

# Notice of meeting and agenda

## Regulatory Committee

**1.00 pm, Friday, 25 September 2015**

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

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

## Contact

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## **1. Order of business**

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

## **2. Declaration of interests**

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

## **3. Deputations**

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- 3.1 If any

## **4. Minutes**

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- 4.1 Regulatory Committee of 23 June 2015 (circulated – submitted for approval as a correct record).

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

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- 5.1 Rolling Actions Programme (circulated)

## **6. Executive Decisions**

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- 6.1 Update – Houses in Multiple Occupancy Market Review – report by the Acting Director of Services for Communities (circulated).
- 6.2 Review of Late Hours Catering Licensing – report by the Acting Director of Services for Communities (circulated).
- 6.3 Update: Air Weapons and Licensing (Scotland) Act 2015– report by the Acting Director of Services for Communities (circulated).
- 6.4 Licensing Policy Development – Street Trader Licensing Update – report by the Acting Director of Services for Communities (circulated).
- 6.5 Licensing of Hire Vehicles: Protecting Vulnerable Passengers – report by the Acting Director of Services for Communities (circulated).
- 6.6 Update to Taxi, Private Hire Car and Driver Licence Conditions – report by the Acting Director of Services for Communities (circulated).
- 6.7 Demand for Taxis: Six Monthly Update – report by the Acting Director of Services for Communities (circulated).

## **7. Routine decisions**

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- 7.1 Consultation Response: Fixed-odds Betting Terminals; Scotland Bill – report by the Acting Director of Services for Communities (circulated).

## **8. Motions**

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### 8.1 By Councillor Barrie – Abusive Behaviour Towards Licensing Staff

That the Regulatory Committee recognises that there have been instances of abusive behaviour from applicants for licences and existing licence holders towards staff who carry out duties related to the Councils function as Licensing Authority in terms of the Civic Government (Scotland) Act 1982 and other statutory provisions.

Committee notes that there are only a minority of applicants and licence holders who act in this unacceptable manner.

1. Committee instructs the Acting Director of Services for Communities to report to the Regulatory Committee in November on a procedure for bringing any substantiated instances of abusive behaviour to staff from applicants for licences to the attention of the Licensing Sub-Committee when considering their applications,
2. Having regard to 1 above the Acting Director of Services for Communities to report to the Regulatory Committee in November on a procedure for bringing reports of any substantiated instances of abusive behaviour to staff from licence holders to the attention of the Licensing Sub-Committee in respect of their fitness to hold a licence
3. To instruct the Acting Director of Services for Communities to amend the guidance notes on all application forms to advise that this type of behaviour can be taken into account when considering applications, this information also to be made available on the Council website.
4. To instruct the Acting Director of Services for Communities to write to all Taxi companies and Private Hire Firms to request them to make their members/employees aware that that this type of behaviour can be taken into account in respect of their fitness to hold a licence
5. To instruct the Acting Director of Services for Communities to write to all licence holders to make them aware that that this type of behaviour can be taken into account in respect of their fitness to hold a licence
6. To advise the Licensing Board of the action being taken.

### **Carol Campbell**

Head of Legal, Risk and Compliance

### **Committee Members**

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

## Information about the Regulatory Committee

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

## Further information

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If you have any questions about the agenda or meeting arrangements, please contact Laura Millar, Committee Services, City of Edinburgh Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 469 3857, e-mail [alison.clyne@edinburgh.gov.uk](mailto:alison.clyne@edinburgh.gov.uk)

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

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

## Regulatory Committee

**2.00 pm, Tuesday 23 June 2015**

### Present

Councillor Barrie (Convener), Blacklock (Vice-Convener), Cairns, Gardner, Lunn and Redpath

### 1. Minutes

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#### Decision

To approve the minute of the Regulatory Committee of 28 April 2015 as a correct record.

### 2. Rolling Actions Programme

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The Regulatory Committee Rolling Actions Programme for 3 May 2013 to 28 April 2015 was presented.

#### Decision

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

(References – Act of Council No. 12 of 24 October 2013; Regulatory Committee Rolling Actions Programme - 23 June 2015, submitted)

### 3. Access to Taxis by Wheelchair Users

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An update was provided on a number of complaints which has been received by the Council about the lack of assistance from taxi drivers and the lack of appropriate or faulty fittings on taxis which had prevented access by wheelchair users. The current requirements regarding the accessibility of taxis by wheelchair customers were provided, as well as a proposed action plan to address the concerns identified through the investigation of complaints.

#### **Decision**

1. To agree the action plan.
2. To agree to receive an update report in November 2015.
3. To instruct the Director of Corporate Governance to include the delegation of authority to the Director of Services for Communities to grant medical exemption certificates based on medical advice in the next report to full Council on the Council's Scheme of Delegation.
4. To ask the medical advisors for a breakdown of the medical conditions granted wheelchair exemptions.

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

### 4. Update: Change to Second Hand Dealer Licence Conditions

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The results of a consultation carried out with respect to proposed changes to current licence conditions for second hand dealers was provided and approval was sought for changes to the licence conditions.

#### **Decision**

1. To note the report and the results of the consultation.
2. To agree to update the standard conditions in relation to second hand dealers, as per Appendix 1 of the report by the Acting Director of Services for Communities.

(References – Regulatory Committee of 17 November 2014 (Item 6), report by the Acting Director of Services for Communities, submitted)

## 5. Taxi Fares – Airport Drop-off and Collection Fees

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The Regulatory Committee had agreed at its meeting of 17 November 2014 to revise the taxi fare tariff and instructed that the 'drop-off' and 'collection' fees payable at Edinburgh Airport were examined.

An update was provided on the research carried out by Halcrow Ltd regarding the Airport fees.

### Decision

1. To note the report.
2. To note that the Traffic Commissioner was currently considering an appeal against the Council's decision on the last Taxi Tariff Review.
3. To undertake a review of fares including the airport fee within 12 months of the Traffic Commissioner reporting.
4. To discharge the outstanding remit from the Regulatory Committee meeting of 17 November 2014.

(References – Regulatory Committee of 17 November 2014 (Item 3), report by the Acting Director of Services for Communities, submitted)

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

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An update was provided on the review of taxi and private hire car driver training. An examination of cost, quality, relevance and effectiveness of taxi driver training had been carried out, which highlighted concerns around the current training structure, course content and delivery of training. Plans to improve the quality of training and options for the future delivery of training were provided.

### Decision

1. To note the content of the report.
2. To agree, in principle, to change current licensing conditions for PHC drivers and to introduce compulsory training for PHC drivers, to be introduced when legislation permitted and meantime to introduce it on a voluntary basis.
3. To agree to consult on the development of a fit for purpose training programme that met the needs of a modern taxi and private hire service, which would include a proposed level of training, course content and method of training delivery including bringing the training in-house.
4. To agree to receive a further update in due course.



5. To agree to include mental health issues in the disability awareness section of the new training.

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

## **7. Update: Installation of CCTV Cameras in Taxis and Private Hire Cars**

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An update was provided on the number of applications to install cameras in taxis and private hire cars for insurance or crime prevention and safety purposes. There had been no complaints regarding the use of cameras in licensed vehicles.

### **Decision**

1. To note the report.
2. To discharge the outstanding remits from previous Regulatory Committee meetings of 20 June 2014 and 17 November 2014.

(References - Regulatory Committee of 17 November 2014 (Item 8), report by the Acting Director of Services for Communities, submitted.)

## **8. Licensing Refunds – Annual Update 2015**

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An update was provided on the functioning of the Licensing Refunds Policy.

### **Decision**

1. To note the report.
2. To reaffirm the existing policy.
3. To discharge the existing remit from the Regulatory Committee of 6 September 2013 to investigate the feasibility of processing applications, without payment of the required fee, where a fee reduction is requested.

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

## 9. City Centre Public Spaces Manifesto Update – referral from the Transport and Environment Committee

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The Transport and Environment Committee on 2 June 2015 considered an update report on the City Centre Public Spaces Manifesto. The Committee referred the report to the Regulatory Committee for information.

### **Decision**

To note the report.

(References – Transport and Environment Committee of 2 June 2015 (Item 22), report by the Acting Director of Services for Communities, submitted.)

# Item 5.1 Rolling Actions Programme

## Regulatory Committee

3 May 2013 to 25 September 2015

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	24.07.13	Balfour Beatty Fee Structure for Holyrood Road	To instruct the Director of Services for Communities to review the HMO university fee structure and report back to the committee within six months.	Acting Director of Services for Communities	November 2015		Ongoing
2	06.09.13	License Refund Policy Outcome of Consultation	To request the Director of Services for Communities to investigate the possibility of allowing organisations that may meet the criteria for discounted fees to submit applications without a fee, subject to this being considered by Committee.	Acting Director of Services for Communities	September 2015		<b>Discharged -</b> Reported to Committee June 2015

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
3	20.06.14	Late Hours Catering - Review	To agree to receive an update report in 6 months.	Acting Director of Services for Communities	September 2015		To Committee September 2015
4	20.06.14	Street Trader Licensing - Pedicabs Update On Outstanding Issues	To agree to receive an update report in 6 months.	Acting Director of Services for Communities	September 2015		To Committee September 2015
5	20.06.14	Update on Consultation on Forward Facing Cameras in Taxis and Private Hire Cars	To agree to receive a report in 12 months detailing the number of applications received and any other pertinent issues.	Acting Director of Services for Communities	June 2015		<b>Discharged -</b> Reported to Committee June 2015
6	17.11.14	Taxi Fare Review	To agree to a review of other changes which are outlined in paragraph 3.16 of the report. (Airport charges)	Acting Director of Services for Communities	June 2015		<b>Discharged -</b> Reported to Committee June 2015

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
7	17.11.14	Review of the House in Multiple Occupation (HMO) Market	<ol style="list-style-type: none"> <li>1. To request that consultation with stakeholders on the community impact of HMOs was undertaken, including the impact of proposed changes to enforcement powers for private rented properties, as contained within the Scottish Government consultation on Housing (Scotland) Act 2014, section 28 Private Rented Housing: Enhanced Enforcement Areas Consultation on Regulations and Consultation on a New Tenancy for the Private Sector.</li> <li>2. To agree that this should be reported to the Regulatory Committee within three cycles, in consultation with the Planning Committee regarding over concentration of HMOs.</li> </ol>	Acting Director of Services for Communities	September 2015		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
8	17.11.14	Second Hand Dealers: Update on Standard Conditions	To instruct the Acting Director of Services for Communities to engage in further consultation with licence holders and other stakeholders on these draft conditions, and thereafter to report back to Committee in six months.	Acting Director of Services for Communities	June 2015		<b>Discharged -</b> Reported to Committee June 2015
9	17.11.14	Annual Update on Public Safety at Sports Grounds	Annual Report	Director of Corporate Governance	November 2015		
10	17.11.14	Update on Consultation on Safety Cameras in Taxis and Private Hire Cars	To agree to receive a report in 12 months detailing the number of applications received and any other issues raised about this change in policy	Acting Director of Services for Communities	November 2015		<b>Discharged -</b> Reported to Committee June 2015
11	17.11.14	Taxi Examination Centre	To agree to receive an update report in 6 months.	Acting Director of Services for Communities	November 2015		To Committee November 2015

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
12	17.11.14	Parades and Processions	<p>1. To note that further work was to be carried out to develop a policy and code of conduct for further processions.</p> <p>2. To receive a further update in six months.</p>	Acting Director of Services for Communities	Nov 2015		To Committee November 2015
13	02.02.15	Licensing Review and Performance	To agree to receive six monthly performance updates	Acting Director of Services for Communities	Sept 2015		To Committee September 2015
14	02.02.15	Licensing Policy Development – Street Trading	<p>1. To agree to receive a separate report on licensing policy regarding Walking Tours.</p> <p>2. To agree to receive a final report on the outcome of the consultation as set out in paragraph 3.34 of the report by the Acting Director of Services for Communities.</p>	Acting Director of Services for Communities	November 2015		Update report to Committee September 2015

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
15	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.	Acting Director of Services for Communities	This date was based on Scottish Govt bringing in the powers by September. There has been a delay and Scot Govt have still to provide a firm timescale for implementation.  If provided by year end, will aim to include in Annual report scheduled for April		Ongoing



No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
16	28.04.15	Private Rented Sector Enforcement Policy	Annual report on the details and statistics on the enforcement action taken by Private Rented Services.	Acting Director of Services for Communities	April 2016		Ongoing
17	23.06.15	Licensing Policy Development – Taxi and Private Hire Driver Training Update	<ol style="list-style-type: none"> <li>1. To agree to consult on the development of a fit for purpose training programme that met the needs of a modern taxi and private hire service, which would include a proposed level of training, course content and method of training delivery including bringing the training in-house.</li> <li>2. To agree to receive a further update in due course.</li> <li>3. To agree to include mental health issues in the disability awareness section of the new training.</li> </ol>	Acting Director of Services for Communities	November 2015		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
18	23.06.15	Access to Taxis by Wheelchair Users	<ol style="list-style-type: none"> <li>1. To agree the action plan.</li> <li>2. To agree to receive an update report in November 2015.</li> <li>3. To instruct the Director of Corporate Governance to include the delegation of authority to the Director of Services for Communities to grant medical exemption certificates based on medical advice in the next report to full Council on the Council's Scheme of Delegation.</li> <li>4. To ask the medical advisors for a breakdown of the medical conditions granted wheelchair exemptions.</li> </ol>	Acting Director of Services for Communities	November 2015		To Committee November 2015

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
19	23.06.15	Taxi Fares	<ol style="list-style-type: none"> <li>1. To note that the Traffic Commissioner was currently considering an appeal against the Council's decision on the last Taxi Tariff Review.</li> <li>2. To undertake a review of fares including the airport fee within 12 months of the Traffic Commissioner reporting.</li> </ol>	Acting Director of Services for Communities	July 2016		<p>To Committee July 2016.</p> <p>The Traffic Commissioner has requested a further hearing and as of 08/09/15 a date is still to be set.</p>

# Regulatory Committee

1.00pm, Friday, 25 September 2015

## Update – Houses in Multiple Occupancy Market Review

Item number	6.1
Report number	
Executive/routine	
Wards	All

### Executive summary

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The purpose of this report is to update Committee on the community impact of Houses in Multiple Occupation (HMO) following the “Review of the House in Multiple Occupation Market” report considered at Committee on 17 November 2014. It proposes that the HMO Inspection regime moves to having greater emphasis on enforcing adherence to the standards addressing concerns from the community, landlords and letting agents.

### Links

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

## Update – Houses in Multiple Occupancy Market Review

### Recommendations

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It is recommended that the Regulatory Committee:

- 1.1 Notes the content of the report.
- 1.2 Agrees to consult on proposals to move to longer licensing periods for Houses in Multiple Occupancy (HMO) and new licensing conditions.
- 1.3 Notes that a further report will be provided to Regulatory Committee on the current HMO Market following the Planning Service consultation on the Revised Student Housing Planning Guidance.

### Background

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- 2.1 On 17 November 2014, a report on the “Review of the Houses in Multiple Occupancy Market was considered by Regulatory Committee. Committee noted the contents of the report and asked for further consultation to be undertaken on the community impact of HMOs. The Committee minutes note this as:

*“To request that consultation with stakeholders on the community impact of HMOs was undertaken, including the impact of proposed changes to enforcement powers for private rented properties, as contained within the Scottish Government consultation on the Housing (Scotland) Act 2014, section 28 Private Rented Housing: Enhanced Enforcement Areas Consultation on Regulations and Consultation on a New Tenancy for the Private Sector.”*

### Main report

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#### **Proactive, enforcement based compliance with HMO Licence Conditions**

- 3.1 Currently HMO licences in Edinburgh are offered on a yearly basis. Each property is inspected, with the main focus being the physical standards of the property. The Housing (Scotland) Act 2004 provides the ability to issue licences for up to three years in length, at the discretion of the local authority.
- 3.2 It would be possible to restructure the licensing scheme to move from an inspection based regime to one that includes more enforcement, with activity targeted at poorer performing landlords.
- 3.3 Responding to concerns from the community, and the views of landlord and letting agents, it is proposed that the Council consults on moving to a three year

licensing scheme to allow for the redistribution of enforcement resources. If the Council offered longer licences, the Council would be better placed to carry out targeted, early intervention in HMO's exhibiting problem behaviour, before they became an issue to the local community and to examine concerns related to the common repair of properties.

- 3.4 Under a 3 year licensing scheme all properties would be inspected at least once during the licence period, with higher risk properties receiving more frequent inspections. An assessment would be carried out at every inspection to determine the next inspection date, based on the current condition of the property, the vulnerability of residents in the property (ie residents that have additional support needs), the management arrangements in place and the complaint history.
- 3.5 For example, a poorly performing landlord would have inspections every 6 months and, if they did not improve, they would be referred to Committee.
- 3.6 Programmed visits to licensed properties would be supplemented by unannounced spot inspections that would focus equally on the tenancy management practices of the landlord or letting agent as well as the physical standards.
- 3.7 In addition, it is proposed to consult with landlords and letting agents on amendments to the standard HMO licence conditions, to ensure that the landlord has adequate arrangements in place for the correct maintenance of communal and public areas.

### **Community Impact of HMOs**

- 3.8 There are a number of concerns that have been raised by the communities that host HMO properties that cannot be addressed by altering the licensing scheme. The neighbours of HMO cite concerns such as, types of shops and other amenities required to support what is perceived to be a transient population of tenants, or high numbers of HMO properties in a single stair.
- 3.9 The Scottish Government's proposed tenancy reforms are likely to lead to tenants staying in properties longer which should have a positive impact on the local community and economy as tenants will be less likely to vacate (and change) over the summer. This will create a more stable base of customers which in turn, will allow businesses that support residential living to become more viable.
- 3.10 Whilst it is acknowledged that the majority of HMO properties operate without issues (89.3% of HMO operated without complaint in the last year), there are concerns that some tenants in HMOs may have limited experience of living independently. The steps taken by the Council to improve tenancy management are documented in the Annual Private Rented Services Enforcement Report, which was considered by Committee on 28 April 2015.

- 3.11 In addition, some neighbours of HMOs felt that landlords should take more responsibility for communal cleaning and maintenance, both of common stair/gardens and private gardens. This is commonly raised as an objection to the grant of an HMO licence.
- 3.12 As set out in Section 92 of the Civic Government (Scotland) Act 1982, it is the occupiers of the property who are responsible for stair cleaning and gardens maintenance. However, it is commonly perceived that this burden falls unfairly on owner occupiers as tenants who may only be in the property for a short period of time are unlikely to participate in cleaning rotas. Additional licence conditions could be introduced to place a duty on the landlord to make adequate arrangements for the correct maintenance of communal and public areas. The Council could then deal effectively with these issues via enforcement by challenging landlords and agents that do not have effective processes in place to manage their tenants.
- 3.13 Licence conditions allow the Council to take enforcement action as it is a criminal offence to breach a licence condition. This can result in prosecution with a fine of up to £10,000. However a proportionate approach would be taken, in line with the Council's enforcement policy, with most cases where a licence condition is breached being brought to Committee, with prosecution reserved for the most serious cases.

#### **Enhanced Enforcement Areas**

- 3.14 The Housing (Scotland) Act 2014 gives local authorities discretionary powers to apply to Scottish Ministers to designate an area of the authority as an Enhanced Enforcement Area (EEA). Within an EEA the local authority would have additional powers to enter properties and require landlords to undergo additional checks to tackle properties that are below the tolerable standard or are overcrowded.
- 3.15 In October 2014, the Scottish Government consulted on the evidence that it would require in order to grant a request for an EEA. The Council's outline response to the consultation was agreed by the Health, Social Care and Housing Committee on 11 November 2014.
- 3.16 The Scottish Government has yet to publish revised or finalised criteria and a further report will be brought before Committee once the criteria becomes available.

#### **Tenancy Reform**

- 3.17 In October 2014, the Scottish Government launched a Consultation on a new tenancy for the private sector. It proposes the replacement of the current assured and short assured tenancies with a new tenancy regime that rebalances the relationship between landlords and tenants.
- 3.18 The Scottish Government was concerned that short assured tenancies were being overused, providing little security of tenure for people living in the private

rented sector and leading to tenancies being routinely ended by the landlord using a no-fault ground for repossession (the ability for a landlord to legally gain possession at their discretion). One of the key proposals in the reforms was the removal of this no-fault ground.

- 3.19 There was a consensus among the respondents to the first consultation that the Scottish Government should provide more detail on how it expected the proposals to work in practice and a second consultation was launched in March 2015. This consultation provided further detail on a number of practical elements.
- 3.20 One of the key underlying concerns of the neighbours of HMOs is the short term nature of tenancies in HMO properties, leading to a high turnover of tenants. The Council response to the consultation put to Health and Social Care Committee of 11 November 2014 welcomed the proposals for longer tenancies in the sector.
- 3.21 The neighbours of HMOs are concerned about landlords' ability to manage antisocial behaviour in HMO's by removing the no-fault ground. The new proposals provide for removing a tenant on grounds of antisocial behaviour, however this requires the landlord to evidence the antisocial behaviour of their tenants.
- 3.22 Neighbours' concerns are that landlords may not take robust enough action in the early stages of antisocial behaviour. The most prevalent reason for complaints against licensed HMOs is noise (30% of complaints) and the effectiveness of landlord (or agents) ability to manage their tenants (21% of complaints). This leads neighbours to believe they will suffer extended amounts of antisocial behaviour when the landlord finds they do not have sufficient evidence to document the problem and remove problem tenants. It is therefore anticipated that there will be an increased need for intervention by the Council.
- 3.23 Shifting the emphasis to proactive, enforcement based, compliance will allow the Council to address this concern and the anticipated increase in demand for intervention.

## **Measures of success**

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- 4.1 Tenants and neighbours/local communities have confidence in the private rented sector. This will be measured through surveys of private sector tenants and the monitoring of objections to HMO licences being referred to the Licensing Sub-Committee of the Regulatory Committee.

## **Financial impact**

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- 5.1 The cost of operating the House in Multiple Occupation licensing scheme is wholly met from the licence fee income.

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

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- 6.1 Through having the collective group of stakeholders take part in the prioritisation and targeting of key concerns in the private rented sector, the Council has the opportunity to work in partnership with landlords and their agents to deliver good quality homes that are well managed for the citizens of Edinburgh.

## Equalities impact

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- 7.1 An Equality and Human Rights Impact Assessment, applicable to the content of this report and associated legislation, was carried out prior to the enactment of the Private Rented Housing (Scotland) Act 2011 and found there was no equalities issues.

## Sustainability impact

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- 8.1 The impact of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered. The report will promote community cohesion between the private rented sector and the communities in which in they reside. It will provide economic wellbeing by promoting measures that exclude rogue landlords from the market and prevent the undermining of landlords who take responsibility for their tenants.

## Consultation and engagement

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- 9.1 Consultation and engagement was carried out with the stakeholders of the Private Rented Sector (PRS) Forum and the South Side HMO Working Group.
- 9.2 The PRS Forum is a private rented sector stakeholder group, chaired and coordinated by the Council.
- 9.3 The membership of the PRS Forum includes the Council, Heriot Watt University, Edinburgh Private Tenant Action Group, Edinburgh Tenant Federation, SHELTER, Scottish Association of Landlords, Cyrenians, Cullen Property Management, Letscotland and the National Association of Landlords.

## Background reading/external references

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[Review of House in Multiple Occupation, 17 November 2014, Regulatory Committee](#)

[Annual Review of the City Housing Strategy, 16 June 2015, Health, Social care and Housing Committee](#)

### **John Bury**

Acting Director of Services for Communities

Contact: Alexander Burns, Asset Manager

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## Links

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<b>Coalition pledges</b>	P13 Enforce tenancy agreements (council and private landlord) with a view to ensuring tenants and landlords fulfil their good conduct responsibilities.
<b>Council outcomes</b>	CO16 Well-housed – People live in a good quality home that is affordable and meets their needs in a well managed Neighbourhood. CO21 Safe – Residents, visitors and businesses feel that Edinburgh is a safe city. CO23 Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community.
<b>Single Outcome Agreement</b>	SO4 Edinburgh's communities are safer and have improved physical and social fabric
<b>Appendices</b>	NA

# Regulatory Committee

**1.00pm, Monday, 25 September 2015**

## Review of Late Hours Catering Licensing

<b>Item number</b>	6.2
<b>Report number</b>	
<b>Executive</b>	Executive
<b>Wards</b>	All

### Executive summary

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This report presents a proposed update to the policy framework on late hours catering licensing and sets out proposed new conditions to be attached to licences.

The report seeks approval to carry out a full consultation on the framework and policy intent, in line with statutory requirements.

The outcome of the consultation process will be reported back to Committee within six months.

### Links

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<b>Coalition pledges</b>	<a href="#">P15</a>
<b>Council outcomes</b>	<a href="#">CO8</a>
<b>Single Outcome Agreement</b>	<a href="#">SO1</a>

## Review of Late Hours Catering Licensing

### Recommendations

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It is recommended that the Committee:

- 1.1 agrees the proposed draft policy framework and conditions;
- 1.2 agrees to consult on the draft policy conditions and operating plans, in line with statutory requirements;
- 1.3 agrees to formally consult with the Licensing Board; and
- 1.4 agrees to receive a final report on the outcome of the consultation within six months.

### Background

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- 2.1 The Council acts as Licensing Authority for a range of legislation including the Civic Government (Scotland) Act 1982. The Civic Government (Scotland) Act 1982 regulates late hours catering.
- 2.2 Late hours catering is an optional licensing activity within the Civic Government (Scotland) Act 1982. The City of Edinburgh Council, by way of a resolution, exercised its powers to adopt this licensing activity in 1983. Section 42 of the Act provides that a Late Hours Catering Licence is required for the use of premises between 23:00 and 05:00hrs for the sale of food to the public. A licence is required whether or not the food is consumed on or off the premises.
- 2.3 Late hours catering licences were introduced by the Council in July 1984. In order to assist with the determination of licensing hours, Committee adopted general guidelines in 1985 to help address issues of noise and disturbance with premises trading during unsocial hours.
- 2.4 Decisions on late hours catering licences are made by the Licensing Sub-Committee if objections are received.
- 2.5 Previous Regulatory Committee reports in June and September 2014 highlighted initial consultation discussions and issues of non-compliance by licenceholders.
- 2.6 The proposed policy for late hours catering describes what is expected in terms of the responsible management of trading and updates the previous zoning policy.
- 2.7 The policy aims to provide:
  - clarity and transparency explaining how the zones will be applied in order to minimise uncertainty;

- controls on the location, duration of licence, trading hours; and
- controls that are sufficient to protect established local interests, in particular the disturbance to residential properties.

## Main report

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### Current Position

3.1 The city centre and its night time economy are extremely important to Edinburgh. Having a vibrant leisure and cultural offer is a key factor in people's choice about where they live and work. It also contributes to the city's economic growth.

The night time economy has grown substantially in recent years and there is a need to balance this with the needs of residents in nightlife hotspots and the impact on public and statutory services.

The current zones for late hours catering are shown at Appendix 1.

### Initial Consultation

3.2 The existing late hours catering policy has, in the main, served the Council well. However, It is recognised that economic growth, development of residential units, traffic flow and pedestrian activity have all had an impact on trading patterns, and it is now necessary to review the policy.

3.3 Evidence in the past has demonstrated that there is a need for an approach that creates a fair, consistent and transparent licensing regime which is part of a wider place-making role and contributes to the strategic aims of the Council.

3.4 Two evidence sessions have been held for community groups and licenceholders. A further session was planned for licensing agents and solicitors but cancelled due to the poor take up of places. Further engagement with legal agents and council officers is proposed during the final consultation stage. Initial consultation identified a need for a common set of rules that would apply to all traders.

3.5 As with any business, licensed premises should not cause nuisance or inconvenience to their neighbours or to the community within which they are located.

