

Notice of meeting and agenda

Regulatory Committee

10.00am, Monday, 6th February, 2023

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome to attend or watch the webcast live on the Council's website.

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 Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.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: rachel.gentleman@edinburgh.gov.uk / taylor.ward@edinburgh.gov.uk

Tel: 0131 529 4107

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 21 November 2022 – submitted for approval as a correct record 7 - 10

5. Rolling Actions Log

- 5.1 Rolling Actions Log 11 - 16

6. Business Bulletin

- 6.1 Regulatory Committee Business Bulletin 17 - 24

7. Executive Decisions

- 7.1 Response to Motion by Councillor Younie - Sexual Entertainment Venues – Report by the Executive Director of Place 25 - 74
- 7.2 Taxi and Private Hire Car - Training – Report by the Executive Director of Place 75 - 82
- 7.3 Taxi Fares Review 2023 – Report by the Executive Director of Place 83 - 124
- 7.4 Taxi Stance Appointment - Haymarket Station – Report by the 125 - 132

Executive Director of Place

- | | | |
|------------|--|-----------|
| 7.5 | Consultation Conclusion: Demand for Taxis within the City of Edinburgh – Report by the Executive Director of Place | 133 - 194 |
| 7.6 | Consultation Conclusion: Provision of Private Hire Cars (PHC) within the City of Edinburgh – Report by the Executive Director of Place | 195 - 236 |
| 7.7 | Houses in Multiple Occupation (HMO) - Raising Standards Motion Update – Report by the Executive Director of Place | 237 - 276 |

8. Routine Decisions

- | | | |
|------------|--|-----------|
| 8.1 | Licence Income from Fees 2019/20, 2020/21, 2021/22 – Report by the Executive Director of Place | 277 - 302 |
|------------|--|-----------|

9. Motions

- 9.1** By Councillor Neil Ross - Delay in Start Date for Short Term Lets Licensing

“Committee:

1. Welcomes the improvements to accommodation safety standards for visitors and the better control of noise and anti-social behaviour for residents which arise from the licensing of short term lets (STL) by the Council in line with residents’ feedback to STL consultations.
2. Regrets the Scottish Government’s intention to impose a six-month delay to the start date for STL licensing for existing landlords from 1st April to 1st October 2023.

Requests a report to the meeting of this committee prior to the summer recess in 2023 to consider the implications of the intended delay in the start date for the licensing of existing hosts being imposed on the Council by the Scottish Government.”

Nick Smith

Service Director, Legal and Assurance

Committee Members

Councillor Neil Ross (Convener), Councillor Jack Caldwell, Councillor James Dalgleish, Councillor Denis Dixon, Councillor Catherine Fullerton, Councillor Martha Mattos Coelho, Councillor Joanna Mowat 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.

This meeting of the Regulatory Committee is being held in the City Chambers, High Street, Edinburgh and virtually by Microsoft Teams.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Rachel Gentleman, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4107, email rachel.gentleman@edinburgh.gov.uk / taylor.ward@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 the Council's online [Committee Library](#).

Live and archived webcasts for this meeting and all main Council committees can be viewed online by going to the Council's [Webcast Portal](#).

Webcasting of Council meetings

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

The Council is a Data Controller under current Data Protection legislation. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, individuals may be filmed and images and sound recordings captured of them will be used and stored for web casting and training

purposes and for the purpose of keeping historical records and making those records available to the public.

Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services (committee.services@edinburgh.gov.uk).

This page is intentionally left blank

Minutes

Regulatory Committee

10.00am, Thursday 21 November 2022

Present

Councillors Neil Ross (Convener), Caldwell, Dalglish, Fullerton, Mattos Coelho, Mowat and Rae.

1. Minutes

Decision

To approve the minute of the Regulatory Committee of 29 September 2022 as a correct record.

2. Rolling Actions Log

The Rolling Actions Log for November 2022 was presented.

Decision

- 1) To agree to close the following actions:
 - Action 1 – Private Hire Car Overprovision
 - Action 3 – House in Multiple Occupation – Service Update

- 2) To note the remaining outstanding actions.

(Reference – Rolling Actions Log, submitted.)

3. Regulatory Committee Business Bulletin

The Regulatory Committee Business Bulletin updated for November 2022 was presented.

Decision

To note the Business Bulletin.

(Reference – Business Bulletin, submitted.)

4. Assessment of Overprovision of Private Hire Cars within the City of Edinburgh

a) Deputation – Edinburgh City Private Hire and Sevens Cars

The deputation addressed Committee to reflect on points within the report, and made suggestions for future reports and the recommendations for the ongoing survey by Jacobs.

The deputation also advised that when looking at data from the pre-booked hire sector, data must be obtained from all pre-booked hire operators, regardless of licensed vehicle types. The deputation also advised that more relevant factors could be obtained from Booking Office Licence Holder's data, and this could be beneficial in determining increases or decreases overall and therefore could help determine supply and demand. The deputation advised Committee that in respect of cost effectiveness, they felt that there were so many similarities between the pre-booked status of both sectors that one report covering both sectors of the trade would be more beneficial, and that a further report be brought to Committee in 3 years time rather than in 12 months time.

b) Report by the Executive Director of Place

At its meeting on 8 March 2021, the Regulatory Committee's Business Bulletin updated Committee that consultants had been appointed to review the provision of Private Hire Cars ('PHCs') within the city, and to identify the impact of recent policy changes on the licensed fleet as a whole.

A report was presented to Committee which summarised the findings of an assessment on Private Hire Car Overprovision. The report also included a report by Jacobs.

Decision

- 1) To note the survey results and the Jacobs report in Appendix 1 of the report.
- 2) To note that licensed hire trade had been subject to unprecedented challenges since Committee decided to assess whether there was overprovision in the Private Hire Car market.
- 3) To note the Jacobs conclusion that there was lack of evidence of overprovision of Private Hire Cars and their recommendation that this was reviewed in 12 months.
- 4) To agree to circulate the Jacobs report to stakeholders and invite feedback on the survey and its recommendations.
- 5) To agree to receive a further report after that engagement had completed.

(References – Regulatory Committee 8 March 2021 (item 3); Report by the Executive Director of Place, submitted)

5. Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Update

a) Deputation – Nisbets Solicitors Limited

The deputation advised that he felt that well maintained and mechanically sound vehicles should still be able to operate even with the age and emissions zone coming into effect. The deputation argued that the harm being done by the age condition vastly outweighed what good one could discern from the limited data and explanation would. He argued that there was a major problem with the supply of appropriate and affordable wheelchair accessible vehicles in the City, and the age condition was exacerbating this. The deputation advised Committee

that the removal of the age condition would serve to give the trade the options for compliance which were not presently available.

b) Report by the Executive Director of Place

An update was provided on the implementation of the Age and Emissions Policy.

Decision

- 1) To note the report.
- 2) To circulate a briefing note containing information on whether retrofits to Euro 5 vehicles allowed entry into the Low Emission Zone, and the age limitations of vehicles in other local authorities in Scotland, to members.
- 3) To provide information to a future Regulatory Committee on routes available to approve vehicles for admission into the Low Emission Zone.
- 4) To request officers review whether changes may be required in the wording of taxi conditions, and elsewhere, to accommodate the conversion of the engines of taxi and Private Hire Car's to electric.

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

6. Survey of Demand for Taxis within the City of Edinburgh

Council policy limited the number of taxi licences issued within the city, using the powers available to it under Section 10(3) of the Civic Government (Scotland) Act 1982. This power could only be used if the Council was satisfied that there was no 'significant demand' for taxis which was unmet. The Council was required to keep this position under regular review.

At its meeting on 8 March 2021, the Regulatory Committee's Business Bulletin informed the Committee that consultants had been appointed to review the provision of taxis within the city, and specifically to identify whether there was any 'significant unmet demand' for taxis. The last major survey of this type took place in 2017.

Demand had been regularly reviewed since that date, with the results of interim surveys being reported to the Regulatory Committee on 8 March 2021, 'Demand for Taxis: Six Monthly Update'. However, during lockdown this work had ceased other than retrospective reporting.

Decision

- 1) To note that licensed hire trade had been subject to unprecedented challenges since the Committee last assessed whether there was significant unmet demand.
- 2) To note the survey results and the Jacobs report.
- 3) To note Jacob's conclusion that no significant unmet demand exists.
- 4) To agree to circulate the Jacobs report to stakeholders and invite feedback on the survey and its recommendations.
- 5) To agree to receive a further report after that engagement had completed.

(References – Regulatory Committee 8 March 2021 (item 3); Report by the Executive Director of Place, submitted)

7. Motion by Councillor McFarlane – Prevention of Drug Deaths

On 30 June 2022, the City of Edinburgh Council approved a motion by Councillor McFarlane on the Prevention of Drug Deaths, which included an action to “request a report in two cycles to the Regulatory Committee to explore opportunities within licensing provision to increase requirements for training in administering Naloxone for licensed premises, door staff and personal licence holders”.

A report was presented summarising the work carried out to date in this respect.

Decision

- 1) To note that the report was in response to the motion from Councillor McFarlane at Full Council on 30 June 2022 on Prevention of Drug Deaths.
- 2) To note that the Licensing Standards team would continue to liaise with Edinburgh Alcohol and Drugs Partnership (EADP) and the NHS Harm Reduction Team to explore options for a pilot scheme with respect to the provision of Naloxone within liquor licensed premises
- 3) To refer the report to the Licensing Board for the Board’s information.
- 4) To discharge the outstanding remit relating to the Regulatory Committee.

(References – Act of Council 2 of 30 June 2022; report by the Executive Director of Place, submitted.)

Rolling Actions Log

Regulatory Committee

6 February 2023

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	18.01.21	Licensing Policy Development – Street Trading Update	To agree that the Convener would write to the Executive Director of Place to request a short-term plan which would consider opportunities for street trading, including the use of vacant properties, and to consider a longer term plan to facilitate street trading.	Convener/ Executive Director of Place	April 2023		A further report will be brought forward in April 2023.
2	27.06.2022	Licensing Service Update and Draft Regulatory Committee Work Programme	<ol style="list-style-type: none"> 1) That the following items would be added to the Committee’s workplan: <ol style="list-style-type: none"> a) to conduct a review of the Council’s policy on parades and processions; b) to review the operation of the Scheme of Delegation 	Executive Director of Place	June 2023		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			as it applies to licensing matters.				
			2) That the Executive Director of Place will report back to Committee in one year with an update on progress.	Executive Director of Place	June 2023		
			3) To include details of the backlogs in application processing across the main licensing categories at each meeting of the Committee via the Business Bulletin.	Executive Director of Place	Ongoing		Recommended for closure Now included in business bulletin
3	21.11.2022	Assessment of Overprovision of Private Hire Cars within the City of Edinburgh	1) To agree to circulate the Jacobs report to stakeholders and invite feedback on the survey and its recommendations.	Executive Director of Place	February 2023		Recommended for closure Committee agreed a further round of consultation with stakeholders and follow up report submitted to

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
							complete this piece of work.
			2) To agree to receive a further report after that engagement had completed.	Executive Director of Place	February 2023		Recommended for closure Report on agenda.
4	21.11.2022	Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Update	1) To circulate a briefing note containing information on whether retrofits to Euro 5 vehicles allowed entry into the Low Emission Zone, and the age limitations of vehicles in other local authorities in Scotland, to members.	Executive Director of Place	February 2023		
			2) To provide information to a future Regulatory Committee meeting on routes available to approve vehicles for admission into the Low Emission Zone.	Executive Director of Place	April 2023		A partial update is provided in the business bulletin and further information will be provided when received.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			3) To request officers review whether changes may be required in the wording of taxi conditions, and elsewhere, to accommodate the conversion of the engines of taxi and Private Hire Cars to electric.	Executive Director of Place	April 2023		
5	21.11.2022	Survey of Demand for Taxis within the City of Edinburgh	1) To agree to circulate the Jacobs report to stakeholders and invite feedback on the survey and its recommendations.	Executive Director of Place	February 2023		Recommended for closure Committee agreed a further round of consultation with stakeholders and follow up report submitted to complete this piece of work.
			2) To agree to receive a further report after that engagement had completed.	Executive Director of Place	February 2023		Recommended for closure Report on agenda

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
6	27.10.22	Response to Motion by Councillor Younie - Sexual Entertainment Venues	That a report shall be presented to the Regulatory Committee within 2 cycles.	Executive Director of Place	February 2023		Recommended for closure Report on agenda.

This page is intentionally left blank

Business Bulletin


Regulatory Committee

10.00, Monday, 6 February 2023

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



Regulatory Committee

Convener:	Members:	Contact:
<p data-bbox="156 342 448 421">Convener Councillor Neil Ross</p> 	<p data-bbox="635 342 1062 674">Councillor Jack Caldwell Councillor James Dalgleish Councillor Denis Dixon Councillor Martha Mattos-Coelho Councillor Joanna Mowat Councillor Susan Rae Councillor Catherine Fullerton</p>	<p data-bbox="1145 342 1441 421">Matthew Brass Committee Services</p>

Recent News	Background	Contact
<p>Licensing Forum</p> <p>The Forum met on 2 December 2022. A Convener and Vice Convener were elected and the Forum heard from the Vice Convener of the Licensing Board about the current policy consultation.</p> <p>The Forum has submitted an initial response to the Board's current policy consultation.</p> <p>Interviews for two further trade members were held in January and the successful candidates have now been appointed to the Forum.</p>	<p>Licensing (Scotland) Act 2005 requires a local Licensing Authority to establish a Licensing Forum.</p>	<p>Isla Burton Trading Standards Officer 0131 529 4208</p>
<p>Licensing workload</p> <p><u>Current position</u></p> <p>Work continues to reduce the backlog and good progress is being made. The backlog is any application waiting longer than 12 weeks to determine. As at 14 January 2023 there were 6,025 applications in the system, of which 2,370 are within the backlog. This compares to the peak of applications within the licensing system of approximately 16,000.</p> <p>It is still anticipated that it will take until 1 April 2023 to resolve the backlog.</p> <p><u>Current Workload</u></p> <p>In addition to the temporary, annual and longer-term licensing applications workload, the service continues to be involved in:</p>	<p>The Committee has asked for ongoing updates on this topic.</p>	<p>Andrew Mitchell Head of Regulatory Services 0131 529 4208</p>

