

Notice of meeting and agenda

Regulatory Committee

9.30 am Monday, 19th August, 2019

Dean of Guild Court Room - City Chambers

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

The law allows the Council to consider some issues in private. Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

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1. Order of Business

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

2. Declaration of Interests

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

3. Deputations

- 3.1 If any.

4. Minutes

- | | | |
|-----|--|-------|
| 4.1 | Minute of the Regulatory Committee of 20 May 2019 – submitted for approval as a correct record | 5 - 8 |
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5. Rolling Actions Log

- | | | |
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| 5.1 | Rolling Actions Log | 9 - 12 |
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6. Business Bulletin

- | | | |
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| 6.1 | Regulatory Committee Business Bulletin | 13 - 18 |
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7. Executive Decisions

- | | | |
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| 7.1 | Air Weapons and Licensing (Scotland) Act 2015 - Repeal of Theatres Act 1968 - Update After Initial Consultation – Report by | 19 - 46 |
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- | | | |
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| 7.2 | Request for Variation - Taxi Vehicle Licence Conditions (Advertising) – Report by Regulatory Services Manager | 47 - 60 |
| 7.3 | Taxi Stance Appointment - East Market Street – Report by Regulatory Services Manager | 61 - 66 |

8. Routine Decisions

- 8.1** None.

9. Motions

- 9.1** None.

Andrew Kerr

Chief Executive

Committee Members

Councillor Catherine Fullerton (Convener), Councillor Denis Dixon (Vice-Convener), Councillor Scott Arthur, Councillor Max Mitchell, Councillor Cameron Rose, Councillor Neil Ross, Councillor Donald Wilson, Councillor Derek Howie and Councillor Susan Rae

Information about the Regulatory Committee

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

Further information

If you have any questions about the agenda or meeting arrangements, please contact Lesley Birrell, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4240 / 0131 529 3009, email lesley.birrell@edinburgh.gov.uk / sarah.stirling@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.

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Minutes

Regulatory Committee

9.00am, Monday 20 May 2019

Present

Councillors Fullerton (Convener), Burgess, Doran (substituting for Councillor Wilson), Dixon, Howie, Mitchell, Osler (substituting for Councillor Neil Ross) and Smith (substituting for Councillor Rose).

1. Age Limitation and Emissions Standards for Taxis and Private Hire Cars - Update

a) Deputation – Nisbet Solicitors on behalf of Taxi Licence Holders

The deputation asked the Committee for a review of the taxi condition made in March 2018 and coming into effect on 1 October 2018 in which Euro 5 Standard Vehicles might not be presented for Licensing after 1 October unless that Euro 5 vehicle was currently licensed as a taxi in Edinburgh.

The deputation felt that this condition did not have an obvious role in supporting the aim of improving air quality and appeared to have been introduced to deal with a perceived lowering of standards for which there was no evidence. They stressed that the condition prevented owners from upgrading vehicles as many were unable to buy brand new Euro 6 vehicles.

The deputation indicated that the removal of the condition would offer licence holders the option of replacing their lower standard emissions vehicles with those with a higher standard.

b) Report by the Executive Director of Place

The Committee had agreed to the introduction of a Taxi and Private Hire Cars Age Limitation and Emission Standards policy.

An update was provided on the implementation of the policy together with proposed changes to the policy.

Motion

- 1) To note the report by the Executive Director of Place.
- 2) To support the proposals outlined in paragraph 4.8 of the report and agree that they would take effect from 1 July 2019.

- 3) To note the intention to delegate authority to the Executive Director of Place to approve exemptions to age and emissions policy in respect of owners retiring.
- 4) To instruct the Chief Executive to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.
- 5) To agree the draft changes to policy and conditions.

- moved by Councillor Fullerton, seconded by Councillor Dixon

Amendment

- 1) To note the report by the Executive Director of Place.
- 2) To support the proposals outlined in paragraph 4.8 of the report and agree that they would take effect from 1 July 2019.
- 3) To note the intention to delegate authority to the Executive Director of Place to approve exemptions to age and emissions policy in respect of owners retiring.
- 4) To instruct the Chief Executive to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.
- 5) To agree the draft changes to policy and conditions with the exception that the current policy on the use of Euro 5 vehicles be retained.

Voting

The voting was as follows:

For the motion	-	5 votes
For the amendment	-	3 votes

(For the motion: Councillors Dixon, Fullerton, Howie, Mitchell and Smith.

For the amendment: Councillors Burgess, Doran and Osler.)

Decision

- 1) To note the report by the Executive Director of Place.
- 2) To support the proposals outlined in paragraph 4.8 of the report and agree that they would take effect from 1 July 2019.
- 3) To note the intention to delegate authority to the Executive Director of Place to approve exemptions to age and emissions policy in respect of owners retiring.
- 4) To instruct the Chief Executive to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.

- 5) To agree the draft changes to policy and conditions.

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

2. Minutes

Decision

To approve the minute of the Regulatory Committee of 11 March 2019 as a correct record.

3. Rolling Actions Log

The Regulatory Committee Rolling Actions Log was submitted.

Decision

- 1) To agree to close Action 4 – Cinemas Act 1985 – Proposed Update to Licensing Conditions
- 2) To note the remaining outstanding actions.

(References – Regulatory Committee Rolling Actions Programme, submitted)

4. Business Bulletin

The Regulatory Committee Business Bulletin of 20 May 2019 was submitted.

Decision

To note the Business Bulletin.

(Reference – Business Bulletin, submitted)

5. Measures to Improve Taxi Examination Centre Efficiency and Improve Vehicle Safety

The Committee had asked the Executive Director of Place to provide a further report on the issue of missed appointments including measures to address this together with supporting statistical information on any financial impact.

Details were provided on measures considered necessary to improve the efficiency of the Taxi Examination Centre (TEC) and to improve the standards of vehicles presented for inspection which should then reduce the need for vehicle retests. It was felt that the approach should drive up the overall standard of vehicles operating on a daily basis, ensuring that they were safe, roadworthy and fit for purpose.

Decision

- 1) To note the report by the Executive Director of Place and discharge previous remits from the Regulatory Committee on 7 January 2019.
- 2) To support the proposals outlined in paragraph 4.8 of the report and agree that they would take effect from 30 September 2019.

- 3) To agree the draft policy as outlined in the report.

(References – Regulatory Committee of 7 January 2019 (item 4); report by the Executive Director of Place, submitted.)

6. Demand for Taxis: Six Monthly Update

An interim update was provided on the most recent analysis of demand for taxis in the city which had been carried out by Vector Transport Consultancy in January 2019

Decision

- 1) To note the report from Vector Transport Consultancy as detailed in Appendix 2 to the report by the Executive Director of Place.
- 2) To note that on 12 March 2018, the Regulatory Committee had agreed to maintain the limitation policy and to fix the number of available licences at 1,316. This was last reviewed by the Committee when it considered a report on an interim survey of demand on 7 January 2019.
- 3) To agree that there was currently no evidence of significant unmet taxi demand and therefore to maintain the limit of 1,316 on the number of taxis licensed in the city.
- 4) To agree to use this survey as the basis for determining demand in any future applications for a taxi licence until the next taxi stance survey was completed.

(References – Regulatory Committee 7 January 2019 (item 6); report by the Executive Director of Place, submitted.)

7. Private Rented Housing Sector Enforcement Activities

Details were provided on the Private Rented Housing (PRH) sector Enforcement Activities for 2018/19, together with the proposed future initiatives and priorities. The initiatives aimed to drive up PRH standards, including consulting on a policy covering working with the Housing Repair Tribunal and requiring property owners to carry out improvement works.

Decision

- 1) To note the report by the Executive Director of Place and discharge previous remits from the Regulatory Committee on 26 June 2018.
- 2) To agree and support the identified initiatives and priorities for enforcement activities.
- 3) To agree the draft policy on improving repairs and working with the First Tier Tribunal for Scotland (Housing and Property Chamber).

(References – Regulatory Committee 7 January 2019 (item 6); report by the Executive Director of Place, submitted.)

Regulatory Committee

19 August 2019

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	07.05.18	Street Trading: High Street and Hunter Square Update	To receive a further report in due course on wider issues of street trading and proposed policies in line with the Public Spaces Protocol.	Executive Director of Place	October 2019		Report submitted for consideration at this meeting. Recommend for Closure
2	26.06.18	Private Rented Sector Enforcement Activities	1) To agree to receive a further report on future enforcement activities.	Executive Director of Place	April 2019		Consultation complete – report expected October 2019.
			2) To agree to receive a further report proposing a draft policy on improving repairs and other matters as set out in paragraph 3.19 - 3.20 and 3.29 – 3.30 of the				

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			report by the Executive Director of Place.				
3	22.10.18	Licence Income	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.	Executive Director of Place	October 2019		Financial information being prepared by Accountants.
4	22.10.18	Training of Taxi and Private Hire Car Drivers	To note the revised timelines for implementation of the taxi and private hire car driver training as follows and to receive an update: new drivers – January 2020 existing drivers – March 2020	Executive Director of Place	January / March 2020		Update provided in the Business Bulletin for this committee.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
5	07.01.19	Taxi Examination Centre – Vehicle Inspections	1) To note the report. 2) To support the proposals for improved efficiency and vehicle safety as outlined in paragraphs 3.9 to 3.13 of the report. 3) To note that consultation on these proposals with the Hire Car Consultation Group (HCCG) would commence in early 2019, with the final recommendations being reported to the next Committee in May 2019. 4) To ask the Executive Director of Place to provide a further report on the issue of missed appointments including measures to address this together with supporting statistical	Executive Director of Place	May 2019	May 2019	Recommended for closure - Report considered on 20 May 2019

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			information on any financial impact.				
6	20.05.19	Age Limitation and Emissions Standards for Taxis and Private Hire Cars - Update	Instructs the Chief Executive to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval	Chief Executive	Jan 2020		



Business bulletin

Regulatory Committee

9.30am, Monday, 19 August 2019

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

Regulatory Committee

Convener:	Members:	Contact:
<p>Convenor Councillor Catherine Fullerton</p>  <p>Vice-Convenor Councillor Denis Dixon</p> 	<p>Councillor Scott Arthur Councillor Susan Rae Councillor Cameron Rose Councillor Donald Wilson Councillor Max Mitchell Councillor Neil Ross Councillor Derek Howie</p>	<p>Lesley Birrell, Committee Services 0131 529 4240</p> <p>Andrew Mitchell Regulatory Services Manager 0131 469 5822</p>

Recent News:	Background:
<p>Sexual Entertainment Venues (SEVs)</p> <p>On 11 March 2019 the Regulatory Committee agreed that a consultation would be carried out on the introduction of a licensing regime for SEVs. The public consultation was launched on 8 July 2019 and will run for six weeks. The consultation asks members of the public and any other interested parties whether SEVs should be licensed in the city. If the Council decides that these premises should not be licensed, the venues will continue to operate as they currently do.</p>	<p>On 21 March 2019 a commencement order was laid before the Scottish parliament which provides local authorities with the powers to introduce a discretionary licensing regime for Sexual Entertainment Venues (SEVs). A SEV is defined as a premises where sexual entertainment is performed live, for the direct or indirect financial benefit of the organiser and for the sole purpose of sexual stimulation of members of the audience.</p>

Furthermore, the consultation seeks to gain a broader understanding of community views on the potential shape of a licensing system for SEVs, if it was introduced. Adoption of the powers to license SEVs does not imply approval of these types of premises by the Council. Premises used as massage parlours or saunas are not included in this legislation or in the definition of sexual entertainment, and will not be affected by these proposals.