3.6 The output from the initial consultation meetings has been used to develop the revised policy, trading zones and conditions.

### Proposed new categories of late hours catering trading hours

3.7 In an attempt to create greater clarity and a consistent approach the existing four categories or zones as detailed in Appendix 1 are to be replaced with seven new categories as detailed in Appendix 2. These categories are listed below;

- petrol stations, supermarkets and retail shops;
- city centre within Ward 11;

- premises situated on arterial and main bus routes but outwith city centre Ward 11;
  - all other wards outwith city centre;
  - tenement style property;
  - residential streets; and
  - the Festival and festive periods.
- 3.8 The main change in policy relates to category 1, which replaces former zone 1. This has been expanded to include the whole of the city centre (ward 11) and premises outwith ward 11 situated on arterial and main bus routes. Previously certain streets had premises licensed as both zone 1 or 2. For example, South Clerk Street has late hours catering premises licensed either as zone 1 or 2 depending on how far out from the city centre they are. A judgement had to be made as to when the street was considered to have become mainly residential. This created a number of inconsistencies within the policy.
- 3.9 It is recognised that not all areas within the city centre, or those situated on arterial and main bus routes, will be suitable for late hours catering. To address these concerns two additional restricted categories have been introduced for business that are situated in:
- tenement style property; and
  - residential streets.
- 3.10 A list of arterial and main bus routes has been considered, as detailed in Appendix 3. This list is not exhaustive and streets could be added or removed as considered appropriate, depending on location. The list will be consulted upon.

### **Hours during the Festival etc.**

- 3.11 The City of Edinburgh Licensing Board allows licenceholders with an alcohol Premises Licence to extend their closing time by two additional hours during both the Festival and festive periods. Accordingly, during the period of the Edinburgh Festival and Fringe, as set from year to year, and during the Christmas and New Year period (18 December to 3 January in each year) a two hour extension to the usual terminal hour of the premises concerned is regarded as acceptable in the normal course of events, provided the licenceholder applies for this at the time of original application or submits an application for extended hours to cover the festival or festive period.
- 3.12 Current policy provides for late hours catering premises to be afforded an additional one hour over these dates.
- 3.13 This additional hour is only given on receipt of an application for variation of an existing licence. This means an applicant potentially has to apply 3 times per year i.e. on renewal and then a variation for both the Festival and Festive period.

- 3.14 It is proposed to allow licenceholders to seek this extension of one hour at time of grant of their application or on renewal. It would also be open to existing licenceholders to vary the terms of their existing licence to include the additional hour. Licenceholders strongly indicated that they wished an additional two hours instead of one. This additional request is not supported at this time but it is suggested that feedback on the proposal is sought during the consultation.
- 3.15 British Summer Time has caused considerable difficulty and confusion. In an effort to alleviate this it is proposed to mirror the stance adopted within the Licensing (Scotland) Act 2005, i.e. the beginning or ending of British Summer Time is to be disregarded for the purposes of determining the time at which that period of licensed hours ends and accordingly, the period ends at the time it would have ended had British Summer Time not begun or ended.

Accordingly, British Summer Time would have no effect on the number of hours during which premises are licensed to operate. This means that premises will continue to operate their normal hours and will not extend or reduce hours to take account of changes to British Summer Time.

### **Licensing Conditions**

- 3.16 The proposed licensing conditions for late hours catering, remain largely unchanged. The conditions in respect of waste management and collection have been updated to reflect legislative changes.
- 3.17 A condition is proposed that requires all packaging and utensils for use by customers be made of biodegradable or recyclable materials. It is hoped that this will cut down on the amount of waste generated in the city that is being sent to landfill.
- 3.18 It is also proposed to introduce a condition that if during the currency of the licence, the licenceholder is convicted of any offence, they shall, within 28 days, provide full details of such convictions, in writing, to the Licensing Authority.

### **Next Steps**

- 3.19 In line with statutory requirements the policy intent and framework requires to be consulted on. Initial discussions and stakeholder meetings have helped shape the proposed changes to date. These included a consultation with existing traders and Community Councils and one to one discussions with existing licenceholders and council officers. This initial consultation should now be expanded to include the wider business and residential communities, relevant partners and agencies.
- 3.20 Further consultation will also be required with the City of Edinburgh Licensing Board to ensure any changes to the existing policy do not have an adverse impact on the Board's Statement of Licensing Policy. In particular, use of late hours catering by licensed premises which solely have off-sales licences.

- 3.21 It is intended to report back on the outcome of the consultation within six months. A final report will then be prepared for consideration by the Regulatory Committee.

## **Measures of success**

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- 4.1 That the city's licensing function is modernised to ensure that it meets the needs of customers.
- 4.2 The review of late hours catering is evidence led as part of a wide ranging and robust consultation process.
- 4.3 The revised late hours catering policy is suitable for the needs of the city and addresses concerns raised with the Council.
- 4.4 A wide ranging and clear consultation and engagement process that demonstrates customer focus and commitment to listening to all stakeholders.

## **Financial impact**

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2014. Any costs from implementing policy changes will be contained within the current ring-fenced income generated from licensing fees. There are no costs to the Council's revenue budget.

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

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- 6.1 Matters raised in this report present no risks. The development of policy in respect of licensing of late hours catering is part of a wider place-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the licensing of late hours catering is consistent with these.
- 6.2 There is a statutory process to amending the policy and this approach is in line with the statutory requirement.

## **Equalities impact**

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- 7.1 There is no adverse impact on the public sector equalities duty. Once introduced the policy will provide greater transparency, opportunities and access to trading within a recognised framework. There would accordingly be no direct equalities impact arising from the contents of this report

## **Sustainability impact**

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- 8.1 The amended conditions should improve the visual environment and reduce unnecessary landfill waste.

## **Consultation and engagement**

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- 9.1 Stakeholder meetings were conducted with local businesses and Community Councils.



- 9.2 Council officers have also held a number of one to one meetings with relevant parties including licenceholders and retailers.
- 9.3 Changes to late hours catering policy will require detailed consultation with the public, affected businesses, council officers and statutory agencies.
- 9.4 Consultation will also be required with the City of Edinburgh Licensing Board to ensure any changes to the existing policy do not have an adverse impact.
- 9.5 Any consultation will, at a minimum, meet any statutory requirements and it is planned that it will exceed these requirements.

## Background reading / external references

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[Update for Late Hours Catering - June 2014 report to Regulatory Committee](#)

[Update for Late Hours Catering - September 2014 report to regulatory committee](#)

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## Links

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<b>Coalition pledges</b>	<b>P28</b> - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
<b>Council outcomes</b>	<b>CO8</b> - Edinburgh's economy creates and sustains job opportunities
<b>Single Outcome Agreement</b>	<b>SO1</b> - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
<b>Appendices</b>	Appendix 1: Existing Policy on Hours of Operation Appendix 2: Proposed Policy on Hours of Operation Appendix 3: Proposed list of arterial and bus routes considered suitable for later hours Appendix 4: Proposed Conditions

## LATE HOURS CATERING

### POLICY ON HOURS OF OPERATION

On 10<sup>th</sup> September 2002 the City of Edinburgh Council adopted a new policy on permitted hours of operation. This followed a review of zoning guidelines which were originally introduced in 1985 to preserve amenity in the City and minimise the impact on the local environment from premises trading during night-time hours.

The new guidelines on the granting of hours to late hours catering premises:-

#### **Petrol Stations, Supermarkets and Retail Shops**

Provided there are no environmental issues for the Regulatory Committee to address there will normally be a recommendation to grant the licence from 11pm to 5am.

#### **Takeaway premises**

All premises are categorised by location and in order to prevent crowd migration from clubs to takeaway premises, no Late Hours Catering licences will be granted with a terminal hour beyond 3am.

CATEGORY	TIME OF CLOSURE	LOCATION
1	11pm to 2am (Sundays to Thursdays ) 11pm to 3am (Fridays and Saturdays)	Busy main road or junction used by large volume of late night pedestrians. High ambient noise levels until closure times.
2	11pm to 1am (Sundays to Thursdays) 11pm to 2am (Fridays and Saturdays)	Main road or very busy street. Ambient noise levels coincide with closing hours.
3	11pm to 12pm (Sundays to Thursdays) 11pm to 1am (Fridays and Saturdays)	Street with low night ambient noise.
4	11pm to 12 midnight (Fridays and Saturdays only)	Street or area with very low night ambient noise or premises with a history of complaints.

Festival and Festive periods – there will normally be a recommendation to grant an additional one hour to the usual terminal hour.

*Amended: 25<sup>th</sup> October 2002*

## **Appendix 2 – New Policy on Hours of Operation**

### **Petrol Stations, Supermarkets and Retail Shops**

Provided the premises are not being used primarily as a fast food takeaway premises and there are no environmental issues to address there will normally be a recommendation to grant the licence from 11pm to 5am.

### **Takeaway premises**

All premises are categorised by location and in order to prevent crowd migration from clubs to takeaway premises, no Late Hours Catering licences will be granted with a closing hour beyond 3am.

### **City Centre**

Where a premises is located within Ward 11 (Edinburgh city centre) the licence will not generally be granted beyond:-

2am (Sundays to Thursdays)

3am (Fridays and Saturdays)

Hours may be restricted in areas which are significantly residential

### **Premises situated on arterial and main bus routes but out with City Centre Ward 11**

Where premises are situated on arterial routes giving access and egress from the city the licence will not generally be granted beyond:-

1am (Sundays to Thursdays)

2am (Fridays and Saturdays)

This may be restricted in areas which are significantly residential

### **Out with City Centre**

Where premises are located out with City Centre (ward 11) the licence will not generally be granted beyond:-

12pm (Sundays to Thursdays)

1am (Fridays to Saturday)

## **Tenement style property**

Where premises are located in tenement style property, the licence will not generally be granted beyond:

12 Midnight.

In this regard consideration will be given to the consent of neighbours having been obtained in respect of the hours applied for

Tenement style property is defined as property when residential accommodation is located above the applicant premises (e.g. a takeaway shop located below flats).

## **Residential Streets**

When premises are located in residential locations or situated in areas where there is a history of complaints the licence will not generally be granted beyond:

12 midnight (Fridays and Saturdays only)

Residential streets areas are defined areas where there are no other businesses operating.

## **Festival and Festive periods**

During the Festival and Festive periods premises can request an additional hours trading. Accordingly, during the period of the Edinburgh Festival and Fringe as set from year to year, and during the Christmas and New Year period (18 December to 3 January in each year) a 1 hour extension to the usual terminal hour of the premises where such an hours have been included in the application will generally be considered suitable for granting .An application must be made to include this additional hours trading.

## **British Summer Time**

British Summer Time has no effect on the number of hours during which premises are licensed to operate. This means that premises will continue to operate their normal hours and will not extend or reduce hours to take account of changes to British Summer Time.

i.e. the beginning or, as the case may be, ending of British Summer Time is to be disregarded for the purposes of determining the time at which that period of licensed hours ends and accordingly, the period ends at the time it would have ended had British Summer Time not begun or ended.

**Appendix 3 - Proposed list of Arterial and Bus Routes considered suitable for later hours**

<b>Road</b>	<b>Street Names</b>
B900	Broughton Road
B901	Montagu Terrace
A1	London Road/Regent Road
A199	Salamander Street/Seafield
A1140	Portobello Road
A70	Dalry Road/Slateford Road
A71	Calder Road
A700	Melville Drive
A701	Minto Street
A702	Bruntsfield Place/Morningside Road
A7	South Bridge/Nicolson St/Dalkeith Road
A8	West Coates / St Johns Road / Corstorphine Road / Glasgow Road
A90	Dean Bridge/Queensferry Road
A900	Leith Street to the bottom of Leith Walk
A901	Lower Granton Road/Lindsay Road/Commercial Street
A902	Ferry Road
A903	Granton Road

## Appendix 4 – Proposed Conditions

**CITY OF EDINBURGH COUNCIL**  
**Civic Government (Scotland) Act 1982**  
**Late hours catering licence conditions**

1. The licence holder shall not, without the consent of the Licensing Authority, supply any goods or services other than those specified in his/her form of application for his/her licence.
2. The premises may be open for business on such days and during such hours as determined by the Licensing Authority.
3. Any Authorised Officer of the City of Edinburgh Council, Fire Officer or, Police Constable shall be permitted shall be permitted free access to the premises at any time and all reasonable directions and requirements of such officers or of the City of Edinburgh Council must be complied with.
4. If during the currency of the Licence, the holder is convicted of any offence, they shall, within 28 days, provide full details of such convictions, in writing, to the Licensing Authority.
5. The licence holder shall provide a suitable litter bin of adequate capacity outside the premises during all hours of opening and shall comply with trade waste presentation rules
6. The licence holder shall store commercial waste in a safe, secure and satisfactory manner in a container fit and suitable for that purpose and maintained in such a condition as to ensure safe and efficient emptying.
7. The licence holder shall present waste and recyclable materials for collection in a manner which avoids littering or soiling the street or pavements of the City.
8. The licence holder shall ensure that only Registered Carriers in terms of The Controlled Waste (Regulation of Carriers and Seizure of Vehicles) Regulations 1991 should be contracted to remove controlled waste
9. The licence holder shall keep a Duty of Care Note in terms of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991 detailing:-
  - the waste description;
  - the quantity of waste produced;

- the source of the waste;
- the carrier and registration number of the carrier;
- the registration number of the vehicle which carried the waste;
- the final disposal site;
- the licence number of the disposal site.

10. The licence holder shall produce a Duty of Care Note for inspection by Authorised Officers at all reasonable hours.

11. The licence holder shall not vary the arrangements for disposal and presentation of waste generated by the business conducted in the premises detailed in the application for licence and agreed with the Council's Director of Services for Communities except by way of variation to the terms of this licence

12. The licence holder shall ensure that the Food Hygiene (Scotland) Regulations are complied with.

13. All packaging and utensils for use by **customers** shall be made of biodegradable or recyclable materials.

14. The licence holder shall ensure that all cooking odours must be ducted to above eaves level or otherwise dealt with so that no nuisance is caused to adjoining Proprietors.

15. The licence holder shall ensure that all orders are taken, prepared, packaged, paid for and delivered to the customer prior to the conclusion of the premises' licensed hours of operation.

16. The licence holder will endeavour to have the premises clear of customers by the conclusion of the licensed hours.

17. The licence holder shall ensure that all music, amplified music and/or vocals are controlled to the satisfaction of the Director of Services for Communities.

**Possible additional condition**

18. The licence holder will employ ( x ) registered door stewards, between the hours of ( x ) and ( x ) on Fridays and Saturdays

# Regulatory Committee

1.00pm, Monday, 25 September 2015

## Update: Air Weapons and Licensing (Scotland) Act 2015

<b>Item number</b>	6.3
<b>Report number</b>	
<b>Executive/routine</b>	Executive
<b>Wards</b>	All

### Executive summary

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This report provides the Committee with an update on the Air Weapons and Licensing (Scotland) Bill after its passing by the Scottish Parliament.

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 25th June 2015 and received Royal Assent on 4th August 2015. The introduction of the "Act" will require a series of actions and policy considerations for the Council as Licensing Authority.

The report also informs the Committee of key areas which arise from the Act. These will need to be factored into the Committee's Work Plan.



## Update: Air Weapons and Licensing (Scotland) Act 2015

### Recommendations

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It is recommended that the Regulatory Committee:

- 1.1 notes that the Air Weapons and Licensing (Scotland) Act 2015 has received Royal Assent;
- 1.2 notes that two significant amendments incorporated in the final Act were part of recommendations made by the Council; and
- 1.3 agrees to update the Committee Work Plan to include additional areas of work required by the implementation of the Bill described in this report.

### Background

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- 2.1 The Council acts as Licensing Authority for a range of legislation including the Civic Government (Scotland) Act 1982 ('the 1982 Act').
- 2.2 The Air Weapons and Licensing (Scotland) Bill was introduced into the Scottish Parliament in May 2014. The parliamentary consultation process was completed including the submission of comments from Local Authorities and the completion of evidence sessions. The Bill was passed by the Scottish Parliament on 25 June 2015 and received Royal Assent on 4<sup>th</sup> August 2015.
- 2.3 The provisions in the Air Weapons and Licensing (Scotland) Act have implications for the Council's Licensing function and, as a result, may have a significant impact on the Work Plan of the Committee.

### Main report

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- 3.1 The key sections of the Bill were outlined in a report to the Regulatory Committee on 8 September 2014. Developments in the Bill during its passage, which are relevant to the work of this Committee, are summarised in paragraphs 3.5 to 3.9 below. It is proposed to update the Regulatory Committee Work Plan to reflect the impact the changes in legislation will have on existing policy.
- 3.2 During the passage of the Bill the Council raised concerns with both the Scottish Government and the relevant committee of the Scottish Parliament. Following representation the bill was amended to include provision for:

- Occasional Liquor Licences as they apply to the provision of Public Entertainment; and
- the power to revoke licences

Both are highlighted in paragraph 3.7 below.

### **3.3 Air weapons**

Part 1 of the Act reflects the manifesto commitment of the current Scottish Government. Police Scotland will operate the licensing system. There will be no impact on the Council as a result of this section of the Act.

### **3.4 Liquor licensing**

Part 2 of the Act details changes have been made to the Licensing (Scotland) Act 2005 regarding the sale of alcohol. These licences are administered by local Licensing Boards and will be subject of a separate report to the Board in due course. Although not directly relevant to the work of this Committee, members will want to note that some areas of the 2005 Act have been strengthened, and this should improve community safety. Areas where changes have been made include the following:

- protecting 'young people' to be included within the existing five licensing objectives (objectives previously only referred to protecting 'children');
- 'fit and proper' test for licenceholders to be reintroduced;
- sections of the Act relating to 'overprovision' of alcohol have been strengthened;
- provisions regarding the supply of alcohol to a child or young person have been strengthened;
- duty of Board to produce annual 'function' report created; and
- additional powers for Licensing Standards Officers (LSOs).

### **3.5 Civic Government Licensing**

Part 3 of the act introduces changes to Civic Government (Scotland) Act 1982 (1982 Act)

### **3.6 Taxis and Private Hire Cars**

- There is a new discretionary power to introduce a policy to limit the number of Private Hire Car (PHC) licences issued by the Council, where 'overprovision' is established. In due course the Council may require to consider whether or not they require an 'overprovision policy' of PHC's.
- The Scottish Government has given a commitment to issue guidance on the method of calculation of 'overprovision', as the existing method used for taxis is not suitable.

- There is a new discretionary power to require training of PHC drivers. The Committee has already agreed the programme of PHC driver training and there will be a separate report outlining the implementation of the programme in due course.
- Contract hire vehicles are currently exempt from the requirement to hold a PHC licence i.e. vehicles that operate an exclusive hire contract for a period of not less than 24 hours e.g. funeral or wedding cars. The Act will remove this exemption and this will bring a number of additional vehicles within the licensing regime. The exact number of additional vehicles is currently unknown.

### **3.7 Metal dealers**

The main impact of this section of the Act will be to increase the number of licences issued by the authority, as the former 'exemption' system for dealers operating with a value over £1M will cease to apply. Other key changes are:

- Strengthened provisions with respect to metal theft, with new rules on cashless payments for scrap sold.
- Abolition of the statutory requirement to hold metal for 48 hours after purchase - the Regulatory Committee may consider it appropriate to introduce this as a local condition thus retaining the requirement to hold metal for 48 hours.

### **3.8 Public Entertainment**

- The Act repeals the Theatres Act 1968, and therefore removes that category of licence. If the Council wishes to retain licensing control over theatres, the Committee will need to consider amending the Public Entertainment Resolution to explicitly include theatrical performances within it.
- The Scottish Government moved an amendment which removed the previous 'exemption' from the requirement to obtain a Public Entertainment licence where an occasional licence had been granted. This was one of the key recommendations submitted by the Council.

### **3.9 Sexual entertainment venues**

This was the most controversial part of the Bill. It is likely that the Council will come under early pressure to consider this issue.

- Introduction of a new discretionary licensing system for premises where sexual entertainment is provided. The Council will require to consider whether or not to adopt this.
- If the Council does adopt this system of licensing it will also require to decide whether it wishes to limit the number of premises licensed in the city. The Council could choose to set the limit at zero premises.

- The Council could also choose to set a limit for a specific geographical area, for example a Council ward.

Significant work will be involved in determining whether or not the council wish to licence this form of activity. The council will have to carry out a consultation exercise prior to the adoption of a 'sexual entertainment venues' policy. In addition there will be a requirement to consider existing 'adult entertainment premises' which are licensed by the Licensing Board.

### 3.10 Other non-contentious general provisions

- Introduction of powers to accept electronic documents and signatures.
- A requirement that the council appoint Civic Licensing Standards Officer(s). The role, i.e. providing guidance, mediation and compliance, will mirror that of the Licensing Standards Officers introduced by the Licensing (Scotland) act 2005.
- Scottish Government has added amendments which would allow Local Authorities to revoke licences, which was a key Council request.

3.11 The Scottish Government is likely to begin to implement non-contentious measures in autumn/winter 2015. These would include, for example, accepting electronic documents. They have already commenced the section amending the rules on personal liquor licence training.

Areas which are more contentious require guidance to be issued, or require time to implement. The earliest these provisions could come in to effect is in early 2017, as there is a 12 month lead-in time after discretionary powers are adopted. Such areas would be likely to include, for example, PHC overprovision and sexual entertainment premises.

3.12 During the passage of the Bill the Scottish Government gave a number of commitments to Parliament. These will have an impact on licensing more generally, and will need to be factored into the Committee Work Plan as they arise:

- A commitment to a general review of the 1982 Act, the results of which are to be reported back to the Local Government and Regeneration Committee.
- A commitment to a review of booking office regulation, to take into account the development of web-based applications such as 'Uber'. The Scottish Government has indicated that this will be by means of secondary legislation, for instance by amending the existing Regulations relating to booking offices. This may result in a delay to the relevant item in the current Regulatory Committee Work Plan.
- A commitment to issue guidance on the licensing of funfairs.

## **Next Steps**

- 3.13 Policy consideration of certain new discretionary areas of licensing (such as sexual entertainment and overprovision of PHCs) will be required. The Council will have to decide whether to adopt the provisions in these areas. Committee members are advised that this will create a significant workload over 12-18 months from the date on which the Act received royal assent 4<sup>th</sup> August 2015. Each element will require significant consultation
- 3.14 It is proposed that the Committee update their Work Plan as detailed in appendix 1 to include:
- Sexual Entertainment;
  - PHC overprovision;
  - Metal dealers
  - Updated Public Entertainment Resolution
  - Civic Licensing Standards Officers; and
  - Electronic signatures and documents.

and instruct council officers to bring forward options for future consideration on the adoption of new policies where appropriate.

## **Measures of success**

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

## **Financial impact**

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- 5.1 Any additional costs will be required to be offset against new or increased fees.
- 5.2 There is likely to be a loss in income from theatre licensing.
- 5.3 Income from public entertainment, metal dealer etc. licensing will increase.

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

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- 6.1 This Bill will have an impact on the Committee's work programme and may require both immediate and subsequent changes to policy.
- 6.2 The Committee will want to be aware that issues relating to 'sexual entertainment' may be similar to those dealt with in respect of the licensing of saunas in 2013. The decision whether or not to adopt a 'sexual entertainment venue' licensing regime is likely to be a high profile one, with the potential to

attract strong views. There will clearly be links to other Council and partnership policies.

- 6.3 Matters regarding liquor licensing are outwith the remit of this Committee and will be dealt with by the Licensing Board. Joint work will be required here.
- 6.4 Air weapons matters will be the responsibility of Police Scotland.

## Equalities impact

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

## Sustainability impact

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

## Consultation and engagement

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- 9.1 The Council responded to the Local Government and Regeneration Committee's consultation on the Bill in September 2014.
- 9.2 As each major piece of work comes forward (e.g. decision on licensing of sexual entertainment venues), further consultation will be required.

## Background reading/external references

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[Report to Regulatory Committee 8 September 2014](#)

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## Links

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**Coalition pledges**

**Council outcomes**



## Appendix 1

Issue	Decision required	Possible Date	Comments
1. Introduction of Private Hire Car driver Training.	Confirm introduction date and policy	Voluntary participation of training is planned for early 2016. Compulsory training with be determined by the commencement of Act May 2016	Committee has already agreed in principle
2. Introduction of limits on Private Hire Cars	To decide whether to adopt this power.	May 2016	Considered in conjunction with review of Taxi Provision
3. Contract Hire Vehicles to be licensed	Report to committee on arrangements	Depending on commencement of Act	
4. New metal dealers licensing provisions	a) To license dealers previously exempt from licensing b) To decide whether the 48 hour rule should be a local licence condition	Depending on commencement of Act	Should apply to a small number of premises.
5. Review of the Public Entertainment Resolution.	a) Whether theatres should be added to the resolution. b) Whether to license premises which had previously provided entertainment as part of their occasional liquor licence	a) Earliest change to resolution June 2016. b) Depending on commencement of Act	Expected 200-300 additional licences per annum, if agreed.
6. Introduction of discretionary powers to license premises providing sexual entertainment.	To decide whether to adopt this power. If power is adopted to also decide whether the numbers of any such premises should be limited, either at a city level or more locally, and what that number limit should be.	January 2017	Detailed consultation will be required prior to the adoption of a policy.
7. Introduction of Civic Licensing Standards Officers	Consider how best to introduce this statutory role.	Possible trial early 2016.	Needs to take account of the Council Transformation Programme
8. Power to accept electronic signatures and forms	Adopt provision to allow electronic submissions.	ASAP after commencement	Will improve efficiency and be more customer friendly.



# Regulatory Committee

1.00pm, Monday, 25 September 2015

## Licensing Policy Development – Street Trading Update

<b>Item number</b>	6.4
<b>Report number</b>	
<b>Executive/routine</b>	Executive
<b>Wards</b>	All wards

### Executive summary

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This report updates Committee that the planned consultation commenced 31 July and will run until 16 October 2015.

This report provides an update of progress made in respect of the consultation process.

### Links

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<b>Coalition pledges</b>	P15 & P28
<b>Council outcomes</b>	CO8
<b>Single Outcome Agreement</b>	SO1

## Licensing Policy Development – Street Trading Update

### Recommendations

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It is recommended that the Committee:

- 1.1 notes the content of this report, the progress made to date; and
- 1.2 receives a further update in November.

### Background

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- 2.1 Street Trading and Market Operator are optional licensing activities within the Civic Government (Scotland) Act 1982 (see appendix 1). The City of Edinburgh Council, by way of resolution, exercised its powers to adopt these activities in 1983 and developed a street trading policy.
- 2.2 Street Trading policy creates the ability to control and manage activity and also ensures that traders operate within the same general constraints that apply to any other business, including that they comply with relevant legislation and meet the same minimum standards that any responsible business should observe.
- 2.3 The last review of Street Trading policy was carried out in 2004 and a new policy was approved at the Full Council meeting on 9 December 2004.
- 2.4 The Regulatory Committee, on 16 November 2012, adopted a Work Plan which included a review of policies which are vital to ensuring the Licensing function remains fit for purpose.
- 2.5 The draft policy and conditions have been developed following discussion at the Licensing Policy Development: Member Officers Working Group and these were presented to Regulatory Committee on 2 February 2015, when it was agreed to carry out a full consultation. Progress on the consultation has been delayed as staff resources were required to manage the introduction of weekly licences for High Street trading and in particular dealing with multiple applications from single applicants.
- 2.6 The new policy for Street Trading describes what is expected in terms of the responsible management of stalls and the use of public space.
- 2.7 The policy will provide:
  - traders with a one stop shop approach to licensing;

- clarity and transparency explaining how ‘the rules’ will be applied in order to minimise uncertainty;
- controls that are sufficient to protect established local interests of acknowledged importance (and in particular the nature of the local retail offer), so helping to create the conditions for profitable trade for everyone; and
- controls on the location, duration of licence, trading hours, type of activity, type and style of stalls, number of traders and licence conditions.

