

Notice of meeting and agenda

Licensing Sub-Committee

9.30am, Tuesday 6 September 2022

Dean of Guild Court Room - City Chambers

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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

Contacts

Email: lesley.birrell@edinburgh.gov.uk / emily.traynor@edinburgh.gov.uk

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. Applications for New Taxi Licences

- | | | |
|-----|---|---------|
| 3.1 | Application for New Taxi Licence - AARC Taxi Ltd – Report by the Head of Regulatory Services | 5 - 14 |
| 3.2 | Application for New Taxi Licence - TBC2 Edinburgh Ltd – Report by the Head of Regulatory Services | 15 - 24 |

4. Resolution to Consider in Private

- 4.1 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.

5. Police Requests for Suspension or Revocation of Licences

- | | | |
|-----|---|---------|
| 5.1 | Police Request for Suspension or Revocation of Taxi Driver Licence and Objection to Change of Manager – report by the Head of Regulatory Services | 25 - 42 |
| 5.2 | Police Request for Suspension or Revocation of Private Hire Driver Licence – report by the Head of Regulatory Services | 43 - 50 |

6. Request for Suspension or Revocation of Licences

- | | | |
|-----|---|---------|
| 6.1 | Request for Suspension or Revocation of Private Hire Driver | 51 - 58 |
|-----|---|---------|

7. Civic Government (Scotland) Act 1982 - To consider miscellaneous applications

7.1	Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications – list of applications	59 - 60
7.2	Private Hire Vehicle Operator Licence (New) - Marwan Ahmed	61 - 68
7.3	Private Hire Driver Licence (New) - Amir Saleem Chaudhary	69 - 78
7.4	Private Hire Driver Licence (New) - Abd-Elrahman El-Sayed	79 - 90

Nick Smith

Service Director – Legal and Assurance

Committee Members

Councillor Joanna Mowat (Convener), Councillor Jack Caldwell, Councillor James Dalglish, Councillor Denis Dixon, Councillor Catherine Fullerton, Councillor Martha Mattos Coelho, Councillor Susan Rae, Councillor Neil Ross and Labour Group Vacancy.

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 Lesley Birrell, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel , email lesley.birrell@edinburgh.gov.uk / emily.traynor@edinburgh.gov.uk.

The above items are not for publication as they fall within the description of exempt information and, consequently, are likely to be considered in private.

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](#)..

Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 6 September 2022

Application for New Taxi Licence – AARC Taxi Ltd

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

Executive Summary

An application for a new Taxi Licence has been received from AARC Taxi Ltd.

This application pre-dates the changes to process for dealing with new taxi licences which were agreed by the Regulatory Committee on 28 February 2022.

Should the Committee decide to grant this licence, it would bring the total number of Taxi Licences in effect to 1,279.

Application for New Taxi Licence – AARC Taxi Ltd

1. Recommendations

- 1.1 After hearing from Council officers and the applicant, the Committee is asked to:
- 1.1.1 note from the previous Regulatory Committee decision on 21 March 2021 and endorsed by the Regulatory Committee on 28 February 2022 that there is presently no significant unmet demand for taxis in the city;
 - 1.1.2 note further that at said meeting on 28 February 2022 the Regulatory Committee agreed to leave unaltered the current taxi limitation number of 1,316 licences; and
 - 1.1.3 note that there are currently 1,278 taxi licences issued and in effect and agree to grant the application for a new taxi licence to AARC Taxi Ltd, noting that issue of the said licence will be subject to a compliant vehicle being presented at the Taxi Examination Centre and passed as suitable for use as a taxi by a date to be determined by the Committee if minded to grant.

2. Background

- 2.1 The Council has a policy of limiting the number of Taxi Licences issued within the city, utilising the powers available to it under Section 10 (3) of the Civic Government (Scotland) Act 1982 ('the Act'). This power can only be used if the Council is satisfied that there is no unmet 'significant demand' for taxis. The Council is required to keep this position under regular review.
- 2.2 This application is for the issue of one new Taxi Licence.
- 2.3 The Council's agreed taxi limitation policy applies, and that number remains at 1,316. There are currently 1,278 taxi licences issued and in effect.
- 2.4 The Committee should note that one further application for a taxi licence is on the agenda for this meeting, which if also granted would bring the number of licences in effect to 1,280.

3. Main report

- 3.1 The Regulatory Committee has previously resolved to limit the number of taxis at 1,316. There are currently 1,278 taxi licences issued and in effect. Members should

note that grant of this application would increase the number of licensed taxis to 1,279, and that a further application for a new taxi licence is on the agenda for this meeting.