<ul style="list-style-type: none"> Homes for Ukraine and Super Sponsor projects -approximately 200 new applications are being reviewed. 		
<p>Taxi Examination Centre (TEC)</p> <p>The TEC is now conducting compliance testing using only two ramps (where five were previously available) due to the deterioration of the roof in one of the garages. The team is still located at Murrayburn Depot. Due to the reduction of available ramps the vehicle testing schedule is extremely tight, with limited flexibility. However, all required tests are still being provided.</p> <p>Design plans are now being finalised for the new accommodation at South Gyle Crescent. Planning permission has been obtained and the Building Warrant has been applied for. TEC expects to operate from the current Murrayburn location for the next 12 months.</p> <p>All staff working on Taxi and Private Hire Licensing are now located at Murrayburn Depot each working day, which is proving beneficial due to the integration of all staff and processes.</p>	<p>The testing of taxis and PHCs is carried out at the TEC.</p> <p>It is an approved MOT testing station, authorised and governed by the Driver and Vehicle Standards agency (DVSA). All licensed vehicles (irrespective of age) are tested to MOT standards.</p> <p>This includes emissions testing where applicable, and a full compliance check with City of Edinburgh Council's Taxi and Private Hire licensing conditions.</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>
<p>Civic licensing summit</p> <p>This event (organised and hosted by Glasgow City Council) took place on 2 December 2022 and was attended by Councillors Mowat and Ross and the Head of Regulatory Services.</p> <p>Topics included:</p> <ul style="list-style-type: none"> Short Term Lets Sexual Entertainment Venues Best Practice Guidance – Taxis and PHCs 		<p>Andrew Mitchell Head of Regulatory Services 0131 529 4208</p>

<ul style="list-style-type: none"> • Low Emission Zones/Taxi Retrofit Solutions • Civic Licensing/COVID Recovery 		
<p>Short term lets</p> <p>The date by which existing short term let hosts must apply for a short-term let licence may be delayed by six months, meaning that it will be introduced in October 2023 rather than April 2023.</p> <p>On 7 December 2022, the Cabinet Secretary for Social Justice, Housing and Local Government wrote to interested parties to advise that the Scottish Government intends to lay an order in January 2023 that will delay the April 2023 date. This will not amend the timescales that local authorities have to determine licence applications from existing hosts, which will remain at 12 months. The Local Government Housing Planning Committee asked local authorities for their views on the proposed change to the legislation, and the Council's response can be found at the bottom of the business bulletin.</p>	<p>The Council has previously expressed strong concerns about the impact of the short term letting industry on the city called for additional regulation of the sector. On 1 October 2022 the licensing scheme for short term lets opened in Edinburgh. The Regulatory Committee approved a Short Term Lets Licensing Policy on 29 September 2022</p>	<p>Andrew Mitchell Head of Regulatory Services 0131 529 4208</p>
<p>Changes to application process for certain licence types</p> <p>The government has published an update to say the change reported to a previous meeting of the Committee will not now take effect until October 2023. This will allow the legislative process to be completed in Parliament within the revised timetable and will give licensing bodies and licence applicants additional time to prepare for the change.</p> <p>More information can be found here</p>	<p>The Finance Act 2021 introduced a tax check for similar licences in England and Wales effective from April 2022, and the draft Finance Bill 2022 will amend the 2021 Act and will introduce new clauses specific to Scotland.</p>	<p>Andrew Mitchell Head of Regulatory Services 0131 469 5822</p>

(paragraph 5.43).		
<p>Taxi Stances</p> <p>In December 2022 Council officers carried out a review of the location and condition of all taxi ranks in the City. This information has now been plotted on an interactive map, which will be published on the Council’s website following this meeting of the Regulatory Committee.</p> <p>A further report on a review is not expected to be submitted until summer 2023.</p>	<p>The City of Edinburgh Council, as Licensing Authority, is required to appoint taxi stances in line with the provisions of Section 19 (1) of the Civic Government (Scotland) Act 1982.</p>	<p>Andrew Mitchell</p> <p>Head of Regulatory Services</p> <p>0131 529 4208</p>
<p>Licensed Vehicles and the LEZ</p> <p>As requested by committee the Directorate have made enquires with colleagues leading the LEZ project and in turn Transport Scotland who advise:</p> <p>In order to be entered on to the relevant database as complaint operators will require to show the retrofitting has been approved certified CVRAS retrofit – see here Clean Vehicle Retrofit Accreditation Scheme - Energy Saving Trust.</p> <p>In those circumstances the Council will not require to maintain or operate a separate list of vehicle which would compliant with the requirements of the LEZ.</p> <p>There remain work to be done to clarify status of other vehicle which have been retrofitted or where ownership of the vehicle has changes. The Directorate will</p>	<p>The Council has approved a Low Emission Zone and enforcement of the zone will commence on 1 June 2024.</p> <p>Edinburgh LEZ Webpage</p>	<p>Andrew Mitchell</p> <p>Head of Regulatory Services</p> <p>0131 529 4208</p>

continue to liaise with colleagues and keep members updated.		
--	--	--

Local Government, Housing and Planning Committee – STL Deadline Extension Response

Comments on proposed delay

The City of Edinburgh Council ('the Council') opposes the proposed delay to the requirement for existing short-term lets ('STL') hosts to have licence. As has previously been reported, the complaints that the Council has received regarding STL cover a number of broad types, including:

- Properties which are used as STL may not meet the same safety standards as other types of visitor accommodation;
- Noise and anti-social behaviour created by guests using STL;
- Erosion of sense of community in areas with dense concentrations of STL;
- Impact on available housing supply within the city; and
- STL is generally not suitable for tenemental properties;

Any delay to the STL licensing scheme taking full effect will negatively affect the Council's ability to address the concerns noted above.

Comments on how the process is working to date

Since the STL licensing scheme took effect on 1 October 2022, the Council has received approximately 40 applications. The Council continues to receive a significant number of enquiries from existing hosts who have not yet made an application, prospective applicants and residents. It is anticipated that the majority of applications will be received later in 2023 as the deadline for existing hosts to make an application approaches.

Comments on whether the delay will allow the necessary time to process applications for existing hosts

As noted above, it is anticipated that the majority of applicants will lodge their applications closer to the deadline set by legislation, whether this deadline remains at 1 April 2023 or moves to 1 October 2023. The proposed delay will simply mean that the bulk of applications are received immediately before the deadline date and will therefore have minimal impact on the Council's ability to process applications for existing hosts.

Comments on whether applications are being prioritised in any way and if so, how?

The Council typically processes STL applications in the order in which they are received. Where an application is received for a new host, as opposed to an existing host, those applications will be prioritised to ensure that there are no unnecessary delays which would prevent a new host from trading, should their application be granted.

Comments on the administrative requirements being placed on hosts and potential hosts

The Council's STL application pack can be found [here](#). The pack sets out the information and documentation required in order to submit an application. The Council's STL licence application fee structure can be found [here](#).

Regulatory Committee

10.00am, Monday, 6 February 2023

Response to Motion by Councillor Younie - Sexual Entertainment Venues (SEVs)

Executive/routine	
Wards	All
Council Commitments	

1. Recommendations

- 1.1 Committee is asked to:
 - 1.1.1 Note the advice provided in this report;
 - 1.1.2 Agree to take no further action until the outcome to the Judicial Review is known; and
 - 1.1.3 Discharge the motion from the Council meeting on 27 October 2022 (Appendix 3).

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Response to Motion by Councillor Younie - Sexual Entertainment Venues (SEVs)

2. Executive Summary

- 2.1 On [27 October 2022](#) the Council approved an adjusted motion (Item 10.3) by Councillor Lewis Younie on Sexual Entertainment Venues (SEVs). This report sets out the information available on the issues raised within the motion, including the risk of Sexual Entertainment being driven underground in the event that the four existing SEVs premises close. The report acknowledges that members debated the merits of the 'nil cap' at their meeting on 31 March 2022.
- 2.2 The report also sets out clear advice about the necessary steps in the event that the Committee decides to review the numbers limitation or any other aspect of the policy.

3. Background

- 3.1 Section 76 of the [Air Weapons and Licesning \(Scotland\) Act 2015](#) ('the 2015 Act') adds new sections (45A to 45C) to the [Civic \(Scotland\) Act 1982](#) ("the 1982 Act").
- 3.2 The Council resolved to license SEVs in terms of section 45B and Schedule 2 of the 1982 Act on 31 March 2022. Where a local authority resolves to license SEVs, the provisions at section 45A of the 1982 Act require a SEV licence for premises where the sexual entertainment is operated live, is for the direct or indirect financial benefit of the organiser and is for the sole or principal purpose of sexual stimulation of members of the audience. A previous [report](#) fully sets out the background to adoption of the statutory licensing scheme by the Council.
- 3.3 On [31 March 2022](#), Committee also agreed to cap the number of SEVs in its area to zero. Operators would still be able to apply for a licence, with the nil cap being a rebuttable presumption. At the time of making its decision, members of the Committee had before them strong views for and against the setting of the appropriate limit for SEVs at nil. In particular, the risk that setting the cap at nil would drive activity into unregulated spaces which are less safe was clearly articulated by a number of respondents to the consultation. Similar concerns were expressed by deputations. Committee also heard the contrary view that a nil cap should be adopted as the existence of SEVs contributes to wider gender based

violence. Committee weighed up these competing views and the other information it was provided when reaching its decision.

- 3.4 On 1 and 2 December 2022 a Judicial Review took place with respect to the decision to adopt a 'nil cap'. At the time of writing, a decision of the court is awaited.
- 3.5 On 27 October 2022, an adjusted motion by Councillor Younie was approved by Council. Details of the approved motion are attached in Appendix 3.

4. Main report

- 4.1 This report is in response to the motion which raised the concern that if the 'nil cap', as agreed by Committee, results in the closure of the four existing premises offering sexual entertainment then this would mean that performers would be forced to work in unregulated private spaces thereby placing performers at risk. As set out above, Committee had been made aware of this risk and the contrary view when reaching its original decision.
- 4.2 The Council's current position is that any venue currently operating will be required to apply for a SEV licence by 31 March 2023, and can continue to trade until the licence application is determined. Furthermore, a licence may be granted notwithstanding the 'nil cap' (as noted at 3.3 above). However, this is one of the issues that is being tested in the Judicial Review and therefore, at this stage, it is not clear what the situation will be at 1 April 2023.
- 4.3 The legislation specifically exempts any venue providing Sexual Entertainment on four or fewer occasions in any 12 months from the requirement to obtain a licence. Therefore, if sexual entertainment was provided as a one-off in a person's home or in holiday accommodation, this would not be regulated and neither the Council or Police would have statutory powers to enter these premises to regulate the activity.
- 4.4 In preparing this report, Regulatory Services undertook several actions. Firstly, officers approached Police Scotland for advice on any risks to public safety arising out of the assumption that the activity might be driven 'underground', and specifically whether they had any advice to offer in terms of actions which could mitigate any such risk. A response was received, and is included for members' consideration at Appendix 5.
- 4.5 Advice has also been sought from the Council's Chief Social Work Officer, whose teams have a role safeguarding and providing support to vulnerable adults. The response is attached at Appendix 6.
- 4.6 No complaints have been received about this particular issue by teams such as Family and Household Support, Licensing Standards or other Regulatory Services teams. This does not mean there is no risk but highlights that the most likely route for any specific concern to be raised is with the Police rather than the Council. Where any concerns emerge, it would be standard practice for the Council to liaise with officers from Police Scotland on how best to respond. Where required, multi-

agency structures could be utilised to deal with any concerning trend, including a Community Improvement Partnership, of which the Community Safety Partnership would have oversight.

- 4.7 The Council has given a commitment to explore what support can be given to individual performers. While this is being taken forward, the provision of such support is out with the remit of the Regulatory Committee.

Amending existing policy or revising the numbers limitation

- 4.8 During discussion of the motion at the Council meeting a range of views were expressed, including that the decision on the 'nil cap' should be revisited by the Regulatory Committee. Whilst the agreed motion did not expressly request this, it is acknowledged that it is a possibility and therefore it is essential that Committee is given advice on this. This point is not intended to suggest that Committee should or should not take this course, but it is important that if Committee decides to review any aspect of the policy, it does so within the framework of the legislation and guidance.
- 4.9 If Committee were minded to revisit any aspect of the SEV policy (including the 'nil cap') it must follow the steps set out in the relevant sections of the Act and the non-statutory guidance. It would therefore be necessary to engage in a further full consultation process with the groups listed in the existing policy as relevant stakeholders, i.e. the public, performers and any business directly concerned. Good practice would be to give consultees the opportunity to comment on any other aspect of the policy at the same time and, as set out in the Council's Consultation Policy, the consultation would last 12 weeks.
- 4.10 Whilst existing policy was arrived at after extensive consultation responses, using the previous consultation responses as a basis for amending the policy would not comply with the legislation or the guidance because a) they are more than 12 months old; and b) relevant stakeholders have not been given a fresh opportunity to respond to any change that may be made. Committee is advised that any decision to amend the policy without fresh consultation would risk further legal challenge.
- 4.11 Notwithstanding the merits or otherwise of further consultation and debate, it is considered prudent that any further steps and/or actions are delayed until a decision has been made on the ongoing Judicial Review, as that outcome could impact the advice given at this time.

5. Next Steps

- 5.1 It is recommended that Committee notes this report and determines what, if any, further action it wishes to be progressed.

6. Financial impact

- 6.1 There are no direct financial implications arising from the recommendations of this report.

7. Stakeholder/Community Impact

- 7.1 It is recognised that concerns have been raised previously that SEV activity may be commercial sexual exploitation, encourages unhealthy attitudes towards women, and therefore damages society.
- 7.2 The Scottish Government stated during the passage of the 2015 Act that it acknowledges, through the introduction of this legislation, the freedom of adults to engage in legal activities and employment. Nevertheless, it continues to promote gender equality and actions that tackle outdated attitudes that denigrate or objectify groups or individuals, through all relevant means.
- 7.3 A methodical and robust approach to obtaining evidence and information on the subject was carried out in order to obtain relevant evidence from stakeholders and to minimise the risk of legal challenge to any policy or Committee decision. Evidence sessions were webcast in order to aid transparency and to provide a record of the evidence received.
- 7.4 All premises which could be affected by a SEV policy were written to and advised of the consultation. The Committee consulted with the trade and other interested parties throughout this process to ensure that all views are taken into account when forming a draft policy statement and licensing conditions framework.
- 7.5 Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls was first published in 2014 and was last updated in 2018. It sets out a definition of violence against women and girls, which includes 'commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography, and human trafficking'. Whilst recognising the conflict between this definition and the licensing of sexual entertainment venues, the Scottish Government intends that it will help to ensure that such activities take place in safe and regulated environments.
- 7.6 A full [Equalities Impact Assessment](#) was previously completed as part of the statutory consultation process and published.