## Main report

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- 3.1 The existing policy has, in the main, served the Council well, however the environment of Edinburgh and the landscape setting of the capital city is an important factor in relation to investment decisions made by businesses. While it is recognised that street trading and markets can provide an important service, this must be balanced against the impact on existing business, amenity and public safety.
- 3.2 The summer, and in particular the period of the Edinburgh festivals, is a busy time for traders, businesses and residents. It was recognised that there is a real risk that response to the consultation would be limited during this period and that those invited to participate in the consultation would be unable to fully participate.
- 3.3 To ensure that the widest possible group of stakeholders is reached, council officers have developed the agreed consultation plan which commenced on 31 July 2015 and is due to close on 16 October 2015.
- 3.4 The consultation comprises of:
- online survey;
  - consultation meetings in September for community groups, residents and businesses;
  - council officers / statutory agencies meeting, and
  - one to one interviews.
- 3.5 It is hoped that the online survey will provide an opportunity for community groups, residents and businesses to consider the proposed changes and help inform discussion at the consultation meetings. Equally, if they can't attend a meeting to discuss their concerns, they still have an opportunity to have a say.
- 3.6 In addition to a planned meeting for Council officers and service users an online questionnaire will be available the Orb carousel and a News Beat article will be published for feedback.

### Pedicabs

- 3.8 The other outstanding work programme element relating to street trading is the licensing of pedicabs. Progress on this was paused while an appeal case was

considered by the Courts. This has been concluded and confirms that Licensing Authorities are entitled to consider the safety and road worthiness of pedicabs. Arrangements are now in hand to arrange for independent testing of these vehicles and a report is expected in early 2016.

### **Next Steps**

- 3.9 A report outlining the outcomes of the consultation will be brought to Committee in November 2015.

### **Measures of success**

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- 4.1 That the city's licensing function is modernised to ensure that it meets the needs of customers.
- 4.2 A wide ranging and clear consultation and engagement process that demonstrates customer focus and commitment to listening to all stakeholders.

### **Financial impact**

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2014. Any costs from implementing policy changes will be contained within the current ring-fenced income generated from licensing fees. There are no costs to the Council's revenue budget.

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

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- 6.1 The development of policy in respect of licensing of street traders is part of a wider place-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the Street Trading Policy is consistent with these.

### **Equalities impact**

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- 7.1 There is no adverse impact on the public sector equalities duty. There would accordingly be no direct equalities impact arising from the contents of this report

### **Sustainability impact**

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- 8.1 The proposed changes to the licensing framework and condition should create:
- a safe, clean and well maintained environment;
  - a more attractive environment for those living, working and visiting the city;
  - an improved, more diverse, retail offer; and
  - an environment that promotes and protects the economic well being of the city.

### **Consultation and engagement**

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- 9.1 Consultation commenced on 31 July and finishes on 16 October 2015.

9.2 Any consultation will, at a minimum, meet any statutory requirements, and in most instances will exceed these requirements.

## Background reading / external references

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### John Bury

Acting Director for Services for Communities

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### Links

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[Central Local Development Committee – Wednesday 7 January 2004 – Item 4. Review of Street Trading Policy Report 2004](#)

[Regulatory Committee - Friday 4 April 2014 - Item 7.1 Licensing Policy Development Street Trading Report](#)

[15 November Work Plan Response – Regulatory Committee](#)

[Regulatory Committee - 2 September 2015 - Item - 6.4 Licening Policy Development Street Trading Report](#)

[Online Street Trading Consultation](#)

<b>Coalition pledges</b>	P15 - Work with public organisations, the private sector and social enterprises to promote Edinburgh to investors. P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city.
<b>Council outcomes</b>	CO8 - Edinburgh's economy creates and sustains job opportunities.
<b>Single Outcome Agreement</b>	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all.
<b>Appendices</b>	Appendix 1 - Statutory Background

## **Appendix 1 - Statutory Background**

The Civic Government (Scotland) Act 1982 differentiates between activities which **must** be licensed (mandatory), and those which a local authority may elect to licence (optional) if it sees fit. The purpose for regulating both mandatory and optional activities is not to restrict trade or competition but to help prevent crime and disorder, ensure public safety and protect the environment. If an authority wishes to licence an optional activity it must do so by way of resolution. Both street trading and market operator licensing are optional licensing activities and the City of Edinburgh Council, exercised its powers to adopt these licensing activities in 1983.

### **Street Trading**

A licence is required for street trading by a person whether on their own account or as an employee. Street trading means doing any of the following things in a public place:

- (a) hawking, selling or offering or exposing for sale any article;
- (b) offering to carry out or carrying out for money, or money's worth, any service.

and includes doing any of these things in or from a kiosk or moveable stall not entered in the valuation roll, except where it is done in conjunction with or as part of a retail business being carried out in premises abutting the public place.

The Civic Government (Scotland) Act 1982 provides exceptions from the requirement to hold a Street Trader's licence these include:-

- (a) the sale of newspapers;
- (b) sale of milk on or on behalf of a person registered under section 1(3) of the Food Safety Act 1990;
- (c) sale of coal, coke or solid fuel;
- (d) activities in respect of which a certificate is required under the Pedlars Act 1871;
- (e) other activities in respect of which a licence is required under the Civic Government (Scotland) Act 1982; and
- (f) organising or participating in a public charitable collection;

### **Market Operator**

A licence, to be known as a "market operator's licence", shall be required for carrying on a private market.

The Act provides exceptions from the requirement to hold a market operator's licence these include:-

- (a) functions held by charitable, religious, youth, recreational, community, political or similar organisations;
- (b) markets held only for the sale of livestock, fodder or grain.

"Private market" means a market, whether covered or not, carried on by any person other than a local or public authority at which goods are offered by more than one seller for sale by retail to the public.

# Regulatory Committee

1.00pm, Friday, 25 September 2015

## Licensing of Hire Vehicles: Protecting Vulnerable Passengers

<b>Item number</b>	6.5
<b>Report number</b>	
<b>Executive/routine</b>	Executive
<b>Wards</b>	All

### Executive summary

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This report is intended to make the Regulatory Committee aware of issues regarding Taxi and Private Hire Car driver licensing, which were raised as a result of a Government Inspection and review of Rotherham Metropolitan Council following concerns about child sexual exploitation.

As result of this a review has been carried out on how the Council licences taxis, private hire cars and drivers of these vehicles. This review shows that whilst the Council's systems are generally robust there is scope for further improvement.

Additionally, the report outlines proposed tightening of the application process for drivers of these vehicles to require that applicants who have previously not been resident in the UK provide evidence, similar to that required for other applicants, on their previous convictions.

### Links

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<b>Coalition pledges</b>	N/A
<b>Council outcomes</b>	N/A
<b>Single Outcome Agreement</b>	N/A

## Licensing of Hire Vehicles: Protecting Vulnerable Passengers

### Recommendations

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It is recommended that the Regulatory Committee:

- 1.1 notes this report and the review of current licensing processes which have been completed and agrees to the actions identified in section 3.4;
- 1.2 agrees to consult on the proposed changes to licensing processes; namely that any applicant for taxi or private hire car driver licences who has not been resident within the UK for at least 10 years previously will be required to produce documentary evidence regarding previous offending behaviour or lack thereof; and
- 1.3 agrees that a further report on this issue will be submitted to this Committee in 12 months.

### Background

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- 2.1 The Council acts as Licensing Authority for a range of legislation, including the Housing (Scotland) Act 2006 and the Civic Government (Scotland) Act 1982.
- 2.2 The Jay report was commissioned to investigate allegations of child sexual exploitation in the Rotherham area of England. Subsequent to this an Independent Inquiry was commissioned, in October 2014, by the UK Government into the operation of Rotherham Metropolitan Borough Council. The inquiry published its report, the Casey Report, in February 2015. A section of that report dealt with the risks to vulnerable adults from weaknesses in how taxis and private hire cars were licensed.
- 2.3 The City of Edinburgh Council's Corporate Policy and Strategy Committee, on 12 May 2015, considered the implications for this Council, and agreed a multi agency approach to tackle Sexual Exploitation.
- 2.4 This report addresses issues identified in the Casey report that directly relate to the licensing of taxis and private hire cars.



### Casey report

- 3.1 A link to ‘the Casey report’ on the independent inquiry into Rotherham Metropolitan Borough Council is given in the ‘Background reading’ section below. The report identified key weaknesses in the way the local authority dealt with the licensing of both taxis and private hire cars.
- 3.2 As a result of this investigation report, officers within the licensing team have carried out an initial review of its licensing policy for both taxis and private hire cars, hereafter referred to as ‘hire vehicles’.
- 3.3 Table 1 below highlights the key issues identified in the Casey report and provides an initial assessment of how these issues are currently dealt with in Edinburgh. Further more detailed work will be undertaken on these issues subject to the approval of the reports recommendations.

**Table 1**

Rotherham Issue	Initial Review	Further Steps
1. The Licensing Service was split between staff dealing with policy/processing and staff undertaking enforcement.	<ul style="list-style-type: none"> <li>• Area of some strength, complaints officer reports to Licensing Service Manager directly.</li> <li>• Overhaul of complaints handling was undertaken in 2012.</li> <li>• Close links with Police Scotland and Cab Inspector</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain committee approval for complaints handling process.</li> <li>• Review decision making process for applications ensuring an applicant’s previous complaint history is considered.</li> <li>• Ensure that key themes emerging from complaints are used to inform regular reviews of polices and practices.</li> <li>• Review role of staff transferred to Fleet Services to ensure effective lines of communication re: enforcement of conditions.</li> </ul>

<p>2. The Licensing Service used one database for complaints and another for processing applications</p>	<ul style="list-style-type: none"> <li>• Area where improvement has been made by introducing the APP database as the single system in use.</li> <li>• Police Scotland have access to this database</li> </ul>	<ul style="list-style-type: none"> <li>• Review decision making process for applications ensuring an applicant's previous complaint history is considered.</li> </ul>
<p>3. Weak or inadequate policies. The policies in that Council were outdated and not regularly reviewed to ensure they protected the public.</p>	<ul style="list-style-type: none"> <li>• Area of some strength. Since 2012 the Committee has had a work plan and has developed significant policy areas in respect of hire vehicles.</li> <li>• Review of existing taxi and PHC conditions reported to Committee in Sept 2015 for commencement of public consultation.</li> </ul>	<ul style="list-style-type: none"> <li>• Review decision making process for applications ensuring an applicant's previous complaint history is considered.</li> <li>• New conditions of licence to be agreed by March 2016.</li> <li>• Continue to keep Regulatory Committee work plan under review and up to date.</li> </ul>
<p>4. Undue influence from Trade and Elected Members seeking to influence determination of application</p>	<ul style="list-style-type: none"> <li>• No evidence found.</li> <li>• Members have a formal role in reviewing licence decisions.</li> </ul>	<ul style="list-style-type: none"> <li>• Set up formal forum to maintain appropriate trade relationships. Regularly refresh member and officer training re: roles and conduct.</li> </ul>
<p>5. Poor complaint handling. 6. Cases would only be considered for suspension if met criminal standard of evidence as opposed to</p>	<ul style="list-style-type: none"> <li>• Area of some strength, complaints officer reports to Licensing Service manager directly.</li> <li>• Overhaul of complaints handling undertaken in 2012.</li> <li>• Complaints from Police Scotland are always referred to</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain committee approval for complaints handling process.</li> <li>• Refresher training for committee members on this area of law and practice.</li> </ul>

balance of probabilities	<p>Committee.</p> <ul style="list-style-type: none"> <li>• Examples of members suspending licences on a precautionary basis especially if grounds are serious.</li> <li>• For immediate risks to public safety this is an officer decision.</li> </ul>	
7. Workloads for officers dealing with complaints was excessive	<ul style="list-style-type: none"> <li>• No evidence found.</li> </ul>	<ul style="list-style-type: none"> <li>• Workload of officers to be kept under review.</li> </ul>
8. Public perception that hire vehicles 'not safe to use'	<ul style="list-style-type: none"> <li>• No evidence found.</li> </ul>	<ul style="list-style-type: none"> <li>• Review increasing public awareness of complaints process.</li> </ul>
9. Staff within licensing did not understand Child Sexual Exploitation	Weakness as no formal training has been given.	<ul style="list-style-type: none"> <li>• Appropriate staff training will be developed and delivered.</li> </ul>

3.4 It is therefore recommended that the following steps are taken with respect to the above:

- include the actions identified in 3.3 within the Regulatory Committee Work Plan;
- with support from the Adult Protection Committee, plan training for Members and staff on Sexual Exploitation; and
- include progress in relevant Corporate Committee reporting, and report back to this committee in 12 months.

### **Suspension of licences due to serious violence**

3.5 The review took the opportunity to consider how the Council deals with licence applications from sexual or violent offenders, or where allegations of that type are made against existing licence holders.

3.6 If an applicant has lived in Scotland throughout his/her lifetime, the Scottish Criminal Records Bureau and Police Scotland will be able to provide any relevant offending history and records of any complaints about violence. It can

however be difficult for the Council to obtain accurate up-to-date details of the criminal histories of applicants who have arrived in Scotland part-way through their lives.

- 3.7 If an applicant is from elsewhere in the UK, this information can readily be sought from equivalent UK agencies, offering a degree of reassurance. However, if the applicant was born out with the UK and was not previously a resident, it is impossible for the Council or Police Scotland to 'vet' these applicants to the same level as that which would be applied to a UK citizen. Such applicants may have moved here as part of the system of free movement of EU citizens, and as such the Council would be unable to check any previous offending history. In effect, in these cases the process relies on self-declaration of previous convictions on the application form.
- 3.8 To test whether this has been a weakness an analysis of requests for suspension on the most serious grounds for drivers of hire vehicles, has been carried out on the last three years of available data (going back to April 2012).
- 3.9 The data shows that 33 suspension requests were received during that three year period, relating to 29 drivers. Sixteen of these requests related to sexual or other violent crimes. The information available makes it difficult to distinguish between UK Citizens and residents who may have moved to the UK and subsequently obtained citizenship. The information shows that in at least eight of the suspension requests (50%), the drivers are not UK Citizens. As a result the Council would have limited capacity to check such an applicant's offending history prior to any grant of a licence.
- 3.10 It is recommended that the Council should consult with relevant parties on whether to introduce a requirement that all taxi and private hire car driver licence applicants should be required to produce evidence of their history of convictions (or otherwise) from their home country. It is recommended that this policy should be limited to applicants with less than 10 years residence in the UK, as this would be a reasonable time period of history to allow the Council to reach a balanced view.
- 3.11 There are examples of similar arrangements in other local authorities, including Glasgow and Renfrewshire. Consultation will need to be carried out with trade bodies, Police Scotland, and Adult and Child Protection Committees.

## Measures of success

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- 4.1 That the licensing function is fit for its purpose, and that any licence application is dealt with according to the relevant statutory provisions.
- 4.2 Reduced risk of licensed vehicles being used to facilitate the exploitation of vulnerable young people.

## Financial impact

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2015. Any costs from implementing policy changes will be contained within the current ring-fenced income generated from licensing fees. There are no costs to the Council's revenue budget.

## Risk, policy, compliance and governance impact

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- 6.1 This report is based on an assessment that in Edinburgh there is no current evidence of abuse, or problems similar to those seen elsewhere in the country. The adoption of the recommendations in this report would strengthen existing policy and practise.

## Equalities impact

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- 7.1 This report has direct relevance to the Council's public sector equalities duties. An full equalities impact assessment will be completed.

## Sustainability impact

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

## Consultation and engagement

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- 9.1 Significant consultation will need to be undertaken before the policies described in paragraphs 3.4 - 3.11 are introduced. The outcome of the consultation will be reported back to Committee.

## Background reading/external references

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[Independent Enquiry into Child Sexual Exploitation in Rotherham \(1997 – 2013\)](#)  
(August 2014)

[Edinburgh's Multi-Agency Sexual Exploitation Policy \(Corporate Policy and Strategy Committee\)](#) (12 May 2015)

### John Bury

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## Links

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<b>Coalition pledges</b>	N/A
<b>Council outcomes</b>	N/A
<b>Single Outcome Agreement</b>	N/A
<b>Appendices</b>	

# Regulatory Committee

1.00pm, Monday, 25 September 2015

## Update to Taxi, Private Hire Car and Driver Licence Conditions

Item number	6.6
Report number	
Executive/routine	Executive
Wards	All

### Executive summary

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The Council licenses taxis, private hire cars (PHCs) and associated drivers under the Civic Government (Scotland) Act 1982.

The Council has adopted detailed conditions for each licence type.

The current set of conditions date from 20 June 2006. The book of conditions was last amended on 9 December 2009.

A number of conditions have been amended, introduced or replaced since that date. This report sets out to consolidate these changes into one document and update the conditions to reflect legislative changes.

The report seeks approval to carry out a full consultation on the conditions in line with statutory requirements. The outcome of the consultation process will be reported back to Committee in six months.

### Links

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Coalition pledges	<a href="#">P28</a>
Council outcomes	<a href="#">CO8</a>
Single Outcome Agreement	<a href="#">SO1</a>

## Update to Taxi, Private Hire Car and Driver Licence Conditions

### Recommendations

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It is recommended that the Regulatory Committee:

- 1.1 notes this report;
- 1.2 agrees to consult on the updates and changes to conditions; and
- 1.3 instructs the Director of Services for Communities to engage in further consultation with the trade and the public on the draft conditions, and thereafter to report back to Committee in six months.

### Background

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- 2.1 The Civic Government (Scotland) Act 1982 creates a two tier licensing regime for taxis and PHCs. The City of Edinburgh Council exercised its powers to licence taxis, PHCs and their drivers in 1983.
- 2.2 Within the existing work plan the Committee agreed to look at the conditions for both taxis and PHCs to enable consolidation of previous amendments and changes into one document and to update legislative changes and practice.
- 2.3 Licensed taxis and PHCs are required to comply with the conditions laid down in the booklet entitled 'Licensing Conditions for Taxis, Private Hire Cars and their Drivers'. These conditions date from 20 June 2006, and were last amended on 9 December 2009.
- 2.4 Failure to comply with a condition is an offence and a breach of licence. It is therefore vital that these are kept up to date.

### Main report

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- 3.1 The City of Edinburgh Council, having exercised its powers to license taxis, PHCs and their drivers, has adopted licensing conditions which enable it to manage and control their operation within Edinburgh.
- 3.2 It is essential that the conditions are accurate and relevant, because a breach of licensing conditions is a criminal offence and may lead to a suspension of licence.



- 3.3 Council officers have conducted a review of existing licensing conditions published in December 2009 (Appendix 1) and have identified a number of changes to policy and conditions that have occurred since that date. In addition, the operation and management of the Taxi Examination Centre transferred from Police Scotland to the Council on 1 November 2014.
- 3.4 The review also identified a number of conditions which no longer reflected common practise or legislative changes, including:
- the role of the Cab Inspector;
  - the Taxi Examination Centre;
  - wheel chair accessible vehicles;
  - assistance dogs;
  - drivers' medicals; and
  - medical exemption certificates.
- 3.5 Officers have updated the conditions as detailed in proposed draft conditions (Appendix 2). There are no significant changes or amendments to the conditions that would place an unreasonable burden on the trade. Changes have been highlighted

### **Next Steps**

- 3.6 In line with statutory requirements the conditions require to be consulted on. It is important to reach as broad a range of stakeholders as possible and a comprehensive consultation will now be carried out with the taxi and private hire trade, customers, trade organisations, disability groups, Police Scotland and council officers.
- 3.7 The outcome of the consultation will be reported back to Committee in six months.

### **Measures of success**

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- 4.1 A wide ranging and clear consultation and engagement process that demonstrates customer focus and commitment to listening to all stakeholders.
- 4.2 That the standard of taxi and PHC drivers is elevated to a level that is expected in a capital city, delivering improvements that create:
- safe and efficient transport options for residents and visitors alike;
  - an enviable fleet of professional drivers working throughout the city; and
  - an improved and standardised working environment for all drivers.
- 4.3 That taxis and PHCs continue to be licensed appropriately.

### **Financial impact**

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2014. Any costs from implementing policy changes will be contained within the current ring-fenced income generated from licensing fees.

## Risk, policy, compliance and governance impact

---

- 6.1 The development of policy in respect of the licensing of taxi and PHC drivers is part of a wider policy-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the Taxi Licensing Policy is consistent with these.

## Equalities impact

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- 7.1 It will be necessary to consider the public sector equalities duty as part of the consultation process.

## Sustainability impact

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

## Consultation and engagement

---

- 9.1 Any change will require consultation, prior to implementation, with the taxi and private hire trade, customers, trade organisations, training providers, Police Scotland and Council officers.
- 9.2 Any consultation will, at a minimum, meet any statutory requirements and in most instances will exceed these requirements.
- 9.3 This consultation will aim to provide a greater understanding of the impacts of the approach on different user groups to allow an informed decision on suitable changes to be made.

## Background reading/external references

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## Links

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<b>Coalition pledges</b>	P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
<b>Council outcomes</b>	CO8 - Edinburgh's economy creates and sustains job opportunities
<b>Single Outcome Agreement</b>	SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
<b>Appendices</b>	Appendix 1 – Existing Licensing Conditions Appendix 2 – Proposed Licensing conditions

## Appendix 1 Current Conditions

[http://www.edinburgh.gov.uk/downloads/file/3812/taxi-phc\\_licence\\_-\\_standard\\_conditions](http://www.edinburgh.gov.uk/downloads/file/3812/taxi-phc_licence_-_standard_conditions)



**PROPOSED**  
**LICENSING CONDITIONS**  
  
**FOR**  
  
**TAXIS and PRIVATE HIRE CARS,**  
**TAXI AND PRIVATE HIRE CAR DRIVERS**

Approved by The Regulatory Committee on day date month

# Contents

Part I	Interpretation of words and expressions
Part II	Taxi Licence Conditions
Part III	Private Hire Licence Conditions
Part IV	Taxi Driver's Licence Conditions
Part V	Private Driver's Hire Licence Conditions
Schedule A	Condition of Fitness for Taxis
Schedule B	Condition of Fitness for Private Hire Cars

# LICENSING CONDITIONS FOR TAXIS, PRIVATE HIRE CARS AND THEIR DRIVERS

**NOTE:** These conditions are ancillary to and do not derogate from the powers granted to the Council in relation to taxis and private hire cars under the Civic Government (Scotland) Act 1982 or any amendment thereto.

## PART I – INTERPRETATION

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- 1 In these conditions the following words and expressions have the following meanings:
  - (a) “the Act” means the Civic Government (Scotland) Act 1982.
  - (b) Any words used in these conditions which are defined in the Act shall be interpreted in accordance with the definition of the Act.
  
- 2 Subject to the foregoing the following words or phrases shall have the meanings set out below –

**Approved** – means unless explicitly stated to the contrary approved by the Director of Services for Communities or an Authorised Officer.

**Assistance Dog** - has the meaning set out in Section 173 of the Equality Act 2010 or any amending or replacement legislation.

**Authorisation** - includes any licence, certificate, permit or registration.

**Authorised Fare** - means any charge (whether described as fare, engagement fee, extras or otherwise) authorised and approved by the Council for publication in the table of fares issued and amended from time to time, being the fare table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a taximeter) within the City of Edinburgh local government area.

**Authorised Officer** – means an officer authorised by the Council either generally or specifically to act in matters of any specified kind or in any specified matter relative to these conditions and the Act relative to taxis and private hire cars.

**Cab Inspector** - means any person appointed by the Council to exercise the powers and carry out the duties of Cab Inspector in terms of or by reference to these conditions, or any other person acting under the direct instructions or with the authority of the Cab Inspector to ensure that these conditions and their Schedules and the terms of Part II of the Act are properly observed and implemented. Where there is a difference of opinion between the Cab Inspector and any of the Cab Inspector's deputies or assistants the decision of the Cab Inspector shall apply, and the term "Cab Inspector" shall be interpreted accordingly.

**Call Out Charge** – is that sum so described in the Council's Fare Table which is payable in addition to the fare where, by telephone or other advance arrangement, there is an engagement for the hire of a taxi or private hire car in which there has been fitted taximeter.

**Certificate of Compliance** - means the certificate issued by the Taxi Examination Centre under section 10 (2) of the Act 1982 after examination of the vehicle on behalf of the Council certifying the Licensed Vehicle as satisfactory for use as either a taxi or private hire car.

**Commencement of Hire** - a hire shall commence at the time the hirer or passenger steps into the taxi or private hire car, and the hire shall end when the passenger indicates that the hire has been terminated and offers payment of the fare. Where the passenger requires to exit the taxi or private hire car to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare. However, where a taxi or private hire car has been called by telephone or other advance arrangement, the hire shall commence after the driver of the taxi or private hire car has announced the arrival of the taxi or private hire car to the prospective hire or passenger at the place to which it has been summoned.

**Complaints Notice** - means a notice that has been approved by the Council which details how to make a complaint against the driver or operator of a taxi or private hire car licensed by the Council.

**Constable** - means any constable as defined in the Police and Fire Reform (Scotland) Act 2012 being an individual serving as a constable of the Police Service.

**Contravention** - in relation to any requirement includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly.



**Council** - means The City of Edinburgh Council local authority area.

**Council Solicitor** - means Head of Legal Risk and Compliance.

**Dress Code** - means the code of practice on dress for taxi and private hire car drivers attached as Schedule E to these conditions, approved by the Council on 18 June 2002 and as amended by the Council from time to time.

**Driver** – means in relation to a taxi the holder of a current City of Edinburgh Council Taxi Driver’s Licence and in the case of a Private Hire Car a driver holding a current City of Edinburgh Council Taxi Driver’s or Private Hire Car Driver’s Licence.

**DVLA standards in relation to Group 2 licence holders** – means the medical standards published by the DVLA for group 2 licence holders or any equivalent replacement standard. These standards have been adopted by the Council and apply to the medical examination of all hire car drivers.

**Enactment** - includes any enactment (and any amendments thereof) contained in any Act of Parliament, Order, Regulation or other instrument issued by the UK Parliament or the Scottish Parliament affecting Scotland.

**Engagement** - means an agreement **by whatever means** between any person and the holder of a taxi or private hire car licence or driver (or their respective representatives) for the hire of a taxi or private hire car at some time and location specified.

**Exclusive** - as applied to the hire of a taxi or private hire car means that a single fare is payable by any one passenger for the whole hire of the vehicle whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly.

**Fare table** – means the table of fares fixed by the Council to regulate the maximum metered charges for hires within the City of Edinburgh Council area.

**Hire** – means the use of a taxi or private hire car for the purpose of uplifting a passenger from a stated location and conveying such passenger and their luggage to a specific destination and where the use of a taximeter is appropriate there is a requirement to pay for its hire (including a call out charge where applicable) not exceeding the rate of such fares or fees authorised in the current fare table insofar as the journey is not illegal in terms of Section 21 of the Civic Government (Scotland) Act 1982.

**Hours of Darkness** - means the time between half an hour after sunset and half an hour before sunrise.

**Licence** - means a licence granted by the Council to any person for the purpose of operating a vehicle as a taxi or private hire car or for the purpose of driving the same as appropriate during the currency or validity of such licence.

**Licence Holder** - means a person who has been granted and holds a current and valid licence from the Council in terms of Part II of the Act to operate either a taxi or a private hire car unless otherwise stated.

**Licence Plates** – means the licence plates issued by the Taxi Examination Centre identifying licensed vehicles as hire cars which are required to be displayed in accordance with these conditions.

**Licensed Area** - means the City of Edinburgh Council area.

**Licensed** - in relation to any taxi or private hire car, its owner or driver, means having been granted an appropriate licence by the Council in terms of the Act and these conditions during the currency of such licence, but excluding any period when such licence is suspended.

