average taxi wait time	Total passengers	Number of passengers who had to wait for a taxi to arrive.	Average passenger wait time for all passengers (mm:ss)	Average passenger wait time for passengers who had to wait for a taxi to arrive at the rank (mm:ss)
Cannongate	1	4	Thursday	08/02/2018	12:00-14:00	19	00:14:25	13	0	00:00	00:00
Cannongate	2		Friday	09/02/2018	16:00-18:00	22	00:08:12	15	0	00:00	00:00
Commercial Street	1	9	Thursday	08/02/2018	16:00-18:00	13	00:05:41	2	0	00:00	00:00
Commercial Street	2		Friday	09/02/2018	21:00-23:00	39	00:04:28	54	8	00:03	00:22
George IV Bridge	1	20	Thursday	08/02/2018	21:00-23:00	16	00:05:44	18	0	00:00	00:00
George IV Bridge	2		Friday	09/02/2018	21:00-23:00	8	00:10:17	5	0	00:00	00:00
Leith Walk - Omni	1	49	Thursday	01/02/2018	12:00-14:00	28	00:13:06	28	0	00:00	00:00
Leith Walk - Omni	3		Saturday	03/02/2018	21:00-23:00	148	00:01:30	277	133	00:38	01:15
North Bridge, East	2		Friday	09/02/2018	21:00-23:00	12	00:06:57	12	0	00:00	00:00
North Bridge, East	3		Saturday	10/02/2018	21:00-23:00	9	00:01:30	7	0	00:00	00:00
North St. Andrews Square (temporary)	1		Thursday	08/02/2018	12:00-14:00	13	00:23:20	13	0	00:00	00:00
North St. Andrews Square (temporary)	2		Friday	09/02/2018	16:00-18:00	7	00:15:37	12	0	00:00	00:00
South St. Andrews Square	1	74	Thursday	01/02/2018	12:00-14:00	16	00:12:01	13	0	00:00	00:00
South St. Andrews Square	2		Friday	02/02/2018	16:00-18:00	17	00:03:29	23	0	00:00	00:00
Portobello High Street	1	68	Thursday	08/02/2018	12:00-14:00	6	00:22:21	0	0	00:00	00:00
Total across all ranks surveyed						350	00:06:48	467	141	00:22	01:12



3.3 Maximum taxi waiting times

The maximum time that a taxi was observed waiting at each rank, during each survey period, is presented in the following table. The table includes only the ranks where taxis were observed to wait during the processed periods.

Table 8 - Maximum taxi waiting times

Street	Day	Date	Survey Hours	Maximum wait time
Cannongate	Thursday	08/02/2018	12:00-14:00	00:33:27
Cannongate	Friday	09/02/2018	16:00-18:00	00:33:12
Commercial Street	Thursday	08/02/2018	16:00-18:00	00:11:20
Commercial Street	Friday	09/02/2018	21:00-23:00	00:17:52
George IV Bridge	Thursday	08/02/2018	21:00-23:00	00:19:28
George IV Bridge	Friday	09/02/2018	21:00-23:00	00:26:12
Leith Walk - Omni	Thursday	01/02/2018	12:00-14:00	00:39:34
Leith Walk - Omni	Saturday	03/02/2018	21:00-23:00	00:10:46
North Bridge, East	Friday	09/02/2018	21:00-23:00	00:19:20
North Bridge, East	Saturday	10/02/2018	21:00-23:00	00:03:42
North St. Andrews Square (temporary)	Thursday	08/02/2018	12:00-14:00	00:52:18
North St. Andrews Square (temporary)	Friday	09/02/2018	16:00-18:00	00:55:16
South St. Andrews Square	Thursday	01/02/2018	12:00-14:00	00:25:32
South St. Andrews Square	Friday	02/02/2018	16:00-18:00	00:11:50
Portobello High Street	Thursday	08/02/2018	12:00-14:00	00:22:27

3.4 Passenger waiting

The maximum time that a taxi was observed waiting at each rank, during each survey period, is presented in the following table. The table includes only the ranks where taxis were observed to wait during the processed periods.