Taxi Training

All new taxi and PHC drivers will be required to complete the new training qualification and examination prior to the grant of a licence.

The training requirements and course content for both PHC and taxi drivers will be exactly the same. PHC drivers will not be required to pass a topographical assessment and the topographical training will not be included as part of the course content.

All existing taxi and PHC drivers will also have to complete the full training course and they will have the option of taking the examination / assessment at the end of the course. It is hoped that drivers will welcome the opportunity to gain a professional qualification

The course will include 24 hours of training with a number of different options for drivers.

The venue for the training will be in Council offices next to the Taxi Examination Centre at 33 Murrayburn Road, Edinburgh, EH14 2TF.

The training will cost £300 per applicant.

[Taxi and Private Hire Training Update – report to Regulatory Committee October 2018](#)

The Licensing Service is an accredited City and Guilds Training Centre. Training will be delivered 'in house' by Council staff, with external trainers brought in to deliver specialist areas.

Training will be managed on a rolling basis over a three-year period.

The course content will be comprised of eight modules:

- The regulatory framework of the taxi and private hire industry
- Road safety when driving passengers in a taxi or private hire vehicle
- Professional customer service in the taxi and private hire industry
- Picking up and setting down passengers and fares in the taxi & PHC industry
- Transporting of children and young people by taxi or private hire vehicle
- Taxi and private hire services for passengers who require assistance
- First Aid
- Public Protection: Awareness Raising and Response (Safeguarding)

Landlord registration project commenced

Following a number of changes within the licensing regulation scheme in order to assist in improving standards, the licensing service instigated a review of existing practice and procedure.

Officers within the Private Rented Team have begun a project to look at existing landlords, landlords whose registrations have expired and who have not renewed their registrations and issues with standards existing properties.

Initial enquiries have identified that a number of landlords have failed to re-register or sold their properties and are no longer involved in the industry.

The team are now engaging with landlords, informing them of their obligations and / or requesting a written declaration if the landlords advise that they no longer rent out the properties.

All landlords who make a declaration will have their property visited to verify the outcome. Visits will also be made to properties of any landlords who fail to engage, to identify whether the properties are currently unregistered lets.

The Licensing Service will work in conjunction with the Private Rented Services Enforcement Team to take the appropriate enforcement action where any landlord fails to register.

Age & Emissions Policy – Key Updates

Exemptions

The Licensing Sub-Committee has considered a significant number of applications to be exempt from its Age & Emissions policy.

Total considered	383
Refused	133
Granted	209
1-2 yrs	169
2-3 yrs	36
3+ yrs	4
Withdrawn	39
Continued	13
Still to be considered	16

(figures as at 15 July 2019)

On 16 March 2018 the Regulatory Committee agreed to amend its policy with respect to the age and emissions standard of licensed vehicles in Edinburgh's Taxi and Private Hire Car fleet.

On 7 May 2018 the Regulatory Committee agreed the new licensing conditions that would allow this policy to come into effect.

Short term lets

On 28 April 2019 the Scottish Government launched a public consultation on the regulation of short term lets, which ran until 19 July 2019.

Through the Council's Member Officer Working Group on short term lets, a response to the consultation with input from a range of services was co-ordinated. The Working Group believes that the introduction of a discretionary licensing system is the most effective way of improving safety standards within the sector, as well as managing the effect it has on the city and Council services. It is hoped that the Scottish Government will publish the results of the consultation by the end of the year.

The Council has previously expressed strong concern about the impact of certain aspects of the short term letting industry on the city. The Council has previously agreed a position calling for additional regulation of the sector, either through changes to planning classifications or the introduction of a licensing system. To achieve the objective of additional regulation, the Scottish Government would be required to take action to introduce legislation.

As short term letting has no current statutory definition, the Council's existing enforcement powers are limited. The most recent research indicates that there are over 12,000 properties operating in this manner. The operation of short term lets are having a significant effect on a wide range of areas including supply of housing, anti-social behaviour and the hollowing out of some communities.

PHC overprovision guidance

The Scottish Government has now commissioned a third party provider to assist in developing guidance and a toolkit approach to support each licensing authority to assess whether there is overprovision of private hire cars in its area.

Officers are currently engaging with the Scottish Government on this and will be contributing to the ongoing development of the guidance. There is not currently a timeline in place for the availability of this guidance, however officers will closely monitor the process and provide updates where appropriate.

The Civic Government (Scotland) Act 1982 has for many years allowed the number of taxis to be limited. On 1 May 2017 amendments to the Act giving a power to limit the number of licensed Private Hire Cars came into force. These new powers require an assessment of overprovision, and guidance is awaited on how to assess this

Taxi fares procurement

Following a procurement exercise, in June 2019 Jacobs was commissioned to undertake a comprehensive survey of taxi fares. This research will take place during summer 2019, with a view to the Regulatory Committee agreeing a new fare tariff in December 2019.

The Council, as Licensing Authority for taxis, is required to review and fix the scale of fares or any other charges which may be used by taxis licensed within the city. This review must take place at intervals not greater than 18 months.

Regulatory Committee

9.30am, Monday, 19 August 2019

Air Weapons and Licensing (Scotland) Act 2015 – Repeal of Theatres Act 1968 – Update After Initial Consultation

**Executive/Routine
Wards
Council Commitments**

All

1. Recommendations

- 1.1 The Regulatory Committee is asked to:
 - 1.1.1 Note the contents of this report and the outcome of the initial consultation;
 - 1.1.2 Agree to the proposal to add Theatres to the City of Edinburgh Council Public Entertainment Resolution;
 - 1.1.3 Note the proposed changes as detailed in paragraph 4.9 and instructs officer to advertise the proposed changes to the City of Edinburgh Council Public Entertainment Resolution in line with the required statutory consultation process; and
 - 1.1.4 Note that officers will report back to the committee on conclusion of the statutory consultation for approval of the revised resolution.

Paul Lawrence

Executive Director of Place

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Air Weapons and Licensing (Scotland) Act 2015 – Repeal of Theatres Act 1968 – Update After Initial Consultation

2. Executive Summary

- 2.1 This report provides the Committee with an update on the implementation and changes to the licensing regime as a result of the Air Weapons and Licensing (Scotland) Act 2015. The Theatres Act 1968 will be repealed on 27 January 2021 and the current exemption within the Civic Government (Scotland) Act 1982 will also be removed, thereby enabling a local authority to resolve under section 9 of the 1982 Act to license theatres under its public entertainment licensing regime.
- 2.2 An initial consultation has been completed, and this report requests that the Committee approves in principle proposals to include theatres within its Public Entertainment Resolution, and to carry out the required statutory consultation to allow changes to be made to the Council's Public Entertainment Resolution.

3. Background

- 3.1 The Theatres Act 1968 ('the 1968 Act') provides a licensing regime for premises which are used for the public performance of plays. Section 41 of the Civic Government (Scotland) Act 1982 ('the 1982 Act') provides a discretionary licensing regime for places of public entertainment, and the definition of "place of public entertainment" in section 41(2) specifically excludes premises which are currently licensed under the 1968 Act. Prior to the commencement of section 74 of the Air Weapons and Licensing (Scotland) 2015 Act ('the 2015 Act'), theatres were required to be licensed under the 1968 Act and were therefore exempt from the licensing regime under the 1982 Act.
- 3.2 Section 74 of the 2015 Act repeals the 1968 Act and thus removes the licensing requirement. Section 74 also amends section 41 of the 1982 Act to remove the exemption of theatres from the definition of "place of public

entertainment”. This change in legislation would allow a local authority to then resolve under section 9 of the 1982 Act to license theatres under its public entertainment licensing regime, should it choose to do so.

3.3 Where a local authority passes a resolution to license theatres, there is a required period of at least nine months between the date the resolution is passed and the date it comes into effect. As theatres must currently be licensed under the Theatres Act 1968, the commencement of section 74 is in two parts. The amendments to section 41 of the 1982 Act have now been brought into force with the repeal of the 1968 licensing regime on 27 January 2021. This is to provide local authorities with time to make a resolution to license theatres under the public entertainment licensing regime, and to have that regime in place by the time mandatory theatre licensing comes to an end, should they choose to do so. This should also give theatres requiring a licence sufficient time to apply and to secure a licence under the new scheme, before the existing scheme is repealed.

3.4 The licensing of places of public entertainment is governed by section 41 of the 1982 Act. A public entertainment licence is required for the use of premises as a place of public entertainment. The 1982 Act defines “place of public entertainment” as:

“any place where on payment of money or money’s worth, members of the public are admitted or may use any facilities for the purposes of entertainment or recreation...”

The Council’s Public Entertainment Resolution 2014 sets out a list of premises which are required to be licensed (Appendix 1).

3.5 The current public entertainment resolution took effect on 7 March 2014, following previous changes to policy.

3.6 In addition to a Theatre Licence, the majority of large theatres within the local authority area also have a licence granted under the Licensing (Scotland) Act 2005, and will therefore be exempt from a licence required under the 1982 Act.

3.7 The proposal to add theatres to the Public Entertainment Resolution is not an additional licensing burden but will allow the local authority to maintain an appropriate level of control in items of public safety, similar to that under the 1968 Act.

4. Main report

4.1 As directed by the committee at its meeting on 11 March 2019, a consultation on the proposed changes was published on the Council’s Consultation Hub between 10 June and 18 July 2019 (Appendix 2).