**Licensed Vehicle** – means generally the taxi or private hire car licensed under a taxi or private hire car licence or any approved replacement vehicle which has been inspected and issued with a Certificate of Compliance by the Taxi Examination Centre unless otherwise stated.

**Luggage** - includes all items which the hirer or passenger wishes to be carried in the hire vehicle, whether this is their own personal baggage for the journey, or being carried for business or otherwise, and shall also include animals or pets which reasonably may be accommodated within the vehicle.

**Maintenance** - includes repair, and “maintain” shall be construed accordingly.

**Motor Vehicle** - has the meaning assigned to it by the Road Traffic Act 1988 or any amending or replacement legislation..

**Notice** - means a notice in writing.

**Passengers** – means any person travelling in a hired licensed vehicle other than the hirer or the licence holder.

**Permanent Address** – means the address provided by an applicant or a licence holder in an application for licence or to renew a licence as amended from time to time by notice given to the Council by the applicant or the licence holder.

**PHC** – means Private Hire Car.

**Private Hire Car Door Signs** – means a set of two identical door signs issued by the Council identifying the vehicle as a City of Edinburgh Council licensed private hire car which are fitted to the front doors of the private hire cars in a position approved by the Council.

**Public Place** - has the meaning assigned by Section 133 of the Act.

**Reasonably Practical** - means capable of being performed and implemented having regard to all the circumstances, including in any case where works, repairs or maintenance are involved, the expense of their execution.

**Rectification Notice** – means a notice in writing issued by an Authorised Officer following inspection of a licensed vehicle to the driver or operator of a licensed vehicle giving notice of defects requiring to be repaired or breaches of a condition or conditions requiring to be remedied and the maximum period specified in which the licensed vehicle should be submitted for re-testing.

**Reduced Fare Tariff** - means a table of charges (whether described as fare, engagement fee, extras or otherwise) -

- (c) Which is different from the table of fares approved by the Council as authorised and issued and amended from time to time, being the fare table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a taximeter) within the City of Edinburgh Council area,
- (d) Which has been presented to the Council and approved by them that it would always produce a fare lower than the said approved table of fares for a journey within the City of Edinburgh Council area,

- (e) Which has then been programmed into the taximeter in a private hire car by a supplier or repairer of taximeters as authorised by the Council and the taximeter has then been sealed by the said supplier or repairer.

**Representative** – when used in relation to the holder of a taxi or private hire car licence or in relation to a driver of a taxi or private hire car, means any person, company, firm or association whose services as principal are engaged or used by such a licence holder (and that by any means whatsoever including internet, telephone and radio communications) for the purpose of obtaining or assisting in obtaining engagements for the hire of a taxi or private hire car.

**Shared** - as applied to the hire of a taxi or a private car means that each passenger is carried at a separate fare payable to the driver; and “Shared Hire” shall be construed accordingly.

**Special Event Private Hire Car** - means a private hire car which is a converted motor vehicle of the following types holding Single Vehicle Type Approval from the Department of the Environment, Transport and the Regions. The vehicle type which has undergone conversion shall be Lincoln Town Car, Ford Excursion, Cadillac Fleetwood (models up to 1998) and Cadillac DeVille.

**Taxi Bus** - means a taxi which is being used under a special licence granted under Section 12 of the Transport Act 1985 to provide a local service which is required to be registered under Part One of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

**Taxi Examination Centre** – means the Council facility provided for the examination of hire cars.

**Taximeter** – means a device approved by the Council for the calculation of fares.

**Taxi Stance** – means a stance signed or marked for use by taxis within the City of Edinburgh Council area.

**Working Day** – means a day when either the Council or the Taxi Examination Centre (whichever is referred to) is open for business.

## PART 2 – TAXI LICENCE CONDITIONS

This Part 2 in conjunction with any relevant Schedules shall be referred to as the “Taxi Licence Conditions”. For the purposes of the Taxi Licence Conditions only the term Licence Holder will refer only to those who hold a Licence to operate a taxi and the term Licensed Vehicle will refer only to a taxi.

### General

1. The Licence Holder shall ensure that, all times when the Licensed Vehicle is available for hire or being used for hire,
  - (a) the Licensed Vehicle is covered by a valid Licence issued by the City of Edinburgh Council and complies with the conditions of fitness contained in Schedule A to these conditions;
  - (b) the Licensed Vehicle is displaying current Licence Plates as issued by the Cab Inspector for the Licensed Vehicle on the approved positions on the front, rear and interior of the Licensed Vehicle;
  - (c) all Drivers of the Licensed Vehicle are holders of a current taxi driver’s licence issued by the Council at all times whilst they are in charge of the Licensed Vehicle;
  - (d) the Licensed Vehicle, including all bodywork, upholstery and fittings, is free from dents or damage, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions;
  - (e) any defects identified in the Licensed Vehicle by an Authorised Officer, or any breaches of these conditions identified by an Authorised Officer are rectified to the satisfaction of the Authorised Officer within the maximum period specified in any Rectification Notice issued by the Taxi Examination Centre to any Licence Holder;
  - (f) they do not ask a Driver of a Licensed Vehicle to do anything which would result in the Driver committing a breach of the conditions attached to the grant of the Driver’s Licence;
  - (g) they do not do anything in the course of his operation of the Licensed Vehicle which is illegal, immoral or unlawful.

## Registration and Insurance

2. The Licence Holder shall:
  - (a) hold in his own name the requisite vehicle registration document and a valid certificate of insurance in relation to the taxi required by Part VI of the Road Traffic Act 1988 or any other amending legislation and the holder of the Licence shall be required to produce these documents to the Cab Inspector or other Authorised Officer at any reasonable time on request. Where the Licence Holder is a partnership or company the vehicle registration document and the certificate of insurance shall be in the name of either the partnership or the company or where there is more than one licence holder, the vehicle registration document and the certificate of insurance shall be in the name of at least one of these holders. The vehicle registration document and certificate of insurance must also state the permanent address of the Licence Holder named in those documents.
  - (b) ensure that either (i) a valid certificate of insurance which shows that insurance cover is in place for all Drivers of the Licensed Vehicle or (ii) a valid cover note on the same basis is carried within the Licensed Vehicle to which it relates at all times and is available for immediate inspection by any passenger being carried within the vehicle, Authorised Officer, Cab Inspector or Constable.
  - (c) not cause or permit the Licensed Vehicle to stand or seek hire during any period it does not comply with the provisions of these conditions.

## Vehicle Inspections

3. The Licence Holder shall:-
  - (a) require his Licensed Vehicle to undergo and pass an annual inspection by the Taxi Examination Centre in order that a Certificate of Compliance is in force for the vehicle at all times. On receiving the requisite notice in writing, the Licence Holder shall produce the Licensed Vehicle for examination at such time and place as may be reasonably required by the Council;

- (b) ensure that, when the vehicle is presented for examination with a view to the renewal of the licence, **complies with relevant construction and use regulations**, the bodywork and passenger accommodation of the vehicle are clean and that the underside of the vehicle is free from road dirt, excess oil and grease, otherwise the inspection cannot be undertaken,
  - (c) in addition to any annual examination and upon receiving two days notice either verbally or in writing from an Authorised Officer or Constable, the holder of a taxi licence shall produce the Licensed Vehicle for examination at the time and place, specified;
  - (d) **in the event that he fails to keep any appointment for examination of the Licensed Vehicle, or the inspection cannot be undertaken due to the state of the Licensed Vehicle, pay a cancellation charge to the Council before a further examination of the Licensed Vehicle is arranged;**
  - (e) **in the event that the Licensed Vehicle fails the annual test and requires another full compliance test, a retest fee must be paid to the Council before a further examination of the vehicle is arranged;**
  - (f) **in the event that the Licensed Vehicle does not have a Certificate of Compliance in force the Licence Holder shall, within 24 hours (or the following working day) of the expiry of the Certificate of Compliance return the Licence Plates as for the Licensed Vehicle to the Taxi Examination Centre or the Council.**
4. The Licence Holder, when his Licensed Vehicle is damaged in a vehicular accident or by any other means, must report the damage to the Council as soon as practicable and, if the Licensed Vehicle is roadworthy, shall present it for examination within two working days of the occurrence. As soon as repairs to the Licensed Vehicle have been completed, the Licensed Vehicle must be presented to the Taxi Examination Centre for re-examination. Unless the Taxi Examination Centre confirms otherwise, the Licensed Vehicle shall not be used as a taxi from the date of the damage until the repairs have been completed, and the Licensed Vehicle is passed by the Taxi Examination Centre as being fit for use again.
5. If Authorised Officers issue the Licence Holder with a Rectification Notice relating to advertising on the taxi, the Licence Holder must comply with the Rectification Notice and present the Licensed Vehicle to the Taxi Examination Centre for re-examination within either 14 days or the period specified in the Rectification Notice.

## Display of Plates

6. On a Licensed Vehicle being licensed as a taxi, a number shall be allotted to it by the Council and the approved external and internal Licence Plates bearing such number shall be supplied to the Licence Holder by the Council. The Licence Holder shall ensure that the Licence Plates are immediately affixed to the Licensed Vehicle to the satisfaction of the Taxi Examination Centre and the Licensed Vehicle shall not be used for hire until the Licence Plates are properly affixed. The Licence Plates remain the property of the Council at all times and must be returned to the Council as and when required by these conditions.
7. The Licence Holder shall affix to the Licensed Vehicle and display at all times on the Licensed Vehicle, in positions and by method approved by the Council:-
  - (a) external Licence Plates on the front and rear of the Licensed Vehicle; and
  - (b) an internal plate on the inside of the taxi.
8. If the letters or figures on any Licence Plate affixed to a Licensed Vehicle become obliterated or defaced so as not to be distinctly visible or legible, or any of the plates are lost or stolen, the Licence Holder shall immediately and **in any case by the next working day at the very latest** obtain from the Council a replacement Licence Plate. **In the event that any of the Licence Plates are stolen the Licence Holder must immediately report this to the Police and obtain a crime reference number.**

## Other Signage

9. Except as otherwise provided for in these conditions the licence holder shall not, without the consent of the Council, fix or permit to be fixed on their taxi any plate other than the taxi plates or other plate or notice required by law.
10. The Licence Holder shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on the Licensed Vehicle that are present when it is supplied by the manufacturer and which are aimed at assisting passengers to identify the type or features of the vehicle.
11. The Licence Holder shall ensure that the word “Edinburgh” and the number allotted to their taxi shall be painted, or applied in any suitable material approved by the Council, in a straight line on the outside of each passenger door immediately below the window frames in letters and figures not less than 2.5cm in height, of proportionate breadth and in colour conspicuously different from that of the bodywork of the vehicle. The colour and dimensions of the letters and figures shall be subject to the approval of the Council



12. The Licence Holder shall display upon the roof of their taxi a sign of a type approved by the Council for the purpose of identifying the vehicle as a taxi and an illuminated for hire box fitted to the rear side of the vehicle which will state either for hire or hired. While the taxi is available for shared hire the licence holder shall display in such position as approved by the Council a sign of a type approved by the Council for the purpose of indicating that the taxi is available for shared hire.
13. The Licence Holder shall affix the following notices in a conspicuous position inside their taxi:
  - (a) The table of fares in accordance with the conditions; and
  - (b) That a copy of these conditions may be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh EH1 1YJ or on the Council Website
14. The licence holder shall ensure that two notices detailing the Council's complaints procedures are displayed in the vehicle. The complaints notices must be attached to both rear quarter-lights or, in the absence of quarter-lights, in a similar position approved by the Council, so that they may be read by passengers travelling in the vehicle
15. The Licence Holder shall at any time when the taxi is being used as a taxi bus cause to be displayed on the taxi in such a position and in such a form as may be prescribed by the Council a notice which indicates that the taxi is being used as a taxi bus

## **Fares**

16. The Licence holder obtain from the Council a notice detailing the table of approved taxi fares and charges and will display the table in the passenger compartment of their taxi in an approved position so that it will be readily visible to the passengers being carried and no other table or fares and charges shall be displayed in or on the vehicle
17. Unless the cost of the journey is regulated by the Council fare structure, the Licence holder shall ensure that, prior to acceptance of the hire, any potential hirer of their taxi is informed whether by the driver or otherwise that:
  - (a) the fare is not so regulated; and
  - (b) of the cost, or method of calculating the cost, of the proposed journey.
18. The licence holder shall at any time when the taxi is being used as a taxi bus have displayed in the taxi in such a position and in such a form as may be prescribed by

the Council so that it is clearly legible to passengers a fare table containing sufficient information to enable a passenger to ascertain the fare for the journey or the manner in which that fare is calculated

### **Taximeter**

19. The licence holder shall have affixed to, and used on their taxi, a taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Taxi Examination Centre as to distance and time in accordance with the approved taxi fares and charges, and no other taximeter shall be affixed or used. Such taximeter must be electronic and capable of multi tariff operation. This condition shall not apply to any taxi while it is in use as a taxi bus
20. A supplier or repairer of taximeters may be authorised by the Council to test and seal meters. Once such a taximeter is fitted to their taxi the licence holder shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment or connection affixed thereto except to remove the taximeter for repair or replacement. Should the taximeter be removed or should the seal be broken or faulty, the taximeter shall be re-tested, stamped and sealed by the Council before being used again as a taxi
21. The licence holder shall ensure that the taximeter fitted to their taxi is in an approved position.
22. The licence holder shall not knowingly use, or cause or permit to be used on their taxi, a taximeter which is in any way defective or the seal is broken or detached.
23. The licence holder shall not use, or cause to permit to be used on their taxi, a road wheel or tyre of a different circumference from that for which the taximeter affixed to the taxi was designed and geared for that vehicle and has been tested by the Council

### **Transportation of Wheelchairs**

24. The Licence Holder of a Licensed Vehicle which is suitable for the transportation of passengers travelling within wheelchairs shall ensure that :
  - (a) appropriate access and restraint equipment for the carrying of wheelchairs is serviceable, in a safe condition and is carried on the Licensed Vehicle at all times;
  - (b) that all ramps carried within the Licensed Vehicle are stamped with the

registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;

(c) that any passenger lift and ramp used with the Licensed Vehicle: -

(i) has a plate attached to it, readily visible to users, showing the safe working limit of the lift or ramp; and

(ii) where the lift and ramps were not provided at the time of manufacture of the vehicle ensure that all such equipment these complies with British Standard (BS 6109 and BS1756-2:2004) or any replacement standards.

(iii) where wheelchair tie down and occupant restraint systems were not provided at the time of manufacture of the vehicle ensure that all such equipment complies with ISO 10542 or any replacement standards.

(d) that all Drivers of the Licensed Vehicle are trained in the use of the passenger lift, where applicable, and all approved restraint systems for the carrying of wheelchairs and are aware of the manufacturer's instructions for using all access and safety equipment on every occasion.

## Advertising and Personalising Marks

25. The licence holder shall not display in or on their taxi any signs by way of identifying or personalising marks.
26. The licence holder may display advertisements in or on their taxi subject to the following criteria:
- (a) Advertisements may only be displayed in the interior of taxis on the underside of the tip-up seats. Advertisements on the exterior of taxis will be categorised as either door, super-sides or full livery. Door advertisements may only be fitted to the lower panels of the front and rear doors. No material may be placed on any glass including the dividing glass partition, other than notices approved by the Council.
  - (b) Materials used for advertisements must be made of a quality not easily defaced or detached. No paper based materials or water soluble adhesive paste shall be

used. Advertisements must be affixed directly to the body of the taxi or initially attached to an approved magnetic panel which is then attached to the taxi.

(c) Interior advertisements on the underside of the tip-up seats must be encapsulated in clear non-flammable plastic or be manufactured of rigid plastic.

27. Advertisements are not required to be approved by the Council. However, advertisements should not contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities. Placement of inappropriate adverts could result in the licence holder being regarded as an unfit person to hold a licence.

### **Fulfilment of Hire**

28. The Licence holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire their taxi which the licence holder has accepted, or which has been accepted on the licence holder's behalf by any representative, unless prevented by reasonable and sufficient cause.

### **Exceptions to Hire**

29. The licence holder shall not carry, or cause or permit to be carried in their taxi, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
30. The Licence Holder shall not knowingly carry, or cause or permit to be carried in his Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
31. The Licence Holder shall not permit his Licensed Vehicle to be utilised for any illegal, immoral or unlawful purpose.
32. If any person suffering from any infectious or contagious disease is carried in a Licensed Vehicle, the Licence Holder shall, as soon as it comes to his knowledge, give notice to the Cab Inspector who shall notify the appropriate medical authority and shall not cause or permit such Licensed Vehicle to stand or ply for hire or carry passengers for hire until the appropriate medical authority certifies that the Licensed Vehicle has been adequately disinfected.

## Receipts

33. The Licence Holder shall ensure that, at the termination of the hire, a signed receipt for the fare shall be provided by the Driver of the taxi to the passenger if requested, stating:
- (a) the time and date of the journey
  - (b) the licence number of the vehicle
  - (c) the amount of the fare charged
  - (d) the name of the driver

## Electronic Security System

### Forward Facing Cameras

34. The Licence holder shall not install forward facing cameras in a licensed vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
- (a) Forward facing cameras are only to be used for motor insurance purposes
  - (b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness
  - (c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear
  - (d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions
  - (e) The installed system must not weaken the structure or any component part of the vehicle, or interfere with the integrity of the manufacturer's original equipment.
  - (f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
  - (g) Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. not mounted on or

adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems

- (h) No equipment may interfere with the driver's view
- (i) Viewing screens within the vehicle for the purposes of viewing captured images are not permitted
- (j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed
- (k) The equipment must not record sound
- (l) The equipment must be mounted and used so as to record only views outside the vehicle
- (m) If the equipment is later removed, there is no requirement to notify the council of its removal, but any damage to the vehicle caused by removal must be remedied to an acceptable standard
- (n) The licence holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months and will be made available on demand to an Authorised Officer or Cab Inspector
- (o) Upon request for image retrieval by the Cab Inspector or Authorised Officer the licence holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.
- (p) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc

35. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.

36. If forward facing cameras are fitted to a licensed vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Act applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Act. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.

37. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

## Safety Cameras

38. The Licence holder shall not install safety cameras in a licensed vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
- (a) Safety cameras are only to be used for the purposes of driver safety. This may also benefit passengers.
  - (b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness.
  - (c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.
  - (d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
  - (e) The installed system must not weaken the structure or any component part of the vehicle, or interfere with the integrity of the manufacturer's original equipment.
  - (f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
  - (g) Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
  - (h) No equipment may interfere with the driver's view.
  - (i) Viewing screens within the vehicle for the purposes of viewing captured images are not permitted.
  - (j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed.
  - (k) Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008), and any guidance on this topic which is subsequently published.
  - (l) If the equipment is later removed, there is no requirement to notify the council of its removal, but any damage to the vehicle caused by removal must be remedied to an acceptable standard

- (m) The licence holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months and will be made available on demand to an Authorised Officer or Cab Inspector
- (n) Upon request for image retrieval by the Cab Inspector or Authorised Officer the licence holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.
- (o) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc.

39. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.

40. If safety cameras are fitted to licensed vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Act applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Act. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.

41. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

### **Record of Drivers**

- 42. The licence holder shall keep an up-to-date record of the names and addresses of all taxi drivers employed by that licence holder or in a contract or vehicle leasing arrangement with that licence holder, together with the dates and times that each driver was in charge of the taxi.
- 43. The record of drivers shall be kept for a minimum of six months and must be produced on request to an Authorised Officer, Cab Inspector or a constable for inspection together with any other such information as may be required for the purpose of ascertaining the identity of any taxi driver employed by the said licence holder or for any other purpose relating to these conditions.



## Change of Address

44. The holder of a licence on changing their permanent address shall notify the Council of their new address in writing, within ten working days. This may be done by notice to the Council's Licensing Section, 249 High Street, Edinburgh EH1 1YJ or by e-mail to: [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk).

## Suspension of Licence

45. When a Licensed Vehicle is withdrawn from service by an Authorised Officer in accordance with Section 11 of the Act, the Authorised Officer shall affix a label bearing:

- (a) the words "this hire car is meantime certified unfit for public use" and
- (b) the date of withdrawal,

in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. Such a label has the effect of suspending the Licence pertaining to the Licensed Vehicle so labelled and therefore the Licensed Vehicle cannot be used as a Licensed Vehicle until the label is removed by the Authorised Officer

46. When a Licence has been suspended by the Council the Licence Holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.

## Return of Licence and Plates

47. When a licensed taxi ceases to be used as such the holder of the licence shall give immediate notice to the council and return to the council the licence in respect of their taxi, along with the taxi plates **and the certificate of compliance**, within ten working days.

## **Miscellaneous Compliance**

48. The Licence Holder shall:
  - (a) not obstruct any Authorised Officer, in the performance of any of their duties under these conditions,

- (b) comply with all instructions or directions of any Authorised Officer in relation to these conditions; and
- (c) provide these officers with accurate information reasonably required in the discharge of their duties.
- (d) ensure that no advertising material of any kind, other than business cards relating directly to the operation of the taxi i.e. providing contact details handed out to passengers within the Licensed Vehicle, is distributed by Drivers of the Licensed Vehicle or left within the Licensed Vehicle.

49. If the Licence Holder loses his Licence or any other document issued to him by the Council or the Cab Inspector, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.

#### **Notification of convictions etc**

50. Where a holder of a Licence Holder is: -

- (a) charged with any crime or offence of any nature;
- (b) convicted of any crime or offence by any court;
- (c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); or
- (d) has his DVLA driving licence endorsed with any offence or penalty.

He must report that information to the Council within 10 working days of the date of any of the above being intimated to him

#### **Notification of information in relation to Drivers**

51. The Licence Holder is required to report the following information regarding any Driver of his Licensed Vehicle to the council within 24 hours (or the following working day) of that information coming to his attention in relation to Drivers of the Licensed Vehicle:

- (a) information that any Driver has been disqualified from driving;
- (b) information that any Driver is suffering from any medical condition which may affect his fitness to drive a taxi;
- (c) information that any Driver is using illegal drugs;
- (d) information that any Driver may have committed any offence involving dishonesty or sexual impropriety.

### **Training**

- 52. The Licence Holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

### PART 3 – PRIVATE HIRE CAR LICENCE CONDITIONS

This Part 3 in conjunction with any relevant Schedules shall be referred to as the “Private Hire Car Licence Conditions”. For the purposes of the Private Hire Car Licence Conditions the term Licence Holder will refer only to those who hold a Licence to operate a PHC and the term Licensed Vehicle will refer to a PHC only.

#### General

53. A motor vehicle shall not be deemed to be of a suitable type and in a proper state of repair for use as a private hire car unless:
- (a) It is designed for the carriage of passengers and is not a goods vehicle; and
  - (b) It is in a proper state of repair for use as a private hire car in accordance with **Schedules B or C** to these conditions.
54. The Licence Holder shall ensure that, all times when the Licensed Vehicle is available for Hire or undertaking hires:
- (a) the Licensed Vehicle is covered by a valid Licence issued by the Council and complies with the conditions of fitness contained in Schedule to these conditions
  - (b) the Licensed Vehicle is displaying current Licence Plates as issued by the council for the Licensed Vehicle in the approved positions on the front, rear and interior of the Licensed Vehicle and the “pre-booked hires only” signs to both front doors;
  - (c) **all Drivers of the Licensed Vehicle are holders of current private hire car or Taxi Driver’s licences issued by the Council at all times whilst they are in charge of the Licensed Vehicle;**
  - (d) the private hire car Licensed Vehicle including all bodywork, upholstery and fittings, **is free from dents or damage**, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions;
  - (e) any defects identified in the Licensed Vehicle by the Cab Inspector, or any breaches of these conditions identified by the Cab Inspector, are rectified to the satisfaction of the Cab Inspector within the maximum period specified in any Rectification Notice issued by the Cab Inspector to any Driver of the Licensed Vehicle;

- (f) will not ask a Driver of private hire car to do anything which would result in the Driver committing a breach of the conditions attached to the grant of the Driver's Licence;
- (g) does not do anything in the course of his operation of the private hire car which is illegal, immoral or unlawful.

## Registration and Insurance

55. The Licence Holder shall:

- (a) hold in his own name the requisite vehicle registration document and a valid certificate of insurance in relation to the private hire car required by Part VI of the Road Traffic Act 1988 or any other amending legislation and the holder of the Licence shall be required to produce these documents to the Cab Inspector or other Authorised Officer at any reasonable time on request. **Where the Licence Holder is a partnership or company the vehicle registration document and the certificate of insurance shall be in the name of either the partnership or the company** or where there is more than one licence holder, the vehicle registration document and the certificate of insurance shall be in the name of at least one of these holders. The vehicle registration document and certificate of insurance must also state the permanent address of the Licence Holder named in those documents.
- (b) ensure that either (i) a valid certificate of insurance which shows that insurance cover is in place for all Drivers of the Licensed Vehicle or (ii) a valid cover note on the same basis is carried within the Licensed Vehicle to which it relates at all times and is available for immediate inspection by any passenger being carried within the Licensed Vehicle, Authorised Officer or Constable.
- (c) not cause or permit the Licensed Vehicle to be available for hire or undertake hires during any period it does not comply with the provisions of these conditions.

## Vehicle Inspections

56. The Licence Holder shall:-

- (a) require his Licensed Vehicle to undergo and pass an annual inspection by the Taxi Examination Centre in order that a Certificate of Compliance is in force for the Licensed Vehicle at all times. On receiving the requisite notice in writing, the licence holder shall produce the Licensed Vehicle for examination at such time and place as may be reasonably required by the council;
- (b) ensure that when the Licensed Vehicle is presented for examination the bodywork is **free from dents and damage** and passenger accommodation of the vehicle are clean and that the underside of the Licensed Vehicle is free from road dirt, excess oil and grease, otherwise the inspection cannot be undertaken;
- (c) **if the Licensed Vehicle is fitted with a passenger lift, ensure that the lift is serviced and maintained on an annual basis by a qualified lift repairer approved of in advance by the council, and at the time of the Licensed Vehicle's annual test, shall submit a report to the council from such repairer to the effect that the lift is in good working order and condition;**
- (d) in addition to any annual examination and upon receiving two working days notice from the Cab Inspector, produce the Licensed Vehicle for examination at the time and place specified:
- (e) in the event that he fails to keep any appointment for examination of the Licensed Vehicle, or the inspection cannot be undertaken due to the state of the Licensed Vehicle, pay a cancellation charge to the Council before a further examination of the Licensed Vehicle is arranged;
- (f) in the event that the Licensed Vehicle fails the annual test and requires another compliance test a retest fee must be paid to the Council before a further examination of the Licensed Vehicle is arranged;
- (g) in the event that the Licensed Vehicle does not have a Certificate of Compliance in force the Licence Holder shall, within 24 hours (or the following working day) of the expiry of the Certificate of Compliance return

the Licence Plates for the Licensed Vehicle to the taxi examination centre or the council

57. The Licence Holder when his Licensed Vehicle is damaged in a vehicular accident or by any other means, shall report the damage to the Taxi Examination Centre as soon as practicable and, if the Licensed Vehicle is roadworthy, shall present it for examination within the following two working days or other date as may be agreed with Taxi Examination Centre, after the occurrence. As soon as repairs to the Licensed Vehicle have been completed, the Licensed Vehicle shall be presented to the Taxi Examination for re-examination. Unless the Council confirms otherwise, the Licensed Vehicle shall not be used as a private hire car from the date of the damage until the repairs have been completed, and the Licensed Vehicle is passed by the Taxi Examination Centre as being fit for use again.
58. If an Authorised Officer issues the Licence Holder with a Rectification Notice relating to signage on the Licensed Vehicle, the Licence Holder must comply with the Rectification Notice and present the Licensed Vehicle to the Taxi Examination Centre for re-examination within 14 days or within the period specified in the Rectification Notice.