Table 9 – Maximum passenger waiting times

Street	Day	Date	Survey Hours	Maximum wait time
Commercial Street	Friday	09/02/2018	21:00-23:00	00:01:42
Leith Walk - Omni	Saturday	03/02/2018	21:00-23:00	00:08:44
North Bridge, East	Saturday	10/02/2018	21:00-23:00	00:03:00
South St. Andrews Square	Friday	02/02/2018	16:00-18:00	00:01:44

3.5 Weather conditions during the surveys

The following table presents the maximum and minimum temperatures experienced each day in Edinburgh, during the survey period.



Table 10 - Temperatures during the additional rank surveys

Date	Maximum temperature (°C)	Minimum temperature (°C)
01/02/18	7	1
02/02/18	7	1
03/02/18	4	1
08/02/18	8	2
09/02/18	5	1
10/02/18	9	1

Table 11 - Weather conditions during the surveys

Date	Time start	Time finish	Weather conditions
01/02/2018	12:00	14:00	Bright and sunny
02/02/2018	16:00	18:00	Dry with sunny spells
03/02/2018	21:00	23:00	Rain showers
08/02/2018	12:00	14:00	Sunny with rain showers
08/02/2018	16:00	18:00	Bright and sunny
08/02/2018	21:00	23:00	Dry
09/02/2018	16:00	18:00	Dry with sunny spells
09/02/2018	21:00	23:00	Dry
10/02/2018	21:00	23:00	Rain showers

During the rank observation periods, the weather was varied but normal for the time of year. There is no clear evidence that the observations of activity at the taxi ranks were affected by weather.

3.6 Conclusions

Levels of activity at the additional ranks surveyed were generally low, with the exception of the Leith Walk - Omni rank and the rank on Commercial Street.

Regulatory Committee

9:30am, Tuesday, 26 June 2018

Private Rented Sector Enforcement Activities

Item number	
Report number	
Executive/routine	
Wards	Citywide
Council Commitments	11

Executive Summary

The City of Edinburgh has the largest Private Rented Housing (PRH) sector in Scotland with more than a quarter of Edinburgh households renting from private landlords.

The Council's Private Rented Sector Service was restructured during the transformation of Council services in late 2016. This report provides information on enforcement activity and deals with an outstanding remit on how the Council should approach the powers available to it. The Service continues to evolve and this report identifies further potential service improvements and future enforcement priorities.

Private tenants and the Council seeking repairs to be performed to expected standards may refer landlords to the 'First Tier Tribunal, Housing and Property Chamber'. The First Tier Tribunal was previously known as the Private Rented Housing Panel.

Private Rented Sector Enforcement Policy

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.2 notes the contents of this report and discharges previous remits from Regulatory Committee dated 28 April 2015;
 - 1.1.3 agrees to receive a further report on future enforcement activities;
 - 1.1.4 agrees to receive a further report a draft policy on improving repairs and other matter as set out in paragraph 3.19 - 3.20 and 3.29 – 3.30.

2. Background

- 2.1 The Council has a statutory duty to regulate the Private Rented Housing Sector (PRH). Additionally, the council is required to provide advice to landlords and tenants. There are two outstanding remits to regularly update the committee on enforcement activity undertaken with respect to the PRH sector and to develop a policy on use of additional powers the council has been given to regulate the PRH sector.
- 2.2 The majority of PRH landlords are required to be registered with the Council's Landlord Registration Scheme by the Anti-Social Behaviour (Scotland) Act 2004, including landlords who additionally require a Houses in Multiple Occupation (HMO) licence. Landlords of the following property types are normally exempt:
 - a) A property in which they live all or most of the time with their tenants;
 - b) Registered care homes, boarding schools and other school accommodation;
 - c) Manses and other property used by religious orders;
 - d) holiday homes or short term lets; or
 - e) crofts.
- 2.3 Landlord registration must be renewed every three years. Before registration is accepted the Council considers whether the applicant is a fit and proper person to let property. Failure to register is a criminal offence.
- 2.4 For PRH properties containing more than three unrelated individuals, a licence to operate as an HMO is required in addition to the registration. The licence may be granted up to three years or in accordance with policy one year for a new licence. It is a criminal offence not to be licensed.