8. Background reading/external references

- 8.1 Air Weapons and Licensing (Scotland) Act 2015 – Sexual Entertainment Venues – Proposed Resolution, Policy and Conditions – Update report to committee dated [31 March 2022](#).
- 8.2 [Webcast](#) of committee from 31 March 2022.

9. Appendices

- 9.1 Appendix 1 – SEV Resolution
- 9.2 Appendix 2 - SEV Licensing Policy
- 9.3 Appendix 3 – Motion to Council – 27 October 2022 (item 10.3)
- 9.4 Appendix 4 – Scottish Government guidance
- 9.5 Appendix 5 – Email from Police Scotland dated 27 December 2022
- 9.6 Appendix 6 – Advice from the Chief Social Worker

Appendix 1

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

CITY OF EDINBURGH SEXUAL ENTERTAINMENT VENUES RESOLUTION Number 1 of 2022

The City of Edinburgh Council, in exercise of its powers in terms of 45A-45C of the Act, hereby makes the following resolution:

- (1) Schedule 2 of the 1982 Act shall have effect throughout the Council’s area in relation to the licensing of Sexual Entertainment Venues.
- (2) Subject to the terms of the Act, a Sexual Entertainment Venue licence shall be required for the use of the premises as places of Sexual Entertainment as from **1 April 2023**
- (3) The premises in the Council’s area which require to be licensed under the Resolution include those which provide the following, as they are commonly known:

- (a) Lap dancing
- (b) Pole dancing
- (c) Table dancing
- (d) Strip shows
- (e) Peep shows
- (f) Live sex shows

The list of examples above is not intended to be exhaustive and should only be treated as indicative. The decision to licence premises as SEVs shall depend on the content of the relevant entertainment, rather than the name given to it.

In terms of the Act ‘Sexual entertainment’ means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Sexual Entertainment Venue Licensing Policy

Introduction

- 1.1 The City of Edinburgh Council (“the Council”) is able to regulate sexual entertainment venues through the Civic Government (Scotland) Act 1982 (the 1982 Act).
- 1.2 Section 76 of the Air Weapons and Licensing (Scotland) Act 2015 (the 2015 Act) added new sections 45A to 45C to the 1982 Act in order to introduce a discretionary licensing regime for sexual entertainment venues (SEVs). Section 76 also amends section 41 of the 1982 Act to specifically exclude sexual entertainment venues from the definition of places of public entertainment to ensure that a public entertainment licence cannot also be required for those venues.
- 1.3 The Council’s Regulatory Committee agreed on 31 March 2022 to make a resolution under section 45B(1) of the 1982 Act to introduce a licensing scheme for SEVs with effect from [Date to be added after committee decision] Consequently, this SEV policy applies to the whole of Edinburgh.
- 1.4 The making of the resolution under section 45B(1) of the 1982 Act allows the Council to prescribe standard conditions and fees for the grant, variation, renewal and transfer of SEV licences and to determine the appropriate number of premises to be licensed as SEVs within the city or any identified locality of the city and the appropriate number may be set at zero.
- 1.5 The Council must prepare a statement of its policy with respect to the exercise of its functions in relation to the licensing of SEVs. The policy will have regard as to how it will affect the statutory licensing objectives of:
 - 1.5.1 Preventing public nuisance, crime and disorder
 - 1.5.2 Securing public safety
 - 1.5.3 Protecting children and young people from harm
 - 1.5.4 Reducing violence against women
- 1.6 The policy will also provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing Sub-Committee when determining an application. This policy will be reviewed regularly and revised when necessary.

- 1.7 The key aims of civic licensing are the preservation of public safety and order and the prevention of crime. A specific SEVs licensing regime allows the Council to consider local circumstances in setting the number of venues able to operate within their areas and to exercise appropriate control and regulation of those venues.

Definitions

- 2.1 A SEV is defined in the 1982 Act as any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser.
- 2.2 For the purposes of that definition, “sexual entertainment” means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). An audience can consist of just one person.
- 2.3 This definition would apply to the following forms of entertainment as they are commonly known:
- 2.3.1 Lap dancing
 - 2.3.2 Pole dancing
 - 2.3.3 Table dancing
 - 2.3.4 Strip shows
 - 2.3.5 Peep shows
 - 2.3.6 Live sex shows
- 2.4 This list above is not intended to be exhaustive and should only be treated as indicative. The decision to licence premises as SEVs shall depend on the content of the relevant entertainment rather than the name given to it.
- 2.5 Premises at which sexual entertainment is provided on a particular occasion will not require to obtain a SEVs licence if the sexual entertainment has not been provided on more than 3 occasions within a 12-month period.

Locality

- 3.1 The Council considers that the character of the relevant locality, the use to which premises in the vicinity are put, and the layout, character or condition of the venue in respect of which the application is made, are relevant considerations when determining the grant of a SEV licence.

3.2 With reference to paragraph 9(7) of Schedule 2 of the 1982 Act, “relevant locality” means:

- a. In relation to the premises, the locality where they are situated;
- b. In relation to a vehicle, vessel or stall, any locality where it is desired to use it as a SEV.

Character & Vicinity of Relevant Locality

3.3 In considering whether the grant, renewal or variation of the licence would be inappropriate given the vicinity in which the SEV premises operates, the Committee shall consider the existing character and function of the area. Having regard to Scottish Government guidance, due consideration will be given to the following:

- a. Whether the premises are situated in a residential area
- b. Whether there are any schools and other places of education near the vicinity of the premises
- c. Whether there are any places of worship in that vicinity
- d. Whether there are other relevant businesses or charities operating in the area e.g. homelessness shelters, women’s refuges, supported accommodation, recovery units
- e. Whether there are certain landmarks or facilities in the vicinity (e.g. historic buildings, sports facilities, cultural facilities, family leisure facilities, play areas or parks, youth facilities, retail shopping areas, and places used for celebration of commemoration
- f. Whether there have been incidents involving anti-social behaviour, sexual assaults or more minor harassment reported in that area and/or in connection with the premises
- g. Whether there have been incidents of human trafficking or exploitation in that area and/or in connection with the premises

3.4 The Council will consider relevant locality on a case by case basis, taking into account the particular circumstances of each application.

Appropriate Number of SEVs in a Relevant Locality

- 3.5 As set out within paragraph 9(5)(c) of Schedule 2 of the 1982 Act, the Council may refuse an application for a SEV if it is satisfied that the number of SEVs in the local authority area or relevant locality at the time the particular application is made is equal to or exceeds the number which the local authority consider is appropriate for the local authority area or locality. The Council is able to determine that the appropriate number for the local authority area or locality is nil.
- 3.6 The Council must determine the appropriate number of SEVs which it considers appropriate in any area within the Council's control. Having done so, each application will be considered on its own individual merits at the time the application is submitted to the Council.
- 3.7 The Council considers the appropriate maximum limit on the number of SEVs within the City of Edinburgh is [To be updated after Committee decision]. The Council considers that the city centre ward 11 (as shown Appendix 1) is the only area of the city where it is appropriate to have SEVs located. No separate localities have been identified. It is considered that no other Council wards are appropriate to have any SEVs operating within them given the predominantly residential nature and character of those wards.
- 3.8 Notwithstanding the terms of paragraph 3.7 above, the Council does not consider any commercial or industrial areas in the city appropriate locations for SEVs. At the time of passing the resolution there were no SEVs operating in these areas. Further it is possible that the classification of such areas can change through regeneration or development to become residential in character. Finally, these areas are not considered suitable as they can be isolated or quiet after normal business hours and these would not be appropriate locations having regard to the safety of performers.

Suitability of Premises

- 3.9 Under the 1982 Act the Council has the discretion to refuse applications relating to SEVs if it is considered that the grant or renewal of the licence would be unsuitable, having regard to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 3.10 It is expected that when an application for a SEV licence is made, that the applicant will be able to demonstrate that the layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises.

SEV Application Process

- 4.1 The 1982 Act allows the Council to issue a licence for a maximum period of one year. A licence can also be issued for a shorter period, if it is deemed appropriate.
- 4.2 An application for the grant, variation, renewal or transfer of a licence must be made in writing to the Council together with the appropriate fee, layout plan as well as complying with the following requirements:
- a. Within seven days of the application being lodged with the Council, the applicant must publish an advertisement of the application in a local newspaper within Edinburgh. A suggested form of advertisement is available from the Licensing Service website. A copy of the newspaper in which the advertisement appears must be lodged with the Licensing Service within 3 days of the publication.
 - b. The applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days from the date the application is lodged with the Council. A copy of a display notice can be downloaded from the Licensing Service website. As soon as possible after the expiry of the period of 21 days, the applicant shall submit to the Council a certificate (available online) which states that a notice was duly exhibited for the required period.
 - c. Applicants will be required to provide pictures or sketches of the exterior design of the premises for consideration, in order to ensure that it complies with the standard conditions of licence.
 - d. Application packs must include a copy of the premises 'house rules' for performers and proposed code of conduct of patrons.
- 4.3 Applicants should note that the application fee is non-refundable in the event of the licence being refused or the application being withdrawn prior to determination. To view the Council's policy on refunds, click [here](#).
- 4.4 The following list organisations will receive a copy of an application upon its submission to the Council
- a. Edinburgh Rape Crisis Centre
 - b. Edinburgh Women's Aid
 - c. Equally Safe (Edinburgh) Committee
 - d. Rape Crisis Scotland

- e. Scottish Women's Aid
- f. Zero Tolerance
- g. Any community council within or neighbouring the locality in which the premises is situated

Making an Objection

- 4.5 It is possible to lodge an objection against the grant of an application for a SEV licence. Objections must be made in writing (emails are accepted) and sent to the Licensing Service (licensing@edinburgh.gov.uk) within 28 days of the application being advertised. If an objection is lodged out with this period, it must explain why it has been lodged late. It would then be a matter for the Licensing Sub-Committee to consider if it is satisfied that there is sufficient reason why it was not made in the time required.
- 4.6 To be considered as competent, objections should include the following information:
- a. The name and address of the person or organisation making the objection
 - b. The premises to which the objection relates
 - c. The objection must be signed by the objector, or on their behalf
- 4.7 Objections to a SEV application will be considered by the Licensing Sub-Committee when determining the application. A copy of the general terms of the objection will be sent to the applicant, however certain contact details such as telephone numbers, email addresses and signatures will be removed. The name and address of any objector will not be provided to the applicant without the objector's consent.

Determining an Application

- 4.8 Every application for a SEV licence will be considered and determined at a meeting of the Licensing Sub-Committee. As stated above, if any objections are received in relation to an application, they will also be considered at the Committee meeting.
- 4.9 Objectors will be given the opportunity to speak to their written objection at a meeting of the Committee. Similarly, applicants will be given the opportunity to speak to their application and address any questions that the Committee may have.
- 4.10 Under the terms of the 1982 Act, there are mandatory and discretionary

grounds for refusal of a SEV licence. The specific mandatory grounds for refusal are set out in section 9(3) of Schedule 2 of the 1982 Act, which states

“A licence under this Schedule shall not be granted -

- a) To a person under the age of 18;
- b) To a person who is for the time being disqualified under paragraph 13(10) or 19(5) below;
- c) To a person other than a natural person if any director of it or partner in it or any other person responsible for its management is disqualified under paragraph 13(10) or 19(5) below;
- d) To a person who has been convicted of an offence under paragraphs 19 to 21 below;
- e) To a person who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date when the application was made;
- f) To a body corporate which is not incorporated in the United Kingdom;
- g) To person who has, within the period of 12 months immediately preceding the date the application was made, been refused by the same local authority the grant or renewal of a licence under this Schedule for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal; or;
- h) To a person other than a natural person if any director of it or partner in it or any other person responsible for its management has within that period, been refused by the same local authority the grant or renewal of such a licence, unless the refusal has been reversed on appeal.”

4.11 Section 9(5) of Schedule 2 of the 1982 Act sets out the terms of the discretionary grounds on which a SEV application can be refused. They are as follows:

- a. That the applicant is unsuitable to hold a licence by reasons of having been convicted of an offence or for any other reason;
- b. That if the licence were to be granted or renewed, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be otherwise refused the grant/renewal of a licence if they made the application themselves.
- c. That the number of sexual entertainment venues in the local authority area or relevant locality at the time the application is made is equal to or exceeds the number which the Council considers appropriate for their area or that locality;

- d. That the grant or renewal of the licence would inappropriate having regard:
 - a) To the character of the relevant locality; or;
 - b) To the use to which any premises in the vicinity are put; or;
 - c) To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

Suitability of Applicant

- 4.12 In determining an application, the Committee will consider whether the applicant is or remains fit and proper to hold a licence. The Council does not expect any fines, arbitrary or otherwise, to be in place for performers, which could result in their loss of income. Additionally, the Council expect that house fees for performers will be transparent and agreed in advance. The Council does not expect that these would be subject to change at short notice, resulting in a loss of income to the performer. Where examples of fining or issues with house fees are brought to their attention, the Committee could take this into account when considering whether an applicant is or remains fit and proper to hold a SEV licence.

Variation of a SEV Licence

- 4.13 The licence holder of a SEV licence may apply to vary any term, condition or restriction placed upon the licence. The statutory requirements for advertising, giving notice and timeline for the consideration of the application are the same as those for initial grants or renewals as set out at section 4 of this policy.
- 4.14 Variation applications will be considered by the Licensing Sub-Committee where the applicant will be given an opportunity to speak to their application and answer any questions that Committee members may have. When determining an application, the Committee can either:
- a. Grant the variation as requested;
 - b. Make such variations as it thinks fit;
 - c. Refuse the application.
- 4.15 In the event of the Committee agreeing a condition or restriction other than the one sought in the original variation application, the decision will not take effect until the time for bringing an appeal has expired, or if an appeal is lodged, the abandonment of the appeal or the conclusion of the appeal, if found in favour of the Council.

Renewal Application

- 4.16 Provided an application for renewal has been accepted and deemed competent by the Licensing Service prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal application has been determined.
- 4.17 The statutory requirements for advertising and giving notice are the same as those applying to initial grants. Furthermore, renewal applications will be considered by the Licensing Sub-Committee.

Right to Appeal

- 4.18 An appeal against the decision of the Licensing Sub-Committee in respect of the grant, renewal, variation or refusal of a licence must be made to the Sheriff Court within 28 days of the decision being made.
- 4.19 Where an application for a licence is refused on the under paragraph 9(5)(c) or (d) of Schedule 2 of the Civic Government Act 1982, the applicant can only challenge the refusal by way of judicial review.