### **Display of Plates and Signage**

59. On a Vehicle being licensed as a PHC, a number shall be allotted to it by the council. The taxi Examination Centre will supply:
- (a) the approved external and internal Licence Plates bearing such number shall be supplied to the Licence Holder by the Council
  - (b) two signs of an approved design stating “Pre-booked Hires Only”
- The Licence Holder shall ensure that the Licence Plates are immediately affixed to the Licensed Vehicle to the satisfaction of Taxi Examination Centre and the Licensed Vehicle shall not be used for hire until the Licence Plates are properly affixed. These Licence Plates remain the property of the Council at all times and must be returned to the Council as and when required by these conditions.
60. The Licence Holder shall affix to and display on the Licensed Vehicle at all times, in positions and by method approved by the Taxi Examination Centre:
- (a) external Licence Plates on the front and rear of the Licensed Vehicle; and
  - (b) an internal Licence Plates on the inside of the Licensed Vehicle as Instructed by the Cab Inspector, and

61. If the letters or figures on any Licence Plate or Private Hire Car Door Sign affixed to a Licensed Vehicle become obliterated or defaced so as not to be distinctly visible or legible, or any of the Licence Plates are lost or stolen, the Licence Holder shall immediately and in any case at the very latest the next working day obtain from the Cab Inspector on payment of the appropriate fee, a replacement plate or Private Hire Car Door Sign. In the event that any of the Licence Plates are stolen the Licence Holder must immediately report this to the Police and obtain a crime reference number.
62. Except as otherwise provided for in these conditions the holder of a private hire car licence shall not, fix or permit to be fixed on their private hire car any plate other than the private hire car plates or other plate or notice required by law
63. The Licence Holder of a licensed Private Hire vehicle shall be permitted to apply to the council for an exemption from condition 62 above for permission to advertise his own business on the exterior of the Licensed Vehicle. This shall take the form of a sign indicating the name of the business and the telephone number in the format approved by the licensing authority

### Other Signage

64. The Licence Holder shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on the Licensed Vehicle which are present when it is supplied by the manufacturer and which are aimed at assisting passengers to identify the type or features of the Licensed Vehicle.
65. The Licence Holder shall ensure that at least two notices detailing the Council's complaints procedures are displayed in the Vehicle. The complaints notices must be attached to the top of the windows on the near-side front and rear windows so that they may be read by passengers travelling in the vehicle.
66. The Licence Holder shall not:
  - (a) display a sign of any kind on the roof of the Licensed Vehicle,
  - (b) display or cause or permit to be displayed on or in his Licensed Vehicle (other than any Taximeter fare dial) or on his person (including his clothing) the word "cab", "taxi" or "for hire" or any other word or words which might give the impression that the vehicle is available to pick up fares from the street



- (c) The licence holder shall not display in or on their private hire car any signs for any purpose of advertising other than those approved by the Council.

### Transportation of Wheelchairs

67. The Licence Holder of a Licensed Vehicle which is suitable for the transportation of passengers travelling within wheelchairs shall ensure that : –

- (a) appropriate access and restraint equipment for the carrying of wheelchairs is serviceable, in a safe condition and is carried on the Licensed Vehicle at all times;
- (b) that all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
- (c) that any passenger lift and ramp used with the Licensed Vehicle -
- (i) has a plate attached to it, readily visible to users, showing the safe working limit of the lift or ramp; and
  - (ii) where the lift and ramps were not provided at the time of manufacture of the vehicle ensure that all such equipment these complies with British Standard (BS 6109 and BS1756-2:2004) or any replacement standards.
  - (iii) where wheelchair tie down and occupant restraint systems were not provided at the time of manufacture of the vehicle ensure that all such equipment complies with ISO 10542 or any replacement standards.
- (d) that all Drivers of the Licensed Vehicle are trained in the use of the passenger lift, where applicable, and all approved restraint systems for the carrying of wheelchairs and are aware of the manufacturer's instructions for using all access and safety equipment on every occasion.

## Fares

68. The holder of a private hire car licence with a taximeter fitted to the private hire car and which is programmed with a Reduced Fare Tariff will display a table showing the Reduced Fare Tariff in the passenger compartment of their vehicle in an approved position, so that it will be readily visible to the passengers being carried and no other table or fares and charges shall be displayed in or on the vehicle.
69. Unless the cost of the journey is regulated by the Fare Table and calculated by taximeter the Licence Holder shall ensure that, prior to acceptance of the hire, any potential Hirer of the Licensed Vehicle is informed whether by the Driver or otherwise that:
  - (a) the fare is not to be calculated by the meter and
  - (b) the cost, or method of calculating the cost, of the proposed journey.

## Taximeter

70. The licence holder shall have affixed to, and used on their private hire car, a taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Taxi Examination Centre as to distance and time in accordance with the approved taxi fares and charges, and no other taximeter shall be affixed or used. Such taximeter must be electronic and capable of multi tariff operation.
71. A supplier or repairer of taximeters may be authorised by the Council to test and seal meters. Once such a taximeter is fitted to their taxi the licence holder shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment or connection affixed thereto except to remove the taximeter for repair or replacement. Should the taximeter be removed or should the seal be broken or faulty, the taximeter shall be re-tested, stamped and sealed by the Council before being used again as a taxi
72. The licence holder shall ensure that the taximeter fitted to their taxi is in an approved position.
73. The licence holder shall not knowingly use, or cause or permit to be used on their private hire car, a taximeter which is in any way defective or the seal is broken or detached.
74. The licence holder shall not use, or cause to permit to be used on their taxi, a road wheel or tyre of a different circumference from that for which the taximeter affixed to

the taxi was designed and geared for that vehicle and has been tested by the Council

## **Electronic Security System**

### **Forward Facing Cameras**

75. The Licence holder shall not install forward facing cameras in a licensed vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
- (a) Forward facing cameras are only to be used for motor insurance purposes
  - (b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness
  - (c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear
  - (d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions
  - (e) The installed system must not weaken the structure or any component part of the vehicle, or interfere with the integrity of the manufacturer's original equipment.
  - (f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
  - (g) Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems
  - (h) No equipment may interfere with the driver's view
  - (i) Viewing screens within the vehicle for the purposes of viewing captured images are not permitted
  - (j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed
  - (k) The equipment must not record sound

- (l) The equipment must be mounted and used so as to record only views outside the vehicle
- (m) If the equipment is later removed, there is no requirement to notify the council of its removal, but any damage to the vehicle caused by removal must be remedied to an acceptable standard
- (n) The licence holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months and will be made available on demand to an Authorised Officer or Cab Inspector
- (o) Upon request for image retrieval by the Cab Inspector or Authorised Officer the licence holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.
- (p) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc

76. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.

77. If forward facing cameras are fitted to licensed vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Act applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Act. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.

78. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

### **Safety Cameras**

79. The Licence holder shall not install safety cameras in a licensed vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:

- (a) Safety cameras are only to be used for the purposes of driver safety. This may also benefit passengers

- (b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness.
- (c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.
- (d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
- (e) The installed system must not weaken the structure or any component part of the vehicle, or interfere with the integrity of the manufacturer's original equipment.
- (f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
- (g) Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
- (h) No equipment may interfere with the driver's view.
- (i) Viewing screens within the vehicle for the purposes of viewing captured images are not permitted.
- (j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed.
- (k) Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008), and any guidance on this topic which is subsequently published.
- (l) If the equipment is later removed, there is no requirement to notify the council of its removal, but any damage to the vehicle caused by removal must be remedied to an acceptable standard
- (m) The licence holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months and will be made available on demand to an Authorised Officer or Cab Inspector
- (n) Upon request for image retrieval by the Cab Inspector or Authorised Officer the licence holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.
- (o) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc.

80. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.

81. If a safety camera is fitted to a licensed vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Act applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Act. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
82. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

## Log Book

83. The Licence holder shall make available to any driver using the vehicle a suitable log book capable of recording, before the start of each journey, the following particulars for each contract of hire:
- (a) The time of the hire
  - (b) The pick up point
  - (c) The place of destination
  - (d) The name of the hirer
  - (e) The licence number and registration number of the vehicle
  - (f) The details of the driver
84. The log book must be capable of recording each hire in permanent ink and in chronological order
85. The Licence holder shall ensure that the driver of the vehicle delivers the information as detailed in condition 83 for collation at the termination of each shift of driving.
86. The log book referred to in condition 83 shall be kept for a minimum of six months in chronological order and must be produced on request to an Authorised Officer or a Constable for inspection
87. A central automated logging system at a private hire car booking office may be used in place of a log book provided that the system can record and store in chronological order the details required in condition 83, and has been approved by the Council.

88. Any record of hires contained either within the log book or in a central automated logging system so approved must be secure and not capable of being falsified.

### **Fulfilment of Hire**

89. The Licence holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire their private hire vehicle which the licence holder has accepted, or which has been accepted on the licence holder's behalf by any representative, unless prevented by reasonable and sufficient cause.
90. The licence holder shall take steps to ensure that each potential hirer of their private hire car consents at the time of the arrangement of the hire to an exclusive hire or a shared hire as the case may be.
91. The licence holder shall not carry, or cause or permit to be carried in their taxi, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
92. The Licence Holder shall not knowingly carry, or cause or permit to be carried in his Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
93. The Licence Holder shall not permit his Licensed Vehicle to be utilised for any illegal, immoral or unlawful purpose.
94. If any person suffering from any infectious or contagious disease is carried in a Licensed Vehicle, the Licence Holder shall, as soon as it comes to his knowledge, give notice to the Cab Inspector who shall notify the appropriate medical authority and shall not cause or permit such Licensed Vehicle to carry passengers for hire until the appropriate medical authority certifies that the licensed vehicle has been adequately disinfected.

### **Receipts**

95. The Licence Holder shall ensure that, at the termination of the hire, a signed receipt for the fare shall be provided by the Driver of the private hire vehicle to the passenger if requested, stating:
- (a) the time and date of the journey
  - (b) the licence number of the vehicle
  - (c) the amount of the fare charged

- (d) **the name of the driver**

### **Record of Drivers**

96. The licence holder shall keep an up-to-date record of the names and addresses of all drivers employed by that licence holder or in a contract or vehicle leasing arrangement with that licence holder, together with the dates and times that each driver was in charge of the private hire vehicle.
97. The record of drivers shall be kept for a minimum of six months and must be produced on request to an Authorised Officer, Cab Inspector or a constable for inspection together with any other such information as may be required for the purpose of ascertaining the identity of any taxi driver employed by the said licence holder or for any other purpose relating to these conditions.

### **Change of Address**

98. The Licence holder on changing their permanent address shall notify the Council of their new address in writing, within ten working days. This may be done by notice to the Council's Licensing Section, 249 High Street, Edinburgh EH1 1YJ or by e-mail to: [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk).

### **Suspension of Licence**

99. When a Licensed Vehicle is withdrawn from service by an Authorised Officer in accordance with Section 11 of the Act, the Authorised Officer shall affix a label bearing:

- (a) the words "this hire car is meantime certified unfit for public use" and
- (b) the date of withdrawal,

in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. Such a label has the effect of suspending the Licence pertaining to the Licensed Vehicle so labelled and therefore the licensed vehicle cannot be used as a Licensed Vehicle until the label is removed by the Authorised Officer

100. When a Licence has been suspended by the council the licence holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.



## Return of Licence and Plates

101. When a licensed private hire vehicle ceases to be used as such the holder of the licence shall give immediate notice to the council and return to the council the licence in respect of their taxi, along with the taxi plates and the certificate of compliance, within ten working days.

## Miscellaneous Compliance

102. The Licence Holder shall:-

- (a) not obstruct any Authorised Officer, in the performance of any of their duties under these conditions,
- (b) comply with all instructions or directions of any Authorised Officer in relation to these conditions; and
- (c) provide these officers with accurate information reasonably required in the discharge of their duties.
- (d) ensure that no advertising material of any kind, other than business cards relating directly to the operation of the PHC i.e. providing contact details handed out to passengers within the Licensed Vehicle, is distributed by Drivers of the Licensed Vehicle or left within the Licensed Vehicle.

103. If the Licence Holder loses his Licence or any other document issued to him by the Council or the Cab Inspector, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.

## Notification of convictions etc

104. Where a holder of a licence holder is: -

- (a) charged with any crime or offence of any nature;
- (b) convicted of any crime or offence by any court;

- (c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines /compensation issued by the Procurator Fiscal or any local authority); or
- (d) has his DVLA driving licence endorsed with any offence or penalty

He must report that information to the Council within 10 working days of the date of any of the above being intimated to him

### **Notification of information in relation to Drivers**

105. The Licence Holder is required to report the following information regarding any Driver of his Licensed Vehicle to the council within 24 hours (or the following working day) of that information coming to his attention in relation to Drivers of the Licensed Vehicle: -

- (a) information that any Driver has been disqualified from driving;
- (b) information that any Driver is suffering from any medical condition which may affect his fitness to drive a taxi;
- (c) information that any Driver is using illegal drugs;
- (d) information that any Driver may have committed any offence involving dishonesty or sexual impropriety.

### **Training**

106. The Licence Holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

## PART 4 – HOLDER OF TAXI DRIVER’S LICENCE

This Part 4 in conjunction with any relevant Schedules shall be referred to as the “Taxi Driver’s Licence Conditions”. For the purposes of the Taxi Driver’s Licence Conditions the term Licence holder will refer only to those who hold a licence to drive a taxi and the term Licensed Vehicle will only refer to a taxi.

107. A taxi driver must at all times when in charge of a taxi, wear and display the taxi driver identity card issued by the Council and will, on request, allow the card to be examined by any passenger, Authorised Officer or Police Officer. If an identity card becomes damaged, disfigured lost or stolen the Licence Holder shall immediately and in any case at the very latest the next working day obtain from the council on payment of the appropriate fee, a replacement

### Driver checks

108. The Driver, on each occasion prior to commencing his shift with a Licensed Vehicle shall ensure that:-
- (a) a valid certificate of insurance or cover note confirming that he is insured to drive the Licensed Vehicle is contained within the Licensed Vehicle as detailed in condition 2 of the Taxi Licence Conditions,
  - (b) the Licensed Vehicle, including all bodywork is free from any damage or dents, upholstery and fittings (including ramps and accessories) is roadworthy, safe and serviceable, complies with the provisions of Schedule A to these conditions and is in a clean condition subject to prevailing road and weather conditions,
  - (c) the Licensed Vehicle is displaying current Licence Plates in accordance with the provisions of condition 6 of the Taxi Licence conditions.  
and
  - (d) a copy of the current Fare Table is being carried within the Licensed Vehicle.

### Condition of Vehicle

109. The driver must not operate any licensed vehicle during any period in which it does not comply with the provisions of Schedule A to these conditions.

## Fulfilment of Hire

110. Unless prevented by a reasonable cause a taxi driver, upon acceptance of a hire, must complete any hire engagement at the time and location agreed or provide suitable alternative arrangements. This includes a hire accepted on the driver's behalf by any representative or booking office through which the driver operates.
111. Where a taxi driver has accepted a hire engagement they must attend at the agreed time and location advising the hirer of their arrival. Where the hirer does not commence their journey within five minutes of the arrival of the taxi (or other additional period agreed between the hirer and the taxi driver) the driver may refuse to fulfil the hire and, where the taxi has been booked by telephone or other booking arrangement the driver will be entitled to payment of any waiting time, call out charge and cancellation fee as approved by the Council's Fare Table for Taxis.
112. A taxi driver must not refuse to accept a hire which starts and terminates within the Council's licensed area unless the hirer or any passenger:
- a) Is not prepared to give a precise destination; or
  - b) Is drunk or otherwise not in a fit state to be carried; or
  - c) Whose condition or clothing is offensive or likely to contaminate or cause damage to the interior of the taxi; or
  - d) Is smoking or using an electronic inhaler and refuses to stop before entering the vehicle or, once in the vehicle refuses to stop when requested to do so by the driver; or
  - e) Is accompanied by any animal which is likely to damage or soil the interior of the taxi, with the exception of a guide dog, hearing dog or assistance dog; or
  - f) Cannot be conveyed for any other reasonable cause.
113. A taxi driver must not:
- a) permit any animal to be on or in the Licensed Vehicle except an animal which is in the charge of a passenger.

- (b) carry, or cause or permit to be carried in any Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- (c) knowingly carry, or cause or permit to be carried in such Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- (d) knowingly cause or permit such Licensed Vehicle to be utilised for any illegal, immoral or unlawful purpose.

114. Where a Licensed Vehicle has been hired:

- (a) by or for a disabled person who is accompanied an assistance dog; or
- (b) by a person who wishes such a disabled person to accompany that person in a Licensed Vehicle, the holder of a Licensed Vehicle shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.

1.1 Any driver who, for reasons of health, is or at any time becomes unable to transport animals, must advise the Council immediately and make application for a notice of exemption in terms of Section 169 of the Equality Act 2010 which upon issue must be displayed in a prominent position on the dashboard or the windscreen of the taxi facing outwards where it can conveniently be read by anyone seeking to hire the taxi.

115. The driver must:-

- a) Prior to driving a licensed vehicle undertake training in the use of approved restraint systems for the carrying on wheelchairs within the licensed vehicle he is in charge of and follow the manufacturer's instructions for using all access and restraint equipment on every occasion that the systems are used;
- b) ensure all access and restraint equipment is safe and serviceable and carried on the licensed vehicle at all times;
- c) ensure that all ramps carried within the licensed vehicle are stamped with the registration number of that licensed vehicle and have a certificate of safe working load attached to them;
- d) use an approved restraint system for wheelchairs and a seat belt for the passenger on every occasion. It is a legal requirement that passengers

- wear the seatbelt provided unless they hold a medical exemption certificate;
- e) follow the manufacturer's instructions for using all access and safety equipment on every occasion;
- f) where wheelchair tie-down and occupant restraint systems have not been provided at the time of manufacture by the vehicle manufacturer, ensure that all such equipment used in the vehicle complies with ISO 10542 or any replacement standard

116. The Driver may not in any circumstances pick up or convey another passenger without the consent of the original Hirer. The Licence Holder shall drive to the destination by the shortest practicable route unless otherwise instructed by the Hirer.

### **Number of Passengers**

117. A taxi driver must not carry more passengers than specified on the taxi licence and must ensure before commencing any hire that all passengers are properly seated in approved passenger seats and remain seated at all times during the journey.

### **Shared Hire\***

- 118. The driver shall operate on shared hire only with the consent of the first hirer even if there is displayed on the taxi a sign approved by the Council indicating that the taxi is available for shared hire but the driver of a taxi shall not be required to operate on shared hire if no such sign is displayed on the taxi at the time of the initial hiring,
- 119. The driver on shared hire may decline to accept a further passenger on the grounds that the intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or passengers or that the further passenger's luggage cannot be accommodated safely within the luggage compartment of the taxi.

### **Exclusive Hire\***

- 120. The driver of a taxi which is on exclusive hire may not in any circumstances pick up or convey another passenger without the consent of the original hirer.
- 121. The driver of a taxi which has been hired on exclusive hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a taxi which has been hired on shared hire shall take the

shortest practicable route which will serve the destinations of all the passengers whom the taxi is carrying at any one time

## Fares

122. Where the passenger requires to exit the Licensed Vehicle to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare. However, where a Licensed Vehicle has been called by telephone or other advance arrangement, the hire shall commence after the Driver of the Licensed Vehicle has announced the arrival of Licensed Vehicle to the prospective Hirer or passenger at the place to which it has been summoned.
123. No fare shall be payable by the Hirer in respect of any journey by the Licensed Vehicle from the place at which it is discharged by the Hirer.
124. The Driver shall not demand any fare from any person who has engaged a Licensed Vehicle (and no fare shall be payable by such person).
  - (a) if the external Licence Plates with the appropriate taxi licence number are not displayed in accordance with condition 7 of the taxi licence conditions; or
  - (b) if the Driver does not on demand exhibit the means of identification issued by the Council; or
  - (c) if the Driver demands more than the metered fare or where appropriate in terms of condition 125 below, the fare agreed upon before the start of the hire; or
  - (d) if the Driver fails or refuses to complete an engagement except for any reasonable cause; or
  - (e) if the Licensed Vehicle breaks down or if the Licensed Vehicle becomes in any way unfit to convey the Hirer to the destination for which the hirer engaged such a Licensed Vehicle;
  - (f) if the Fare Table programmed in the Taximeter is different from any Fare Table displayed in the vehicle;

- (g) if the Driver of a Licensed Vehicle removes the record of any fare from the Taximeter before the appropriate Hirer has examined it or has had a reasonable opportunity of examining it, or if, during the Hours of Darkness, the Licensed Vehicle Driver fails to keep any fare dial displayed illuminated for the whole of the period that such Licensed Vehicle is occupied by the Hirer and until the Hirer has examined the Taximeter or has had a reasonable opportunity of examining it
125. The Driver of a taxi not being used as a taxi bus shall, if the cost of the journey is not regulated by an Authorised Metered Fare, inform the Hirer before the journey commences :-
- (a) that the Taximeter is not required to used; and
  - (b) of the cost or the method of calculating the cost of the proposed journey.
126. The Driver shall carry a copy of the up to date Fare Table issued by the Council within the Licensed Vehicle at all times and shall produce it for immediate inspection by any member of the public on request.

### **Taximeter**

127. The Driver shall ensure that the Taximeter fitted in the Licensed Vehicle in his charge shall be operated:-
- (a) at all times for hires starting and finishing within the Licensed Area; and
  - (b) with the agreement of the Hirer in relation to hires either starting or finishing outwith the Licensed Area.
128. The Driver shall, as soon as hired, but no sooner, set the Taximeter in motion and whilst engaged shall have the words "Hire" illuminated on the face of the Taximeter so that it is readily visible at all times.
129. Immediately on the termination of a hire the Driver shall stop the time mechanism within the Taximeter but shall not remove the fare record from the Taximeter until the hirer has examined it or has had a reasonable opportunity of examining it.
130. During the Hours of Darkness the Driver shall keep the fare dial display illuminated, for the whole of the period that the Licensed Vehicle in their charge is occupied by a Hirer and until the Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.



## Passenger Assistance

131. The Driver shall give such reasonable assistance to passengers or potential passengers to access the Licensed Vehicle as is required. In particular
- (a) in relation to persons with obvious mobility difficulties the Driver shall make appropriate enquiries of that person to identify their preferred method of accessing the Licensed Vehicle and seating requirements;
  - (b) in relation to passengers who use wheelchairs the Driver must ascertain whether the passenger wishes to remain within their wheelchair and if so must help the passenger to get into and out of the Licensed Vehicle; if the passenger wants to transfer to a seat, the Driver must assist the passenger to get out of the wheelchair and into a seat and back into the wheelchair, if that assistance is required. The Driver must also load the wheelchair into the Licensed Vehicle; the Driver must also offer to load the passenger's luggage into and out of the Licensed Vehicle;
  - (c) the Driver shall make use of the Licensed Vehicle's step as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this.
132. The Driver shall give such reasonable assistance to his passengers as he is able to give with loading and unloading their luggage when required to do so but the Driver of the Licensed Vehicle will not be required to leave the immediate proximity of the Licensed Vehicle in doing so.
133. The Driver shall either:-
- (a) assist passengers travelling within wheelchairs to access the Licensed Vehicle using the ramp and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey,
- or
- (b) if the Driver has an Exemption Certificate issued in terms of Section 169 of the Equality Act 2010 from complying with Conditions 131(a) – (c) above he shall explain that to the potential passengers, show them his Certificate of Exemption and enquire as to whether they are able to load the wheelchair themselves or alternatively ask them to wait for the next suitable taxi.
134. The Driver holding a Certificate of Exemption from compliance with condition 131 shall display a copy of the Certificate on the passenger doors of the taxi and on the windscreen so it can be read by passengers attempting to enter the vehicle.

135. Conditions 131(a) – (c) above will not apply if the Licence Holder is not driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs.

### Driver Behaviour

136. The Driver, while in charge of the Licensed Vehicle, must behave in a professional, considerate and orderly manner and shall not do anything while in charge of the Licensed Vehicle which is a breach of any road traffic or other legislation.
137. The Driver shall not permit any person to drive the Licensed Vehicle which he is in charge of while such Licensed Vehicle is on hire or is available for hire unless that person is the holder of a current Council private hire car Driver's or taxi Driver's licence.
138. In terms of the Smoking, Health & Social Care (Scotland) Act 2005 or any amending legislation it is a criminal offence for anyone to smoke in a Licensed Vehicle at any time even when the Licensed Vehicle is not being used for hire. The holder of a Licensed Vehicle shall not smoke within the Licensed Vehicle at any time and shall ensure that no one else does. E-cigarettes
139. Tobreg\* (the World Health Organisation study group on tobacco regulation) strongly recommends that electronic cigarettes, commonly known as e-cigs, are not to be excepted from "clean air" laws which restricts the places in which cigarette smoking is allowed, until evidence shows their use does not expose non-users to toxic emissions. On this basis the holder of a Licensed Vehicle shall not smoke e-cigs within the Licensed Vehicle at any time and shall ensure that no one else does.
140. The Driver shall not permit any person to ride on any loading platform or in any luggage compartment or other part of the Licensed Vehicle not set aside for the accommodation of passengers.
141. The Driver shall not knowingly use the vehicle as a Licensed Vehicle while the Licensed Vehicle is suspended or while the Licensed Vehicle is not displaying current Licence Plates.
142. The Driver shall not:-
- (a) use a mobile phone (even by means of a "hands free" kit), or

(b) any other communication device, or

(c) conduct himself in any manner

which prevents him from exercising full control over the speed and direction of the Licensed Vehicle while it is in motion

143. When a taxi is hired or standing for hire, the driver, shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period the driver may be absent to announce the arrival of the taxi or for any other necessary purpose.

144. The driver of a taxi shall not stand or loiter with the vehicle in any street in the near vicinity to a stance while such stance is fully occupied by the authorised number of taxis nor shall the driver of the taxi cause the taxi to stand in such vicinity.

145. The driver must switch off his engine when the vehicle is stationary to avoid unnecessary vehicle idling, (especially in the vicinity of sensitive areas such as schools, hospitals and residential areas) except in the following circumstances:

a) where the licensed vehicle is stationary owing to the necessities of traffic – e.g. when vehicles are queuing at traffic signals;

b) where an engine is being run so that a defect can be traced and rectified – e.g. when a defective vehicle is being attended to by a breakdown/recovery agent;

c) for short periods on occasions where the weather conditions are extreme either to operate the vehicle's heating or air conditioning.

146. The driver of a taxi shall not canvass for employment in any public place except where the taxi is being operated on shared hire to such extent as is reasonably required to ascertain whether there are any prospective further passengers who wish to participate in the shared hire of the taxi.

147. The Driver is required to switch off his vehicle's engine immediately when requested to do so by an Authorised Officer.

## Dress Code

148. The Driver, while in charge of a Licensed Vehicle, shall be clean and tidy in his person and shall wear clothing of a type specified as appropriate in the Dress Code contained in Schedule E to these conditions.

## Passenger Luggage

149. All passenger luggage other than light hand luggage must be stored in the luggage compartment of the Licensed Vehicle. Additional charges for the carrying of luggage may not be made other than in accordance with the current fare table.
150. The Driver shall not refuse to carry luggage in the Licensed Vehicle providing that the said luggage can be accommodated safely within the luggage compartment of the Licensed Vehicle.