- 2.5 It is the role of the Council to ensure that all privately let properties within the city of Edinburgh which are defined as are licensed and meet the requirements of the Housing (Scotland) Act 2006 ('the 2006 Act') as appropriate.
- 2.6 Previously the Council had set up the Private Rented Sector (PRS) Service as a mixture of inspection, administrative and enforcement staff. The structure of the service promoted becoming licensed or registered and therefore enforcement was not prioritised. There was a clear element of duplication with tasks carried out by the Licensing Service.
- 2.7 The Council's PRS Section was restructured as a result of the Transformational Review. All aspects of the service which dealt with licensing and inspections were moved to within the management of the Licensing Service. This removes duplication and improves efficiency. A separate PRS Enforcement Team was created within Regulatory Services, as a dedicated resource to build resilience and increase focus on enforcement. The team comprises six enforcement officers, including a Fire Officer, and is supported by a co-located Police Officer, The new structure began operating on 1 August 2016.
- 2.8 Powers under the Housing (Scotland) Act 2014 allow tenants of PRS properties to escalate concerns about the repair standard of a property to the Tribunal. That Act further allows any breach to be reported to the PRHP by the Local Authority, regardless of whether or not the tenant has requested such an intervention.
- 2.8 There is an outstanding remit to report on how the Council proposes to use these new powers.
- 2.9 The Private Rented Housing Panel was created to carry out functions under the Housing (Scotland) Act 2006 ("the 2006 Act") that created a mechanism allowing tenants to apply to have repair issues determined that were not being resolved by their private landlord. It was set up to administer the legislation in the same manner as the former Rent Assessment Panel, by appointing Committees to determine individual applications at a Tribunal hearing. Provisions of the Private Rented Housing (Scotland) Act 2011 ("the 2011 Act") and the Housing (Scotland) Act 2014 ("the 2014 Act") gave the Private Rented Housing Panel further functions by making amendments to the 2006 Act.
- 2.10 On 1 December 2017 the First Tier Tribunal for Scotland, Housing and Property Chamber replaced the Private Rented Housing Panel.

3. Main report

Numbers of Private Rented Housing and House in Multiple Occupation properties

- 3.1 There are estimated to be 47,000 registered landlords in the city with this equating to over 25% of the housing stock. The number is significantly higher than the Scottish average of 15%. The sector has doubled since the start of the millennium, and as such is a key part of the supply of housing in the City. Exact numbers are not currently available from the new national landlord registration database which

went live in 2017. Work is ongoing resolve issues which would allow each Local Authority to access up-to-date statistics.

- 3.2 As of 31 March 2018 there were 4059 licensed HMOs. The actual number of HMO licences is higher, as one property may have many individual flats or rooms licensed e.g. student accommodation.

Unlicensed or Unregistered Landlords

- 3.3 While the majority of landlords are compliant with statutory duties, there is a small minority who evade their legal responsibilities and seek to avoid landlord registration or HMO licensing requirements.
- 3.4 During 2017/18, the PRS Enforcement team received 160 complaints regarding unlicensed HMOs, and 685 about unregistered landlords or properties. A further 706 enquiries or requests for general advice were received and dealt with, 95% within 14 days.
- 3.5 Investigation and follow-up action resulted in 264 landlords subsequently registering. The Key Performance Indicators (KPIs) for PRS Enforcement 2017/18 are given in full in Appendix 1.
- 3.6 Since the creation of a dedicated PRS Enforcement Team in August 2016, the use of enforcement powers and options has been reviewed. A number of opportunities for a more robust approach have been identified.
- 3.7 Where a landlord is required to be registered but is not, the Council may serve a Rent Penalty Notice (RPN). Similarly, where an HMO is not licensed but should be a Rent Suspension Order (RSO) may be served. Both actions mean that landlords are unable to collect rent from tenants until the matter is resolved. RPNs remain in place until a landlord registration has been submitted, RPOs remain in place until an HMO licence has been granted by the Council.
- 3.8 The impact of an RPN or RSO can be very effective in persuading landlords to seek registration or licence. Historically the Council has not actively used these tools. This has been reviewed, and since September 2017, after taking detailed legal advice, the team has been trialling use of both RPN and RSO powers. Since this approach was introduced, 11 RPNs and 38 RSOs have been served. As a result of serving or the threat of serving, 22 HMO licence applications and six landlord registrations have been received.
- 3.9 Prosecution reports are normally only submitted to the Procurator Fiscal if all other enforcement options have failed, or in cases of persistent non-compliance. During 2017 a total of nine prosecution reports were submitted by the PRS Enforcement Team. So far in 2018/19 no prosecution reports have been submitted. A number are being considered in cases where the landlord has ignored RPNs or RSOs and failed to submit any registration or licence application.

