

Regulatory Committee

1.30pm, Tuesday 22 October 2018

Present

Councillors Fullerton (Convener), Child (substituting for Councillor Arthur), Dixon, Henderson (substituting for Councillor Wilson), Mitchell, Rose, Neil Ross, Smith and Staniforth (substituting for Councillor Burgess).

1. Minutes

Decision

To approve the minute of the Regulatory Committee of 26 June 2018 as a correct record.

2. Rolling Actions Programme

The Regulatory Committee Rolling Actions Programme for the period 26 June 2018 to 22 October 2018 was presented.

Decision

- 1) To approve the closure of actions 1, 2, 3 and 6.
- 2) To otherwise note the remaining outstanding actions.

(References – Regulatory Committee Rolling Actions Programme, submitted)

3. Business Bulletin

The Regulatory Committee Business Bulletin of 22 October 2018 was presented.

Decision

To note the Business Bulletin.

(Reference – Business Bulletin, submitted.)

4. Request for Variation of Standard Licence Conditions – Taxi Vehicle Licences

The Committee considered a request to vary the current standard licence conditions regarding the prohibition of display of unauthorised signage and notices placed on vehicles which were granted Taxi Operator Licences.

The Committee was requested to determine whether a particular window and door sticker was appropriate and to decide whether to allow stickers to be attached to the vehicle.

Decision

- 1) To note the report and the request from Douglas Brown, Skypride Ltd.
- 2) To agree to give consent in terms of standard licence condition 9 for the stickers described in paragraph 3.2 of the report by the Executive Director of Place to be attached to Mr Brown's vehicle and to vary standard condition 277 to allow stickers to be fitted by adding the following to the current condition – "and the fitting of window stickers in respect of which the Council has given consent in terms of condition 9".
- 3) To note the intention to delegate authority to the Executive Director of Place to approve future applications for exemptions from the standard conditions of licence relating to door stickers.
- 4) To request that the Chief Executive includes the additional delegation to the Executive Director of Place when submitting the Scheme of Delegation to the Council for approval.

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

5. Licence Income for Fees 2017-18

Following a request from members, the Committee was provided with high level information on the income collected from licensing fees during the financial year 2017-18. . The report detailed income from the three main licence categories and provided a breakdown of the main expenditure against this.

Decision

- 1) To note the report.
- 2) To agree that the content of Appendix 2 of the report by the Executive Director of Place was sufficient and to agree to receive information on the budget and spend on a yearly basis.
- 3) To agree to receive annual reports in a similar format in future years.

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

6. Taxi and Private Hire Car Driver Training Update

Training proposals were presented to the Regulatory Committee on 21 November 2016. The Committee noted the proposals and agreed to adopt the proposals to introduce:

- A compulsory training programme for all new taxi and PHC drivers, with a requirement to gain a qualification prior to the grant of a licence.
- A new training programme for all existing taxi and PHC drivers, on completion of which they would have an option to sit an assessment formally recognising their achievement.
- A requirement that all taxi and PHC drivers would complete refresher training every three years.

The Committee was provided with an update on the development of the training programme and proposed content.

Decision

- 1) To note the report.
- 2) To agree to the revised timeline detailed in paragraph 3.19 of the report by the Executive Director of Place.

(References – Regulatory Committee 19 September 2016 (item 6), 21 November 2016 (item 2); report by the Executive Director of Place, submitted.)

7. Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Testing of Vehicles

Following the decision of the Committee to introduce a Taxi and Private Hire Cars (PHC) Age Limitation and Emission Standards policy, the Committee instructed the Executive Director of Place to monitor the ongoing implementation of this policy and to report any unforeseen issues to the Committee for consideration. .

An update was provided on the implementation of the policy. An issue had arisen with vehicle applications received prior to 1 October 2018 seeking to upgrade vehicles to Euro 5 standard which were not part of City of Edinburgh's current licensed fleet of vehicles.

Decision

- 1) To note the report.
- 2) To agree that all applications for either the grant or variation of a Taxi or PHC licence which sought to license Euro 5 standard vehicles received prior to 1 October 2018, which had not yet been tested, could remain within the licensing system and be tested after this date.

(References – Regulatory Committee, 16 March 2018 (item 2), 7 May 2018 (item 5); report by the Executive Director of Place, submitted.)

8. Taxi and Private Hire Car Drivers Disqualified from Driving or Who Otherwise Cease to Hold a Valid Driving Licence

The Council's position was clarified with regard to Sections 13(3) and (6) of the Civic Government (Scotland) Act 1982, specifically with regard to the status of a Taxi or Private Hire Car (PHC) Driver's licence in circumstances where licence holders were disqualified or otherwise ceased to hold a valid driving licence. This position would have a direct impact on any licence holder whose driving licence was revoked or suspended by DVLA or who was banned from driving by the courts.