4.2 A summary of responses is attached at Appendices 3 and 4.

- 4.3 There were 39 responses in total. 39% of respondents were from residents, 23% were from theatre operators, and 25% classified themselves as ‘other’ (such as the Edinburgh Festival Fringe Society).
- 4.4 85% of respondents either agreed or strongly agreed that the Public Entertainment Resolution should be amended to include theatrical performances. 8% disagreed or strongly disagreed.
- 4.5 67% of respondents either agreed or strongly agreed that the range of premises and events listed in the current Public Entertainment Resolution covered all areas that should be licensed. 18% disagreed or strongly disagreed.
- 4.6 Respondents were asked whether there were any premises or activities that should be licensed but are not currently licensed. There were 14 responses to this question and these are attached at Appendix 4.
- 4.7 Respondents were asked whether there were any premises or activities that should not be licensed that are currently licensed. There were 11 responses to this question and these are attached at Appendix 4
- 4.8 Respondents were asked for further comments and these are attached at Appendix 4.
- 4.9 Having reviewed the comments, the Directorate proposes that the current Council’s Public Entertainment Resolution 2014 should be updated to include Theatres. It is therefore proposed to include the following text:
- “Premises used for any theatrical performances including plays, ballet, comedy and musical productions”
- within paragraph 3 of the current resolution. No further changes are recommended.
- 4.10 Officers will arrange for the proposed changes to the City of Edinburgh Council Public Entertainment Resolution to be advertised in line with the required statutory consultation process

5. Next Steps

- 5.1 Council officers will review the comments made during the initial consultation process and develop proposals to update the Council’s Public Entertainment Resolution.
- 5.2 Council officers will continue to consult with the trade and other interested parties to ensure that all views are included with any proposed changes.
- 5.3 Proposed changes may require further consideration of licensing fees and this will be included in future reports.

- 5.4 A further report will be brought forward upon conclusion of the consultation.

6. Financial impact

- 6.1 The Council's current scale of fees for licensing applications was approved with effect from 1 April 2019. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.
- 6.2 The current fee for Theatres is set nationally by statute and has not been amended in recent years. The inclusion of Theatres within the 1982 Act will mean that a future report will have to seek approval for the appropriate fee which would apply to any application under the 1982 Act.

7. Stakeholder/Community Impact

- 7.1 The development of policy in respect of the licensing of theatres 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 revised conditions are consistent with these.
- 7.2 There is a requirement to carry out a statutory consultation as part of the resolution process and the timeline for this is outlined in Appendix 5.
- 7.3 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.
- 7.4 The contents and recommendations described in this report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them
- 7.5 All licence holders were written to and advised of the consultation, which commenced on 10 June and finished on 18 July 2019.

8. Background reading/external references

- 8.1 [Regulatory Committee 11 March 2019](#)

9. Appendices

- 9.1 Appendix 1 - The Council's Public Entertainment Resolution 2014
- 9.2 Appendix 2 - Online Consultation
- 9.3 Appendix 3 - Summary of online consultation results

- 9.4 Appendix 4 – Respondents' Online Comments
- 9.5 Appendix 5 – Implementation timeline

Appendix 1 – The Council’s Public Entertainment Resolution 2014

THE CITY OF EDINBURGH COUNCIL CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (“the Act”)

THE CITY OF EDINBURGH PUBLIC ENTERTAINMENT RESOLUTION Number 1 of 2014

The City of Edinburgh Council, in exercise of its powers in terms of sections 9 and 41 of the Act, hereby makes the following resolution:-

(1) Section 41 of the Act relating to Public Entertainment shall continue to have effect throughout the Council’s area.

(2) Subject to the terms of the Act, a Public Entertainment licence shall be required for the use of the premises specified in (3) below as places of Public Entertainment as from 7 March 2014.

(3) Subject to paragraphs (4) and (5) below, the premises in the Council’s area which require to be licensed under the Resolution are as follows:

- (a) Billiard, snooker and pool halls
- (b) Premises used for circuses
- (c) Premises used for firework displays
- (d) Premises used as sun-tan centres
- (e) Premises used for laser displays and games
- (f) Premises used for performing animals
- (g) Premises used for video machine arcades, Amusement Devices (including rides or machines or other such equipment including stalls, tents, booths or structures), which are installed or erected and operated for or in connection with the amusement or entertainment to the public, including without prejudice to the foregoing generality bouncy castles, carousels and bungee jumping and bungee running equipment
- (h) Premises used for paintball games
- (i) Premises used for the performance of music (whether live, recorded or amplified), any other concert venue, any rave or dance event and theatrical performances
- (j) Premises used for go-carting, off road driving courses or similar or any facility where the operator provides access to vehicles for entertainment purposes. Does not include the provision of vehicles as part of learner driver tuition.
- (k) Premises used for exhibitions
- (l) Premises used as gymnasiums

(4) BUT excluding the following places where **(a) where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation without payment of money or money’s worth and (b) the capacity does not exceed 500 persons:**

- (a) premises used for functions held by charitable, religious, youth, sporting, community, political or similar organisations;
- (b) premises used for exhibitions of art work;
- (c) premises in which live music is being provided incidentally to the main purpose or use of the premises where that main purpose or use is not as a place of public entertainment.

(5) and additionally **excluding the following places where (a) members of the public are admitted or may use any facilities for the purposes of entertainment and (b) the capacity does not exceed 250 persons:**

- (a) Premises used for functions or events by any charity, religious, community or political group or any similar non-commercial organisation.

Appendix 2 – Online consultation

Theatre licensing

Overview

The Civic Government (Scotland) Act 1982 allows the Council to choose what types of premises, activities or events it wishes to license within the council area in respect of Public Entertainment. The purpose of regulating this type of activity is not to restrict trade or competition, but to help prevent crime and ensure public safety. In addition, every person who applies for a licence is assessed to see if they are 'fit and proper' to have a licence.

Public Entertainment Licences are currently required for a range of activities, premises and events - such as fireworks displays, funfairs, exhibitions, gymnasiums etc. If your land or premises are used for the purpose of public entertainment then you could need a licence from the Council.

The type of entertainment that currently requires a licence is detailed within the City of Edinburgh Council Public Entertainment Resolution (see attached). The rules apply whether or not entry to the premises or event is free of charge.

The Theatres Act 1968 will no longer be in force from January 2021 and the City of Edinburgh Council is considering whether to include theatres within its Public Entertainment Resolution. Should theatres not be included, premises would no longer be licensed. As a 'festival city', it is considered important to ensure continuity if the Council is considering maintaining theatres within a licensing system.

Why we are consulting

The Council is consulting with the public and stakeholders in Edinburgh about proposals to include licensing of theatres within the Public Entertainment Resolution (PER). The Council welcomes your views on the proposals to include theatrical performances.

The Council's Regulatory Committee met on 11 March 2019 and agreed to begin a programme of consultation, which will run from XXXX until XXX 2019.

A report will be brought back to the Regulatory Committee on the outcome of the consultation process, and to seek approval of the final form of the draft Resolution and supporting information.

Introduction

1 What is your name?

Name

2 What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

3 What is your organisation (if relevant)?

4 Please choose which of the following applies to you.

Please select only one item

- ☐ Resident ☐ Community Council representative
☐ Public Entertainment licenceholder ☐ Theatre operator
☐ Trade organisation (please give details below)
☐ Other business (please give details below) ☐ Other (please give details below)

Further details

Questions

5 Do you agree that the Public Entertainment Resolution should be amended to include theatrical performances?

Please select only one item

- ☐ Strongly agree ☐ Agree ☐ Neither agree nor disagree ☐ Disagree
☐ Strongly disagree

6 Do you agree that the range of possible premises and events named within the current Public Entertainment Resolution covers all areas that should be licensed?

Please select only one item

- ☐ Strongly agree ☐ Agree ☐ Neither agree nor disagree ☐ Disagree
☐ Strongly disagree

7 Are there any premises, activities or events which you consider should be licensed that are not currently licensed? What are your reasons for these suggestions?

8 Are there any currently licensed premises or activities which you believe should NOT be licensed? What are your reasons for these suggestions?

Any comments?

9 Would you like to make any further comment about these proposals?

Please give us your comments.

More about you

You don't have to answer the following questions, but if you do it will help us to understand the range of people who have chosen to reply.

10 What is your ethnic group? (Choose ONE section from A to E, then tick ONE box which best describes your ethnic group or background)

A) WHITE

Please select only one item

- ☐ Scottish ☐ Other British ☐ Irish ☐ Gypsy / Traveller ☐ Polish
☐ Other white ethnic group, please write in

B) MIXED OR MULTIPLE ETHNIC GROUP

Please select only one item

- ☐ Any mixed or multiple ethnic groups, please write in

C) ASIAN, ASIAN SCOTTISH OR ASIAN BRITISH

Please select only one item

- ☐ Pakistani, Pakistani Scottish or Pakistani British
☐ Indian, Indian Scottish or Indian British
☐ Bangladeshi, Bangladeshi Scottish or Bangladeshi British
☐ Chinese, Chinese Scottish or Chinese British ☐ Other, please write in

D) AFRICAN, CARIBBEAN OR BLACK

Please select only one item

- ☐ African, African Scottish or African British
☐ Caribbean, Caribbean Scottish or Caribbean British
☐ Black, Black Scottish or Black British ☐ Other, please write in

E) OTHER ETHNIC GROUP

Please select only one item

- ☐ Arab ☐ Other, please write in

11 What is your sexual orientation?

Please select only one item

- ☐ Heterosexual / straight ☐ Gay / Lesbian ☐ Bisexual ☐ Other

12 What is your age?

Please select only one item

- ☐ Under 16 ☐ 16 - 24 ☐ 25 - 34 ☐ 35 - 44 ☐ 45 - 54 ☐ 55 - 64
☐ 65 - 74 ☐ 75 and over

13 How would you describe your national identity? (Please tick all that apply)

Please select all that apply

- ☐ Scottish ☐ English ☐ Welsh ☐ Northern Irish ☐ British
☐ Other, please write in

14 What is your gender?

Please select only one item

- ☐ Male ☐ Female ☐ Other Gender Identity

15 What religion, religious denomination or body do you belong to?

Please select only one item

- ☐ None ☐ Church of Scotland ☐ Roman Catholic ☐ Other Christian
☐ Muslim ☐ Buddhist ☐ Sikh ☐ Jewish ☐ Hindu ☐ Pagan
☐ Another religion (please specify)

Appendix 2 – Summary of online consultation results

Theatre licensing: Summary report

This report was created on Friday 19 July 2019 at 10:27.

The consultation ran from 10/06/2019 to 18/07/2019.