- 3.2 On 28 February 2022 the Committee agreed to amend the procedure for dealing with applications for new taxi licences, having considered a report on the number of taxi licences in effect at that date and noting that the number of licences was below the current limit. This application was received before that date and falls to be determined using the old procedure. The principal effect of the old procedure is that the Council did not require the applicant to identify a vehicle suitable for use as a taxi and available for testing by the applicant.
- 3.3 The procedure normally adopted by the Committee was, if granting a licence, to require a suitable vehicle to be submitted for test within six weeks of grant. This has caused issues due to limited availability of suitable taxis.
- 3.4 The Committee is asked to determine whether members are prepared to grant the licence without a vehicle being identified. The Committee may wish to raise with the applicant what plans they have, and realistically whether they would be in a position to submit a vehicle for test within six weeks. Any delay beyond six weeks risks prejudicing the Council 's position as licensing authority, given the clear duty under the Act for the Council to satisfy itself that the vehicle is suitable for use as a taxi. Any licence in effect without a vehicle has implications for the licence holder, and there is a statutory duty to return the licence and plates in those circumstances.

4. Measures of success

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

5. Financial impact

- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2022. The Committee should note that the Licensing Refunds Policy will apply in this case, should the application be unsuccessful or be withdrawn.

6. Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The applicant 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.

8. Sustainability impact

8.1 Any increase in the taxi fleet by increasing the number of licences issued may have an impact on the environment within the city, potentially including levels of pollution.

9. Consultation and engagement

9.1 None

10. Background reading/external references

10.1 Report from CH2M (Regulatory Committee March 2018).

Andrew Mitchell

Head of Regulatory Services

Contact: Andrew Mitchell, Head of Regulatory Services

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11. Appendices

11.1 Appendix 1 - Application for new Taxi Licence

11.2 Appendix 2 – Certificate of Incorporation

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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Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 6 September 2022

Application for New Taxi Licence – TBC2 Edinburgh Ltd

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

Executive Summary

An application for a new Taxi Licence has been received from TBC2 Edinburgh Ltd.

This application pre-dates the changes to process for dealing with new taxi licences which were agreed by the Regulatory Committee on 28 February 2022.

Should the Committee decide to grant this licence, it would bring the total number of Taxi Licences in effect to 1,279.

Application for New Taxi Licence – TBC2 Edinburgh Ltd

1. Recommendations

- 1.1 After hearing from Council officers and the applicant, the Committee is asked to:
- 1.1.1 note from the previous Regulatory Committee decision on 21 March 2021 and endorsed by the Regulatory Committee on 28 February 2022 that there is presently no significant unmet demand for taxis in the city;
 - 1.1.2 note further that at said meeting on 28 February 2022 the Regulatory Committee agreed to leave unaltered the current taxi limitation number of 1,316 licences; and
 - 1.1.3 note that there are currently 1,278 taxi licences issued and in effect and agree to grant the application for a new taxi licence to TBC2 Edinburgh Ltd, noting that issue of the said licence will be subject to a compliant vehicle being presented at the Taxi Examination Centre and passed as suitable for use as a taxi by a date to be determined by the Committee if minded to grant.

2. Background

- 2.1 The Council has a policy of limiting the number of Taxi Licences issued within the city, utilising the powers available to it under Section 10 (3) of the Civic Government (Scotland) Act 1982 ('the Act'). This power can only be used if the Council is satisfied that there is no unmet 'significant demand' for taxis. The Council is required to keep this position under regular review.
- 2.2 This application is for the issue of one new Taxi Licence.
- 2.3 The Council's agreed taxi limitation policy applies, and that number remains at 1,316. There are currently 1,278 taxi licences issued and in effect.
- 2.4 The Committee should note that one further application for a taxi licence is on the agenda for this meeting, which if also granted would bring the number of licences in effect to 1,280.

3. Main report

- 3.1 The Regulatory Committee has previously resolved to limit the number of taxis at 1,316. There are currently 1,278 taxi licences issued and in effect. Members should note that grant of this application would increase the number of licensed taxis to 1,279, and that a further application for a new taxi licence is on the agenda for this meeting.
- 3.2 On 28 February 2022 the Committee agreed to amend the procedure for dealing with applications for new taxi licences, having considered a report on the number of taxi licences in effect at that date and noting that the number of licences was below the current limit. This application was received before that date and falls to be determined using the old procedure. The principal effect of the old procedure is that the Council did not require the applicant to identify a vehicle suitable for use as a taxi and available for testing by the applicant.
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4. Measures of success

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

5. Financial impact

- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2022. The Committee should note that the Licensing Refunds Policy will apply in this case, should the application be unsuccessful or be withdrawn.

6. Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The applicant 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.

8. Sustainability impact

8.1 Any increase in the taxi fleet by increasing the number of licences issued may have an impact on the environment within the city, potentially including levels of pollution.

9. Consultation and engagement

9.1 None

10. Background reading/external references

10.1 Report from CH2M (Regulatory Committee March 2018).

Andrew Mitchell

Head of Regulatory Services

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