Future Enforcement Priorities

- 3.10 The capacity for enforcement work has increased with the dedicated team, and Members will recall that change to the HMO Licence system were agreed in 2017. The Council has moved to routinely granting properties of a suitable standard and compliance history to three year licences as opposed to one year licences. This move to three year HMO licences will free up inspection resources, which will further increase enforcement activity targeted at landlords not complying with their statutory duties.
- 3.11 A number of potential approaches have been identified to increase the proportion of HMOs licensed and landlords registered. As well as bringing landlords into the system in line with legal requirements, there is a desire to improve standards across the sector.
- 3.12 It can be challenging to gather sufficient evidence to determine whether a property is operating as an HMO. The Council currently has the power under Section 186 of the 2006 Act to serve notice on occupiers of a property or any person receiving rent from it, such as agents, requiring relevant information to be provided. The powers have been used infrequently by the Council. The service will seek to extend use of these powers, but will do so in a carefully considered manner, to take account of potentially vulnerable occupiers who may fear adverse consequences
- 3.13 Liaison with the Revenues and Benefits Service, focusing on payment of housing benefits in respect of PRH properties, could identify any unregistered landlords. A previous small- scale pilot project was successful in persuading landlords to register while avoiding any interruption to their rent payment, and it is intended to look at repeating and expanding this exercise with relevant colleagues in the Council
- 3.14 A small number of landlords may be tempted to evade the registration and licensing systems by simply failing to apply to renew their registration. A detailed monthly report will be put in place identifying those properties or landlords whose registration/licence has expired. These will be matched against renewal applications and any outstanding renewals will be followed up. This detailed matching is subject to the new national landlord register introduced by the Scottish Government being amended to support this functionality.
- 3.15 Landlords attempting to evade registration or licensing may owe Council Tax debt. These individuals will be the subject of targeted enforcement action.
- 3.16 Finally work will be undertaken with stakeholders and partners to better analyse complaints and other sources. The aim will be to compile an intelligence database of landlords that have been flagged, for additional monitoring and targeted enforcement actions
- 3.17 The Letting Agents (Scotland) Regulations 2016 require agents to join a register of letting agents and comply with a code of practice. The Register of Letting Agents is maintained by Scottish Government to ensure that every agent is suitable to do the job and has met minimum training requirements.

- 3.18 It will be a criminal offence to carry out letting agency work if not on the register. If convicted the penalty is a fine of up to £50,000, up to six months imprisonment or both. Agents must have submitted an application by 1 October 2018. The service will introduce procedures to check registration and report non-compliance by agents

Improvements in Advice and Guidance to Landlords

- 3.19 It is recognised that most landlords wish to comply with their legal responsibilities. In order to assist landlords, particularly those new to the sector, it is intended to prepare a guidance document and checklist to be sent out to new landlords on initial registration. This guidance will also cover their responsibilities if the property qualifies as an HMO. This pack will include contact details for an officer who will give further advice and offer appropriate support.
- 3.20 As well as guidance for landlords, it is proposed to prepare a pack for tenants. In addition to general advice and guidance this pack will include a checklist detailing the acceptable standards with which a rented property is required to comply. Any tenant concerned that any standard is not being met will be able to notify the Council detailing the deficiencies, triggering a complaint notification to the Council and providing valuable intelligence regarding the housing rental stock.