## Lost Property

151. Immediately after the completion of his shift, the Driver shall search the Licensed Vehicle which he is in charge of for any property which may have been left therein.
152. Any property found in such Licensed Vehicle by the Driver shall forthwith be returned by the Driver to the owner of the property, or such property shall be handed in by the Driver to any police station in the Licensed Area within 24 hours along with:
- (a) a note of the Licensed Vehicle Driver's name and address;
  - (b) the name of the holder of the licence for such Licensed Vehicle;
  - (c) the number of the Licensed Vehicle;
  - (d) the names and addresses of all Hirers of the Licensed Vehicle during that day so far as known to the Driver which may assist in determining ownership of the property

## Stances

153. All drivers of taxis arriving at an appointed taxi stance shall take their stations on such stance from front to rear in order of their arrival, and hires will be accepted in that order, except, when an intending hirer wishes to engage a specific taxi or its driver, in which case the engagement may be accepted in the order indicated by the intending hirer, but the onus of proving the hirer's wishes shall be on the driver of the taxi apparently chosen out of order.
154. When the driver of a taxi drives off a stance (except on any stance where contrary conditions or restrictions are specified), the taxi driver immediately behind shall draw up the vehicle to take the place vacated, and the drivers of taxis on the stance behind shall draw up their vehicles in a like manner.
155. When a signal for a taxi is made to a stance from a distance, only the driver of the taxi first on such a stance to which the signal is made shall drive off in answer to such a signal.
156. The driver of a taxi on or within 50 metres of any stance to which a signal is made for a taxi shall not be permitted to accept a hire and shall not answer the signal if there is any disengaged taxi on such stance capable of accepting the hire, unless all drivers of such taxis clearly indicate that they have no objection.
157. A driver must not join any stance occupied by the maximum number of taxis permitted on the stance nor must he stand or loiter with a licensed vehicle in any street in the near vicinity to a stance while such stance is fully occupied by the authorised number of taxis nor shall the driver stand in such vicinity.
158. Whilst outwith his licensed vehicle at a taxi stance a driver must not loiter in the roadway at or near the taxi stance nor cause his vehicle to encroach in any way onto the road.

## Electronic Security System

159. A driver who is driving a taxi with an electronic security system installed in the vehicle must ensure that letter of approval/licence from the Council for the installation is retained at all times within the vehicle and available for inspection by any Authorised Officer or Constable on request.
160. When the Driver is driving a Licensed Vehicle with electronic security system installed in the Licensed Vehicle the additional conditions contained in sections 34 - 41 to these conditions will apply.

## **Change of Address / Address for Correspondence**

161. When a driver changes his permanent address he must:-

- a) advise the Council of the change to his address within five working days of that change. This may be done by notice to the Licensing Team, The City of Edinburgh Council, City Chambers Business Centre 9:43, 249 High Street, Edinburgh EH1 1YJ or by email to [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk)
- b) immediately update his DVLA driving licence with the new address.

162. Drivers must make arrangements for the receipt of correspondence when they are absent from their permanent address for periods in excess of fourteen working days. All notices sent to drivers in relation to these conditions will be sent to the driver's permanent address as notified to the Council in terms of condition xx above.

## **Suspension of Licence**

163. When a taxi licence is suspended and the vehicle withdrawn from service by an Authorised Officer in accordance with Paragraph 12 of Schedule 1 of the Act this will be notified by means of a label bearing the (a) the words "this hire car is meantime certified unfit for public use" and (b) the date of the withdrawal. The notice will be fixed in a position within the passenger compartment of the vehicle to which it relates so that it is readily visible to intending passengers. The label must not be removed other than by an Authorised Officer.

## **Return of Licence and Identity Card**

164. If the driver of a taxi ceases for any reason to be authorised by law to drive and their licence ceases to have effect in terms of section 13(6) of the Act then they shall immediately give notice to the Council of their disqualification or such other reason and return their taxi driver's licence and identity card to the Council's Licensing Section at 249 High Street, Edinburgh EH1 1YJ.

## **Medicals**

165. The Driver must have a current certificate of medical fitness to drive a taxi, if required by the DVLA standards in relation to Group 2 licence holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate.

166. The Driver who fails to attend for a medical examination after receiving written confirmation of the date of the examination shall be required to pay the appropriate fee for the missed medical before a further medical examination will be arranged.
167. In relation to the cost of all medical examinations, follow up reports and additional tests which may be required in order to assess a Driver's fitness to drive these shall be met by the Council. For the avoidance of doubt, all new applicants for Licences must be certified fit to drive a Licensed Vehicle for a minimum period of twelve months by the Council's appointed medical examiners following a single medical examination.
168. If a Driver suffers from, or is diagnosed with any medical condition which may affect his fitness to drive a Licensed Vehicle he shall immediately report that information to the Council's Licensing Team, City Chambers Business Centre 9:43, 249 High Street, Edinburgh EH1 1YJ within two working days of that information coming to his attention and shall thereafter attend a medical examination within the next 14 days for the purpose of confirming his fitness to drive a Licensed Vehicle.
169. if the Driver requires an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 they shall attend medical examinations as are necessary prior to the issue of such a certificate. An Exemption Certificate shall be valid for the period as indicated by the medical provider and requires to be renewed in conjunction with the drivers licence.

### **Compliance with Authorised Officer**

170. The driver of a taxi shall not obstruct the Authorised Officer in the performance of any of the Authorised Officer's duties under these conditions.
171. The driver of a taxi shall comply with all the instructions or directions of the Authorised Officer in relation to these conditions and shall give all information reasonably required in the discharge of the duties of the Authorised Officer.

### **Notification of Convictions etc**

172. Where a Driver is:

- (a) charged with any crime or offence of any nature;
- (b) convicted of any crime or offence by any court;
- (c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including

finer/compensation issued by the Procurator Fiscal or any local authority);  
and/or

(d) has his DVLA driving licence endorsed with any offence or penalty.

he must give notice of that to the Council within 10 working days of the date of any of the above being intimated to him.

### **Miscellaneous**

173. The fee for the grant or renewal of a Taxi Driver's Licence will be payable in terms of the Council's published table of fees in full on the lodging of the application.

174. The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to his Licence. Where any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Council within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.

175. When the Driver is in charge of a PHC whilst it is undertaking a hire or available for hire the Private Hire Car Driver's Licence conditions in Part 5 shall apply in place of the Taxi Driver's Licence conditions under this part.

176. If the Driver loses his Licence or identity card or any other document issued to him by the Council, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.

177. When the Driver has given up the activity of driving a Licensed Vehicle, he shall surrender his Licence to the Chief Solicitor as required by Paragraph 13(2)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982.

### **Training**

178. The Driver is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.



## PART V – HOLDER OF PRIVATE HIRE CAR DRIVER'S LICENCE

This Part V in conjunction with any relevant Schedules shall be referred to as the "Private Hire Car Driver's Licence Conditions". For the purposes of the Private Hire Car Driver's Licence Conditions the term Licence Holder will refer only to those who hold a Licence to drive a Private Hire Car or Taxi only and the term Licensed Vehicle will only refer to a Private Hire Car.

### Identity Card

179. The Driver shall at all times when in charge of a Licensed Vehicle be in possession of the identity card provided by the Council. This badge must be worn by the Driver and displayed within the Licensed Vehicle and when requested, the Driver must allow the examination of the card by any passenger, Authorised Officer or Constable. The card shall include the Driver's name, photograph, licence number and expiry date.

### Driver checks

180. The driver, on each occasion prior to commencing his shift with a licensed vehicle must ensure that:-
- (a) a valid certificate of insurance or cover note confirming that he is insured to drive the licensed vehicle is contained within the licensed vehicle as detailed in condition 55 of the Private Hire Car Licence Conditions,
  - (b) the licensed vehicle, including all bodywork, upholstery and fittings (including ramps and accessories) is roadworthy, safe and serviceable, complies with the provisions of Schedule 54(d) to these conditions and is in a clean condition subject to prevailing road and weather conditions,
  - (c) the licensed vehicle is displaying current licence plates in accordance with the provisions of condition 54(b) of the Private Hire Car Licence conditions. and
  - (d) where the licensed vehicle is fitted with a taximeter, a copy of the current Fare Table is displayed within the licensed vehicle.

## Condition of Vehicle

181. The driver must not operate such a licensed vehicle during any period in which it does not comply with the provisions of Schedule A of these conditions.

182. The driver of a private hire car shall ensure that the private hire car, including all bodywork is free from damage or dents, upholstery and fittings, is roadworthy, safe and serviceable and is in a clean condition subject to prevailing road and weather conditions.

## Log Book

183. The driver of a private hire car shall before the start of each journey complete a suitable log book containing the following particulars for each contract of hire:

- (a) The time of the hire
- (b) The pick up point
- (c) The place of destination
- (d) The name of the hirer
- (e) The licence number and registration number of the vehicle
- (f) The details of the driver

The driver shall deliver the log book to the holder of the private hire car licence at the termination of each shift of driving for collation.

## Signs

184. The driver shall not drive a licensed vehicle which is:-

(a) displaying a sign of any kind on the roof of the licensed vehicle,

(a) displaying the word "cab", "taxi" or "for hire" or any other words which might give the impression that the vehicle is a taxi or is immediately available for hire.

185. The driver shall not wear any clothing displaying the words in condition 184(b) above whilst operating as a licence holder.

## Fulfilment of Hire

186. Unless prevented by a reasonable cause a private hire car driver, upon acceptance of a hire, must complete any hire engagement at the time and location agreed or provide suitable alternative arrangements. This includes a hire accepted on the driver's behalf by any representative or booking office through which the driver operates.
187. Where an engagement of a Licensed Vehicle for hire has been accepted by a Driver, the Driver shall fulfil such engagement punctually and shall announce the arrival of such immediately to the person on whose behalf the engagement was made at the place to which it has been summoned. If that person does not commence their journey within five minutes of arrival of the Licensed Vehicle, or such additional period as may be agreed between the Driver and that person, the Driver may refuse to fulfil further the engagement to hire the Licensed Vehicle, but the Driver of a Licensed Vehicle shall be entitled to receive payment of any engagement fee and any fare which may be payable in terms of the Council's approved Fare Table.
188. The Driver shall not refuse to convey a Hirer or passenger to any place within the licensed area unless any Hirer or passenger:
- (a) is not prepared to give a precise destination; or
  - (b) is drunk or otherwise not in a fit and proper state to be carried; or
  - (c) is in a condition whereby he or his clothing is offensive or likely to cause damage to the interior of the private hire car; or
  - (d) is smoking in the Licensed Vehicle and refuses to cease when requested to do so by the Driver; or
  - (e) is accompanied by any animal which is likely to damage or soil the interior of the Licensed Vehicle with the exception of an assistance dog; or
  - (f) cannot be conveyed for any other reasonable cause.

189. The Driver shall not:

- (a) permit any animal to be on or in the Licensed Vehicle except an animal which is in the charge of a passenger.
- (b) carry, or cause or permit to be carried in any Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- (c) knowingly carry, or cause or permit to be carried in such Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- (d) knowingly cause or permit such Licensed Vehicle to be utilised for any illegal or immoral purpose

190. Where a Licensed Vehicle has been hired:

- (a) by or for a disabled person who is accompanied by an assistance dog; or
- (b) by a person who wishes such a disabled person to accompany that person in a Licensed Vehicle, the Driver of a Licensed Vehicle shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.

Any driver who, for reasons of health, is or at any time becomes unable to transport animals, must advise the Council immediately and make application for a notice of exemption in terms of Section 169 of the Equality Act 2010 which upon issue must be displayed in a prominent position on the dashboard or the windscreen of the taxi facing outwards where it can conveniently be read by anyone seeking to hire the taxi.

191. The Driver must:

- (a) prior to driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs undertake training in the use of approved restraint systems for the carrying of wheelchairs within the Licensed Vehicle he is in charge of and follow the manufacturer's instructions for

using all access and restraint equipment on every occasion that the systems are used;

(b) ensure all access and restraint equipment is safe and serviceable and carried on the Licensed Vehicle at all times;

(c) ensure that all ramps carried within the Licensed Vehicle and the passenger lift are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;

(d) use an approved restraint system for wheelchairs and a seat belt for the passenger on every occasion. It is a legal requirement that passengers wear the seatbelt provided unless they hold a medical exemption certificate;

(e) where wheelchair tie-down and occupant restraint systems have not been provided at the time of manufacture by the vehicle manufacturer, ensure that all such equipment used in the vehicle complies with ISO 10542 or any replacement standard.

192. The Driver may not in any circumstances convey another passenger without the consent of the original Hirer. The Driver shall drive to the destination by the shortest practicable route unless otherwise instructed by the Hirer.

### **Number of Passengers**

193. A driver must not carry more passengers than specified on the licence and must ensure before commencing any hire that all passengers are properly seated in approved passenger seats and remain seated at all times during the journey.

### **Shared Hire\***

194. The driver shall operate on shared hire only with the consent of the first hirer even if there is displayed on the private hire vehicle a sign approved by the Council indicating that the private hire vehicle is available for shared hire but the driver of a taxi shall not be required to operate on shared hire if no such sign is displayed on the taxi at the time of the initial hiring,

195. The driver on shared hire may decline to accept a further passenger on the grounds that the intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or

passengers or that the further passenger's luggage cannot be accommodated safely within the luggage compartment of the taxi.

### **Exclusive Hire\***

196. The driver of a private hire vehicle which is on exclusive hire may not in any circumstances pick up or convey another passenger without the consent of the original hirer.
197. The driver of a private hire vehicle which has been hired on exclusive hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a taxi which has been hired on shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom the taxi is carrying at any one time

### **Canvassing for Business**

198. The Driver, whilst he is in charge of Licensed Vehicle, shall not:
  - (a) canvass or importune in any Public Place, car park or street for employment
  - (b) allow the Licensed Vehicle to wait in any Public Place except when he is fulfilling a pre-arranged hire and the onus of proving such a hire shall be on the Driver of the private hire car.

### **Picking up Passengers**

199. The Driver shall not in any circumstances pick up passengers at or in the near vicinity of a taxi stance, even if he has a hire that is pre-booked
200. The Driver shall not in any circumstances pick up passengers until he has confirmed their identity and the existence of a booking and the onus of proving that such confirmation has been obtained shall be on the Driver of the private hire car.

### **Fares**

201. Where the passenger requires to exit the Licensed Vehicle to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment

of the fare. However, where a Licensed Vehicle has been called by telephone or other advance arrangement, the hire shall commence after the Driver of the Licensed Vehicle has announced the arrival of the Licensed Vehicle to the prospective hire or passenger at the place to which it has been summoned.

202. No fare shall be payable by the Hirer in respect of any journey by the Licensed Vehicle from the place at which it is discharged by the Hirer.
203. The driver of a private hire car, shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a private hire car which has been hired or shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom the private hire car is carrying at any one time
204. The driver of a private hire car shall, unless the cost of the journey is regulated by an authorised fare, inform the hirer or passenger before the journey commences
  - (a) that the fare is not so regulated, and
  - (b) the cost or the method of calculating the cost of the proposed journey.
205. The Driver of a private hire car shall not demand any fare from any person who has engaged a Licensed Vehicle (and no fare shall be payable by such person):
  - (a) if the external Licence Plates with the appropriate Private Hire Car licence number are not displayed in accordance with condition 54(b) of the Private Hire Car Licence Conditions; or
  - (b) if the Driver does not on demand exhibit the means of identification issued by the Council; or
  - (c) if the Driver demands more than the metered fare or where appropriate in terms of condition 20 below, the fare agreed upon before the start of the hire; or
  - (d) if the Driver fails or refuses to complete an engagement except for any reasonable cause; or

- (e) if the Licensed Vehicle breaks down or if the Licensed Vehicle becomes in any way unfit to convey the Hirer to the destination for which the Hirer engaged such a Licensed Vehicle.
- (f) if a Licensed Vehicle has a Taximeter in the Licensed Vehicle and the fare tariff programmed in the Taximeter is different from any Fare Table displayed in the vehicle.
- (g) if the Driver of a Licensed Vehicle fitted with a Taximeter removes the record of any fare from the Taximeter before the appropriate Hirer has examined it or has had a reasonable opportunity of examining it, or if, during the Hours of Darkness, the Driver fails to keep any fare dial displayed illuminated for the whole of the period that such Licensed Vehicle is occupied by the Hirer and until the appropriate Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.

## **Taximeter**

- 206. The driver of a private hire car in which a taximeter has been fitted shall ensure that a taximeter fitted in the private hire car in their charge shall be operated at all times, within the licensed area, in accordance with any instructions given by the council and in accordance with any fare tariff card displayed in the vehicle.
- 207. The driver of a private hire car in which a taximeter has been fitted, as soon as hired, but no sooner, shall set the taximeter in motion and whilst engaged shall have the words "Hire or Shared Hire" illuminated on the fare dial of the taximeter so that it is readily visible at all times.
- 208. Immediately on the termination of such a hire the driver of a private hire car shall stop the time mechanism within the taximeter but shall not remove the fare record from the taximeter until the hirer has examined it or has had a reasonable opportunity of examining it.
- 209. During the hours of darkness the driver of a private hire car in which a taximeter had been fitted shall keep the fare dial display illuminated, for the whole of the period that the private hire car in their charge is occupied by the hirer and until the hirer has examined the taximeter or has had a reasonable opportunity of examining it.



## Passenger Assistance

210. The Driver shall give such reasonable assistance to passengers or potential passengers to access the vehicle as is required. In particular:

(a) in relation to persons with obvious mobility difficulties the Driver shall make appropriate enquiries of that person to identify their preferred method of accessing the Licensed Vehicle and seating requirements;

(b) in relation to passengers who use wheelchairs, if his vehicle is suitable for transporting persons travelling within wheelchairs, the Driver must ascertain whether the passenger wishes to remain within their wheelchair and if so must help the passenger to get in and out of the Licensed Vehicle; if the passenger wishes to transfer to a seat, the Driver must help the passenger get out of the wheelchair and into a seat and back into the wheelchair, if that assistance is required. The Driver must also load the wheelchair into the Licensed Vehicle and offer to load the passenger's luggage into and out of the Licensed Vehicle;

(c) where the Licensed Vehicle has a step, the Driver shall make use of it as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this

211. The Driver shall give such reasonable assistance to his passengers as he is able to give with loading and unloading their luggage when required to do so but the Driver of the private hire car will not be required to leave the immediate proximity of the private hire car in doing so.

212. The Driver shall either:-

(a) assist passengers travelling within wheelchairs to access the Licensed Vehicle using a ramp or the passenger lift and shall ensure that they are properly secured by means of seatbelts and restraints before starting the journey, or

(b) if the Driver has an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 from complying with Conditions 210 (a) - (c) above he shall explain that to the potential passengers, show them his Certificate of Exemption and enquire as to whether they are able to load the wheelchair themselves or alternatively ask them to make arrangements to travel in another suitable PHC.

213. Any Driver holding a Certificate of Exemption from compliance with condition 210 shall display a copy of the certificate in an approved holder on the dashboard of the Licensed Vehicle.
214. Conditions 210 (a) - (c) above will not apply if the Driver is not driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs.

## Driver Behaviour

215. The Driver, while in charge of the Licensed Vehicle, must behave in a professional, considerate and orderly manner and shall not do anything while in charge of the Licensed Vehicle which is a breach of any road traffic or other legislation.
216. The Driver shall not permit any person to drive the Licensed Vehicle which he is in charge of while such Licensed Vehicle is on hire or is available for hire unless that person is the holder of a current Council private hire car Driver's or taxi Driver's licence.
217. In terms of the Smoking, Health & Social Care (Scotland) Act 2005 or any amending legislation it is a criminal offence for anyone to smoke in a Licensed Vehicle at any time even when the Licensed Vehicle is not being used for hire. The holder of a Licensed Vehicle shall not smoke within the Licensed Vehicle at any time and shall ensure that no one else does. E-cigarettes
218. Tobreg\* (the World Health Organisation study group on tobacco regulation) strongly recommends that electronic cigarettes, commonly known as e-cigs, are not to be excepted from "clean air" laws which restricts the places in which cigarette smoking is allowed, until evidence shows their use does not expose non-users to toxic emissions. On this basis the holder of a Licensed Vehicle shall not smoke e-cigs within the Licensed Vehicle at any time and shall ensure that no one else does.
219. The Driver shall not permit any person to ride on any loading platform or in any luggage compartment or other part of the Licensed Vehicle not set aside for the accommodation of passengers.
220. The Driver shall not knowingly use the vehicle as a Licensed Vehicle while the Licensed Vehicle is suspended or while the Licensed Vehicle is not displaying current Licence Plates.

221. The Driver shall not:

- (a) use a mobile phone (even by means of a “hands free” kit), or
- (b) any other communication device, or
- (c) conduct himself in any manner

which prevents him from exercising full control over the speed and direction of the Licensed Vehicle while it is in motion

222. When a private hire car is hired or standing for hire, the driver, shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period the driver may be absent to announce the arrival of the private hire car or for any other necessary purpose.

223. The driver of a private hire car shall not stand or loiter with the vehicle in any street in the near vicinity to a stance.

224. The driver must switch off his engine when the vehicle is stationary to avoid unnecessary vehicle idling, (especially in the vicinity of sensitive areas such as schools, hospitals and residential areas) except in the following circumstances:

- d) where the licensed vehicle is stationary owing to the necessities of traffic – e.g. when vehicles are queuing at traffic signals;
- e) where an engine is being run so that a defect can be traced and rectified – e.g. when a defective vehicle is being attended to by a breakdown/recovery agent;
- f) for short periods on occasions where the weather conditions are extreme either to operate the vehicle’s heating or air conditioning.

225. The Driver is required to switch off his vehicle’s engine immediately when requested to do so by an Authorised Officer.

## Dress Code

226. The Driver, while in charge of a Licensed Vehicle, shall be clean and tidy in his person and shall wear clothing of a type specified as appropriate in the Dress Code contained in Schedule E to these conditions.

## Passenger Luggage

227. All passenger luggage other than light hand luggage must be stored in the luggage compartment of the Licensed Vehicle. Additional charges for the carrying of luggage may not be made other than in accordance with the current fare table.
228. The Driver shall not refuse to carry luggage in the Licensed Vehicle providing that the said luggage can be accommodated safely within the luggage compartment of the Licensed Vehicle.

## Lost Property

229. Immediately after the completion of his shift, the Driver shall search the Licensed Vehicle which he is in charge of for any property which may have been left therein.
230. Any property found in such Licensed Vehicle by the Driver shall forthwith be returned by the Driver to the owner of the property, or such property shall be handed in by the Driver to any police station in the Licensed Area within 24 hours along with:
- (a) a note of the Licensed Vehicle Driver's name and address;
  - (b) the name of the holder of the licence for such Licensed Vehicle;
  - (c) the number of the Licensed Vehicle;
  - (d) the names and addresses of all Hirers of the Licensed Vehicle during that day so far as known to the Driver which may assist in determining ownership of the property.

231. A driver who is driving a private hire car with an electronic security system installed in the vehicle must ensure that letter of approval/licence from the Council for the installation is retained at all times within the vehicle and available for inspection by any Authorised Officer or Constable on request.

232. When the Driver is driving a private hire car with Electronic security Systems installed in the Licensed Vehicle the conditions 75 – 82 will apply.

### **Change of Address / Address for Correspondence**

233. When a driver changes his permanent address he must:-

(a) advise the Council of the change to his address within five working days of that change. This may be done by notice to the Licensing Team, The City of Edinburgh Council, City Chambers Business Centre 9:43, 249 High Street, Edinburgh EH1 1YJ or by email to [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk)

(b) immediately update his DVLA driving licence with the new address.

234. Drivers must make arrangements for the receipt of correspondence when they are absent from their permanent address for periods in excess of fourteen working days. All notices sent to drivers in relation to these conditions will be sent to the driver's permanent address as notified to the Council in terms of condition 233 above.

### **Suspension of Licence**

235. When a taxi licence is suspended and the vehicle withdrawn from service by an Authorised Officer in accordance with Paragraph 12 of Schedule 1 of the Act this will be notified by means of a label bearing the (a) the words "this hire car is meantime certified unfit for public use" and (b) the date of the withdrawal. The notice will be fixed in a position within the passenger compartment of the vehicle to which it relates so that it is readily visible to intending passengers. The label must not be removed other than by an Authorised Officer.

## Return of Licence and Identity Card

236. If the driver of a taxi ceases for any reason to be authorised by law to drive and their licence ceases to have effect in terms of section 13(6) of the Act then they shall immediately give notice to the Council of their disqualification or such other reason and return their taxi driver's licence and identity card to the Council's Licensing Section at 249 High Street, Edinburgh EH1 1YJ.

## Medicals

237. The Driver must have a current certificate of medical fitness to drive a taxi, if required by the DVLA standards in relation to Group 2 licence holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate.

238. The Driver who fails to attend for a medical examination after receiving written confirmation of the date of the examination shall be required to pay the appropriate fee for the missed medical before a further medical examination will be arranged.

239. In relation to the cost of all medical examinations, follow up reports and additional tests which may be required in order to assess a Driver's fitness to drive these shall be met by the Council. For the avoidance of doubt, all new applicants for Licences must be certified fit to drive a Licensed Vehicle for a minimum period of twelve months by the Council's appointed medical examiners following a single medical examination.

240. If a Driver suffers from, or is diagnosed with any medical condition which may affect his fitness to drive a Licensed Vehicle he shall immediately report that information to the Council's Licensing Team, City Chambers Business Centre 9:43, 249 High Street, Edinburgh EH1 1YJ within two working days of that information coming to his attention and shall thereafter attend a medical examination within the next 14 days for the purpose of confirming his fitness to drive a Licensed Vehicle.

241. if the Driver requires an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 they shall attend medical examinations as are necessary prior to the issue of such a certificate. An Exemption Certificate shall be valid for the period as indicated by the medical provider and requires to be renewed in conjunction with the drivers licence.

## Compliance with Authorised Officer

242. The driver of a private hire car shall not obstruct the Authorised Officer in the performance of any of the Authorised Officer's duties under these conditions.
243. The driver of a private hire car shall comply with all the instructions or directions of the Authorised Officer in relation to these conditions and shall give all information reasonably required in the discharge of the duties of the Authorised Officer.

## Notification of Convictions etc

244. Where a Driver is:

(a) charged with any crime or offence of any nature;

(b) convicted of any crime or offence by any court;

(c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); and/or

(d) has his DVLA driving licence endorsed with any offence or penalty cc

he must give notice of that to the Council within 10 working days of the date of any of the above being intimated to him.

## Miscellaneous

245. The fee for the grant or renewal of a private hire Driver's Licence will be payable in terms of the Council's published table of fees in full on the lodging of the application.

246. The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to his Licence. Where any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Council within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.

247. When the Driver is in charge of a PHC whilst it is undertaking a hire or available for hire the Private Hire Car Driver's Licence conditions in Part 5 shall apply in place of the Taxi Driver's Licence conditions under this part.
248. If the Driver loses his Licence or identity card or any other document issued to him by the Council, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.
249. When the Driver has given up the activity of driving a Licensed Vehicle, he shall surrender his Licence to the Chief Solicitor as required by Paragraph 13(2)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982.

### **Training**

250. The Driver is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.



## SCHEDULE A

### CONDITIONS OF FITNESS OF TAXIS

#### General Construction

251. Taxis in Edinburgh must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval as an M1 vehicle, is purpose built for use as a taxi and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles.
252. All taxis in Edinburgh must be readily wheelchair accessible.
253. The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork properly smoothed down and polished.
254. There must be carried on every vehicle
- (a) A spare wheel fitted with a pneumatic tyre of the same type and size as the other tyres on the vehicle and in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged, or any damaged wheel; and
  - (b) A suitable lifting jack; and
  - (c) A suitable wheel brace
  - (d) ramps and approved restraints for the transportation of wheelchairs which comply with ISO 10542 or any replacement standard.
255. As an alternative to a spare wheel the Council will accept breakdown cover. Evidence that such cover is in place must be produced to the Council .

#### Body

256. The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver
- (a) Outside dimensions:
    - (i) Subject to the Council's overriding discretion to consider any negative factors such as whether the width deviates from the manufacturer's specification for standard vehicles of that type,

whether factory options such as wide wheels and tyres have been added, and whether the vehicle could safely fit/utilise any taxi stance, without the stance being modified, the overall width of the vehicle must not exceed 2 metres.