Conditions

- 5.1 The Licensing Sub-Committee is able to grant or renew a SEV licence on such terms and conditions as it considers appropriate. This will typically take the form of standard conditions which are applicable to all SEV licences. Additional conditions may also be placed on the licence which are specific to the applicant or premises.
- 5.2 The Committee agreed a set of standard conditions on 31 March 2022 and these shall apply to every licence granted, varied or renewed by the Committee, unless they have been expressly excluded or varied. The standard conditions are found at Appendix 1 of this policy.
- 5.3 It is an offence to operate a SEV without a licence or contravene a condition of any granted licence. Licence holders found to breaching the terms of their licence may be referred to the Licensing Sub-Committee for suspension or revocation of the SEV licence.

Relationship with Other Strategies

- 6.1 Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls was first published in 2014 and last updated in 2018 It sets out a definition of violence against women and girls which includes 'commercial

sexual exploitation, including prostitution, lap dancing, stripping, pornography, and human trafficking.’ Whilst recognising the conflict between this definition and the licensing of sexual entertainment venues, the Scottish Government intends that it will help to ensure that such activities take place in safe and regulated environments

Related Documents

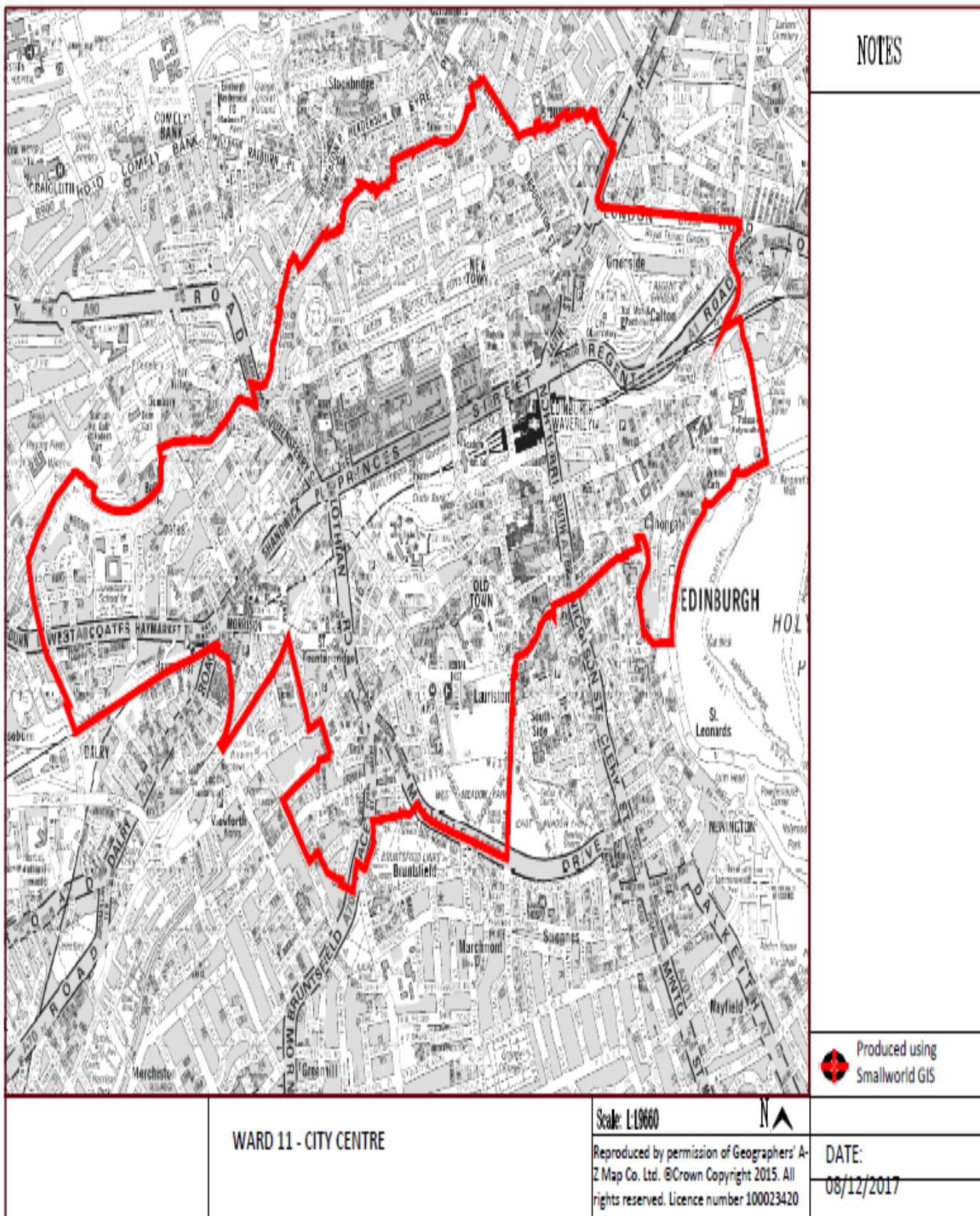
- 7.1 [Air Weapons & Licensing \(Scotland\) Act 2015 – Sexual Entertainment Venues– Update After Initial Consultation – Regulatory Committee – 21 October 2019](#)
- 7.2 [Civic Government \(Scotland\) Act 1982 – Sections 45A-45C](#)
- 7.3 [Provisions for Licensing of Sexual Entertainment Venues: Guidance – Scottish Government](#)

Review

- 8.1 This policy will be reviewed annually or more frequently, if required.

Sexual Entertainment Venue Licensing Policy – Appendix 1

Map of City Centre - Ward 11



Appendix 3 – Decision of the Council on 27 October 2022 – Approved adjusted motion by Councillor Younie:

Decision

To approve the following adjusted motion by Councillor Younie:

- 1) To note that the key aims of civic licensing were the preservation of public safety and the prevention of crime and disorder.
- 2) To note the implementation of a Nil Cap policy on Sexual Entertainment Venues (SEVs) on 1 April 2023, which may lead to the closure of four venues.
- 3) To note that entertainers may continue to work in the industry despite possible closures and may be working in less safe and completely unregulated environments.
- 4) To recognise that this could lead to the further deterioration of performers' safety in the city.
- 5) To agree, therefore, that a report shall be presented to the Regulatory Committee within two cycles to consider this.
- 6) To recognise that the Equally Safe strategy for ending violence against women and girls expected that we work with others to reduce the demand for Commercial Sexual Exploitation.
- 7) To agree that the Council should work with partners to put in place a programme of support for entertainers who may be affected by these closures.

Air Weapons and Licensing (Scotland) Act 2015

Guidance on the Provisions for Licensing of Sexual Entertainment Venues and Changes to Licensing of Theatres



AIR WEAPONS AND LICENSING (SCOTLAND) ACT 2015

GUIDANCE ON THE PROVISIONS FOR LICENSING OF SEXUAL ENTERTAINMENT VENUES AND CHANGES TO LICENSING OF THEATRES

CONTENTS LIST

Introduction

- Legislation
- The Guidance
- Background
- Relationship with other Strategies

Licensing of sexual entertainment venues

- Local Authority Resolution
- Specified Day

Statements of policy in relation to sexual entertainment venues

- Content
- Licensing conditions

Applications

- Consideration
- Notification
- List of Appropriate Persons
- ECHR Issues
- Fees
- Enforcement
- Conclusion

Licensing of sexual entertainment venues: interpretation

- Definitions
- Exemptions
- Sex shops
- Under 18s
- Public entertainment

Licensing of Theatres

- Repeal of existing mandatory licensing provisions
- Local Authority resolution

Commencement of licensing of theatres and sexual entertainment venues

- Transitional provisions
- Consequential amendments - The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 **and** The Premises Licence (Scotland) Regulations 2007

Introduction

The key aims of civic licensing are the preservation of public safety and order and the prevention of crime. A specific licensing regime for sexual entertainment venues will allow local authorities to consider local circumstances in setting the number of venues able to operate within their areas (this could be nil) and to exercise appropriate control and regulation of these venues.

Local authorities that do not currently have any sexual entertainment venues may wish to carefully consider whether there would be merit in making a resolution and setting a number (including nil) of such venues for their area to allow them to control the number of sexual entertainment venues operating in their area in the future.

It is important to note that The Licensing (Amendment) (EU Exit) (Scotland) Regulations 2019¹ amend Schedule 2, paragraphs 9(3)(e) and 9(3)(f) of the Civic Government (Scotland) Act 1982² (the 1982 Act). This change prevents the granting of a licence for a sex shop or sexual entertainment venue to a person who is not resident in the United Kingdom (the UK) or was not resident throughout the 6 month period prior to the application being made. It also prevents the granting of a licence to a body corporate not incorporated in the UK. These provisions come into force on exit day. The previous residency restrictions for granting a licence were to a member state of the EU.

A published sexual entertainment policy statement will provide local communities with a clear indication of the local authority's policy and examples of licensing conditions, along with enforcement details. The policy should also demonstrate how the local authority intends to help protect the safety and wellbeing of performers, customers and the wider public.

Legislation

1. The Air Weapons and Licensing (Scotland) Act 2015³ (the 2015 Act) received Royal Assent on 4 August 2015. The provisions of the Act which relate to the licensing of sexual entertainment venues (SEV) come into force on 26 April 2019. However this is not a mandatory licensing regime and it is for local authorities to determine whether they wish to licence SEV, whether to limit their numbers and to determine individual licence applications. When doing so local authorities will need to consider the implications, opportunities and risks of their decisions.
2. Section 76 of the 2015 Act inserts sections 45A, 45B and 45C into Part III of the 1982 Act. These provisions establish a specific licensing regime for the regulation of SEV and allow for greater local control over the provision of such

¹ <http://www.legislation.gov.uk/ssi/2019/6/contents/made>

² <http://www.legislation.gov.uk/ukpga/1982/45/contents>

³ <http://www.legislation.gov.uk/asp/2015/10/contents>

venues. Although licensing of SEV follows a similar pattern to that covered by Part I, Part II and Schedule 1 of the 1982 Act, local authorities may wish to note that these provisions have no application to Part III licences which are solely governed by Schedule 2 of the Act.

3. While this guidance is primarily in respect of the SEV licensing regime, it also includes details at paragraphs 91-92 of the repeal of the existing mandatory licensing regime for theatrical performances under section 12 of the Theatre Act 1968 and the ability of local authorities to licence theatres under the more flexible public entertainment licence requirements contained within the 1982 Act. **To address concerns raised, it is worth emphasising that theatrical performances which are not provided solely or principally for the purpose of sexually stimulating the audience will not be classed as sexual entertainment. As a result, the use of the premises for those performances will not require an SEV licence.**
4. Information in respect of both SEV and the theatre provisions is provided at: paragraphs 93-96 on commencement; at paragraphs 97-102 on transitional provisions; and at paragraphs 103-107 on the consequential changes required to The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 and The Premises Licence (Scotland) Regulations 2007 as a result of the creation of a SEV licensing regime and the changes to theatre licensing.
5. This guidance also makes reference to the Licensing (Scotland) Act 2005 (the 2005 Act⁴), which provides a licensing regime for the sale of alcohol. The 1982 Act, and the 2005 Act provide for a variety of different licences, and it is possible that the same premises may require more than one licence. Care should therefore be taken to ensure that the requirement to obtain a licence and any exemptions from the requirement to obtain a licence are carefully considered.
6. The 1982 Act sets out that civic licensing decisions are the responsibility of the licensing authority, a committee made up of locally elected councillors. The 2005 Act provides that alcohol licensing decisions are the responsibility of the local Licensing Board. These terms are used throughout this guidance and refer to the licensing functions of a local authority. Where different committees are involved in the licensing of the same business, then it can be useful to co-ordinate in relation to the setting of licence conditions etc.
7. Where a local authority opts to licence SEV within its area, the provisions at paragraph 4 of Schedule 2 of the 1982 Act will apply in their area and a licence will be required for premises operated as SEV. Premises are classed as an SEV where sexual entertainment is provided before a live audience for the direct or indirect financial benefit of the organiser. Sexual entertainment is any live performance or live display of nudity provided for the sole or principal purpose of sexual stimulation of members of the audience. However, premises where sexual entertainment is provided on no more than 4 occasions in a twelve month period are not to be treated as SEV. The *Licensing of sexual entertainment*

⁴ <http://www.legislation.gov.uk/asp/2005/16/contents>

venues: interpretation section at paragraphs 84-90 of this guidance provides additional definitions and further information.

8. The passage of the Air Weapons and Licensing (Scotland) Bill through the Scottish Parliament includes further documentation that may be of interest including the Explanatory Notes and Policy memorandum⁵.

The Guidance

9. Section 45B(7) of the 1982 Act requires that, in carrying out its functions, a local authority must have regard to guidance issued by Ministers. This non-statutory guidance is intended to assist local authorities, but other parties such as the Police, venue operators, relevant organisations and performers may also find it useful.
10. *A Consultation on Guidance on the Provisions for Licensing of Sexual Entertainment Venues and Changes to Licensing of Theatres*⁶ was published on 1 November 2017 with a closing date of 7 February 2018. The responses received were carefully considered and were of assistance in finalising this guidance.
11. The guidance should be read in conjunction with the relevant legislation, particularly Part III and Schedule 2 of the 1982 Act and the relevant accompanying documents for the Air Weapons and Licensing (Scotland) Act 2015. This guidance does not represent legal advice and any individual or organisation reading this guidance should not treat this guidance as a replacement for independent legal advice. The interpretation of the 1982 Act, as amended by the 2015 Act, is ultimately a matter for the courts.

Background

12. On 24 March 2005, previous Scottish Ministers set up a Working Group on Adult Entertainment to review the scope and impact of adult entertainment activity and make recommendations on the way forward. This followed concerns expressed about the lack of controls on adult entertainment activity. The Group⁷ made a number of recommendations aimed at improving standards in the industry, ensuring the safety of performers and customers, regulating the impact on the locality, improving local accountability and control and ensuring that there was no inadvertent impact on artistic freedoms.
13. At that time, it was felt that, as SEV also sold alcohol and therefore required alcohol licences, it was best left to local licensing boards to regulate adult entertainment via the existing licensing regime for alcohol.