Contents

Question 1: What is your name?	1
Name	1
Question 2: What is your email address?	2
Email	2
Question 3: What is your organisation (if relevant)?	2
Organisation	2
Question 4: Please choose which of the following applies to you.	2
Respondent organisation	2
Further details	2
Question 5: Do you agree that the Public Entertainment Resolution should be amended to include theatrical performances?	3
Agree with home boarding conditions?	3
Question 6: Do you agree that the range of possible premises and events named within the current Public Entertainment Resolution covers all areas that should be licensed?	3
Agree with Kennels/day care conditions?	3
Question 7: Are there any premises, activities or events which you consider should be licensed that are not currently licensed? What are your reasons for these suggestions?	3
Other areas	3
Question 8: Are there any currently licensed premises or activities which you believe should NOT be licensed? What are your reasons for these suggestions?	4
Other NOT	4
Question 9: Would you like to make any further comment about these proposals?	4
Please give us your comments.	4
Question 10: What is your ethnic group? (Choose ONE section from A to E, then tick ONE box which best describes your ethnic group or background)	4
Ethnicity (A - White)	4
Other white ethnic group, please write in	4
Ethnicity (Mixed or multiple ethnic group)	4
Any mixed or multiple ethnic groups, please write in	4
Ethnicity (Asian, Asian Scottish, Asian British)	5
Other, please write in	5
Ethnicity (D - African, Caribbean or Black)	5
Other, please write in	5
Ethnicity (E - Other)	6
Other, please write in	6
Question 11: What is your sexual orientation?	6
Sexuality	6
Question 12: What is your age?	7
How old are you?	7
Question 13: How would you describe your national identity? (Please tick all that apply)	8
National Identity	8
Other, please write in	8
Question 14: What is your gender?	8
Gender	8
Question 15: What religion, religious denomination or body do you belong to?	9
Religion	9
Another religion (please specify)	9

Question 1: What is your name?

Name

There were 38 responses to this part of the question.

Question 2: What is your email address?

Email

There were 38 responses to this part of the question.

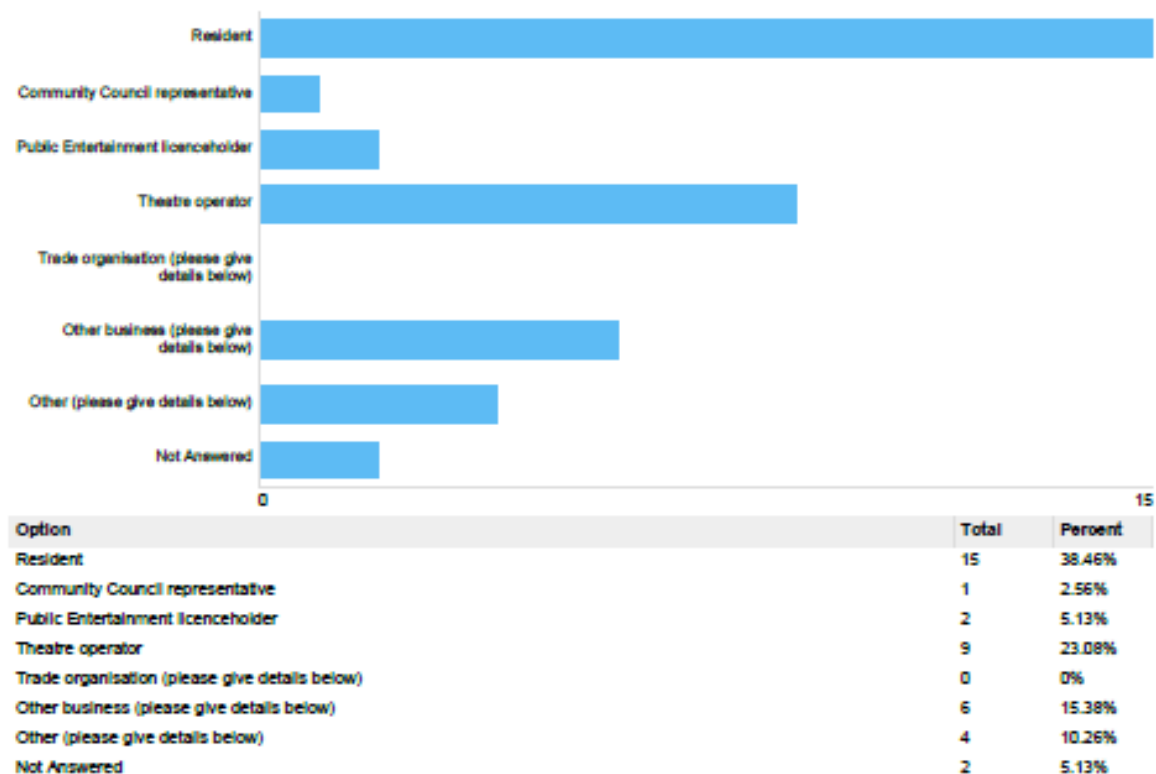
Question 3: What is your organisation (if relevant)?

Organisation

There were 24 responses to this part of the question.

Question 4: Please choose which of the following applies to you.

Respondent organisation

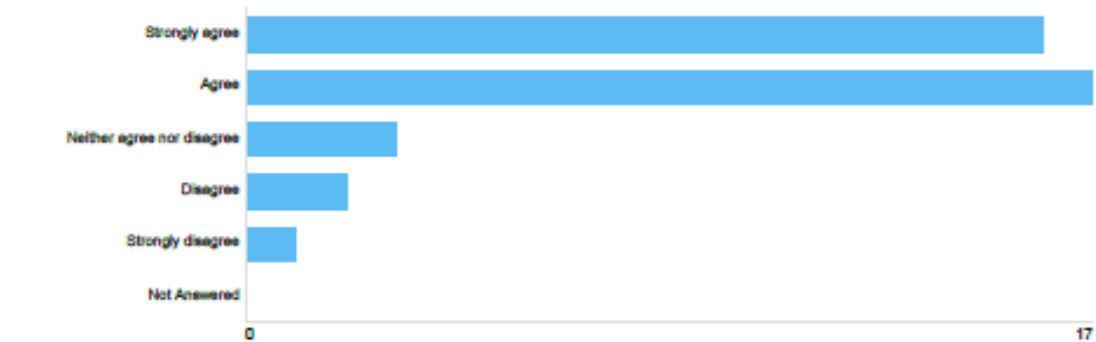


Further details

There were 14 responses to this part of the question.

Question 5: Do you agree that the Public Entertainment Resolution should be amended to include theatrical performances?

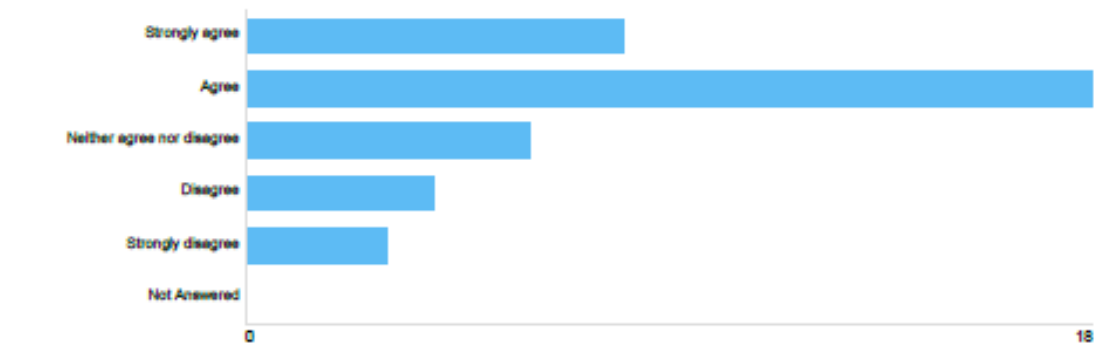
Agree with home boarding conditions?



Option	Total	Percent
Strongly agree	16	41.03%
Agree	17	43.59%
Neither agree nor disagree	3	7.69%
Disagree	2	5.13%
Strongly disagree	1	2.56%
Not Answered	0	0%

Question 6: Do you agree that the range of possible premises and events named within the current Public Entertainment Resolution covers all areas that should be licensed?

Agree with Kennels/day care conditions?



Option	Total	Percent
Strongly agree	8	20.51%
Agree	18	46.15%
Neither agree nor disagree	6	15.38%
Disagree	4	10.26%
Strongly disagree	3	7.69%
Not Answered	0	0%

Question 7: Are there any premises, activities or events which you consider should be licensed that are not currently licensed? What are your reasons for these suggestions?

Other areas

There were 14 responses to this part of the question.

Question 8: Are there any currently licensed premises or activities which you believe should NOT be licensed?
What are your reasons for these suggestions?

Other NOT

There were 11 responses to this part of the question.

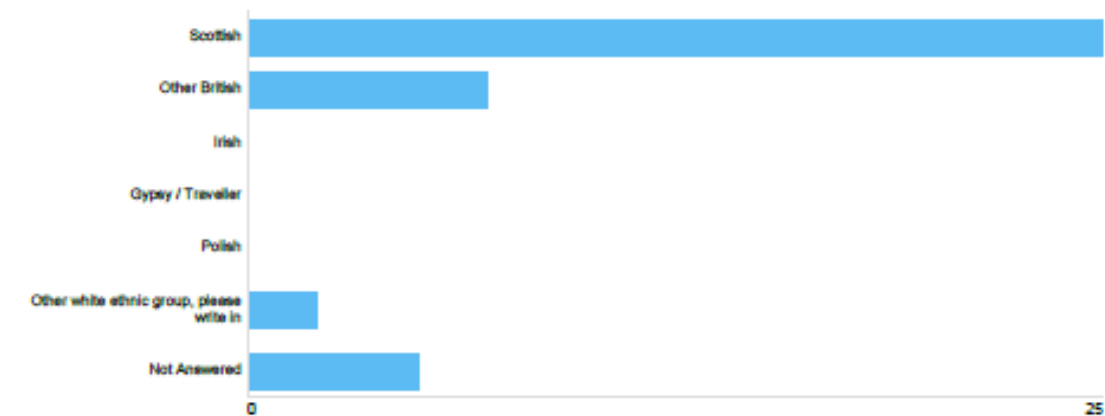
Question 9: Would you like to make any further comment about these proposals?

Please give us your comments.

There were 18 responses to this part of the question.