(ii) The overall length must not exceed 5 metres.

(b) Inside dimensions of the passenger compartment:

(i) The vertical distance between the point of a maximum deflation of the seat cushion when a passenger is seated, to the roof immediately above that point, must not be less than 96.5 centimetres.

(ii) The width across the rear cushion must not be less than 1.07 metres.

257. Any curvature of the floor of the passenger compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and the sills.

258. The door and doorway must be constructed so as to permit an unrestricted opening across the doorway of at least 53 centimetres when the door is opened to its normal limit.

259. The clear height of the doorway must not be less than 1.1 metres.

## **Steps**

260. The top of the tread on the lowest step for any entrance, or where there is no step on the floor level itself at the lowest entrance, must not be more than 38 centimetres above the ground when the vehicle is unladen.

261. Where any step in the vehicle is electronically operated, it must be fully retractable, tamper and weather-proof. Any such step must be equipped with sensors and a warning system to alert the driver when the step is extended. This step should be under the automatic control of the driver in such a way that it cannot be left extended when the vehicle is moving.

262. All steps, or where there are no steps, the outer edge of the floor at each entrance must be fitted with non-slip treads.

## **Tyres**

263. All tyres at normal pressure under load must be approved as having a suitable circumference for correct operation of the taximeter.

## **Fuel Tanks**

264. The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.

## **Door Fittings**

265. Passenger doors must be capable of being readily opened.
266. Where any taxi has sliding doors, there shall be a clearly visible sign displayed across the top rear of the taxi which will state "Doors Opening" with arrows pointing to the relevant side(s) of the taxi. This sign must illuminate automatically as soon as the doors are unlocked and any sliding door handle is operated.

## **Other Fittings**

267. No fittings other than those approved may be attached to or carried upon the inside or outside of the taxi.
268. No tow bars should be fitted to the taxi.

## **Locks**

269. All taxis must be fitted with an approved and fully operational door locking system.

## **Windows**

270. Windows must be provided at the sides and rear.

271. Passenger door windows must be capable of being opened easily by passengers except where the vehicle has air conditioning fitted and in operation.

### **Glass**

272. The windscreen, all windows and glass partitions (where fitted) must be made of safety glass in accordance with the European Standard in force at the time of approval and be capable of affording an unrestricted view of the vehicle interior. An unrestricted view may permit a tint of up to 25% (+/-2%).

### **Mirrors**

273. Effective driving mirrors must be fitted (a) internally, in the driver's compartment and (b) externally, on the offside and nearside of the vehicle.

### **Visibility**

274. The vehicle must be fitted with adequate devices for wiping, de-misting, de-frosting and washing the windscreen and with a sun visor adjustable by the driver.
275. Where a vehicle is fitted with rear windscreen wipers and washers, these must be maintained in satisfactory working order.

### **Driver's Compartment**

276. The driver's compartment must be so designed that the driver has adequate room and can easily reach and quickly operate the controls and give hand signals to the offside of the vehicle.
277. The controls must be arranged to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
278. The driver's seat must be designed to accommodate the driver only.
279. An offside door must be fitted to the driver's compartment.

280. Every cab must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted at the rear of the driver's compartment, the maximum width of the opening must not exceed 11.5 centimetres

### **Horn**

281. A deep toned horn of approved pattern must be fitted.

### **Electrical Communications Apparatus**

282. Any electrical communication system fitted to a taxi must be in an approved position.

### **Interior Lighting**

283. Adequate lighting must be provided for the passenger compartment and must be capable of being controlled by the passengers and driver. Adequate lighting must be provided in the driver's compartment.

### **Heating and Ventilation**

284. An adequate heating and ventilation system must be fitted for the driver and passengers and the means provided for independent control by the driver and passengers.

### **Fire Appliances**

285. An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must comply with the requirements relating to Fire Extinguishing Appliances for use on Public Service Vehicles.

### **Passenger Seats**

286. The measurement from the upholstery at the back edge of the seat to the front must be not less than 40 centimetres in the case of the back seat and 35.5 centimetres in the case of the tip-up seat.

287. The width of each tip-up seat must not be less than 40 centimetres.
288. The vertical distance between the highest point of the undeflated seat cushion and the top of the floor covering must not be less than 35.5 centimetres.
289. Tip-up seats must be fitted so that they stow automatically when not in use. They must be symmetrically placed and at least 4 centimetres apart. When not in use, tip-up seats must not obstruct doorways.
290. Suitable means must be provided to assist persons to rise from their seat.

### **Upholstery**

291. Upholstery in the vehicle at the time of initial inspection must be as originally fitted at time of manufacture or of a similar material and design approved by the Council. After approval there must be no subsequent replacement of the upholstery without the further permission of the Council.

### **Luggage**

292. Adequate provision must be made for carrying luggage and an effective method of securing it must be provided.

### **Fare Table and Notice Holders**

293. A frame or other type of approved holder must be provided for the Fare Table and fitted in an approved position.
294. An approved holder must be provided for the driver's identity card and fitted in an approved position visible to passengers travelling in the vehicle.

### **Advertising**

295. Advertisements may only be displayed in the interior of taxis on the underside of the tip-up seats. Advertisements on the exterior of taxis will be categorised as either door, super-sides or full livery. Door advertisements may only be fitted to the lower panels of the front and rear doors. No material may be placed on any glass including the dividing glass partition, other than notices approved by the Council

296. Materials used for advertisements must be made of a quality not easily defaced or detached. No paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the taxi or initially attached to an approved magnetic panel which is then attached to the taxi.
  
297. Interior advertisements on the underside of the tip-up seats must be encapsulated in clear non-flammable plastic or be manufactured of rigid plastic.

## SCHEDULE B

### CONDITIONS OF FITNESS OF PRIVATE HIRE CARS

#### General Construction

298. Every private hire car must comply in all respects with the requirements of any Acts or Regulations relating to motor vehicles in force at the time of licensing.
299. The vehicle, including all bodywork, upholstery and fittings must be in good and serviceable condition.
300. The vehicle must be of suitable size and design so that it is capable of withstanding the loads and stresses likely to be met within service.
301. The vehicle must have an engine capacity with a 'Power to Weight' ratio equal to or greater than 0.0648 hp per kg.
302. The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork properly smoothed down and polished. As an alternative to paintwork, a single colour vinyl wrap may be applied and the materials used must be of a quality not easily defaced or detached. Where a vehicle is finished in this way it shall not be used as a private hire car until the final finish has been examined and approved by the Taxi Examination Centre.
303. The vehicle must have not less than 4 wheels.
304. There must be carried on every vehicle:
- a. A spare wheel fitted with a pneumatic tyre of the same type and size as the other tyres on the vehicle or a vehicle manufacturer's supplied space saver spare wheel in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged, or any damaged wheel; and
  - b. A suitable lifting jack; and
  - c. A suitable wheel brace
305. As an alternative to a spare wheel the Council will accept breakdown cover. Evidence that such cover is in place must be produced to the council or Authorised Officer



## **Electrical Propulsion**

306. Subject to inspection and testing by the Taxi Examination Centre, Private Hire Cars may use electricity as a means of propulsion including its use within any hybrid engine.

## **Steering**

307. The steering wheel must be on the offside of the vehicle.
308. The steering mechanism must be so constructed or arranged that no overlock is possible and that the road wheels do not in any circumstances foul any part of the vehicle.
309. The steering arms and connections must be of adequate strength and so far as possible protected from possible damage by collision.

## **Fuel Tanks**

310. The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.

## **Exhaust**

311. The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any other part of the vehicle that may cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle in such a position as to prevent fumes from entering the vehicle.

## **Door Fittings**

312. A vehicle must have at least 4 doors excluding any doors at the rear of the vehicle.
313. Passenger doors must be capable of being readily opened.

314. The doors and doorways must be of such construction so as to permit a reasonably unrestricted access for passengers.

### **Other Fittings**

315. No fittings other than those approved may be attached to or carried upon the inside or outside of the private hire car.
316. No tow bars should be fitted to the private hire car.

### **Windows**

317. Windows must be provided at the sides and rear.
318. At least one rear passenger window must be capable of being opened easily by passengers except where the vehicle has air conditioning fitted and in operation.

### **Glass**

319. The windscreen, all windows and glass partitions (where fitted) must be made of safety glass in accordance with the European Standard in force at the time of approval and be capable of affording an unrestricted view of the vehicle interior. The Cab Inspector shall determine whether or not a view is unrestricted in relation to any particular vehicle.

### **Mirrors**

320. Effective driving mirrors must be fitted:
- (a) internally, in the driver's compartment and
  - (b) externally, on the offside and nearside of the vehicle

### **Visibility**

321. The vehicle must be fitted with adequate devices for wiping, de-misting, de-frosting and washing the windscreen and with a sun visor adjustable by the driver.

322. Where a vehicle is fitted with rear windscreen wipers and washers, these must be maintained in satisfactory working order.

### **Electrical Communications Apparatus**

323. Any electrical communication system fitted to a private hire car must be in an approved position.

### **Interior Lighting**

324. Adequate lighting must be provided in the vehicle.

### **Heating and Ventilation**

325. An adequate heating and ventilation system must be fitted for the driver and for the passengers.

### **Fire Appliances**

326. An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must comply with the requirements relating to Fire Extinguishing Appliances for use on Public Service Vehicle.

### **Electrical Equipment**

327. All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
328. All electrical circuits must be protected by suitable.

### **Seating**

329. A vehicle must have seats for not less than 4 people including the driver.
330. The width across the rear seat cushion must not be less than 1.07 metres.

## **Upholstery**

331. Upholstery in the vehicle at the time of initial inspection must be as originally fitted at time of manufacture or of a similar material and design approved by the Council. After approval there must be no subsequent replacement of the upholstery without the further permission of the Council.

## **Luggage**

332. Adequate provision must be made for carrying luggage and an effective method of securing it must be provided.

## **Fare Table and Notice Holders**

333. Where a taximeter is fitted, a frame or other type of approved holder must be provided for the Fare Table and fitted in an approved position.
334. An approved holder must be provided for the driver's identity card and fitted in an approved position visible to passengers travelling in the vehicle.

## SCHEDULE C

### CONDITIONS OF FITNESS OF SPECIAL EVENT PRIVATE HIRE CARS

#### General

335. Except so far as varied by the conditions in this schedule, conditions 51 to 97 both inclusive and the contents of Schedule B of the foregoing Licensing Conditions for Taxis, Private Hire Care, Taxi Drivers and Private Hire Car Drivers will apply to Special Event Private Hire Cars.
336. a) All brakes and machinery must be kept in good order and condition  
b) The vehicle must carry at all times a serviceable spare wheel and tyre, together with the proper tools and equipment to change the wheel in the event of a tyre becoming defective  
c) All tyres (including the spare) must be suitable for the vehicle  
d) No alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council.
337. Should a Special Event Private Hire Car fail to complete a journey for any cause whatsoever, the circumstances and cause of the stoppage shall be reported to the council or the Taxi Examination Centre, Murrayburn Road, by the end of the next working day.
338. No licence holder shall part with or lend the Special Event Plates issued in respect of a vehicle to any other person.

#### Insurance

339. The licence holder shall ensure that at all times there is in force a certificate of insurance or a current and valid cover note for the Special Event Private Hire Car, in which the licence holder is stated to be the policy holder and which:
- a) Covers any licensed private hire car drivers who will drive the vehicle;
  - b) States the vehicle type and all uses to which the vehicle will be put; and
  - c) Includes:
    - (i) Unlimited indemnity for injury and death to passengers and other third parties;
    - (ii) Indemnity of at least £250,000 for damage to third party property – other than that being carried in or on the insured vehicle;

- (iii) Cover of up to at least £200 for damage to property belonging to persons being carried in the insured vehicle

### Display of Plates and Other Signage

340. Conditions 59 to 63 of the standard conditions shall be read so as to conform with the following provisions mutatis mutandis:

- a) On a vehicle being licensed as a Special Event Private Hire Car, a number shall be allotted to it by the council and the approved external and internal plates (hereinafter referred to as the “Special Event Plates”) bearing such number shall be supplied to the licence holder by the council. The licence holder shall ensure that the plates are immediately affixed to the Special Event Private Hire Car in positions and brackets approved by the council or authorised officer, and the Special Event Private Hire Car shall not be used for hire until the plates are properly affixed.
- b) The licence holder shall affix to the vehicle, in positions and brackets approved by the council:
  - (a) A Special Event external plate on the rear of the Special Event Private Hire Car; and
  - (b) An Special Event internal plate on the inside of the Special Event Private Hire Car in a conspicuous position clearly visible to all passengers.
- c) If the letters or figures on any Special Event Plates affixed to a Special Event Private Hire Car become obliterated or defaced so as not to be distinctly visible or legible, or any Special Event Plate is lost, the licence holder shall forthwith obtain from the council a replacement Special Event Plate.
- d) Except as otherwise provided for in these conditions the licence holder shall not, without the consent of the Council, fix or permit to be fixed on their Special Event Private Hire Car any plate other than the Special Event Plates or other plate or notice required by law.
- e) The holder of a special event private hire car licence shall ensure that a sticker detailing the Council’s complaint procedure is displayed in the vehicle. The sticker must be attached to the top of the window of the near-side passenger door so that it may be read by passengers travelling in the vehicle.

## **Passengers**

341. The licence holder shall not permit the said vehicle to be used to carry a greater number of passengers than the number stated on the Special Event Plate.
342. The licence holder shall not allow any passengers to be conveyed in the front seats of the said vehicle

## **Animals**

343. Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall, when necessary, be contained so as not to present a nuisance or hazard to the occupants of the vehicle.

## **Upholstery and Seatbelts**

344. The seats shall be covered with leather or other appropriate materials and must be properly upholstered and in good condition, free from rips, tears and holes.
345. The fittings and furniture in the Special Event Private Hire Car must be kept in a clean condition and well maintained.
346. Seat Belts shall be provided for every passenger the Special Event Private Hire Car is licensed to carry.

## **Glass**

347. The requirement of condition 256 that glass must afford an unrestricted view of the vehicle interior, will apply only to the windscreen and front door windows of Special Event Private Hire Cars. An unrestricted view may permit a tint of up to 25% (+/- 2%).

## **Fire Extinguishers**

348. The Special Event Private Hire Car must be fitted with two portable type fire extinguishers which conform to European Standard EN3. One extinguisher shall be mounted on brackets in a convenient position in the driver's compartment, if practicable. The other extinguisher shall be mounted on brackets in a convenient position within the boot of the vehicle.

## **Radios**

349. The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

### **Convictions**

350. The licence holder shall give notice to the Council of the details of any conviction imposed whilst the licence is in force, within seven days of conviction.

### **Change of Address / Address for Correspondence**

351. When a driver changes his permanent address he must:-

- a) advise the Council of the change to his address within five working days of that change. This may be done by notice to the Licensing Team, The City of Edinburgh Council, City Chambers Business Centre 9:43, 249 High Street, Edinburgh EH1 1YJ or by email to [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk)
- b) immediately update his DVLA driving licence with the new address.

### **Return of Licence and Plates**

352. Where a Special Event Private Hire Car ceases to be used as such the licence holder shall give immediate notice to the Cab Inspector and return to the council the licence in respect of their Special Event Private Hire Car, along with the Special Event Plates, within seven days



## SCHEDULE D

### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

#### SECTIONS RELATING TO OFFENCES AND OTHER RELEVANT HIRE CAR PROVISIONS

##### Licensing and Regulation of Taxis and Private Hire Cars

###### Taxi and private hire car licences

- 10(1) A licence, to be known as a “taxi licence” or, as the case may be, a “private hire car licence”, shall be required for the operation of a vehicle as:
- (a) a taxi; or
  - (b) a private hire car.
- (2) A licensing authority shall not grant or renew a taxi licence or private hire car licence unless they are satisfied that the vehicle to which the licence is to relate is suitable in type, size and design for use as a taxi or private hire car, as the case may be, and is safe for that use, and that there is in force in relation to the vehicle such a policy of insurance or such security as complies with Part VI of the Road Traffic Act 1988.
- (3) Without prejudice to paragraph 5 of Schedule 1 to this Act, the grant of a taxi licence may be refused by a licensing authority for the purpose of limiting the number of taxis in respect of which licences are granted by them if, and only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet.
- (4) A vehicle shall, for the purpose of subsection (2) above, be treated by a licensing authority:
- (a) as being suitable in type, size and design if it complies with regulations in that regard made by the Secretary of State under section 20(2) of this Act in respect of their area; and
  - (b) as not being so suitable if it does not so comply.
- (5) A taxi licence or private hire car licence shall extend to the operation of a vehicle substituted for the vehicle in respect of which the licence is granted or, as the case may be, last renewed if the licensing authority are as respects the substitute vehicle satisfied as to the matters specified in subsection (2) above, and where a taxi licence or private hire car licence extends under this subsection to a substitute vehicle, subsection (6) below shall not apply in respect of the vehicle replaced by the substitute vehicle.
- (6) Subject to subsection (5) above, the holder of a taxi or private hire car licence shall within 28 days of his selling or otherwise disposing of the vehicle to which the licence relates deliver to the licensing authority the licence and any licence plate or other thing which has been issued by the licensing authority for the

purpose of indicating that the vehicle is a taxi or, as the case may be, private hire car, and if without reasonable excuse fails to do so that licence holder shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £500.

### **Inspection and testing vehicles**

- 11(1) The holder of a taxi or private hire car licence shall present the taxi or private hire car for inspection and testing by or on behalf of the licensing authority within such period and at such place as they may by notice reasonably acquire.
- (2) An authorised officer of a licensing authority (as respects a taxi or private hire car licensed for the area of the authority) or a constable shall have power at any reasonable time to inspect and test, for the purpose of ascertaining its fitness, a licensed taxi or private hire car or, for the purpose of testing its fitness or accuracy, any taximeter and if he is not satisfied as to the safety of the taxi or private hire car for the carriage of passengers or as to the fitness or accuracy of the taximeter he may by notice in writing:-
- (a) require the holder of the taxi or private hire car licence to make the taxi or private hire car or taximeter, as the case may be, available for further inspection at such reasonable time and place as may be specified in the notice;
  - (b) suspend the licence until such time as an authorised officer by the licensing authority or a constable is so satisfied.

Provided that, if an authorised officer or constable is not so satisfied before the expiration of a period of 28 days from the date of the suspension of the licence, the said licence shall, by virtue of this subsection, be deemed to have been suspended by the licensing authority under paragraph 11 of Schedule 1 to this Act.

### **Fees for taxi and private hire car licences**

- 3 A licensing authority shall charge such fees in respect of taxi and private hire car licences and applications for such licences as may be resolved by them from time to time and shall seek to ensure that the total amount of such fees is sufficient to meet the expenses incurred by them in carrying out their functions under sections 10 to 23 (other than section 19) of this Act in relation to such licences.

### **Taxi and private hire car driving licences**

- 13(1) A licence, to be known as a “taxi driver’s licence” or, as the case may be, a “private hire car driver’s licence”, shall, subject to subsection (2) below, be required for driving or otherwise having charge of a taxi or private hire car.

- (2) A private hire car driver's licence shall not be required by the holder of a taxi driver's licence for driving or otherwise having charge of a private hire car whilst in operation as such.
- (3) A licensing authority shall not grant a licence to any person under this section unless that person has held, during any continuous period of 12 months prior to the date of his application, a licence authorising him to drive a motor car issued under Part III of the Road Traffic Act 1988 or a licence which would at the time of his application entitle him to such a licence without taking a test, not being a provisional licence.
- (4) A licensing authority may, at any time, for the purposes of satisfying themselves that he is physically fit to drive a taxi or, as the case may be, private hire car, require an applicant for or holder of a taxi driver's licence or private hire car driver's licence to submit to medical examination, at their expense, by a medical practitioner nominated by them.
- (5) A licensing authority may require an applicant for a taxi driver's licence to take a test of his knowledge of the area to which the licence is to relate, of the layout of roads in that area and such other matters relating to the operation of a taxi as the authority consider desirable, and the authority may refuse to grant a licence to a person who does not satisfy them that he has adequate knowledge of any of these matters.
- (6) If a person holding a licence under this section ceased for any reason to be authorised by law to drive on a road the vehicle to which the licence relates, the licence shall cease to have effect.

### **Signs on vehicles other than taxis**

- 14(1) Subject to subsection (2) below, there shall not be displayed on or in a private hire car any word, sign, notice, mark, illumination or other feature which may suggest that the vehicle is available for hire as a taxi.
- (2) Subsection (1) above does not apply in relation to any licence plate or other thing issued by the licensing authority for the purpose of indicating that the vehicle to which it relates is a private hire car or in relation to any sign required by virtue of section 21 of the Vehicles (Excise) Act 1971.
- (3) Any person who -
  - (a) drives a vehicle in respect of which subsection (1) is contravened; or
  - (b) causes or knowingly permits that subsection to be contravened in respect of any vehicle,shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £1,000.

### **Operation of taxis outside licensing areas**

- 15(1) A licensing authority, with the agreement of another licensing authority, may name destinations or classes of destinations in the area of the other authority and, with the agreement aforesaid, fix scales under section 17 of this Act for journeys from their area by taxis licensed by them to such destinations or classes thereof.

- (2) The conditions to which a taxi or taxi driver's licence are subject shall continue to apply while the taxi or its driver is engaged in such a journey.
- (3) Nothing in this section or in Part 1 of this Act enables a condition to be imposed in a taxi driver's licence requiring him to make any journey to a destination outside the area in respect of which he is licensed.

### **Journeys in England and Wales by vehicles and drivers licensed under this Act**

16 In Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 (saving for certain vehicles from requirements of Part II of that Act as to private hire vehicles), after subsection (2) there shall be inserted:-

“(2A) Where a vehicle is being used as a taxi or private hire car, paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of the vehicle or the employment of a person to drive it if -

- (a) a licence issued under section 10 of the Civic Government (Scotland) Act 1982 for its use as a taxi or, as the case may be, private hire car is then in force and,
- (b) the driver holds a licence issued under section 13 of that Act for the driving of taxis or, as the case may be, private hire cars.

In this subsection, ‘private hire car’ and ‘taxi’ have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982”.

### **Taxi Fares**

17(1) The fares for the hire of taxis in any area and all charges in connection with the hire of a taxi or with the arrangements for its hire shall be not greater than those fixed for that area under this section and section 18 of this Act.

- (2) It shall be the duty of the licensing authority to fix from time to time scales for the fares and other charges mentioned in subsection (1) above and to review these scales at intervals not exceeding 18 months from the date on which the scales came into effect (whether proceeding upon a review under this section or not).
- (3) Before fixing any scales, or carrying out any review under this section the licensing authority shall -
  - (a) consult with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating within their area; and
  - (b) give notice of their intention by advertisement in a newspaper circulating in their area stating -
    - (i) the general effect of the proposals and the date when they propose that their decision will take effect; and
    - (ii) that any person may lodge representations in writing with respect to the proposals within a period of one month after the date of the first publication of the notice; and
  - (c) consider any such representations duly lodged with them.
- (4) Where, under this section, the licensing authority fix any scale or carry out any review they shall forthwith give notice in writing of their decision (including, in the

case of a review, a decision to do nothing) to such persons and organisations as they have consulted under subsection (3)(a) above and inform them of the general effect of section 18(1) of this Act.

- (5) Notice shall be given for the purposes of subsection (4) above by -
- (a) its being sent by recorded delivery letter to the last known addresses of the persons and organisations referred to in subsection (4) above so as to arrive there, in the normal course of post, not later than five days after the decision referred to in subsection (4) above; or
  - (b) personal service of the notice upon those persons within that time.

### **Appeals in respect of taxi fares**

18(1) Any person who operates a taxi in an area for which scales have been fixed or in respect of which a review has been carried out under section 17 of this Act may, within 14 days after the decision upon the scales or, as the case may be, upon the review, appeal against these scales to the traffic commissioner for the Scottish Traffic Area as constituted for the purpose of the Public Passenger Vehicles Act 1981.

- (2) The traffic commissioner may hear an appeal under this section notwithstanding that it was not lodged with him within the time mentioned in subsection (1) above.
- (3) On an appeal to them under subsection (1) above, the traffic commissioner may-
- (a) confirm or alter the scales; or
  - (b) may decline to proceed -
    - (i) at any stage in the appeal, on the grounds that he considers the case for the appellant is not representative of the view of a substantial proportion of the operators of taxis operating in the area of the licensing authority;
    - (ii) If less than two years have elapsed since he decided an appeal against a decision of the same authority in respect of the same scale and he considers it inappropriate that he should consider the matter again.
- (4) An appeal under this section shall have the effect of suspending the decision referred to in subsection (1) above until the date when the appeal is abandoned, or, as the case may be, when notice is given to the appellant advising him of its disposal.
- (5) Where he alters scales under subsection (3)(a), above, the traffic commissioner may substitute a different date for the coming into effect of these scales.
- (6) The Secretary of State may by order by statutory instrument make rules as to procedure in relation to appeals under this section.
- (7) The decision of the traffic commissioner on an appeal under this section shall be final.
- (8) The traffic commissioner shall give notice of his decision in writing to the appellant and to the licensing authority and notice shall be given to the appellant by -
- (a) its being sent by recorded delivery letter to his last known address or, as the case may be, to him so as to arrive, in the normal course of post, not later than five days after their decision; or
  - (b) personal service of the notice on the appellant within that time.

- (9) As soon as practicable after the expiration of the period of 14 days referred to in subsection (1) above or, where an appeal has been lodged, on the date when it is abandoned or when notice is given to the appellant of its disposal, the licensing authority shall, by advertisement in a newspaper circulating in their area, give public notice of the scales which have been determined under Section 17 of this Act and this section and the date when they come into effect which shall be not earlier than seven days after the date of the advertisement.
- (10) A licensing authority shall pay the expenses incurred under this section by the traffic commissioner in relation to appeals under this Section.

### **Taxi Stances**

- 19(1) A licensing authority may, after consultation with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating in their area, appoint stances for taxis for the whole or any part of a day in any road within their area or on any land owned by the authority, or, with the consent of the owner, on any land owned by him.
  - (2) A licensing authority may -
    - (a) erect and illuminate signs;
    - (b) cause lines or marks to be made on roads, indicating the limits of taxi stances.
  - (3) A licensing authority may from time to time, after consultation as mentioned in subsection (1) above, vary the number of taxis permitted to be at each stance and alter the position of such stances or revoke the appointment thereof.
  - (4) Before appointing any stance for taxis or varying the number of taxis permitted to be at each stance, the licensing authority shall give notice to the Chief Constable of the area in which the stance is situated and shall also give public notice of the proposal by advertisement in at least one newspaper circulating in their area and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within 28 days of the first publication of such notice.
  - (5) Nothing in this section shall empower a licensing authority to appoint any taxi stance so as unreasonably to prevent access to any premises or, without the consent of the roads authority, to appoint any taxi stance on any road or erect or illuminate any sign there or cause any line or mark to be made on any road.

### **Regulations relating to taxis and private hire cars and their drivers**

- 20(1) Notwithstanding paragraph 5(2) of Schedule 1 to this Act, the Secretary of State may by regulations provide that licensing authorities shall, in relation to taxi, private hire car, taxi drivers' or private hire car drivers' licences, impose such conditions or classes of conditions as may be prescribed in the regulations and shall not impose such other conditions or classes of conditions as may be so prescribed and may prescribe that such conditions shall be imposed or, as the case may be, shall not be imposed for different areas or classes of areas; and different conditions or classes of conditions may be prescribed in relation to different categories or taxi or private hire car.