⁵ <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/76383.aspx>

⁶ <https://consult.gov.scot/justice/licensing-of-sexual-entertainment-venues/>

⁷ <http://www.gov.scot/Publications/2006/04/24135036/0>

14. In 2010 Sandra White MSP introduced amendments to provide for a specific system of licensing for sexual entertainment which were considered by the Scottish Parliament as part of its scrutiny of the Criminal Justice and Licensing Bill at Stages 2 and 3. The proposed provisions broadly mirrored those that had been introduced in England and Wales in section 27 of the Policing and Crime Act 2009. While the Scottish Government supported the proposals, Parliament rejected them due to concerns about the effect of operating a dual licensing system and concerns about the lack of opportunity to fully consider the proposals.
15. Since then, the Inner House of the Court Of Session in *BrightCrew Limited v City of Glasgow Licensing Board* ([2011] CSIH 46⁸) held that the licensing regime in the 2005 Act was limited to the regulation of the sale of alcohol and couldn't extend to matters not linked to the sale of alcohol. As a result, Scottish Ministers considered that a specific licensing regime for SEV was the best solution for future regulation of the industry. This approach would remove concerns around Licensing Boards attempting to use the alcohol licensing regime to regulate matters that go beyond the remit of that regime.
16. A consultation was published in June 2013⁹ (the consultation) inviting views on the establishment of a licensing regime based on the draft provisions that Ms White had proposed in 2010. Section 76 of the 2015 Act amends the 1982 Act to provide for this.

Relationship with other Strategies

17. In response to the consultation there was wide support for the principle of a new licensing regime including from local authorities, Police, violence against woman and gender groups.
18. However, some concerns were raised that licensing SEV encouraged unhealthy attitudes to women and therefore damaged society as a whole.
19. The Scottish Government accepts the freedom of adults to engage in legal activities and employment. However, it will continue to promote, through all relevant means, gender equality and actions that tackle out-dated attitudes that denigrate or objectify particular groups or individuals.
20. *Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls*¹⁰ was first published in 2014 and updated in 2016 and again in 2018. It sets out a definition of violence against women and girls which includes 'commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and human trafficking'.

⁸<https://www.scotcourts.gov.uk/search-judgments/judgment?id=2a9286a6-8980-69d2-b500-ff000d74aa7>

⁹ <http://www.gov.scot/Publications/2013/06/3607>

¹⁰ <https://beta.gov.scot/policies/violence-against-women-and-girls/equally-safe-strategy/>

21. Whilst recognising the conflict between this definition and the licensing of SEV, this guidance will help to ensure that such activities take place in safe and regulated environments. When deciding whether to licence, and whether to limit, SEV in their area, local authorities will need to consider the interaction with their own local policies and strategies, as well as the legal implications around limiting a legitimate business activity to minimise the risk of legal challenge.
22. Equally Safe's aim is to work collaboratively with key partners across all sectors to prevent and eradicate all forms of violence against women and girls and the attitudes which perpetuate them. Its priorities are: achieving gender equality; intervening early and effectively to prevent violence; and maximising the safety and wellbeing of women, children and young people. *Equally Safe: A Delivery Plan for Scotland's strategy to prevent and eradicate violence against women and girls*¹¹ was published in November 2017. It will help to ensure that the ambitions of the Equally Safe Strategy make a tangible difference.
23. The *Trafficking and Exploitation Strategy*¹², required under section 35 of the Human Trafficking and Exploitation (Scotland) Act 2015 was published on 30 May 2017. It sets out the Scottish Government's strategy to work with partners to make Scotland a more hostile place for human trafficking. The aims of the strategy are to identify victims and support them to safety and recovery; identify perpetrators and disrupt their activity; and address the conditions that foster trafficking and exploitation.
24. In developing the licensing regime, care has therefore been taken to balance the freedom of individuals to engage in legal employment and activities with the right of local authorities to exercise appropriate control and regulation of SEV that operate within their areas.
25. Ministers consider that local authorities are best placed to reflect the views of the communities they serve and to determine whether SEV should be licensed within their areas and, if so, under what conditions.
26. A local authority which chooses to licence SEV will have to publish an SEV policy statement, developed in consultation with relevant interest groups (including violence against women partnerships) which will provide local communities with a clear indication of the local authority's policy. Where an SEV licence is granted, licence conditions, along with enforcement, will help reduce the risk of criminality such as prostitution and human trafficking; and help protect the safety and wellbeing of performers, customers and the wider public. The community should, in turn, benefit from a safe, regulated environment.
27. Local authorities will have to consider the circumstances pertaining in their local area and their statutory obligations (including, but not limited to, their obligations under the EU Services Directive¹³ and the Regulatory Reform (Scotland) Act

¹¹ <http://www.gov.scot/Publications/2017/11/5647>

¹² <http://www.gov.scot/Publications/2017/05/6059>

¹³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:376:0036:0068:EN:PDF>

2014¹⁴). Local authorities will also have to consider the rights SEV operators may have under the European Convention on Human Rights (ECHR) particularly under Article 1, Protocol 1 (peaceful enjoyment of possessions) and Article 10 (freedom of expression) of the Convention. ECHR issues are discussed further at paragraphs 73-77.

Licensing of sexual entertainment venues

28. Section 76 of the 2015 Act introduces a discretionary licensing regime for SEV. It achieves that by amending the existing licensing regime for sex shops provided for in Part III and Schedule 2 of the 1982 Act so that the provisions, with necessary modification, also apply to SEV. It is important to emphasise that it is not mandatory for a local authority to licence SEV. A flowchart setting out the steps local authorities are required to take is at Annex A.

29. When deciding whether to licence SEV, local authorities should obtain independent legal advice in order to ensure that they are able to mitigate the risks of legal challenge to an acceptable level. They should also take into account the Public Sector Equality Duty¹⁵ to which local authorities are required to pay 'due regard' when carrying out their functions and the specific duty¹⁶ to assess and review policies and practices.

Local Authority Resolution

30. Where a local authority decides to licence SEV, section 45B of the 1982 Act, requires the local authority to pass a resolution in order for SEV licensing to have effect in their area. It also requires at section 45C that where a local authority decides to licence SEV it must prepare an SEV policy statement and further information on this is provided at paragraphs 38-57.

31. In considering whether to pass a resolution a local authority should consider, whether they will wish to control SEV even if no such premises are currently in operation in their area. If there is no resolution in place, then no licence is required to operate an SEV. Existing SEV could continue to operate, new SEV could come into operation, without an SEV licence. Sexual entertainment in those venues would remain largely unregulated. If a resolution is passed, existing SEV and any new SEV, will require an SEV licence.

32. In considering whether to pass a resolution to licence SEV, local authorities may wish to look carefully at their localities and consider a range of issues such as:

- whether there are any sexual entertainment venues already operating;
- the location of schools;

¹⁴ <https://www.legislation.gov.uk/asp/2014/3/contents>

¹⁵ <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

¹⁶ <https://www.legislation.gov.uk/ssi/2012/162/regulation/5/made>

- the location of places of worship;
- the location of heavily residential areas;
- the location of women's refuges and shelters and other services focussed on supporting women, children and young people;
- whether there have been incidents involving anti-social behaviour, sexual assaults, prostitution or more minor harassment reported in any particular area; and
- whether there have been incidents of human trafficking or exploitation locally.

33. Local authorities who have resolved to licence SEV must determine the appropriate number of SEV for both their area and for each relevant locality within their area (see paragraph 9(5A) of Schedule 2 of the 1982 Act). Paragraph 9(5)(c) of Schedule 2 allows local authorities to refuse applications on grounds that, at the time the application is determined, the number of SEV in the local authority's area or relevant locality is equal to or exceeds the number that the authority considers appropriate for their area or that locality.

34. Local authorities have extensive experience of engaging with local people and will know what works best in their individual areas. Local authorities may wish, as a matter of good practice, to seek the views of local people and businesses prior to deciding whether to pass a resolution. In doing so, local authorities may wish to make any relevant information available to local people in order to inform their understanding. Local authorities may also wish to engage with the operators of known SEV as soon as a decision has been made, to ensure that they are aware of what action they will need to take, and to seek input from the local Police Scotland human trafficking champion or the Human Trafficking Unit at Gartcosh.

35. In considering whether to pass a resolution to licence SEV, local authorities must also have cognisance of other relevant legislation such as the EU Services Directive, the Regulatory Reform (Scotland) Act 2014 and the Convention rights of SEV operators. Local authorities should consider whether the decision to licence SEV is proportionate and justifiable.

36. If licensing SEV, a local authority must determine, from time to time, the number of SEV that they consider appropriate for their area and each relevant locality. Nil may be considered the appropriate number. The determination should be publicised. Further guidance on what a local authority may wish to consider in determining numbers and localities is provided below in relation to developing the policy statement.

Specified Day

37. Where a local authority passes a resolution, it must specify a date from when it is to take effect in their area. This must be at least one year from the date the resolution is passed. The local authority must also publish notice that they have passed a resolution not less than 28 days prior to the date the resolution is to take effect. The notice must state the general effect of the licensing procedure

and provisions at Schedule 2 of the 1982 Act, as modified for SEV, and be published either electronically or in a local newspaper.

Statements of policy in relation to sexual entertainment venues

38. Section 45C of the 1982 Act requires that where a local authority has passed a resolution under section 45B(1) that a licensing regime for SEV will have effect in their area, they will then be required to prepare and publish an SEV policy statement. The statement of policy should set out and justify the position of the local authority with regards to licensing SEV and should support local authorities should they face any legal challenges.

Content

39. The policy statement should include details of the impact a local authority considers the licensing of SEV will have in its area. Section 45C(3) of the 1982 Act states:

“In preparing a SEV policy statement, a local authority must—

(a) consider the impact of the licensing of SEV in their area, having regard, in particular, to how it will affect the objectives of—

- (i) preventing public nuisance, crime and disorder,
- (ii) securing public safety,
- (iii) protecting children and young people from harm,
- (iv) reducing violence against women, and

(b) consult such persons or bodies as they consider appropriate.”

40. For the purposes of the section, “children” are defined as persons under the age of 16 and “young people” as persons aged 16 or 17.

41. Policy statements should be published at the same time and in the same manner as the notice of resolution is published i.e. it should be published not less than 28 days prior to the date the resolution is to take effect, either electronically or in a local newspaper.

42. The policy statement should provide local communities with a clear indication of the local authority’s policy and should also be consistent with the licensing objectives and procedures set out in the 1982 Act as amended.

43. The statement might include information on the locations where the local authority is likely to consider the operation of SEV to be appropriate or inappropriate. The statement could also be used to indicate how many SEV are considered to be appropriate for the local authority’s area or particular localities within its area. The reasons for these policy positions should also be provided.

44. In developing the statement, the local authority may also wish to take account of whether any SEV are already operating in its area under the existing regime for

alcohol licensing and, if so, whether they wish to continue to licence the same number of venues as are currently operating.

45. The local authority may wish to reflect on whether reducing the number of venues, or setting the number at zero, in their area will have a disproportionate effect on business. The local authority should also consider whether reducing the number of SEV in their area or setting the number at zero would create a risk of legal challenge (for example under ECHR or on grounds of reasonableness).
46. Where there are currently no sexual entertainment venues operating, a local authority may wish to consider if there may be benefit in making a resolution to give effect to the licensing regime even where it considers that the number should be set at zero. In setting the number at zero, a local authority will require to demonstrate proportionality by evidencing that the competing interests of SEV operators alongside those of the community had been fairly considered and appropriately balanced.
47. In developing the policy statement, we consider it best practice for local authorities to consult with persons with an interest and this should include organisations such as violence against women partnerships, child protection committees and community councils as well as Police Scotland and local businesses (including the operators of any existing SEV).
48. In exercising any functions in relation to the licensing of SEV, the local authority is required to have regard to their SEV licensing policy statement. It is also required, from time to time, to review the policy statement, revise it as appropriate and publish the revised statement. We suggest that it may be best practice to align the review of both the local authority's stated appropriate number of SEV and the policy statement. However it will be for individual local authorities to determine the timeframe for undertaking the reviews required.

Licensing Conditions

49. Under paragraph 9 of Schedule 2 to the 1982 Act local authorities have a power to impose reasonable licence conditions. In doing this local authorities need to be flexible in responding to each application and in some cases additional or more tailored conditions reflecting local circumstances may be appropriate.
50. Conditions are specific requirements that the licence holder must comply with, otherwise the licence could be revoked. Paragraph 19(1)(c) of Schedule 2 states that a licence holder who, without reasonable excuse, knowingly contravenes or permits the contravention of a specified condition will be guilty of an offence.
51. The local authority can attach standard conditions for all licences granted for SEV, they may also impose individual conditions to licences. By way of example, such licence conditions could regulate:
 - the display of advertisements on or connected to the venue;
 - the days and times when the premises may be used as a SEV;
 - the visibility of the interior of the SEV to passers-by; and

- the number of persons to be admitted to the premises.
52. The local authority should give careful consideration as to whether the condition proposed is necessary and, with the Brightcrew case in mind, whether it is linked to the regulation of sexual entertainment. The local authority should also consider whether, in all the circumstances, the condition is reasonable and proportionate and therefore not susceptible to challenge.
53. Any condition attached to the licence must be clear, so that the licence holder is aware of their obligation to comply.
54. Part of the local authority's role is to ensure improved working conditions and a safe environment for the women who work in SEV. The local authority may wish to encourage operators to actively identify potential victims of human trafficking in their recruitment procedures. Where a local authority is made aware of a person who is or appears to be a victim of human trafficking, they have a duty to notify Police Scotland.
55. The Association of Licensed Adult Entertainment Venues in Scotland has a toolkit, *A Guide for Employers and Contractors*¹⁷ which is intended to ensure that venues are operated in a fair manner, protecting human rights and that potential victims of human trafficking are identified in the recruitment process.
56. In terms of how a premises licensed as an SEV should be run, in addition to the minimum standards expected of workplaces through health and safety regulations, local authorities may wish to consider adopting some or all of the following non-exhaustive list of suggestions and develop them as model conditions within their Policy Statement:
- list of full names, dates of birth, nationality and contact details (address or telephone number) for all performers to be available on the premises for immediate production if requested by Police or local authority officers;
 - ensure immigration status is in order and actively seek to identify performers who may have been the victim of human trafficking;
 - employment of security guards;
 - use and storage of CCTV;
 - provision of hygienic changing and showering facilities and a toilet with access to hot water exclusively for the use of the performers;
 - set break times for performers;
 - the provision of a break room exclusively for the use of the performers;
 - performers to be escorted by security to nominated taxi or to their car at end of shift;
 - access to medical checks and sexual health advice to be provided on site;
 - the licence holder to ensure performers remain clothed outwith performance area;
 - the licence holder to ensure no physical contact between performers and customers;

¹⁷ <http://www.alaevs.co.uk/members/>

- the customers to be informed of rules of customer conduct that is deemed acceptable e.g. customers to remain fully clothed at all times and these rules displayed at appropriate locations within the venue licence holder to ensure customers do not seek sexual favours or offer performers payment in return for sexual favours;
- the licence holder to ensure customers do not to offer or ask for any form of contact details from performers;
- the licence holder to ensure customers do not to engage in any unlawful activity within the SEV;
- the licence holder to ensure no photographs or video recordings are taken of the performers.