Question 10: What is your ethnic group? (Choose ONE section from A to E, then tick ONE box which best describes your ethnic group or background)

Ethnicity (A - White)

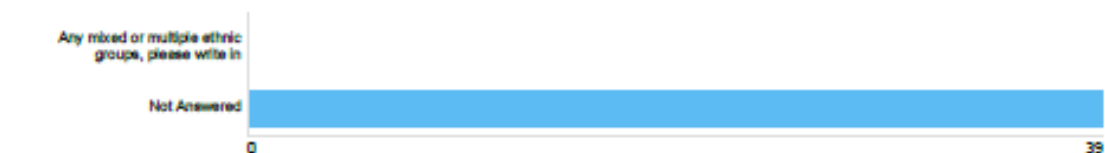


Option	Total	Percent
Scottish	25	64.10%
Other British	7	17.95%
Irish	0	0%
Gypsy / Traveller	0	0%
Polish	0	0%
Other white ethnic group, please write in	2	5.13%
Not Answered	5	12.82%

Other white ethnic group, please write in

There were 3 responses to this part of the question.

Ethnicity (Mixed or multiple ethnic group)

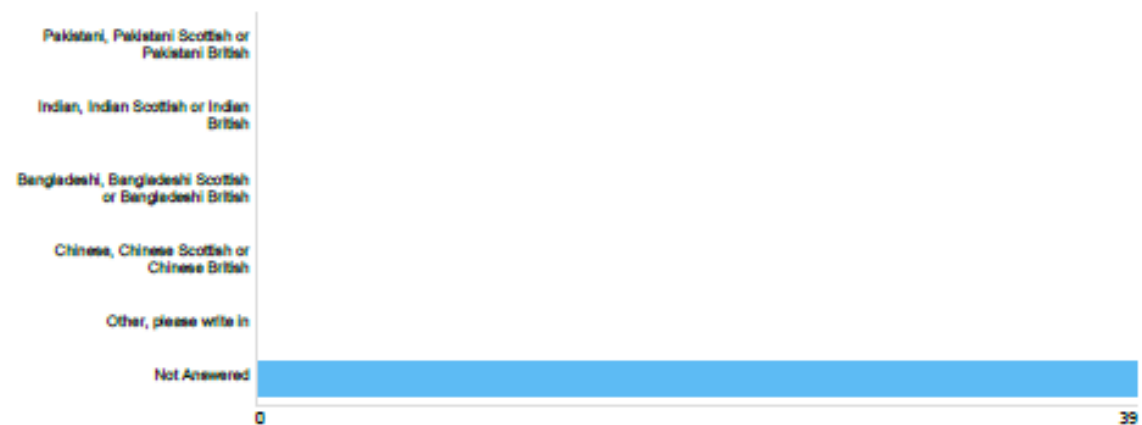


Option	Total	Percent
Any mixed or multiple ethnic groups, please write in	0	0%
Not Answered	39	100.00%

Any mixed or multiple ethnic groups, please write in

There were 0 responses to this part of the question.

Ethnicity (Asian, Asian Scottish, Asian British)

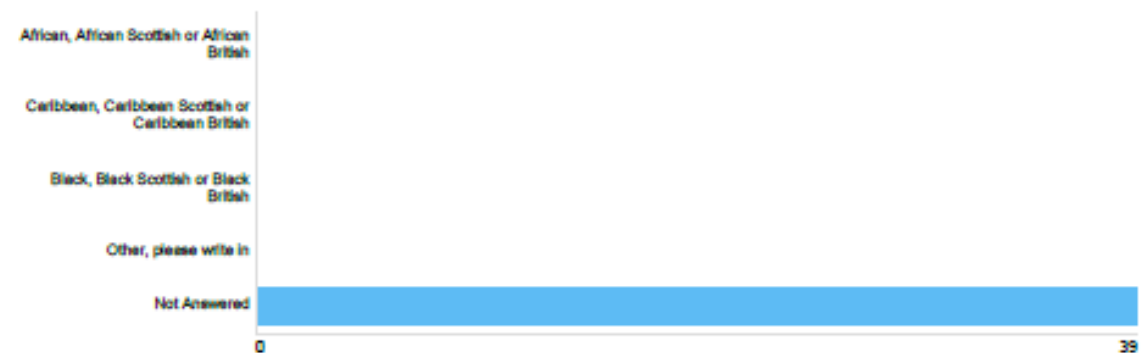


Option	Total	Percent
Pakistani, Pakistani Scottish or Pakistani British	0	0%
Indian, Indian Scottish or Indian British	0	0%
Bangladeshi, Bangladeshi Scottish or Bangladeshi British	0	0%
Chinese, Chinese Scottish or Chinese British	0	0%
Other, please write in	0	0%
Not Answered	39	100.00%

Other, please write in

There were 0 responses to this part of the question.

Ethnicity (D - African, Caribbean or Black)



Option	Total	Percent
African, African Scottish or African British	0	0%
Caribbean, Caribbean Scottish or Caribbean British	0	0%
Black, Black Scottish or Black British	0	0%
Other, please write in	0	0%
Not Answered	39	100.00%

Other, please write in

There were 0 responses to this part of the question.

Ethnicity (E - Other)



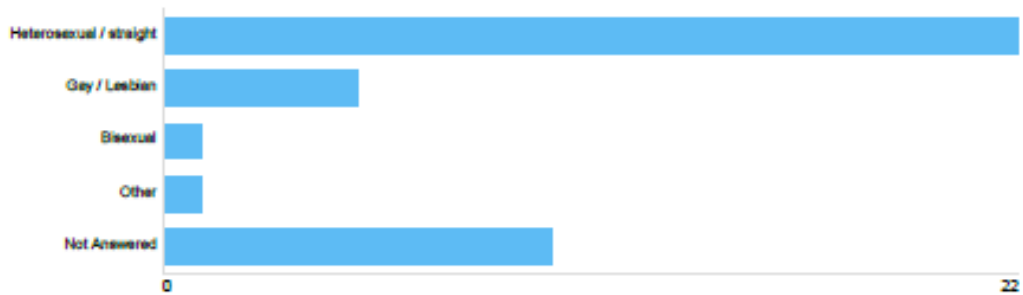
Option	Total	Percent
Arab	0	0%
Other, please write in	1	2.56%
Not Answered	38	97.44%

Other, please write in

There were 0 responses to this part of the question.

Question 11: What is your sexual orientation?

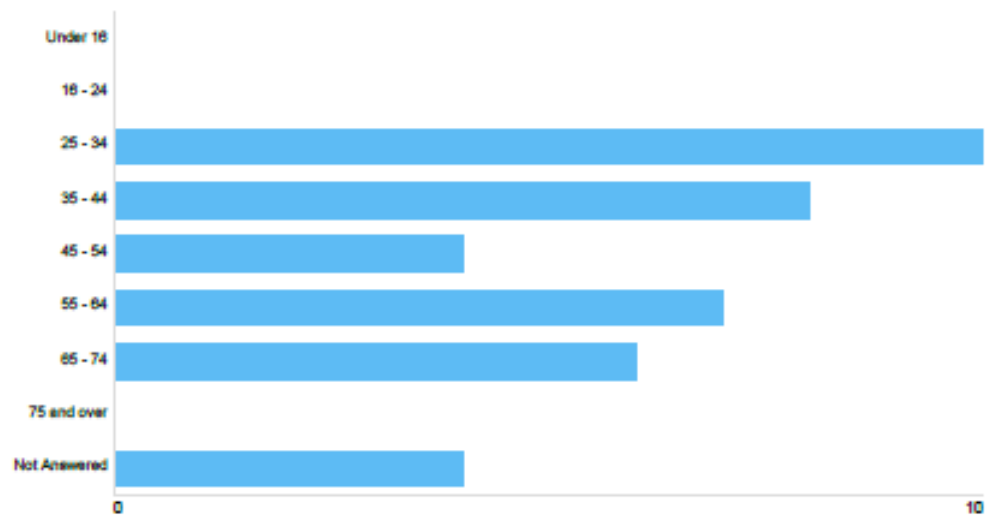
Sexuality



Option	Total	Percent
Heterosexual / straight	22	56.41%
Gay / Lesbian	5	12.82%
Bisexual	1	2.56%
Other	1	2.56%
Not Answered	10	25.64%

Question 12: What is your age?

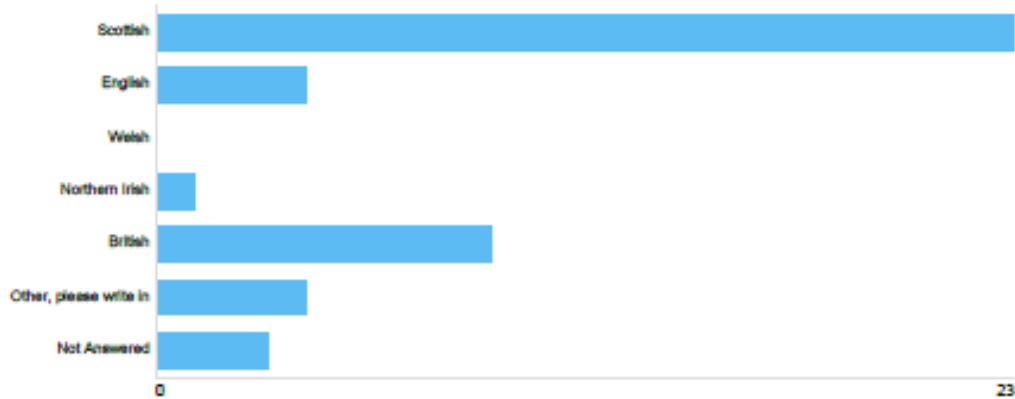
How old are you?



Option	Total	Percent
Under 16	0	0%
16 - 24	0	0%
25 - 34	10	25.64%
35 - 44	8	20.51%
45 - 54	4	10.26%
55 - 64	7	17.95%
65 - 74	6	15.38%
75 and over	0	0%
Not Answered	4	10.26%

Question 13: How would you describe your national Identity? (Please tick all that apply)

National Identity



Option	Total	Percent
Scottish	23	58.97%
English	4	10.26%
Welsh	0	0%
Northern Irish	1	2.56%
British	9	23.08%
Other, please write in	4	10.26%
Not Answered	3	7.69%

Other, please write in

There were 4 responses to this part of the question.

Question 14: What is your gender?

