

Notice of meeting and agenda

Licensing Sub-Committee

9.30am, Friday, 29th January, 2021

Virtual Meeting - via Microsoft Teams

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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.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. Resolution to Consider in Private

- 1.1 The Sub-Committee, is requested under Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting for the following items of business on the grounds that they would involve the disclosure of exempt information as defined in Paragraphs 3, 6, 12 and 14 of Part 1 of Schedule 7A of the Act.

2. Order of Business

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

3. Declaration of Interests

- 3.1 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.

4. Exemption Requests

- 4.1 Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemptions from Policy – Report by the Regulatory Services Manager 5 - 92

Andrew Kerr

Chief Executive

Committee Members

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

Information about the Licensing Sub-Committee

The Licensing Sub-Committee consists of 9 Councillors and usually meets twice a month.

This meeting of the Licensing Sub-Committee is being held virtually by Microsoft Teams.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email: rachel.gentleman@edinburgh.gov.uk.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#).

The views expressed in any letters of representation are not necessarily the views of the City of Edinburgh Council.

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Licensing Sub-Committee of the Regulatory Committee

9.30am, Friday, 29 January 2021

Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemptions from Policy

Executive/routine

Wards

Citywide

Council Commitments

N/A

Executive Summary

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 ('PHC') fleet.

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

The Licensing Service has received several applications to vary licence conditions of Taxi or Private Hire Car Licences since this change in policy. These are referred to the committee to determine whether in each case an exemption to the policy should be made, and the relevant licence should be granted with an exemption to the relevant conditions.

Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemptions from Policy

1. Recommendations

- 1.1 After hearing from Council officers and each relevant licence holder, the Committee will be required to decide:
 - 1.1.1 whether in these cases an exemption to the policy should be made; and
 - 1.1.2 whether to refuse the variation or to vary the licences with exemption from the relevant condition of licence; and if varied
 - 1.1.3 the period that any exemptions from the policy will apply, and to note that thereafter all other conditions will take effect on the dates stated in the policy.

2. Background

- 2.1 On 16 March 2018 the Regulatory Committee decided to amend existing policy to restrict the types of vehicles which could be licensed as Taxis or Private Hire Cars (PHCs). On 7 May 2018 the committee agreed the revised conditions necessary to implement this. For the first time the policy introduced an age limitation of 10 years for vehicles, and parallel requirements for vehicle emission standards. Members are referred to Appendix 2 for full details.
- 2.2 The Regulatory Committee further noted that the Act contained provisions which allowed applicants for Taxi or PHC licences to apply for an exemption to policy. Such applications would be referred to the Licensing Sub-Committee to determine if in these cases an exemption to policy should be made. Members are reminded that the onus is on the applicant for a variation to make their case.

3. Main report

- 3.1 The Council has received a number of applications to vary the terms of Taxi or Private Hire Car conditions attached to their licences and to be exempted from the licensing conditions adopted on 7 May 2018. These applicants are not seeking to change their existing vehicles but only seek exemption from the new policy. Details of the licence holders are attached in Appendix 1 to this report. Application forms and supporting documentation are attached at Appendix 2. The licence holders have been invited to attend.

- 3.2 These applications are referred to the committee to determine whether in these cases an exemption to the policy should be made and the licences should be granted with an exemption to the relevant condition.
- 3.3 At the meeting council officers will address the Committee. The licence holder and their representative will then be provided with an opportunity to address the Committee. Members of the Committee can then ask questions of the council officers and of the licence holder.
- 3.4 The committee will be required to determine on a case by case basis whether exemptions to the policy should be made, and whether to refuse the variation or agree to vary the licences with exemption from the relevant condition of licence.
- 3.5 If the committee agrees to make an exemption to policy, it is recommended that a period is determined for which the exemption will apply, and that it is made clear to the applicant that this exemption will apply only for that period, and that all other conditions will take effect on the dates stated in the policy thereafter.
- 3.6 On 17 October 1997 the City of Edinburgh Council's Regulatory Committee adopted new procedures allowing taxi licences held in the names of individual licence holders to be replaced by a new licence in the name of a partnership or limited company including the existing licence holder. As a result, the adoption of this process has created circumstances in which members of the trade buy and sell taxi businesses and in effect taxi plates. It should be noted that, irrespective of the sale of a business, the plate remains the property of the Council and has no intrinsic value. A new owner of the business will be subject to the normal licence application process, including the vetting of suitable applicants, and the potential for the refusal of an application. Applicants may refer Members to the sale price of taxis dropping in price as a result of the policy change, but should be aware that the price is based in part on a calculated risk that the buyer will be able to secure a plate. The restriction in taxi numbers has in effect created this artificial value of the plate.

4. Measures of success

- 4.1 Not relevant, as decisions on individual licences must be considered on their own merits.

5. Financial impact

- 5.1 None, as the costs of these matters are recovered through taxi and private hire car vehicle and driver licence application fees.

6. Risk, policy, compliance and governance impact

- 6.1 The licence holder has a right of appeal against any decision made. The appeal lies to the Sheriff Court.

7. Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report, as decisions on individual licences have to be considered on their own merits.

8. Sustainability impact

- 8.1 The revised policy is intended to improve air quality and protect the environment.

9. Consultation and engagement

- 9.1 None.

10. Background reading/external references

- 10.1 [Report to Regulatory Committee 16 March 2018](#)
10.2 [Report to Regulatory Committee 7 May 2018](#)

Andrew Mitchell
Regulatory Services Manager

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11. Appendices

- 11.1 Appendix 1: List of applicants and vehicle details, application forms and supporting information
- 11.2 Appendix 2: Taxi and Private Hire Cars Age Limitation and Emission Standards Policy and conditions adopted on 16 March 2018 and 7 May 2018

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by virtue of paragraph(s) 3, 6, 12, 14 of Part 1 of Schedule 7A
of the Local Government(Scotland) Act 1973.

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