57. It should be borne in mind that it is extremely likely that SEV will also require to have a premises licence under Part 3 of the 2005 Act and care will be required to ensure that the SEV licence conditions do not contradict the conditions applied to the alcohol licence. In the event that the SEV does not also require an alcohol licence, local authorities may wish to consider whether any of the conditions attached to such licences would be appropriate to that particular SEV.

Applications

58. The local authority resolution will specify a date from which the SEV licensing regime is to take effect in its area. Under paragraph 25(3) of Schedule 2 of the 1982 Act a local authority cannot consider any application for an SEV licence prior to the date specified in the resolution and cannot grant any licence until it has considered all applications received prior to that date.

59. Local authorities will therefore wish to consider developing new application forms specifically in respect of SEV licences. Authorities will also have to determine a date when these forms should be made available to operators / prospective operators. It may also be appropriate to intimate in the resolution when applications will be considered by the local authority.

60. Paragraph 25 of Schedule 2 also provides that where a SEV is trading in the area before the resolution has been published and before the specified day of effect has applied for a SEV licence under Schedule 2, then they may continue trading until the application is considered. If the application is refused they may continue to trade until the timescale for an appeal under paragraph 24 has lapsed or the appeal has been determined or abandoned.

61. We suggest that in considering an application for an SEV licence, with the view to reaching an evidence- based decision on whether it should be granted, local authorities will wish to look carefully at the proposed location and take account of:

- the existing character and function of the area in which it will be located;
- whether there are any schools near the vicinity of the SEV;
- whether there any places of worship in that vicinity;
- whether there are other relevant businesses or charities operating in the area e.g. homelessness shelters, women's refuges, supported accommodation, recovery units etc.;

- whether the SEV is close to heavily residential areas;
- whether there have been incidents involving anti-social behaviour, sexual assaults or more minor harassment reported in that area;
- the views of residents and other relevant interested persons as far as is possible¹⁸; and
- input from the local Police Scotland human trafficking champion or the Human Trafficking Unit at Gartcosh.

62. It is important to note that an SEV licence will be required for premises where sexual entertainment is provided on more than 4 occasions in a twelve month period even where that entertainment is booked by the person hiring the venue. Paragraphs 85-86 of this guidance provide additional definitions and further information regarding exemptions.

Consideration

63. Local authorities will follow the established procedure for considering applications laid out at Schedule 2 of the 1982 Act. The procedure is applicable to licensing sex shops and has been modified to apply to SEV. Paragraph 9(3) sets out a list of persons to whom a licence may not be granted and paragraph 9(5) lists grounds on which a local authority may refuse an application for the granting or renewal of a licence. Each licence application should be fully considered on its own merits. However note, under paragraph 9(5)(c), where the number of venues in the local authority's area or relevant locality at the time the application is made is equal to or exceeds the number which the local authority consider is appropriate for their area or that locality the local authority should refuse the application.

64. The provisions in relation to making an application for a licence or the renewal of a licence are detailed at paragraph 6 of Schedule 2. In considering an application, the local authority will wish to satisfy itself that the applicant is not an unsuitable person to hold a licence by reason of having been convicted of an offence or for any other reason.

65. Under paragraph 15 of Schedule 2, the local authority can at any time decide to vary a licence on any grounds it thinks fit. The local authority can revoke a licence in line with the provisions set out at paragraph 13 of Schedule 2.

66. A decision not to grant a licence or to revoke a licence may be subject to appeal under paragraph 24 of Schedule 2. An appeal would be to a Sheriff in the first instance and could be on the grounds that the authority erred in law, based their decision on an incorrect material fact, acted contrary to natural justice or exercised their discretion unreasonably.

67. Any appeal to a Sheriff in relation to a SEV licence must be made within 28 days of the date of the decision appealed against. However, where the application is

¹⁸ It should be noted that local authorities do not have a duty to engage in full neighbourhood notification or power to require applicants to do so.

refused under paragraph 9(5)(c) or (d) of Schedule 2, the applicant can only challenge the refusal by way of judicial review.

68. Under paragraph 12(2)(b) of Schedule 2 a local authority may grant an SEV licence for one year or such other period that it deems appropriate.

Notification

69. Applicants will require to advertise their applications for a licence in a local newspaper specified by the local authority and to display a notice on or near the relevant premises. However, a local authority may dispense with the requirement for an applicant to publish a notice in a newspaper and instead publish notice of the application electronically. The legislation imposes a further duty at paragraph 7(3C) of Schedule 2 requiring each applicant for a licence to operate an SEV to send a copy of their application to such persons or bodies as have been determined by the local authority within 7 days of making the application and to certify to the local authority that they have done so. There is also an obligation on local authorities at paragraph 7(3D), requiring them to determine which persons and bodies are to receive copies of applications and to publicise that list as they consider appropriate.

List of appropriate persons

70. In relation to notification of an SEV licence application, the Cabinet Secretary for Justice stated during Stage 3 consideration of the legislation:

“Although the current process already allows for robust notification procedures, with requirements for both newspaper advertising and notices to be publicly displayed, there are advantages in requiring specific notification to particular bodies that will have an interest in the licensing of sexual entertainment venues. There is a practical advantage in ensuring important stakeholders, including violence against women partnerships and community councils are notified of applications early, so that they have sufficient time to consider applications and to make such representations to the authority as they consider appropriate. There is also an advantage in that it will send a very clear message that groups identified as being appropriate to receive copies of the application, including violence against women partnerships and community groups, are at the heart of the licensing process.”

71. In line with this, we suggest that it is essential to ensure that those with an interest are notified as early as possible and that particular organisations such as violence against women partnerships and community councils should be considered important stakeholders in the licensing process. They should therefore be included on the published local authority list of those who are to receive copies of applications.

72. Local authorities may also wish to consider including on the list local businesses, schools, places of worship and child protection committees, along with anyone else they consider appropriate.

ECHR Issues

73. When taking a decision to refuse an application local authorities should take account of any rights SEV operators may have, particularly under:

Article 1, Protocol 1 of the European Convention of Human Rights
Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law..) and

Article 10 –

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

74. Local authorities may wish to consider whether there is any interference with the applicant's human rights. And if so is it necessary and proportionate for the prevention of disorder or crime, the protection of health or the protection of the rights and freedom of others and whether the interference can be justified in the general public interest.

75. In deciding whether or not to grant a licence for an SEV, local authorities should also bear in mind the rights provided for at the following ECHR Articles

Article 3

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 4

1. No one shall be held in slavery or servitude.

2 No one shall be required to perform forced or compulsory labour.

Article 14

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

76. Further information can be found in the Equality and Human Rights Commission Freedom of Expression Legal Framework guidance¹⁹ which explains the legal framework which protects freedom of expression and the circumstances in which that freedom may be restricted in order to prevent violence, abuse or discrimination.

77. In implementing the SEV legislative provisions local authorities will wish to ensure that they do so in compliance with the Convention rights and that they put in place flexible policies which take account of the competing interests of individuals alongside those of the community.

Fees

78. Paragraph 18 of Schedule 2 provides that a local authority must charge a reasonable fee which is sufficient to meet the expenses incurred by the authority in exercising its functions under the Schedule. In setting fees, local authorities will wish to have regard to the EU Services Directive. The R (on the application of Hemming (t/a Simply Pleasure Ltd) and others) (Respondents) v Westminster City Council (Appellant) [2015 and 2017]²⁰ rulings may also be of interest.

Enforcement

79. Offences and sanctions which relate to SEV licensing fall wholly under Schedule 2 of the 1982 Act and are set out in paragraph 19 of Schedule 2. Local authorities will wish to be aware that these provisions only apply where a resolution to licence SEV has been made.

80. The powers to enter and inspect and to enter and search licensed SEV are set out at paragraphs 20 and 21 of Schedule 2. These are similar to the provisions relating to Part II licences.

Conclusion

81. The 1982 Act makes clear that any decision made by the local authority, when considering applications for SEV licences, should be reasonable. This applies to fees, conditions which may be added to the licence, and to the time taken to consider the application.

82. The local authority should consider the facts of individual licence applications, and make decisions which are based on local priorities and circumstances.

83. The local authority should, where possible, ensure that there is consistency in these decisions, and in the conditions which may be attached to any licence granted.

¹⁹ <https://www.equalityhumanrights.com/en/publication-download/freedom-expression-legal-framework>

²⁰ <https://www.supremecourt.uk/cases/uksc-2013-0146.html>

Licensing of sexual entertainment venues: interpretation

84. Part III of the 1982 Act currently allows local authorities to control the number and location of sex shops in their area and Schedule 2 contains the detailed licensing procedures and provisions for sex shops. Section 76 of the 2015 Act creates a new licensing regime for SEV. It inserts sections 45A - 45C into Part III of the 1982 Act; modifies Schedule 2 so that it applies when a local authority resolves to licence SEV; and amends the title of Part III to “Control of sex shops and sexual entertainment venues”.

Definitions

85. Section 76(3) inserts an interpretation section, which underpins the SEV licensing regime, into the 1982 Act at Part III, section 45A. The relevant definitions are:

“(2) “Sexual entertainment venue” means any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser.

(3) For the purposes of that definition—

“audience” includes an audience of one,

“financial gain” includes financial gain arising directly or indirectly from the provision of the sexual entertainment,

“organiser”, in relation to the provision of sexual entertainment in premises, means—

(a) the person (“A”) who is responsible for—

(i) the management of the premises, or

(ii) the organisation or management of the sexual entertainment, or

(b) where A exercises that responsibility on behalf of another person (whether by virtue of a contract of employment or otherwise), that other person,

“premises” includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted,

“sexual entertainment” means—

(a) any live performance, or

(b) any live display of nudity,

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

(4) For the purposes of the definition of “sexual entertainment”, “display of nudity” means—

(a) in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area, genitals or anus,

(b) in the case of a man, the showing of (to any extent and by any means) his pubic area, genitals or anus.”

Exemptions

86. However, premises where sexual entertainment is provided on no more than 4 occasions in a twelve month period are not to be treated as SEV. This exemption is to avoid drawing into the SEV licensing regime venues where the main purpose is clearly not to provide regular sexual entertainment e.g. venues which have the very odd stag or hen party providing such entertainment. Section 45A(10) specifies how occasional use is to be calculated:

“(a) each continuous period during which sexual entertainment is provided on the premises is to be treated as a separate occasion, and (b) where the period during which sexual entertainment is provided on the premises exceeds 24 hours, each period of 24 hours (and any part of a period of 24 hours) is to be treated as a separate occasion.”

87. It is important to note that an SEV licence will be required where such entertainment occurs on more than 4 occasions in a twelve month period even where that entertainment is booked by the person hiring the venue. It is also important that any premises where sexual entertainment may be performed are properly supervised, as breach of the above limit without a licence is an offence.

Sex shops

88. Section 45A expressly states that sex shops are not SEV and provides a power to allow Ministers to specify other premises which do not fall into the category of SEV. A further power is provided so that Ministers can specify descriptions of performances or displays of nudity that are not to be treated as sexual entertainment for the purposes of the legislation.

Under 18s

89. Paragraph 19(1) of Schedule 2 of the 1982 Act provides that the employment of anyone under the age of 18 in an SEV is an offence. Section 45B(6)(g) of the 1982 Act modifies paragraph 19(1)(e) of Schedule 2 in respect of SEV to make it an offence for a licence holder or their agents to knowingly permit a person under the age of 18 entry to the SEV at a time when sexual entertainment is being provided, or at any other time without reasonable excuse. An example of a reasonable excuse might be where a plumber’s mate is called upon to fix an emergency leak. It is worth noting that the reasonable excuse defence only applies where entry to the SEV is knowingly permitted to a person under the age of 18 at a time when sexual entertainment is **not** being provided – there is no reasonable excuse defence where entry is permitted at a time when sexual entertainment **is** being provided.

Public entertainment

90. Section 41 of the 1982 Act enables a licensing authority to direct that a public entertainment licence is necessary for certain types of activity. Section 41(2) of the 1982 Act provides that a “place of public entertainment” is any place where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation. Section 76(2) of the 2015 Act amends section 41(2) of the 1982 Act to exclude a sexual entertainment venue from being licensed under a public entertainment licence.

Licensing of Theatres

Repeal of existing mandatory licensing provisions

91. The provisions at section 74 of the 2015 Act repeal the existing mandatory requirement for theatrical performances to be licensed under the Theatre Act 1968²¹ (the 1968 Act) and supporting provisions in the 1968 Act that allow for powers of entry and inspection. Section 74 of the 2015 Act also removes the exemption for premises licensed under the 1968 Act from the public entertainment licensing regime in the 1982 Act. This means that local authorities will be able to licence theatres under the public entertainment licence requirements contained in section 41 of the 1982 Act. Section 74 also inserts an equivalent of the anti-censorship provisions from the 1968 Act into the 1982 Act, so that licensing authorities will not be able to censor theatrical performances under the public entertainment licensing regime within the 1982 Act.

Local Authority resolution

92. Following the repeal of the theatre licensing provisions within the 1968 Act, local authorities may wish to consider making a public entertainment licensing resolution, or vary an existing resolution, under section 9 of the 1982 Act in order to require theatres to obtain a public entertainment licence. This requires local consultation, publicity and a 9 month period of notice before having effect. Local authorities are familiar with setting a resolution to bring activities within the scope of public entertainment licensing as the public entertainment licensing regime is currently used for licensing activities such as concerts, funfairs, variety shows etc. Having the local authority set out the scope of the public entertainment regime allows for greater flexibility and local authorities will, for example, be able to exclude premises offering plays to very small audiences from the licensing requirement where they consider that appropriate and proportionate.

Commencement of licensing of theatres and sexual entertainment venues

93. The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No. 1) Order brought section 76(1) and 76(3) into force on 1 December 2015 for the purpose of inserting section 45A into the 1982 Act, but only for the purposes of

²¹ <http://www.legislation.gov.uk/ukpga/1968/54>

making orders under section 45A(7)(b) and (11) of that Act. These provisions enable subordinate legislation to be made under the 1982 Act.

94. The provisions at section 74 and the outstanding provisions at section 76 of the 2015 Act are fully commenced by the Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019.
95. In commencing the primary legislation, careful consideration was given as to the transitional arrangements for the repeal of existing legislation and the commencement of the new licensing regimes in the 2015 Act. Any necessary consequential changes to existing secondary legislation brought about by the commencement of the 2015 Act provisions was also considered.
96. The transitional arrangements, and the consequential amendments to existing legislation, required as a result of the commencement of sections 74 and 76 of the 2015 Act are detailed below.