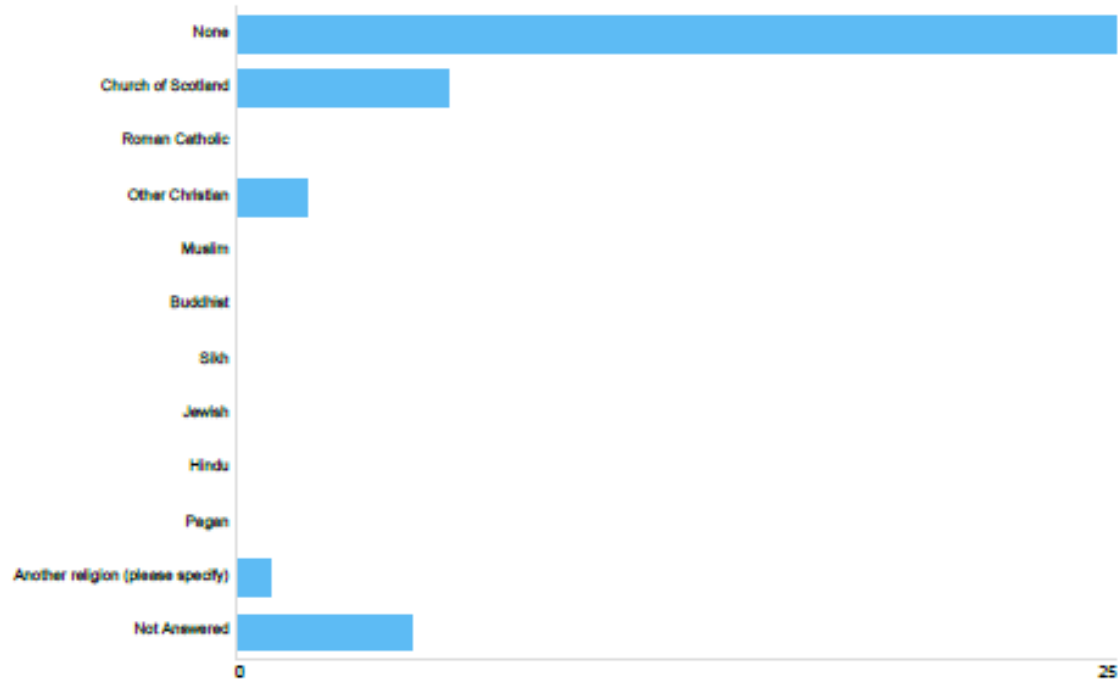
Gender



Option	Total	Percent
Male	20	51.28%
Female	15	38.46%
Other Gender Identity	0	0%
Not Answered	4	10.26%

Question 15: What religion, religious denomination or body do you belong to?

Religion



Option	Total	Percent
None	25	64.10%
Church of Scotland	6	15.38%
Roman Catholic	0	0%
Other Christian	2	5.13%
Muslim	0	0%
Buddhist	0	0%
Sikh	0	0%
Jewish	0	0%
Hindu	0	0%
Pagan	0	0%
Another religion (please specify)	1	2.56%
Not Answered	5	12.82%

Another religion (please specify)

There was 1 response to this part of the question.

Appendix 4 – Respondents’ Online Comments

Are there any premises, activities or events which you consider should be licensed that are not currently licensed? What are your reasons for these suggestions?

1	While I appreciate that some entertainment venues are creating nuisance for residents in hitherto undisturbed neighbourhoods, I feel that over-licensing is not good for the cultural health of the city, and creates unnecessary make-work and stress for workers in the cultural field. The proliferation of events during the Festival Fringe may create problems for residents - perhaps the introduction of new licensing regulations for theatrical performances should be limited to that period.
2	Small and community based events. Safety is not a matter of numbers, it is a matter of activity and competence of organisers.
3	It should be a lot stronger in providing the Council with the levels to address ‘festival city’ in problem areas for overprovision and where it impacts on residents. The existing exclusions are too easily to abuse.
4	In the resolution, section 3 (i), should solely refer to the performance of music with additional, separate categories included for: Cabaret and variety Comedy performance, including stand-up Dance Spoken word Theatre, including site-specific, outdoors or promenade performance
5	In the resolution, section 3 (i), should solely refer to the performance of music with additional, separate categories included for: Cabaret and variety Comedy performance, including stand-up Dance Spoken word Theatre, including site-specific, outdoors or promenade performance
6	In the resolution, section 3 (i), should solely refer to the performance of music with additional, separate categories included for: Cabaret and variety Comedy performance, including stand-up Dance Spoken word Theatre, including site-specific, outdoors or promenade performance
7	I imagine cinemas are licensed differently?
8	I don’t know which ones are not licensed but temp licences should be allowed for festivals etc

Are there any currently licensed premises or activities which you believe should NOT be licensed? What are your reasons for these suggestions?

1	I'm aware that there is an overprovision of alcohol licences in areas of the city centre, but the premises don't usually offer theatrical performances, so I'm not sure this is relevant to this survey.
2	<p>Currently we make use of the free Public Entertainment licences for up to 250 people for charity concerts. We do enforce all the public safety regulations for such events. We would hope that the changes would not affect this use.</p> <p>I feel that there is a similar case for charity theatre productions to small audiences to be treated similarly, with suitable safeguards. For example a check of the premises outwith such events so that the council have some assurance that they are suitable premises for the public, and that the regulations will still be applied. For example single shows with a run of up to 4 days, where the venue is not being shared.</p>
3	No. I think with 'festival city' you need to have the ability to be more restrictive. A legitimate and valid applicant will happily go through the process to ensure they are above board and it gives you a means to take action against those who will look to exploit the system particularly with the sheer volume of things happening within the city.
4	Personally, never been to a sun-tan centre, but I don't quite understand why these are considered to be places of entertainment. These seem to be more about beauty, health, and wellness (although all that UV exposure will probably not make you healthy or well).
5	The Policy should exempt smaller scale events/ activities across the board. Whilst the current policy provides exemptions for low capacity (sub 250) events by any charity, religious, community or political group or any similar non-commercial organisations, commercial ventures would be caught regardless of audience size. These smaller start up / niche events often lack the financial means and expertise to apply for and obtain a Temp PEL. The City's status as a center for the Arts (not least with the Festival) should ensure the smaller events are not regulated out of happening
6	Licence procedures should be simplified and costs reduced especially for smaller premises

Would you like to make any further comment about these proposals?

1	I'm not sure why theatrical performances are perceived as needing further regulation, when there are so many other issues that contribute to nuisance in residential areas. I'm wary of over-regulation of cultural activities.
2	Another option is for the council to maintain a list of approved licence holders, for example those who have had a formal training session.
3	I think theatre performances in community centres and schools out with the Edinburgh Fringe festival and city centre, should not require a theatre licence especially community performances and community groups and schools. or small pro touring companies which want to put on shows in community centres/ schools/ community halls to increase cultural educational and art opportunities to socially and economically excluded communities.
4	If you try to water down or make life easier for yourself resource wise now it will just leave you with a problem in the future as people will exploit it and you will be left with more work and cost to attempt to rectify any issues that licensing could have addressed at the start
5	The Fringe Society would strongly recommend that no increase is made to PEL rates. We would recommend considering a reduced rate for a one off, temporary licence as opposed to the current situation which offers no distinction/difference between temporary and permanent. We would ask to be consulted about any proposed changes to current banding.
6	Would recommend that no increase is made to Public Entertainment Licence rates. We would recommend considering a reduced rate for a one off, temporary licence as opposed to the current situation which offers no distinction/difference between temporary and permanent. We would ask to be consulted about any proposed changes to current banding.
7	I think that the Fringe Society should be consulted about any proposed changes to current banding.
8	Would the second exclusion still apply for premises under 500 where performances are free?
9	Edinburgh council already restricts public entertainment to such a degree that a real lack of public entertainment is felt. Their restrictive policies, often governed solely on who will give them the most money, make no sense whatsoever when it comes to the well-being and social activities of Edinburgh residents. Licences are already prohibitively expensive, and regulating theatres with these licences further prices people out of the market.
10	The licensing of entertainment and art venues should be licensed in the interest of public safety.
11	I think that whatever comes about from the new licensing arrangements, it is important that venues previously licensed as theatres do not incur additional charges because they are now on a public entertainment license.
12	<p>I believe that the safety standards to which we are currently held under the permanent and temporary theatre licensing diet should be applied to the public entertainment license, no matter the outcome of the consultation. There are events going ahead under the current public entertainment structure that are not being run to the same scrutiny as we currently are under, and that scrutiny is vital to public safety at events and should be upheld across the board.</p> <p>I also feel that the current tiers under which the theatre license operates should be reviewed, with more regular price breaks for seating capacities, perhaps more tied to their fire capacity as a tier cap, rather than the rather broad 201-1000 cap that currently exists, for instance.</p>
13	<p>(1) The theatre licence charges are among the highest in the UK, especially for temporary theatre licences. It would be good to look at how these could be reduced, especially for smaller venues, or temporary venues which operate every year at the Fringe. We suggest:</p> <p>(i) We would suggest the banding for licensing should be split into more bands to give lower</p>

	<p>costs to smaller premises, adding bands for up to 60, 61-120, 121-250, 251-500.</p> <p>(ii) The council should consider exempting venues smaller than a certain size (120 or fewer, 60 or fewer) from licensing costs/requirements.</p> <p>(iii) Temporary licences should be reasonably less than the cost of annual licences, or if this is not possible, temporary licences should be at least no more than the cost of a renewal annual licence.</p> <p>(iv) Annual licences could be made easier to renew e.g. auto-renewal without the need for a form to be fully completed.</p> <p>(2) All venues should comply to an equal standard whether they operate under a premises licence or a public entertainment licence. The council should consider reducing compliance requirements for smaller premises.</p> <p>(3) There are a number of requirements in the theatre licence conditions which are outdated or not applicable to temporary venues. These include:</p> <p>(i) The requirement for a fireproof curtain between stage and audience</p> <p>(ii) The requirement for a maintained system of lighting throughout the premises (Building Regulations now accept non-maintained emergency lighting in most cases).</p> <p>(iv) The requirement for an annual EICR (for annually licenced venues) – most EICRs are issued with 3 to 7 year validity, and we feel that a requirement for an EICR to be in force would be more appropriate than a requirement for an EICR to have been completed within the past year.</p> <p>(4) The council should communicate to licenceholders by email where this has been requested by the licenceholder.</p>
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Appendix 5 - Implementation timeline



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Regulatory Committee

9.30am, Monday, 19 August 2019

Request for Variation: Taxi Vehicle Licence Conditions (Advertising)

Executive/routine Wards Council Commitments	All
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1. Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 Considers the request from Dooh Smart Ltd to install its 'Brightmove taxi top illuminated advertising technology' on City of Edinburgh Taxi vehicles;
 - 1.1.2 If it agrees with the request to allow such installation, to note the intention to delegate authority to the Executive Director of Place to approve such installations;
 - 1.1.3 Instructs the Chief Executive to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval; and
 - 1.1.4 Agrees a £57 one-off charge for examination of each vehicle in respect of future applications.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager
E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4042

Contact: Gordon Hunter, Licensing Regulatory Officer
E-mail: gordon.hunter@edinburgh.gov.uk | Tel: 0131 529 4042

Request for Variation: Taxi Vehicle Licence Conditions (Advertising)

2. Executive Summary

- 2.1 The Committee is asked to consider a proposed variation to the current standard conditions attached to taxi licences regarding advertising in or on the vehicles. The Council has specific conditions based on the need for safety, which prevent non-standard fittings from being added to a Taxi. The Committee is asked to consider whether this style of advertising is appropriate, and if so to agree to the Council's Scheme of Delegation to Officers being amended to delegate authority to the Executive Director of Place to approve this type of advertising, and to vary the standard conditions of licence to disapply condition 299, insofar as it applies to 'Brightmove taxi tops' in the future.