Decision

- 1) To note that in accordance with the requirements of Section 13(3) of the Civic Government (Scotland) Act 1982 ('the 1982 Act') in relation to taxi and private hire car drivers' licences, as a Licensing Authority, the Council could not grant

any new licence unless the applicant had held their driving licence continuously for the 12 months immediately prior to the date of application.

- 2) To note there was no discretion under the legislation, and therefore any application which did not meet this requirement would be refused under existing delegated powers.
- 3) To note the current approach of the Council in interpreting the legislation and considering applications for licence was as set out in this report.

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

9. Street Trader Licensing – Pedicabs: Update and Proposed Licensing Conditions

The operation of pedicabs within the city had previously given rise to a number of concerns about passenger safety, the operating area and adherence to licensing conditions.

A report was presented to the Committee on 27 October 2017 proposing a draft policy framework and new conditions in an attempt to address these concerns. It was agreed to consult on the proposals and to receive a final report on the outcome of the consultation.

An update was provided on the outcome of the consultation and approval of the proposed policy and standard conditions was sought.

Motion

To note the proposals and agree to approve the proposed revised licensing policy and conditions for pedicabs set out in Appendix 6 of the report by the Executive Director of Place.

- moved by Councillor Fullerton, seconded by Councillor Rose

Amendment

To not approve the proposed revised licensing policy and conditions for pedicabs and to request a further report within one cycle which did not place the responsibility of maintenance of pedicabs on drivers who did not own the pedicab.

- moved by Councillor Staniforth, seconded by Councillor Neil Ross

Voting

For the motion - 7 votes

For the amendment - 2 votes

(For the motion – Councillors Child, Dixon, Fullerton, Henderson, Mitchell, Rose and Smith.

For the amendment – Councillors Neil Ross and Staniforth.)

Decision

To approve the following adjusted motion by Councillor Fullerton:

- 1) To note the proposals and agree to approve the proposed revised licensing policy and conditions for pedicabs set out in Appendix 6 of the report.
- 2) To agree that the area of operation would be expanded to include the Meadows, but no further change would be made to the area of operation as shown in Appendix 8 of the report.
- 3) To agree to an implementation date of 1 April 2019 to allow further work to be carried out prior to full implementation, as detailed in paragraph 3.21 of the report..

(References – Regulatory Committee, 24 October 2017 (item 6); report by the Executive Director of Place, submitted.)

10. Request for Variation of Standard Conditions and Amendment to Scheme of Delegation to Officers: Taxi Vehicle Licences – Admat Advertising

The Committee was asked to consider a proposed variation to the current standard conditions for taxi operator licences regarding advertising in or on the vehicles. The Council had specific conditions that were based on the need for safety, which prevented non-standard fittings from being added to a Taxi.

The Committee considered whether this style of advertising was appropriate, and if so to agree to the Council's Scheme of Delegation to Officers being amended to delegate to the Executive Director of Place authority to approve this type of advertising and to vary the standard conditions of licence to disapply condition 299, insofar as it applied to Admats, in the future.

Decision

- 1) To approve the request from P&C Transport to allow taxis to install its 'Taxi Admats' advertising onto the rear floor of their vehicles.
- 2) To note the intention to delegate authority to the Executive Director of Place to approve such installations in terms of standard licence condition 26 and to vary the standard conditions of licence to disapply condition 299 insofar as it applied to Admats.
- 3) To request that the Chief Executive includes the additional delegation to the Executive Director of Place when submitting the Scheme of Delegation to the Council for approval.
- 4) To agree a £50 variation application fee to cover administrative and inspection costs in respect of the applications for variation of standard conditions to allow an Admat to be installed.

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

11. Cinemas Act 1985 – Proposed Update to Licensing Conditions

The Committee was asked to approve proposals to introduce revised and updated sets of Cinema Licence conditions under the Cinemas Act 1985. This would simplify and modernise the conditions of licence.

Decision

- 1) To note the report.
- 2) To agree to consult on the proposed conditions as set out in Appendix 2 of the report by the Executive Director of Place.
- 3) To note that a subsequent report on completion of the consultation would be prepared for Committee.

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

12. Animal Boarding Establishment Licensing: Update and Proposed Licensing Conditions

On 26 June 2018 the Regulatory Committee approved in principle proposals to introduce revised sets of licence conditions and a proposed revised pricing structure for licences issued under the Animal Boarding Establishments Act 1963. A report was presented which provided an update following the completion of a statutory consultation exercise.

Decision

- 1) To note the report.
- 2) To agree the proposed conditions of licence and revised fee structure for Animal Boarding Establishments as set out in Appendices 1 to 4 of the report by the Executive Director of Place. These would come into effect from 1 November 2018.

(References – Regulatory Committee, 26 June 2018 (item 6); report by the Executive Director of Place, submitted.)