Driving up the standard of repair etc

- 3.21 The Private Rented Housing Panel/First Tier Tribunal (Housing and Property Chamber) (PRHP) was created to carry out functions in the private sector under the Housing (Scotland) Act 2006. This created a mechanism allowing tenants to apply to have repair issues which were not being resolved by their private landlord addressed. Let property must reach a standard level of repair known as the 'repairing standard'.
- 3.22 The functions of the PRHP were transferred to the First-tier Tribunal for Scotland (Housing and Property Chamber) on 1 December 2016 as part of the changes introduced by the Tribunal (Scotland) Act 2014
- 3.23 The Repairing Standard means that to meet this standard the property must meet the following criteria:
- a) the property must be wind and watertight;
 - b) the installations for the supply of water, gas, electricity sanitation, heating and hot water must be in proper working order;
 - c) fixtures, fittings, and appliances must be in proper working order;
 - d) any furnishings provided must be safe;
 - e) the property must have suitable smoke/fire detectors and carbon monoxide detection warning;
 - f) must be fit to live in, meeting the 'tolerable standard'.
- 3.24 The property must meet a basic level of repair called the 'tolerable standard'. A property may not be fit to live in if, amongst others, it:
- a) has serious rising or penetrating damp;
 - b) is structurally unstable or subsiding;

- c) doesn't have adequate ventilation, natural and artificial light, or heating;
 - d) doesn't have adequate thermal insulation;
 - e) doesn't have a sink with hot and cold water;
 - f) doesn't have an indoor toilet.
- 3.25 Tenants whose home does not meet the repairing standard can apply to the Tribunal to ensure that their landlord complies with the repairing standard. This is open to those with a short assured, assured, or regulated tenancy.
- 3.26 If a property does not meet the repairing standard, the Council is able to apply to the Housing and Property Chamber. The Council can apply with or without the tenant's consent.
- 3.27 Under amendments provided for in the Housing (Scotland) Act 2014, the PRHP was given further powers to accept applications from the Local Authority to determine whether or not a private rented property met the repairing standard. These powers commenced 1 December 2015. Prior to this change only tenants could make such an application.
- 3.28 Tenants are currently encouraged to make any referral themselves and advised as to the process.
- 3.29 Finally, sections 146 to 153 and Schedule 5 of the 2006 Act give the Council powers to enter and inspect living accommodation, to assess the state of a property and to ascertain whether there is any need to serve a 'HMO amenity notice'. Such a notice requires the owner to carry out works to make it reasonably fit for occupation. If the owner fails to do so the Council may carry out such works and recover any costs from the owner.
- 3.30 The service therefore intends to explore using these powers on a more proactive basis. The service will consult and engage with all relevant stakeholders to draw up a policy on use of these powers, and an action plan to drive up standards in this important sector of housing. In particular, measures will be considered which underpin work in this area by other relevant services such as Shared Repairs and Environmental Health. It would be intended to report back to committee by the end of the year on progress on drawing up this policy.

Other Housing issues

- 3.31 Members will be aware that, either outwith the scope of this committee, or in some cases shared between committees, there are other policy issues being considered by the Council. Examples of these issues include:
- a) Appropriate regulation of the Short Term Lets industry;
 - b) Activity to bring Empty Homes within the city back into use;
 - c) Consideration of introducing Rent Pressure Zone(s) in the city.
- 3.32 The Directorate will ensure that wherever possible work undertaken in this area supports work on these issues and more generally maximising the supply of affordable, good quality housing in the city. It is recommended that this report is forwarded to the Housing and Economy committee in order to ensure that committee is aware of the activity detailed in this report.

4. Measures of success

- 4.1 That HMOs are licensed and landlords are registered in compliance with relevant legislation.
- 4.2 That the PRS Enforcement Team is working efficiently with partner organisations to gather intelligence and ensure a high level of compliance.
- 4.3 That the PRS Enforcement Team is making full use of all powers available in line with best practice guidance.

5. Financial impact

- 5.1 There is no direct financial impact on the Council. All costs are contained within existing income from licensing or landlord registration fees.

6. Risk, policy, compliance and governance impact

- 6.1 The Council has a duty to ensure that appropriate landlords are registered and that HMOs are licensed. Landlords are required to be 'fit and proper', and properties are required to meet minimum standards.

7. Equalities impact

- 7.1 There is no adverse impact on the public sector equalities duty. The service will be developed in line with best practice and be designed to ensure that the interests of tenants, including vulnerable users, is safeguarded.

8. Sustainability impact

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

9. Consultation and engagement

- 9.1 The report details planned consultation to take the proposals in this report forward.

10. Background reading/external references

- 10.1 Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities August 2011, updated January 2012.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager

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

11. Appendices

11.1 Appendix1 - PRS Enforcement Key Performance Indicators.