3. Background

- 3.1 The City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers regulate the display of signage on or in any vehicle submitted for licensing.
- 3.2 On 15 November 2013 the Regulatory Committee agreed to vary the standard conditions of licence relating to the control of advertising on taxis. Prior to this date all adverts or personalised marks had to be approved prior to them being placed on the taxi. Following a period of consultation, new conditions were agreed which removed the requirement for Council permission for certain types of advertising. In effect this deregulated licensing controls on the content of advertising on taxis.
- 3.3 For safety reasons, and separate from the conditions referred to in 3.2 above, condition 272 states "No fittings other than those approved may be attached to or carried upon the inside or outside of the taxi". Additionally, condition 27 provides guidance on what is not considered a suitable form of advertisement.

4. Main report

- 4.1 The City of Edinburgh Council has been contacted by Dooh Smart Ltd (Appendix 1) requesting approval in principle to place additional signage on taxis.

- 4.2 The proposed signage system ('Brightmove taxi tops') is a double-sided digital advertising platform that sits on the roof of a taxi. The brightness of the screens adheres to all roadside advertising regulations. There are two sensors (one for each screen), to automate the brightness dependent on weather/light. Further system details are provided in Appendix 1.
- 4.3 Condition 26 / 299 states "Advertisements on the exterior of taxis will be categorised as either door, super-sides or full livery". This system would not currently be permitted under Condition 299.
- 4.4 As Condition 272 states "No fittings other than those approved may be attached to or carried upon the inside or outside of the taxi", the installation of this system would not be approved under current conditions of licence.
- 4.5 Officers at the Taxi Examination Centre have inspected the system and would have no objection to the operation of this system on the current taxi fleet approved by the City of Edinburgh Council taxi model, subject to the monitoring of the system. Should any undesirable features become apparent, the Taxi Examination Centre would wish to have the power to withdraw authority for its installation and use. A report from the Taxi Examination Centre is attached at Appendix 3. Police Scotland have no objections to the application (Appendix 4).
- 4.6 If the committee approves in principle the fitting of 'Brightmove taxi tops' on taxis, it is requested that it also agrees to the Council's Scheme of Delegation to Officers being amended to delegate authority to the Executive Director of Place, via the Taxi Examination Centre, to give approval in terms of standard licence condition 26 for individual applications to install 'Brightmove taxi tops' and to vary the standard conditions of licence to disapply condition 299 insofar as it applies to 'Brightmove taxi tops'. Inspectors would have discretion to direct the removal of any advertising, should a problem arise.
- 4.7 An application fee of £57 per vehicle is proposed to allow applicants to vary the terms of their licence in this respect.
- 4.8 A similar application to allow roof top advertising on Taxis was refused following consideration at the Regulatory Committee on 21 November 2016.
- 4.9 The 'Brightmove taxi tops' system was approved by Transport for London in 2017 (Appendix 2), and more recently in Birmingham in September 2018.
- 4.10 Representatives of the applicant Dooh Smart Ltd have indicated that they intend to appear and present to the Committee.

5. Next Steps

- 5.1 Council officers will monitor the implementation of the proposed changes if approved.

6. Financial impact

- 6.1 A one-off charge of £57 per application is proposed.
- 6.2 The Council's scale of fees for licensing applications was approved with effect from 1 April 2019. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.

7. Stakeholder/Community Impact

- 7.1 The proposal would permit individual operators to apply, but does not impose any additional conditions on the wider trade and therefore its impact will be limited.
- 7.2 Applicants whose variation application is refused will have a right of appeal to the Sheriff.
- 7.3 There is no equalities impact arising from the contents of this report.
- 7.4 There is no environmental impact arising from the contents of this report.

8. Background reading/external references

- 8.1 [Licensing conditions for taxis and private hire cars, taxi and private hire car drivers](#)
- 8.2 [Item 6.2 Regulatory Committee Meeting 21 November 2016 - Request for Variation of Taxi Licence Conditions](#)

9. Appendices

- 9.1 Appendix 1 - Dooh Smart Taxi Top Advertisings application
- 9.2 Appendix 2 – Letter from Transport for London dated 4th July 2019
- 9.3 Appendix 3 – Taxi Examination Report (still to be added)
- 9.4 Appendix 4 – Police Scotland Report

Appendix 1



Gordon Hunter
City of Edinburgh Council
Level 9
City Chambers
249 High Street
Edinburgh
EH1 1YJ

24th June 2019

Dear Gordon,

Further to our recent conversations regarding the introduction of digital taxi tops in Edinburgh.

DooHsmart Ltd is a company specialising in roof top advertising for taxi vehicles. We currently have approval to install our product in London and (the same technology is also being used in Birmingham) and are keen to expand our operation to include Edinburgh.

I am aware of the current advertising restriction placed on Edinburgh taxi operators and we are seeking a variation to your standard licensing conditions to allow the installation of our product on Edinburgh vehicles. The attached presentation provides more detail about our product, our proposals going forward and to formally request for permission to operate our digital taxi tops in the city.

I understand that we will be asked to present our proposal to the Council in the summer and look forward to doing so



Charles Jepson

DoohSmart Ltd

Edinburgh taxi top licence application



Company background

- We took over the Brightmove Media taxi tops in Dec 2017 and rebranded as DoohSmart this year – one of 2 taxi top companies that is operating in London
- Brightmove taxi tops were the first to be allowed to operate under Transport for London license in London. Since 2014, the technology has had an unblemished safety record
- Both company directors – Mark Catterall and Charles Jepson – have extensive experience in the outdoor and advertising market – combined experience of over 45 years
- A taxi top license was also won in Birmingham in Sept 2018, which is now operated by Elonex, using the same Brightmove taxi top technology
- We now want to expand in Scotland, Edinburgh being our preferred city



Technical - Safety

- The Brightmove taxi tops were developed 6 years ago and have been in operation in London for 5 years – the first digital tops globally. In that period, no accidents have ever been recorded for Brightmove or any other taxi top operator in the UK
- Brightmove screens also operate in the US and are piloting in the Middle East
- To gain a TfL licence, a number of approvals had to be passed:
 - European Standards Commission – E Mark to cover screen emissions and full electrical standards
 - Vehicle Certification Agency (VCA):
 - Comply with Road Vehicles (Construction & Use) Regulations 1986
 - Comply with Road Vehicles Lighting Regulations 1989
 - Sled test to comply with crash safety regulations
 - ISO 9001 certification to pass conformity of production and quality control & installation of taxi tops
 - Electrical architecture to meet or exceed EC approval M1/IVA standards
 - IP65C Category 1 Certification – protection from the elements
 - Transport Research Laboratory – independent safety & distraction study



Technical - Safety

- In similar fashion to the UK through the VCA, FCC approval was granted to the Brightmove taxi tops in the US
- The brightness of the screens adhere to all roadside advertising regulations. There are 2 sensors – one for each screen, to automate the brightness dependent on weather/light



Technical – Performance

- The taxi tops have been developed to have minimum impact on vehicle performance – the use of LED technology has allowed us to have the smallest and lowest weight tops
- There is 'minimal impact' on fuel usage
- There is 'minimal impact' on emissions

(Our definition of 'minimal impact' is little or no effect)



Technical - Innovation

Hardware and software development have been undertaken in the UK and are market leading products

We have a number of unique capabilities that can change the way that messages are posted:

- Automated triggers: weather, pollen, pollution, bespoke
- Self serve/real time posting – very helpful for small businesses
- Geo targeting



Benefits – Local businesses

Allows small local businesses to advertise with much lower budgets vs. other local media. Not just for large national businesses

Allows local businesses to advertise only in their local area

Through a self serve capability, allows local businesses to advertise in real time and with complete flexibility – days/time of day: ideal for times such as the Fringe Festival



Benefits – Edinburgh Council

A new, effective and speedy means of making Edinburgh residents aware of events, news & public information

Taxi tops can become part of the fabric of Edinburgh and help innovate the way public messaging is delivered:

- **Promote public events in the city**
- **Deliver vital public information: emergencies, weather, travel – real time capabilities**
- **Council promoting new technology into the city**



Benefits – Taxi drivers

Taxi tops will create a new buzz about taxis and add to the general promotion of taxi services

Taxi tops will create new revenue streams for drivers - under pressure from Uber

DoohSmart will adopt the same model as London – revenue share:

- **Drivers share in the success of the business**
- **Drivers feel part of the business**



Potential drawbacks

- As most activity is shorter bursts of activity and we run multiple adverts in a loop, there will be many more pieces of copy to check
- **Our solution: We adhere to all the rules & regulations of the local Council and ASA. If there is a 'grey' area, we will not run the advertising. To date we have not needed to ask TfL for copy clearance and there have been no issues. Only political messages are needed to be checked**
- Multiple advertising messages (livery/taxi tops)
- **Our solution: Our livery/taxi top option can only be used by one brand. Has brought in new revenue streams - almost entirely brought digital budgets (Facebook & Google)**



Summary

- A new and innovative media for Edinburgh
- Delivered by experienced professionals and leaders in the advertising & technology markets
- Helping local businesses attract new customers
- Benefits all stakeholders – local businesses (large and small), taxi drivers, Edinburgh Council as well as Edinburgh residents and visitors
- Much more than another advertising channel – provides vital public information to the local community
- Making a positive impact on the Edinburgh economy



Appendix 2 – Letter from Transport for London dated 4th July 2019

Charles Jepson,

Commercial Dir & Co-Founder
99 Clifton St,
EC2A 4LG,
London,
UK

4 July 2019

Transport for London
London Taxi and Private Hire

230 Blackfriars Road
London
SE1 8NW

Phone 034 3222 4444
www.tfl.gov.uk

Dear Charles,

Happy for you to share this statement.