Transitional provisions

Section 74 - Theatres

97. To ensure a smooth transition from the mandatory theatre licensing regime under the 1968 Act to the optional public entertainment licensing regime within the 1982 Act the amendment to the public entertainment licensing regime will be commenced first and the repeal of the theatre licensing regime will follow at a later date. This will give local authorities sufficient time to consider whether to licence theatres under the 1982 Act and for any resolution under section 9 of the 1982 Act to take effect before the licensing regime under the 1968 Act ends.
98. This means that theatre licences will continue until the repeal of the 1968 Act provisions but, during that timeframe, local authorities will be able to introduce a public entertainment licensing regime for theatres to take effect from the date of repeal. This will enable local authorities which wish to continue licensing theatres to ensure that public entertainment licences will come into force immediately on the repeal of theatre licences, leaving no period in between where theatres are unlicensed.

Section 76 – SEV

99. Section 45B(1) - (3) of the 1982 Act provides:

“(1) A local authority may resolve that Schedule 2 (as modified for the purposes of this section) is to have effect in their area in relation to SEV.

(2) If a local authority passes a resolution under subsection (1), Schedule 2 (as so modified) has effect in their area from the day specified in the resolution.

(3) The day mentioned in subsection (2) must not be before the expiry of the period of one year beginning with the day on which the resolution is passed.”

100. If a local authority chooses to introduce a licensing regime for SEV they will first require to pass a resolution under section 45B of the 1982 Act. Following a local authority resolution being passed to licence SEV, existing SEV will require to apply for an SEV licence but will be able to continue to trade without a licence until the final determination of that application. The existence of a premises licence under the 2005 Act will be no guarantee that an SEV licence will be granted for those premises – the SEV licensing regime and the alcohol licensing regime regulate two different activities.

101. Local authorities may wish to be aware of court judgements in:

- Thompson R v Oxford City Council [2013] EWHC 1819 (admin) (28 June 2013)²² and
- Thompson R v Oxford City Council & Anor [2014] EWCA Civ 94 (11 February 2014)²³

102. The ‘Oxford’ cases stressed that the grant of a licence should not be viewed as a grant for eternity and that a new licensing committee can take a different view of the same facts.

Consequential Amendments in relation to alcohol –

The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007

103. Following a review of secondary legislation we noted that amendments are required to secondary legislation related to alcohol licensing, namely **The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007**²⁴ (the Regulations). These alcohol regulations include a definition of adult entertainment and a reference to theatre licensing.

104. The Regulations specify conditions which must be imposed by a Licensing Board on the granting of an alcohol premises licence where the operating plan specifies that the premises will, on any occasion, be open for a continuous period beginning on one day and ending after 1am on the following day.

105. **Local authorities may wish to be aware that, as sexual entertainment venues now fall to be regulated under a separate specific licensing scheme it is no longer necessary to provide a definition of “adult entertainment” in these alcohol Regulations. Similarly, as licensing of theatres now falls under the optional public entertainment licensing scheme, reference to section 12 of the Theatres Act 1968 (which has been repealed by section 74(3) of the 2015 Act) is not required.**

²²<http://www.bailii.org/ew/cases/EWHC/Admin/2013/1819.html>

²³<http://cases436.rssing.com/browser.php?indx=12680078&item=11604>

²⁴<http://www.legislation.gov.uk/ssi/2007/336/regulation/1/made>

106. The Regulations therefore will be amended in due course to remove the definition of “adult entertainment” in regulation 1(2) and the reference to “adult entertainment” in regulation 3(2)(a)(iii); the reference at regulation 3(3)(c) to section 12 of the Theatres Act 1968 will also be removed.

The Premises Licence (Scotland) Regulations 2007

107. Amendments are also required to **The Premises Licence (Scotland) Regulations 2007**²⁵. Regulation 6 and Schedule 5 of these regulations provide for an operating plan in respect of licensed premises. Question 5(e) refers to the activity “adult entertainment” which is undefined. **This will be amended to refer to “sexual entertainment” as defined at section 45A of the 1982 Act.** A reminder will also be included that, where a local authority has decided to licence SEV, unless the entertainment is to take place on no more than four occasions in a twelve month period, an application for a separate SEV licence will have to be made. Whether or not an SEV licence is granted will depend on the individual local authority’s consideration of the application in line with the resolution made. If no resolution has been made to licence SEV then no separate licence application will be required.

²⁵ http://www.legislation.gov.uk/ssi/2007/452/pdfs/ssi_20070452_en.pdf

Consider whether to make a resolution to licence sexual entertainment venues (local authorities may wish to seek the views of local people; businesses and Police Scotland prior to deciding whether to pass a resolution)

- Licensing can take effect no earlier than one year from the date the resolution is passed.
- No resolution means no requirement for SEV operators to obtain a licence

If a decision is taken to licence SEV

- Develop a policy statement in consultation with relevant stakeholders, including violence against women partnerships, child protection committees and community councils.
- Engage with any existing SEV operators to ensure they are aware of what action they will need to take.

Publish the resolution and policy statement no later than 28 days before the date that the resolution comes into effect.

Determine and publish a list of who is to receive a copy of an application from the SEV licence applicant.

Consider all applications received by the date specified in the resolution to licence SEV under the procedure set out at Schedule 2 of the Civic Government (Scotland) Act 1982. In granting or refusing SEV licence applications ensure that the competing interests of individuals alongside those of the community have been fairly considered and appropriately balanced.

Periodically review the number of SEV determined, policy statement and list of who is to receive a copy of an application.



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2019

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78781-671-8 (web only)

Published by The Scottish Government, March 2019

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS557351 (03/19)

Appendix 5 – Email from Police Scotland

From: Happs, David <
Sent: 27 December 2022 14:12
To: Andrew Mitchell <

Afternoon

In relation to below, I've discussed it with Adam Brown and a few others in Division

Our position remains unchanged from the response to the consultation provided previously.

PSoS is committed to improving the safety and wellbeing of people, places and communities and supporting the licensing objectives as laid out in the Licensing (Scotland) Act. Relevant comment includes:

- As with alcohol licensing, PSoS Edinburgh Division considers SEVs should be specifically licensed in order that relevant conditions can be imposed on the venue to ensure the safety of staff and customers and afford the ability to enforce compliance with licensing objectives.
- Considerations for licensing of such venues should take into account existing SEVs already operating, how they operate and any locality sensitivities/community impact as well as any views of relevant parties.
- PSoS has no evidence that existing SEV's contribute negatively to crime or disorder in the city and, as such, we offer no opinion on the number of SEV's that should be licensed
- There are a number of considerations PSoS believe should be taken in to account in the development of any SEV Policy statement – these include but are not limited to the conduct and management of premises, age restrictions, responsibilities in regard to the safety of all staff, security of premises/CCTV and advertising.

Appendix 6

Decision

To approve the following adjusted motion by Councillor Younie:

- 1) To note that the key aims of civic licensing are the preservation of public safety and the prevention of crime and disorder.
- 2) To note the implementation of a Nil Cap policy on Sexual Entertainment Venues (SEVs) on 1 April 2023, which may lead to the closure of four venues.
- 3) To note that entertainers may continue to work in the industry despite possible closures and may be working in less safe and completely unregulated environments.

The sex industry is a term collectively used to describe a number of activities including, but not limited to, sexual entertainment. All activities encompassed by the sex industry are considered forms of Commercial Sexual Exploitation (CSE) and defined as Violence Against Women and Girls in the Equally Safe Strategy:

Violence Against Women and Girls encompasses (but is not limited to): [...]

Commercial Sexual Exploitation, including prostitution, lap dancing, stripping, pornography and trafficking. (p.12)

Performers at SEVs are a diverse group, many of whom may be involved in different aspects of the sex industry, or possibly only in sexual entertainment. They may also perform at SEVs as a full-time job, or on a part-time basis to support other activities, for example studies. Some might be facing additional barriers such as gender-based violence, alcohol and drug issues, unemployment or homelessness; others may not be affected by any other issues.

The argument that the closure of SEVs will lead performers to less safe and unregulated environments is inaccurate, as it operates on the assumption that the current employment conditions in SEVs in Edinburgh and beyond are regulated and safe. This is not the case.

Currently, SEVs in Edinburgh are operating to the conditions set out by the Council's current licensing policy. This dictates the requirements for the operation of SEVs, and sets our guidelines for the performers' safety. However, this policy can only go so far in regulating performers' work, and only insofar as the activities concerned take place inside SEVs. This does not regulate activities defined as CSE that are linked to SEVs but that are completely unregulated, for example, arrangements made in SEVs for sex to be purchased later outside the venues ([one-third of Scottish sex buyers arrange to buy sex in strip clubs](#)); similarly,

performers have repeatedly raised the issue of [precarious work in SEVs](#), including their employment as ‘independent contractors’ rather than workers. Women are required to pay an arbitrary fee to perform at any given venue, keeping any income they make during their performance; this risks leaving performers at a financial loss at the end of any shift and there is currently no regulation preventing this from occurring.

Should SEVs be required to close in Edinburgh from April 2023, it is possible that performers may continue to work in the sex industry, either in other cities or other parts of the sex industry. However, it is also entirely possible that many will choose to exit the sex industry altogether, opting for more secure employment elsewhere.

- 4) To recognise that this could lead to the further deterioration of performers’ safety in the city.

This statement contains a contradiction: by stating that performers’ safety in the city can be *further* deteriorated through the closure of SEVs, the statement implicitly recognises that performers’ safety is currently far from secured. As mentioned previously, SEV performers are faced with precarious working conditions due to their self-employed status, which can lead to a loss of income. Further, current SEV regulation as part of the Council’s licensing policy acts as a guidance for the operation of SEVs, and does little to secure performers’ safety both within but also beyond the SEVs (for example following a shift while making their way home, or when paid sex has been organised in a SEVs).

The precarious and often dangerous nature of working in SEVs can be evidenced by accounts of performers (for example in this article in [The Atlantic](#)) where ‘Liza’ states that *‘There’s no respect for what we do. [...] What we do could potentially be very dangerous. We could potentially have stalkers; someone could follow us home; we could have a customer who comes in to see us all the time and thinks he’s in love with us and you don’t know what he could do’*. The dangers involved can also be evidenced by the numerous websites offering safety advice for strippers, such as [TiltDiary](#) and [VerifyHim](#). Further, the [lap dancing factsheet](#) by NotBuyingIt.org.uk highlights that when performers break the rules they make more money, according to testimonials by performers themselves.

Most importantly, it must be noted that the sex industry is largely, if not completely unregulated, and this includes sexual entertainment: with various websites offering ‘stripper hire’ (for example party-strip.co.uk, entertain-ment.co.uk and celebratejustright.co.uk) there is no way to ever fully, or even partially, regulate an unsafe industry.

- 5) To agree, therefore, that a report shall be presented to the Regulatory Committee within 2 cycles to consider this.
- 6) To recognise that the Equally Safe strategy for ending violence against women and girls expects that we work with others to reduce the demand for Commercial Sexual Exploitation.

Equally Safe is *'Scotland's strategy for preventing and eradicating violence against women and girls'* (cover page). It defines stripping, lap dancing, prostitution, trafficking and pornography as Commercial Sexual Exploitation (CSE), and consequently as forms of Violence Against Women and Girls (VAWG).

As the aim of Equally Safe is *'preventing and eradicating'* Violence Against Women and Girls, Edinburgh's aspiration should be the complete eradication of demand for CSE – beyond its reduction. CSE is a form of VAWG as it contravenes Priority 1 of Equally Safe: *'Scottish society embraces equality and mutual respect and rejects all forms of violence against women and girls'* and Priority 2 of Equally Safe: *'Women and Girls Thrive as Equal Citizens- socially, culturally, economically and politically'* (p.5)

The strategy makes specific mention of CSE and the need to *'work together to develop thinking around Commercial Sexual Exploitation and ensure that women working in this area are protected from violence and abuse, and supported to exit situations where they are being sexually exploited for commercial purposes'* (p.38) It therefore makes it clear that reducing the harms caused by CSE is the first step to the ultimate goal of supporting women to exit the industry.

This creates a contradiction in the lack of definition of who will be working together. Currently the pro 'sex work' voices in Scotland argue that SEVs are safe for the performers employed within them and safer than other forms of CSE. We have addressed this issue and argued that this is not possible in any aspect of the sex industry. However, the suggestion that pro 'sex work' organisations should be involved in work to reduce the demand for CSE is also contradictory for the following reasons:

- Pro 'sex work' organisations and lobby groups vocally support the rights of women (and men) involved in the sex industry arguing that they should be free to be involved in CSE if they choose to. Their membership depends on the existence of an open and visible sex industry, compromising their objective view of the links between CSE and VAWG.
- The same organisations claim that those involved in the sex industry are forced to do so most often due to poverty and intersecting inequalities (racism, disability, exclusion from universal services). This in itself contradicts the argument of 'choice' as effectively the argument implies that people enter the sex industry through lack of other options and choices.
- Support in favour of CSE is most vociferous through people who have benefited from their involvement in the sex industry. However, in this discourse, the voices of survivors who have suffered horrific abuses in the sex industry, including sexual assault, violence, trafficking, financial exploitation, doxing, stalking, harassment and rape are often not included.

As one of three public protection committees in the City of Edinburgh Council, it is our duty of care to uphold and amplify the voices of women most vulnerable to abuse and exploitation, particularly those who have suffered through their involvement in CSE. The Equally Safe Edinburgh Committee holds an equal footing with the Child Protection and Adult Support and Protection Committees in Edinburgh, and its remit covers both child and adult protection. This is extremely important given the profiles of women involved in Scotland's sex industry.

According to a [2021 Snapshot briefing](#) by the [Encompass Network](#), out of 150 women in Scotland's sex industry supported over one week in November 2021:

- 36% had experienced childhood sexual abuse
- 83% disclosed they had experienced domestic abuse
- 21% had had children removed from their care
- 38.5% had been trafficked, and
- 20% disclosed that they first became involved in the sex industry before the age of 18.

These statistics raise further questions around the 'free choice' of involvement in the sex industry, as well as the less visible vulnerabilities for many women involved. It further highlights our duty to protect vulnerable women from exploitation, the need to work together to prevent future entry into the sex industry through effective and robust child protection, and our duty to support women to recover from traumatic experiences.

- 7) To agree that the Council should work with partners to put in place a programme of support for entertainers who may be affected by these closures

The Equally Safe Committee consists of partners from statutory and third sector services supporting women affected by VAWG and gender-based violence. There is a dedicated CSE subgroup attended by the City of Edinburgh Council (ESEC, Justice), NHS Lothian, Police Scotland, Edinburgh Women's Aid, Edinburgh Rape Crisis and Sacro working on a position statement and briefing paper on CSE for Edinburgh.