- (2) The Secretary of State may by regulations made by statutory instrument prescribe types, sizes and designs of vehicles for the purposes of section 10(4) of this Act and, in doing so, may prescribe different types, sizes or designs of vehicles in respect of different areas.
- (2A) Without prejudice to the generality of subsection (1) and (2) above, regulations under those subsections may make such provision as appears to the Secretary of State to be necessary or expedient in relation to the carrying in taxis of disabled persons (within the meaning of section 2(2) of the Disability Discrimination Act 1995) and such provision may in particular prescribe –
- (a) requirements as to the carriage of wheelchairs, guide dogs, hearing dogs and other categories of dog;
  - (b) A date from which any such provision is to apply and the extent to which it is to apply; and
  - (c) The circumstances in which an exemption from such provision may be granted in respect of any taxi or taxi driver,
- and in this subsection –
- “guide dog” means a dog which has been trained to guide a blind person;
- “hearing dog” means a dog which has been trained to assist a deaf person;
- “other categories of dog” means such other categories of dog such as the Secretary of State may prescribe, trained to assist disabled persons who have disabilities of such kinds as he may prescribe.
- (3) Regulations under subsection (1) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either house of Parliament.

## Offences

21(1) If any person -

- (a) operates, or permits the operation of, a taxi within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed; or
  - (b) picks up passengers in, or permits passengers to be picked up by, a private hire car within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed,
- that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.
- (2) Subsection (1) above does not apply to the operation of a taxi or private hire car within an area in respect of which its operation or its driver is not licensed if the request for its hiring was received by its driver (otherwise than in a public place from the person to be conveyed in it, or a person acting on his behalf, for a journey beginning there and then) whilst -
- (a) in the area or in that part thereof in respect of which its operation and its driver are licensed;
  - (b) engaged on hire on a journey which began in that area or part or will end there; or

- (c) returning to that area or part immediately following completion of a journey on hire.
- (3) Subsection (1)(b) above does not apply to the operation of a vehicle within an area in respect of which its operation or its driver is not licensed if there are in force -
  - (i) in respect of the vehicle, a licence under section 37 of the Town Police Clauses Act 1847 (licensing of hackney carriages) or section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (licensing of private hire vehicles); and
  - (ii) in respect of its driver, a licence under section 46 of the said Act of 1847 (licensing of hackney carriage drivers) or, as the case may be, section 51 of the said Act of 1976 (licensing of drivers of private hire vehicles).
- (3A) Subsection (1)(b) above does not apply to the operation of a vehicle within an area in respect of which its operation or its driver is not licensed if there are in force –
  - (a) in respect of the vehicle, a licence under section 7 of the Private Hire Vehicles (London) Act 1998; and
  - (b) in respect of its driver, a licence under section 13 of that Act.
- (4) If any person, being the holder of a taxi licence or private hire car licence in respect of a vehicle, permits another person who does not have a current taxi driver's licence or private hire car driver's licence, as the case may be, to operate the vehicle as a taxi or, as the case may be, a private hire car he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.
- (5) If any person demands fares or other charges in respect of the hire of a taxi or for the hire of a private hire car which is fitted with a taximeter in excess of the scales established under sections 17 and 18 of this Act, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.
- (6) If any person without good cause breaks the seal on a taximeter or operates or drives a taxi or private hire car knowing that the seal on its meter has been broken, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500 or to an imprisonment for a period not exceeding 60 days or to both.
- (7) If any person, without reasonable excuse, causes or permits any vehicle other than a taxi to wait on any stance for taxis during any period for which that stance has been appointed by a licensing authority under section 19 of this Act, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £500.
- (8) Notice of the effect of subsection (7) above shall be indicated by such traffic signs as may be prescribed as authorised for the purpose by the Secretary of State in pursuance of his powers under section 54 of the Road Traffic Regulation Act 1967.

### **Savings for certain vehicles, etc.**

- 22 Nothing in sections 10 to 21 (with the exception of subsection (7) of section 21) of this Act shall:-



- (a) apply to a vehicle used for bringing passengers or goods within and taking them out of an area in respect of which the vehicle is not licensed as a taxi or a private hire car in pursuance of a contract for the hire of the vehicle made outside the area if the vehicle is not made available for hire within the area;
- (b) apply to a vehicle while it is being used in connection with a funeral or wedding;
- (c) apply to a vehicle while it is being used for carrying passengers under a contract for its exclusive hire for a period of not less than 24 hours.

### **Interpretation of sections 10 to 22**

23(1) In sections 10 to 22 of this Act:-

“taxi” means a hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it (or a person acting on his behalf) and its driver for a journey beginning there and then; and

“private hire car” means a hire car other than a taxi within the meaning of this subsection.

- (2) In subsection (1) above, “hire car” means a motor vehicle with a driver (other than a vehicle being a public service vehicle within the meaning of section 1(1)(a) of the Public Passenger Vehicles Act 1981) which is, with a view to profit, available for hire by the public for personal conveyance.
- (3) Notwithstanding that a vehicle in respect of which there is a licence for its operation as a taxi is, on any occasion, engaged as a hire car otherwise than in the manner referred to in subsection (1) above, the enactments relating to its operation as a taxi and to the driving of it as such (including any such enactments in this Act) shall nonetheless apply in relation to it; and that other manner of engagement on that occasion shall not of itself cause the operation or driving of the licensed taxi to be regarded for the purposes of this Act as the operation or driving of a private hire car within the meaning of subsection (1) above.

## SCHEDULE E

### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

#### TAXI AND PRIVATE HIRE CAR DRIVER DRESS CODE

All Drivers must comply with the following dress code while in charge of a taxi or private hire car -

(a) appropriate dress -

- shirt or polo shirt with collar, blouse/skirt/dress with either short or long sleeves
- Smart full length trousers
- Shoes or boots.

(b) inappropriate dress

- tracksuits
- denim type jeans/shorts/jogging trousers/three-quarter length trousers
- vests/ t-shirts/sportswear with club colours
- baseball caps or other sports hats
- trainers/sandals

# Regulatory Committee

1.00pm, Friday, 25 September 2015

## Demand for Taxis: Six Monthly Update

<b>Item number</b>	6.7
<b>Report number</b>	
<b>Executive</b>	
<b>Wards</b>	All

### Executive summary

This report provides the six monthly 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 Sky High Technology Ltd in July 2015.

## Demand for Taxis: Six Monthly Update

### Recommendations

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It is recommended that Committee:

- 1.1 notes this report;
- 1.2 agrees that there is currently no evidence of significant unmet taxi demand and therefore maintains the limit, of 1316, on the number of taxis licensed in the city; and
- 1.3 agrees to use this survey as the basis for determining demand in any future applications for a taxi licence.

### Background

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- 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 At its meeting on 3 May 2013, the Regulatory Committee agreed to the conclusions of a full demand survey carried out by Halcrow Ltd. Additionally, Committee agreed to commission consultants to review the provision of taxis within the city at regular intervals, and specifically to identify whether there is any 'significant unmet demand' for taxis.
- 2.3 Sky High Technology Ltd was commissioned to undertake this work. The research findings are reported to Committee at six monthly intervals. The most recent research took place in July 2015 and forms the basis of this report. Appendix 1 shows a summary analysis of the Sky High Technology Ltd report and Appendix 2 shows the full report from Sky High Technology Ltd.

### Main report

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- 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. There are other groups which strongly argue that the policy is a restraint on trade, and seek the removal of the restriction. Typically those applicants 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 by others.
- 3.3 The restriction policy has been legally challenged on a number of occasions. These challenges have taken the form of appeals to the Sheriff against decisions of the Licensing Sub-Committee to refuse applications for taxi licences. Importantly, where appeals have been lost the Sheriffs' decisions have 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.
- 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.
- 3.5 The Sky High Technology Ltd research provides Committee with an up to date review of the level of demand for taxis in the city. If accepted, this will form the basis on which individual licences would be considered. Research to update the position with regard to unmet demand will continue to be carried out every six months.
- 3.6 The results of the last survey were reported to the Committee in April 2015 and fieldwork for the next will be carried out in December 2015.
- 3.7 The survey includes the monitoring of periods of peak demand, e.g. after 12.00am and, in particular, Friday and Saturday evenings. The Sky High Technology Ltd report shows that overall there is no evidence of significant unmet demand. Waiting time for taxis was lower than that reported after the last survey, although it should be noted that this may be due to the fact that the monitoring period in the previous report included weekends immediately before Christmas.
- 3.8 Booking office data was requested from three major Edinburgh taxi companies:
- Data supplied by one company showed that, in July 2015, most customers (66%) waited up to a maximum of five minutes for a taxi to arrive if they made a (non-prearranged) telephone booking. A further 26% waited between five and 10 minutes.

- Data supplied by a second company showed that, between 1 April and 18 August 2015, most customers (78%) waited up to a maximum of five minutes for a taxi to arrive if they made a (non-prearranged) telephone booking. A further 3% waited between five and 10 minutes.
  - Further booking office data will be presented, if received, before the Committee meeting.
- 3.9 There is no evidence which would suggest that there is any 'hidden' taxi demand which is being met by significant increases in the number of private hire cars (PHCs). There are currently 989 PHCs licensed in the city. This is a slight increase on the total of 954 reported in April 2015. The number of licensed PHCs has remained fairly stable for the last three years. There are currently no powers to limit the number of PHCs, and the number of these is largely driven by market conditions.
- 3.10 The Council has received no complaints about the availability of taxis within the city since Committee last considered this issue. No complaints about the number of taxis have been raised with the Council by the hospitality or business communities.
- 3.11 Members are asked to note that there are two pending applications for taxi licences which have been submitted to a Licensing Sub-Committee meeting. At this time 1315 licences have been issued, and if the Committee is minded to maintain the limit at 1316 there is therefore one plate available.

## **Measures of success**

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

## **Financial impact**

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2015.
- 5.2 The cost of the survey was contained within the Civic Government (Scotland) Act 1982 licensing budget and was previously reported to Committee.

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

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- 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 a challenge to the current limitation policy.

## Equalities impact

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

## Sustainability impact

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

## Consultation and engagement

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9.1 As described above.

## Background reading / external references

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[Report to Regulatory Committee 08 September 2014](#)

### John Bury

Acting Director of Services for Communities

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Contact: Andrew Mitchell, Community Safety Manager

E-mail [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 469 5822

## Links

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<b>Coalition pledges</b>	<b>P28 - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors</b>
<b>Council outcomes</b>	<b>CO8 - Edinburgh's economy creates and sustains job opportunities</b>
<b>Single Outcome Agreement</b>	<b>SO1 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all</b>
<b>Appendices</b>	Appendix 1: Summary analysis of Sky High Technology Ltd data (July 2015) Appendix 2: Sky High Technology Ltd - Edinburgh Report on taxi rank observations (July 2015)

## **Appendix 1**

### **TAXI MONITORING REPORT ANALYSIS**

#### **Assessment of Current Demand for Taxi Services in Edinburgh – July 2015**

This report has been prepared on behalf of the Director of Services for Communities 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 25 September 2015.

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

#### **Background**

1. In April 2013, Halcrow Group Limited, transportation consultants, was commissioned to carry out surveys on the demand for taxi services in the city. Halcrow reported on taxi rank observations, interviews and surveys conducted with passengers between February and March 2013. Halcrow concluded there was no unmet demand at that time.
2. The conclusions of the Halcrow report were accepted by the Council's Regulatory Committee on 3 May 2013. Large scale surveys by consultants such as Halcrow are obtained every three years.
3. To provide information on taxi demand between the large scale surveys, interim taxi rank observation surveys are carried out by Sky High Technology Ltd.

#### **Stance Observation Survey**

4. Sky High Technology Ltd provided the results of taxi rank surveys which were carried out at least twice at each location in July 2015. A selection of representative ranks was observed on different days and at different times. The 18 ranks selected for observation for both periods are broken down into 13 located within or immediately around the city centre, and five being located outwith the city centre.  
  
A total of 1,132 passengers were observed from the 18 ranks monitored. The ranks observed had 1,537 taxis waiting over the observation period.
5. There are currently 82 taxi stances located throughout the city with a combined capacity for 294 waiting taxis. The stances observed make up 22% of the overall stances within the city.
6. The latest stance observations indicate that average passenger waiting times from all observations at each stance varied from a low of 0 seconds to a high of 2 minutes 33 seconds. The average overall waiting time from all observations was 27 seconds.



Table 1 - Hires

Observation period	No. passengers	Total no. taxis available for hire	Percentage taxis hired by passengers.
July 2015	1132	1537	74%

Table 2 - Wait times

Observation period	No. passengers	Average recorded taxi wait for hire	Average passenger wait time across all observed ranks	Longest average passenger wait at any specific rank
July 2015	1132	00:07:05	00:00:27	00:02:33

### Additional Information

7. Between the last interim demand survey being carried out in December 2014 and this latest observation period in July 2015, 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 was 27 seconds.
9. Passengers were generally able to obtain a taxi at the ranks observed in less than a minute.

The only recorded exceptions were as follows (average passenger waiting times):

- Morningside Road 1 minute 2 seconds
  - Wester Hailes 2 minutes 33 seconds
  - Rutland Street 1 minute 51 seconds
  - Lothian Road 1 minute 28 seconds
10. Notwithstanding the average waiting times reported in paragraph 6, evidence of 'peak demand' in the form of longer waiting times was recorded at certain times, mainly at weekends:
    - High Street (Saturday 25 July 2015)

Between 2 and 4am the average wait of a passenger was 4 minutes 22 seconds. This compares to an average wait at that stance of 54 seconds for all passengers observed.

- Lothian Road (Saturday 25 July 2015)

Between 3.30 and 5am the average passenger wait time was 4 minutes 55 seconds. This compares to an average wait time at that stance of 1 minute 28 seconds for all passengers observed.

- Rutland Street (Monday 20 July 2015)

Between 4 and 6pm the average passenger wait time was 3 minutes 54 seconds.

Rutland Street (Saturday 25 July)

Between 2 and 4am the average passenger wait time was 2 minutes 52 seconds.

These results compare to an average wait at that stance of 1 minute 51 seconds for all passengers observed.

- Wester Hailes (Saturday 25 July)

Between 4 and 6pm the average passenger wait time was 7 minutes 34 seconds.

This compares to an average wait at that stance of 2 minutes 33 seconds for all passengers observed.

11. Councils are permitted to take a broad view of the demand for taxis over the week. The information in paragraphs 6 to 9 needs to be balanced against the information in paragraph 10 with respect to 'peak demand'.

Therefore taking into account the information provided by Sky High Technology Ltd from observation of these ranks, there is no evidence of significant unmet demand for taxi services at this time.

## Appendix 2 Edinburgh Taxi Rank Observations July 2016

SITE NO.	STREET	HRS. OF APPOINTMENT	PREVIOUS SITE NO.	PERIOD	DAY	DATE	SURVEY HOURS	TOTAL NO. TAXIS AT RANK DURING PERIOD	AVERAGE TAXI WAIT TIME	TOTAL NO. PASSENGERS AT RANK IN PERIOD	AVERAGE PASSENGER WAIT TIME
1	Castro Street	24 hrs	99	1	Thursday	23-Jul-15	12:00-14:00	23	00:08:46	12	00:00:00
				2	Saturday	25-Jul-15	12:00-14:00	10	00:11:42	6	00:00:00
							<b>TOTAL</b>	<b>33</b>	<b>00:09:14</b>	<b>18</b>	<b>00:00:00</b>
2	Cluney Avenue	24 hrs	8	1	Thursday	23-Jul-15	16:00-18:00	0	00:00:00	0	00:00:00
				2	Saturday	25-Jul-15	16:00-18:00	0	00:00:00	0	00:00:00
							<b>TOTAL</b>	<b>0</b>	<b>00:00:00</b>	<b>0</b>	<b>00:00:00</b>
3	Dundas Street	24 hrs	13	1	Thursday	23-Jul-15	16:00-18:00	56	00:08:09	31	00:00:00
				2	Saturday	25-Jul-15	12:00-14:00	27	00:08:15	8	00:00:00
				3	Saturday	25-Jul-15	16:00-18:00	75	00:08:43	52	00:00:01
							<b>TOTAL</b>	<b>158</b>	<b>00:08:22</b>	<b>91</b>	<b>00:00:00</b>
4	Frederick Street	24 hrs	/	1	Friday	24-Jul-15	12:00-14:00	28	00:18:24	15	00:00:28
				2	Friday	24-Jul-15	21:00-23:00	45	00:09:16	32	00:00:08
							<b>TOTAL</b>	<b>71</b>	<b>00:13:50</b>	<b>47</b>	<b>00:00:18</b>
5	Grassmarket	24 hrs	27	1	Thursday	21-Jul-15	12:00-14:00	12	00:05:47	11	00:00:40
				2	Saturday	25-Jul-15	00:00-02:00	12	00:02:34	7	00:00:04
							<b>TOTAL</b>	<b>24</b>	<b>00:04:10</b>	<b>18</b>	<b>00:00:22</b>
6	Grosvenor Street	24 hrs	29	1	Wednesday	22-Jul-15	16:00-18:00	2	00:03:39	0	00:00:00
									<b>TOTAL</b>	<b>2</b>	<b>00:03:39</b>
7	Hanover Street	24 hrs	31	1	Friday	24-Jul-15	16:00-18:00	52	00:11:02	46	00:00:03
				2	Saturday	25-Jul-15	12:00-14:00	34	00:07:15	23	00:00:20
							<b>TOTAL</b>	<b>86</b>	<b>00:09:08</b>	<b>69</b>	<b>00:00:11</b>
8	High Street	24 hrs	32	1	Tuesday	21-Jul-15	16:00-18:00	40	00:11:32	23	00:00:51
				2	Wednesday	22-Jul-15	12:00-14:00	34	00:07:44	21	00:00:06
				3	Friday	24-Jul-15	12:00-14:00	25	00:08:10	22	00:00:00
				4	Friday	24-Jul-15	16:00-18:00	37	00:10:03	31	00:00:03
				5	Saturday	25-Jul-15	02:00-04:00	154	00:02:09	156	00:04:22
				6	Saturday	25-Jul-15	16:00-18:00	49	00:05:58	46	00:00:02
							<b>TOTAL</b>	<b>339</b>	<b>00:07:36</b>	<b>299</b>	<b>00:00:54</b>
9	Holyrood Road	24 hrs	33	1	Wednesday	22-Jul-15	12:00-14:00	13	00:09:17	7	00:00:00
				2	Thursday	25-Jul-15	16:00-18:00	0	00:00:00	0	00:00:00
							<b>TOTAL</b>	<b>13</b>	<b>00:04:38</b>	<b>7</b>	<b>00:00:00</b>
10	Little France	24 hrs	47	1	Wednesday	22-Jul-15	12:00-14:00	36	00:07:56	17	00:00:00
				2	Saturday	25-Jul-15	16:00-18:00	22	00:14:07	6	00:00:00
							<b>TOTAL</b>	<b>58</b>	<b>00:11:01</b>	<b>23</b>	<b>00:00:00</b>

Edinburgh Taxi Rank Observations July 2016

SITE NO	STREET	HRS OF APPOINTMENT	PREVIOUS SITE NO	PERIOD	DAY	DATE	SURVEY HOURS	TOTAL NO. TAXIS AT RANK DURING PERIOD	AVERAGE TAXI WAIT TIME	TOTAL NO. PASSENGERS AT RANK IN PERIOD	AVERAGE PASSENGER WAIT TIME
11	Lothian Road	24 hrs	51	1	Saturday	18-Jul-15	03:00-05:00	65	00:00:50	62	00:01:44
				2	Tuesday	21-Jul-15	03:00-05:00	3	00:00:31	2	00:02:07
				3	Wednesday	22-Jul-15	12:00-14:00	43	00:17:30	20	00:00:00
				4	Friday	24-Jul-15	12:00-14:00	48	00:13:47	32	00:00:00
				5	Friday	24-Jul-15	16:00-18:00	67	00:14:08	30	00:00:00
				6	Saturday	25-Jul-15	03:30-05:00	30	00:00:36	28	00:04:55
<b>TOTAL</b>								<b>254</b>	<b>00:07:54</b>	<b>192</b>	<b>00:01:28</b>
12	Morningfield Road	24 hrs	54	1	Wednesday	22-Jul-15	12:00-14:00	9	00:14:17	3	00:00:57
				2	Saturday	25-Jul-15	16:00-18:00	4	00:09:59	2	00:01:06
<b>TOTAL</b>								<b>13</b>	<b>00:11:38</b>	<b>5</b>	<b>00:01:02</b>
13	Morrison Street	24 hrs	55	1	Friday	24-Jul-15	12:00-14:00	18	00:23:11	8	00:00:00
				2	Saturday	25-Jul-15	00:00-02:00	1	00:00:05	0	00:00:00
<b>TOTAL</b>								<b>17</b>	<b>00:11:38</b>	<b>8</b>	<b>00:00:00</b>
14	Nicolson Square	24 hrs	58	1	Saturday	25-Jul-15	00:00-02:00	1	00:00:00	0	00:00:00
				2	Thursday	30-Jul-15	16:00-18:00	3	00:02:52	0	00:00:00
<b>TOTAL</b>								<b>4</b>	<b>00:01:26</b>	<b>0</b>	<b>00:00:00</b>
15	Queensferry Road	24 hrs	/	1	Monday	20-Jul-15	16:00-18:00	15	00:06:37	12	00:00:10
				2	Saturday	25-Jul-15	21:00-23:00	9	00:00:41	5	00:00:22
<b>TOTAL</b>								<b>24</b>	<b>00:04:39</b>	<b>17</b>	<b>00:00:16</b>
16	Rutland Street	24 hrs	68	1	Monday	20-Jul-15	16:00-18:00	14	00:03:29	13	00:03:54
				2	Tuesday	21-Jul-15	16:00-18:00	31	00:12:27	15	00:00:11
				3	Saturday	25-Jul-15	02:00-04:00	37	00:01:53	33	00:02:52
				4	Saturday	25-Jul-15	12:00-14:00	34	00:03:50	20	00:00:27
<b>TOTAL</b>								<b>116</b>	<b>00:06:27</b>	<b>81</b>	<b>00:01:51</b>
17	Waverley Bridge	24 hrs	74	1	Monday	20-Jul-15	16:00-18:00	60	00:03:17	72	00:00:39
				2	Friday	24-Jul-15	16:00-18:00	108	00:04:30	99	00:00:00
				3	Saturday	25-Jul-15	21:00-23:00	73	00:07:23	60	00:00:01
				4	Saturday	25-Jul-15	03:00-05:00	8	00:00:51	5	00:00:00
<b>TOTAL</b>								<b>267</b>	<b>00:03:46</b>	<b>238</b>	<b>00:00:10</b>
18	Wester Hailes	24 hrs	78	1	Tuesday	21-Jul-15	16:00-18:00	5	00:00:14	3	00:00:27
				2	Thursday	23-Jul-15	12:00-14:00	26	00:17:35	11	00:00:58
				3	Saturday	25-Jul-15	12:00-14:00	15	00:05:03	4	00:01:12
				4	Saturday	25-Jul-15	16:00-18:00	12	00:05:59	5	00:07:34
<b>TOTAL</b>								<b>68</b>	<b>00:09:27</b>	<b>23</b>	<b>00:02:33</b>
<b>TAXI TOTAL</b>								<b>1537</b>	<b>ASSESSOR TOTAL</b>	<b>1132</b>	<b>00:00:27</b>

Average Passenger Wait Time 00:00:27

# Regulatory Committee

1.00pm, Monday, 25 September 2015

## Consultation Response: Fixed-odds Betting Terminals; Scotland Bill

Item number	7.1
Report number	
Executive/routine	Routine
Wards	All

### Executive summary

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The Scotland Bill is currently before the UK Parliament and is the Government's response to the Smith Commission.

A clause of the bill relates to devolving the regulation of fixed odds betting terminals to the Scottish Parliament. The Local Government and Regeneration Committee has issued a call for written evidence.

The attached response was submitted and is retrospectively reported to Committee for information.

### Links

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Coalition pledges	<a href="#">P28</a>
Council outcomes	<a href="#">CO8</a>
Single Outcome Agreement	<a href="#">SO1</a>

## Consultation Response: Fixed-odds Betting Terminals; Scotland Bill

### Recommendations

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It is recommended that the Regulatory Committee:

- 1.1 notes the response.

### Background

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- 2.1 The Council is a Licensing Authority under a range of legislation including the Civic Government (Scotland) Act 1982.
- 2.2 The licensing of premises for gambling is undertaken by the Gambling Commission and, in respect of local premises, by the Licensing Board for each Local Authority area.
- 2.3 The Local Government and Regeneration Committee of the Scottish Parliament is consulting on proposals to devolve regulation of Fixed-odds Betting Terminals from the UK Parliament to the Scottish Parliament.

### Main report

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- 3.1 Currently betting, gaming and lotteries are all matters which are reserved to Westminster. However, clause 45 of The Scotland Bill proposes devolving legislative competence in relation to gaming machines authorised by a betting premises licence where the maximum charge for a single play is more than £10.
- 3.2 The Gambling Act 2005 would be amended so the Scottish Ministers would be able to vary the number of machines allowed on betting premises. The power will only apply to applications for new premises.
- 3.3 Fixed-odds Betting Terminals have been criticised as disadvantaging poor and vulnerable communities.
- 3.4 The closing date for consultation was 28 August 2015 and it was not possible to have the draft response considered by Committee before the submission date. Officers therefore prepared the draft response and circulated it to committee members for comment. The final version attached at Appendix 1 was agreed by the Convenor.

## Measures of success

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4.1 That the regulation of these machines is as robust as possible.

## Financial impact

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5.1 None - any costs would be covered by income payable to the Licensing Board.

## Risk, policy, compliance and governance impact

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6.1 The matters contained in this report are the responsibility of the Licensing Board, but will have an impact on residents and businesses within the city.

## Equalities impact

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

## Sustainability impact

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

## Consultation and engagement

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9.1 Members of the Committee were consulted prior to submitting the final response

## Background reading/external references

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[Call for Evidence from Local Government and Regenerations committee.](#)

## John Bury

Acting Director of Services for Communities

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## Links

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<b>Coalition pledges</b>	<b>P28</b> - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
<b>Council outcomes</b>	<b>CO8</b> - Edinburgh's economy creates and sustains job opportunities
<b>Single Outcome Agreement</b>	<b>SO1</b> - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
<b>Appendices</b>	Appendix 1



## Appendix 1

Clerk to the Local Government and

Regeneration Committee

Committee Office

Room T3.40

Scottish Parliament

Edinburgh

EH99 1SP

Dear Sirs

### SUBMISSION TO INQUIRY ON FOBTs

The City of Edinburgh Council would make the following comments:

It notes the proposal to devolve powers for B2 fixed odds gaming machines to the Scottish Parliament.

The Council does not think it appropriate that this provision should only apply to 'new premises', as opposed to applying devolved powers to all premises which have fixed odds betting machines. To have a two tier enforcement regime risks duplication, and is likely to confuse and frustrate both the public and the industry. It would also mean that different rules could apply depending on whether or not a premises is new, which would undermine confidence.

The Council notes that within casinos there is likely to be stronger controls and that the number and use of these terminals is a matter of public concern. The ability to control the number of premises and terminals therein should be devolved.

In relation to the proposal that licensing in all premises should be devolved, there is a risk that this will increase the costs of enforcement. In relation to casinos, this would involve devolving only a portion of betting activity in these premises as the gambling commission is responsible for the majority of activity.

As a consequence, further widening of the scope of 'premises' to include casinos should only take place if a significant majority of enforcement is transferred at the same time.

Local Authority powers regarding entry and inspection of those premises licensed under the 2005 Act need to be clarified in parallel. This issue was highlighted when the Committee dealt with the Air Weapons and Licensing (Scotland) Bill.

If you require any further information or assistance, please contact me using any of the details given below.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Mitchell', written in a cursive style.

Andrew Mitchell  
Community Safety Manager  
City of Edinburgh Council