To whom it may concern.

Charles Jepson, commercial director of DoohSmart, is authorised by Transport for London (TfL) to install and operate taxi top digital advertising units on London licensed taxis.

Charles and his team have been working with TfL and the London taxi trade for a number of years to deliver this service and they have consistently demonstrated, and continue to provide, a very high level of professional and technical support to the taxi trade.

Yours sincerely

Alexander Moffat
Vehicle Policy Manager
Transport for London - Taxi and Private Hire
230 Blackfriars Road, London, SE1 8NW
Tel: 020 3054 2924
Mobile: 07889095675
alexander.moffat@tfl.gov.uk

MAYOR OF LONDON



VAT number 756 2769 90

Appendix 4 – Police Report

26 June 2019

Your Ref:

Our Ref:

Licensing Manager
City of Edinburgh Council
249 High Street
Edinburgh
EH1 1YJ



Sean Scott
Chief Superintendent
Divisional Commander
City of Edinburgh Division

Taxi Examination Centre
33 Murrayburn Road
EDINBURGH
EH14 2TF

Dear Sir/Madam

DOOHSNART LTD

I refer to the recent application by the above named company in relation to the introduction of a Taxi Top application.

Police Scotland have no objection to this proposal.

Yours faithfully

[Redacted signature]

Sean Scott
Chief Superintendent

[Redacted signature]

Regulatory Committee

9.30am, Monday, 19 August 2019

Taxi Stance Appointment – East Market Street

Item number	
Executive/routine	
Wards	Citywide
Council Commitments	

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 notes the content of this report;
 - 1.1.2 notes that officers will carry out statutory consultation on the proposed taxi stance; and
 - 1.1.3 notes that a report will be brought back to the committee for a decision after the conclusion of statutory consultation.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager
 E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Contact: Marcos Martinez, Higher Enforcement Officer
 E-mail: marcos.martinez@edinburgh.gov.uk | Tel: 0131 529 4533

Report

Taxi Stance Appointment – East Market Street

2. Executive Summary

- 2.1 The Committee is asked to note the proposal by Roads Services to relocate the taxi stance currently situated at Market Street to East Market Street (Appendix 1), and that the Directorate will carry out the statutory consultation required prior to formally appointing the taxi stance, as required by the Civic Government (Scotland) Act 1982.

3. Background

- 3.1 The City of Edinburgh Council, as a Licensing Authority, is required to appoint taxi stances in line with the provisions of S.19 (1) of the Civic Government (Scotland) Act 1982 ('the 1982 Act').
- 3.2 The powers available to licensing authorities to provide taxi stances in their respective areas can be exercised provided that they obtain the necessary prior consents (including that of the roads authority); consult the appropriate trade organisations and other representatives; give notice to the Police and the public; and that they do not obstruct access to any premises.
- 3.3 To satisfy the process of obtaining relevant permission from the roads authority, taxi stances are also required to be created by way of Traffic Regulation Orders (TRO). This is separate from the requirements of the 1982 Act, falling within the remit of the Council as the roads authority (as opposed to the licensing authority). The appointment of stances is therefore subject to a dual process. Parking restrictions on and around taxi stances are facilitated by a TRO. A process map is included at [Appendix 2](#) for the information of members.

4. Main report

- 4.1 There have been several concerns raised with respect to the location of the current temporary taxi rank at Market Street. These concerns largely relate to the suitability of the current site. There is significant traffic congestion and the volume of pedestrians in the area exacerbates these problems. These concerns are expected to continue to be exacerbated by planned building development in the area.

- 4.2 It has been identified that this stance is required to be moved. The mix of flow and volume of traffic and pedestrians continues to increase, in addition to several ongoing building works in the locus, and there is therefore an increase of risk to the safety of the public.
- 4.3 A solution has been identified by the City of Edinburgh Council's Roads Services team - moving this rank to East Market Street (outside The Arches).
- 4.4 The Roads Services team has requested that the newly identified stance should be appointed as an authorised stance in line with the requirements of the Civic Government (Scotland) Act 1982. Officers from the Roads Services team have discussed these proposals with taxi trade representatives through the Taxi Stance working group as part of the initial consultation. The trade expressed a view that whilst the new location was not ideal there was a general acceptance that it was necessary to move the rank in the interest of public safety.
- 4.5 The introduction of the rank will be facilitated by use of a temporary TRO ('TTRO') to cater for ongoing works affecting the area and the need for flexibility for works management.
- 4.6 Current plans include provision for:
- 4.6.1 a 10-bay stance to be located on East Market Street from the junction with Jeffrey Street heading in an easterly direction towards Waverley Court, terminating immediately adjacent to 1a The Arches;
 - 4.6.2 double yellow lines to remain on the north side of Market St adjacent to the Edinburgh Dungeon, with the exception of the loading bay and motorcycle bay; and
 - 4.6.3 no changes to existing parking bays on the south side of Market Street and the north side of East Market Street.

5. Next Steps

- 5.1 If the committee agrees to approve these proposals in principle, the Directorate will undertake its statutory obligations as detailed in 3.2 above and will also undertake the proposed additional engagement actions detailed in 3.3 above.
- 5.2 The outcome of these actions and any consultation responses received will be reported back to Committee at the next available meeting, upon conclusion of the 28-day notification period.

6. Financial impact

- 6.1 The costs associated with the changes to the road infrastructure etc. required to implement these proposals will be managed within the existing Roads budget.

7. Stakeholder/Community Impact

- 7.1 Initial consultation has been carried out with the trade as detailed in paragraph 4.4. In addition to its statutory obligations of notification and consultation, the Licensing Authority will also undertake to inform the public and the wider business and residential community, relevant partners and agencies including:
 - 7.1.1 Ward 11 councillors;
 - 7.1.2 Community Council representatives; and
 - 7.1.3 Affected businesses trading from The Arches.
- 7.2 The publication of the statutory advert will allow consultation to take place with the wider business and residential community, relevant partners and agencies.
- 7.3 Roads Services have undertaken the relevant actions to introduce the required TTRO which includes public notification and objection period. No objections to the TTRO have been received.
- 7.4 In the event that the proposed taxi stance is appointed, Roads Services will ensure that as part of follow up actions to implement the stance (e.g. laying of road markings, erection of appropriate signage etc.) officers will engage with Network Rail to ensure that it can take remedial steps to alter existing signage within Waverley Station.

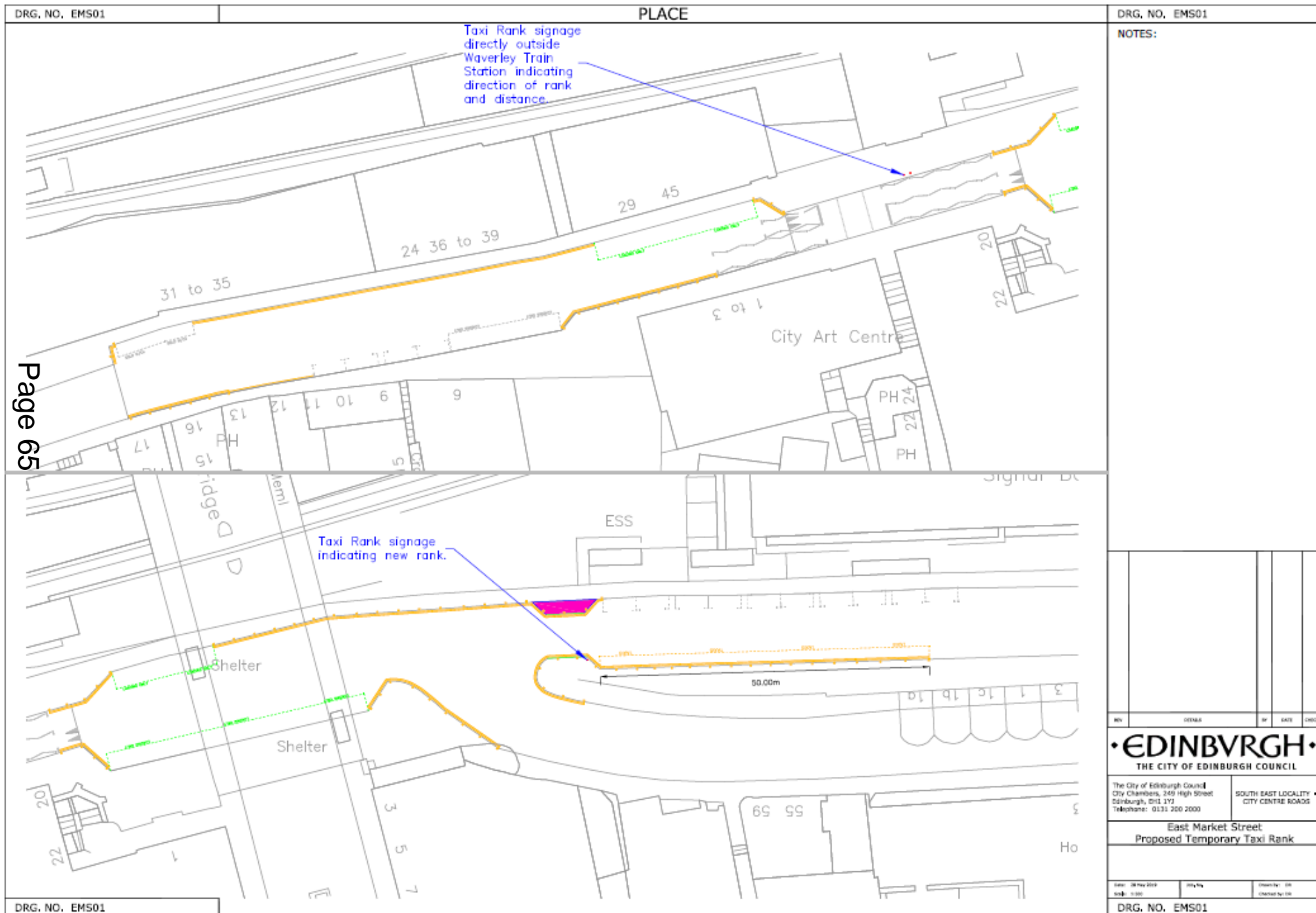
8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 – proposed plan of taxi stance at East Market Street
- 9.2 Appendix 2 – Taxi stance appointment process flowchart

Appendix 1 - proposed plan of the taxi stance at East Market Street



Appendix 2 – Stance appointment procedure

Procedure To Appoint, Vary, Revoke or Alter a Taxi Stance