To improve understanding of the needs of entertainers who may choose to exit the industry, a private training event is being organised on 6 December 2022 as part of the 16 Days of Action campaign, organised and run by survivors who have exited the sex industry.

There is currently a plan organised by ESEC to ensure entertainers have the appropriate information and resources they will need to make informed decisions about their next steps should SEVs close in April 2023. This plan involves:

- Linking with the [WISHES](#) clinic (NHS Lothian) for outreach to the SEVs to discuss women's health needs
- Linking with employability services (Capital City Partnership, Access to Industry and Smart Works) to ensure women have information on future education, training and employment options that they can access
- Creating an information pack to be left at SEVs by NHS colleagues during wellbeing visits to include information about all support services that may be relevant to women to enable them to make informed choices about their lives should SEVs close on 1 April 2023.

This page is intentionally left blank

Regulatory Committee

10.00am, Monday, 6 February 2023

Taxi and Private Hire Car (PHC) Training Update

Executive/routine

Wards

Citywide

Council Commitments

N/A

1. Recommendations

1. Committee is recommended to:
 - 1.1.1 Note the contents of this report; and
 - 1.1.2 Agree that the next stage of driver training will commence as set out in the revised timeline (paragraph 4.15).

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, Regulatory Officer

E-mail: gordon.hunter@edinburgh.gov.uk | Tel: 0131 469 5774

Taxi and Private Hire Car (PHC) Training Update

2. Executive Summary

- 2.1 This report provides an update on the Taxi and Private Hire Car (PHC) Driver Training Foundation Course and the proposals to commence the three day course for existing drivers.

3. Background

- 3.1 Committee agreed on [21 November 2016](#) (on item 6.3 - Licensing Policy Development – Taxi and Private Hire Driver Training Consultation Update) to adopt:
- 3.1.1 A compulsory training programme for all new taxi and PHC drivers, with a requirement to gain a qualification prior to the grant of a licence;
 - 3.1.2 A new training programme for all existing taxi and PHC drivers, on completion of which they have an option to sit an assessment formally recognising their achievement;
 - 3.1.3 The proposal that all existing taxi and PHC drivers will be required to complete refresher training every three years thereafter, and
 - 3.1.4 That the training should be delivered in-house.
- 3.2 The training was designed to provide a structured programme for all new and existing taxi and PHC drivers, providing the knowledge and skills required of a professional driver, and to meet the requirements of the Council as licensing authority. A phased approach was planned from the outset, initially targeting new taxi and PHC drivers.
- 3.3 Training was due to start in Spring 2020, but this was not possible due to the COVID-19 pandemic. As a result, Committee agreed to delay the full training programme.
- 3.4 Notwithstanding the constraints created by the pandemic, it was recognised that there was still a need for training for new drivers entering the trade, and an online solution was developed. This training was rolled out to all new drivers from December 2020

4. Main report

Taxi and PHC Driver Training Foundation Course

- 4.1 The Foundation course provides support to new drivers entering the trade. It has been designed to raise standards and to be a precursor to rolling out full training to all drivers in 2023.
- 4.2 To date, 21 training courses have been delivered to over 700 new taxi and PHC drivers entering the trade. The courses have been well received with excellent feedback on the content and delivery.
- 4.3 It is intended that this course will continue as an entry level course for new drivers, which will enable them to begin working and to gain practical experience prior to completing the full training course.

Taxi and PHC Driver Training Course

- 4.4 The agreed training programme consists of a three day course, comprising six theoretical and two practical units (Appendix 1). The course is designed to be classroom based, combining instructor led theory, group discussions and group practical activities. The course will offer participants an opportunity to sit a final qualification assessment as part of their accreditation. Committee previously agreed that the assessment would not be compulsory during the first round of training, and this would be reviewed thereafter.
- 4.5 The learning outcomes and assessment criteria were identified in relation to each of these units, and the initial work that was carried out to lesson plans and training material is being revisited to ensure that all material and content is appropriate, relevant and current, especially with respect to legislative provisions.
- 4.6 In addition, course accreditation requires additional work prior to the roll out of the course.
- 4.7 It is anticipated that this material will be completed and ready for delivery in October 2023.

Refresher Training

- 4.8 Refresher training will be required every three years after all existing drivers have completed the three day training course.
- 4.9 Work has yet to commence on the proposed one day mandatory refresher training course. It is intended that this course will enable continuous professional development for the trade and will allow the Council to provide regular updates on any changes to legislation or conditions, allow for recertification of a first aid qualification if necessary, and address areas of concern - including complaints.
- 4.10 This work will commence once the main training course has been finalised and rolled out.

Training Delivery

- 4.11 Training will be delivered 'in house' by Council staff. Recruitment of additional staff has commenced to deliver course content and to develop the final training materials, including a training manual, trainer's notes, PowerPoint presentation and assessment questions.
- 4.12 Given the specialist nature of some of the modules, it is intended to obtain external support for these elements of the course. Whilst initial discussions did take place with suitably qualified trainers, this will require to be revisited. It may be necessary to carry out a procurement exercise to identify appropriate trainers to deliver the practical elements of the course.

Accommodation

- 4.13 Three classrooms have been identified and set up at the Murrayburn depot at 33 Murrayburn Road. This brings all of the Taxi and Private Hire Licensing functions into one building, including the Taxi Examination Centre office.
- 4.14 The new Taxi and Private Hire Centre has been designed to be a centre of excellence/'one stop shop' for all taxi and Private Hire licensing applications, processing and vehicle examinations, and also includes suitable facilities for training.

Summary

- 4.15 Committee is asked to note the course arrangements set out above and to agree the timeline as follows:
 - 4.15.1 The current Foundation Training Course will continue as an entry level course for the hire car trade;
 - 4.15.2 The three day training course will roll out from October 2023; and
 - 4.15.3 Work will be undertaken in relation to the one day Refresher Training course, aiming for the first refresher training to be available in October 2026.

5. Next Steps

- 5.1 If the timeline for training is agreed, officers will correspond with the trade on new arrangements for training and will finalise training content, accreditation and training programme arrangements.

6. Financial impact

- 6.1 The cost of training will be borne by the applicant and will not have an impact on the Civic Government (Scotland) Act 1982 licensing budget.
- 6.2 Previously, the planned price of the three day course was £300. This was based on prices during financial year 2018/19 and this price will need to be revised based on the subsequent cost of inflation.

7. Stakeholder/Community Impact

- 7.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equalities duties.
- 7.2 The contents and recommendations described in the report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.
- 7.3 There is no environmental impact arising from the contents of this report.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 - Training Modules for Full Drivers Trainer Course

Appendix 1- Training Modules for Full Drivers Trainer Course

Unit 1	The regulatory framework of the taxi and private hire industry
LO1	Understand how to meet the requirements to hold and retain a licence to drive and work within the taxi and private car hire industry
LO2	Know the requirements and Local Licensing conditions in relation to taxi or private hire cars (PHC)
LO3	Know how to work and discharge the duties and responsibilities of a taxi /PHC driver/vehicle licence holder within the regulatory framework for carrying passengers for hire and reward
Unit 2	Road safety when driving passengers in a taxi or private hire vehicle
LO1	Understand factors that can affect a driver's judgement and concentration
LO2	Know how to transport customers in a safe and comfortable manner.
LO3	Know the compliance requirements in respect of the vehicle and driver licence conditions and legal requirements
LO4	Understand how to respond to an emergency or incident when driving a taxi or private hire vehicle
Unit 3	Professional customer service in the taxi and private hire industry
LO2	Know the requirements, local licensing conditions and precautions in relation to carrying goods and parcels
LO3	Understand how to use communication skills to avoid conflict and minimise personal risk
LO4	Know how to deal with customer grievance and handle complaints effectively
LO2	Know the requirements, local licensing conditions and precautions in relation to carrying goods and parcels
Unit 4	Picking up and setting down passengers and fares in the taxi and PHC industries
LO1	Know rules, safety measures and restrictions related to picking up and setting down passengers
LO2	Know how to accurately charge out a fare for transporting passengers within a hire and reward system
LO3	Understand the benefits and restrictions/conditions that drivers have to be aware of in respect of electronic means of communication
LO4	Understand the requirements of the operation of a booking office
Unit 5	Transporting of children and young persons by taxi or private hire vehicle
LO1	Understand the role of the driver in ensuring that the vehicle and its ancillary components are fit for transporting children
LO2	Understand how to safely pick up and transport children and young persons to a destination point where they can be safely handed over to an authorised person
Unit 6	Taxi and private hire services for passengers who require assistance
LO1	Understand anti-discriminatory legislation
LO2	Understand how to recognise when passengers require assistance
LO3	Understand how to provide an appropriate service for customers who may experience difficulties in using taxis and private hire cars (PHC)
LO4	Understand how to assess risk and how to describe the types of specialist equipment for transport of passengers travelling in a wheelchair

LO5	Be able to demonstrate safe wheelchair assistance to passengers with a disability who require entry and exit to and from an accessible vehicle.
LO6	be able to provide safe assistance for customers who want to transfer to and from wheelchair to the vehicle
Unit 7	First Aid
LO1	Understanding the principles of First Aid?
LO2	Understand Incident Assessment requirements
LO3	Be Able to Conduct a Primary Survey
LO4	Management of an Unresponsive Casualty
LO5	Be able to assist a casualty with a breathing difficulty
LO6	Be able to recognise when a casualty is not breathing
LO7	Be able to provide first aid to a casualty with external Bleeding
LO8	Be able to provide first aid to a casualty following electrocution
Unit 8	Public Protection: Awareness Raising and Response
LO1	Understand what is meant by public protection
LO2	Understand how to identify different types of harm and possible alerting signs
LO3	Consider Adult and Child Protection – Domestic Abuse – Human Trafficking and Child Sexual Exploitation
LO4	Understand what action to take if concerned that a child or adult is at risk of or is suffering harm.
LO5	Have an awareness of the principles within adult and child protection legislation and issues of Domestic Abuse, Child Sexual Exploitation and Human Trafficking

This page is intentionally left blank

Regulatory Committee

10.00am, Monday, 6 February 2023

Taxi Fares Review 2023

Executive/routine
Wards All
Council Commitments

1. Recommendations

1.1 Committee is asked to:

1.1.1 Note the attached report from Jacobs (Appendix 2), and, in particular, the recommendations following consultation with representatives of the taxi trade;

1.1.2 Note that feedback was sought from the representatives of the taxi trade on the recommendations of initial Jacobs' report and, where possible, this has been incorporated in that report;

1.1.3 Note that officers are recommending that Committee agrees to consult on an updated fare scale reflecting the following amendments to the current fare scale:

1.1.3.1 Apply 20% increase to Tariffs 1 and 2; and,

1.1.3.2 Apply 15% increase to Tariffs 3 and 4.

1.1.4 Approve the advertisement of a proposed fare scale with the above changes, for reasons set out in this report, as required in terms of section 17 of the [Civic Government \(Scotland\) Act 1982 \('the Act'\)](#). This will be published in local newspaper publications within the Council area in the manner required under section 17(4A) (c) of ('the Act'), including the date on which the fare scale is planned to take effect. Any representation(s) received as result of the consultation will be reported report back to Committee.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Taxi Fares Review 2023

2. Executive Summary

- 2.1 This report informs Committee that the statutory review of fares has been undertaken. The Council engaged consultants to carry out the initial work on the fare review and their final report is attached at Appendix 2. Consultation with the trade has also been carried out, and this report makes recommendations on the remaining steps necessary to complete the review and fix taxi fares.

3. Background

- 3.1 The Council, as Licensing Authority for taxis, under the Civic Government (Scotland) Act 1982 ('the Act') Section 17, is required to review and fix the scale of fares and other charges which may be used by taxis licensed within the city. This review must take place at intervals not greater than 18 months. The Council last fixed taxi fares on 30 December 2021. The taxi fare tariff sets out the maximum charges which licensed taxis may charge any passenger for a journey within the city. Operators are free to alter any charge subject to that maximum.
- 3.2 The initial requirement of the review is that the Council, as Licensing Authority, must consult with persons or organisations appearing to be, or to be representative of, the operators of taxis within the Council area. In its work plan, Committee agreed to commission consultants to carry out the initial consultation with the trade, to review the fare structure and to make recommendations on any changes following consultation. Jacobs were commissioned to undertake the most recent review and the final report is attached at Appendix 2.

4. Main report

- 4.1 The current fare structure is set out at Appendix 1. The fare varies depending on time of day, distance travelled, and waiting time. There are particular tariffs for certain public holidays and additional fees for a range of items, including the cleaning of the taxi if it is soiled.
- 4.2 As required by the ('the Act'), Jacobs, on behalf of the Council, has carried out the first stage of the consultation process with taxi trade representatives. The trade were invited to three planned sessions where they were encouraged to provide feedback on the current tariff (Appendix 1).

- 4.3 Section 17(4A)(a) of the Act states that when fares are reviewed, a Licensing Authority should consult with ‘persons or organisation appearing to be, or to be representative of, the operators of taxis operating within its area’. This is the first stage of the process.
- 4.4 At the first of these meetings on 30 November 2022, all but one of the attendees indicated that they would not be taking part in the meeting due to the attendance of one individual. One attendee further stated that he awaited a response from the Council regarding a query with respect to the criteria by which the Council had determined which individuals would be included in the review of fares. There were further unsuccessful attempts to hold these meetings, and at the request of the Council, Jacobs invited written submissions as an alternative. These written submissions are included in the Jacobs report.
- 4.5 The written submissions were used as stage 1 of the process and the Council is now required to review the existing fare scales and propose new scales. The second stage of the process requires that the proposed fare scale be advertised for a period of not less than one month, to allow for representations. Following this, a further report will be brought back to Committee for consideration, and if appropriate, approval.
- 4.6 There is a right of appeal in respect of any decision Committee makes regarding the new fare scales. This may be exercised by any taxi licence holder and the appeal is made to the Scottish Traffic Commissioner. Guidance issued by the Scottish Government states that “the Council should consider the costs of operating a taxi as well as the income available to operators when reviewing and fixing the taxi fare scales”. Committee should also avoid restricting any increase based on concern about the impact on passengers.
- 4.7 The draft Jacobs recommendations regarding revisions to the fare table were circulated to trade representatives for information, and, along with the Jacobs report, are now submitted for the Committee’s consideration. Section 4 of the Jacobs report separately outlines the responses received from the trade with respect to the Jacobs research. Members are advised to consider this information in detail when considering the recommendations in this report.
- 4.8 At the final stage of the Jacobs trade consultation, trade representatives were provided with the following options for comment:
- 4.8.1 Option 1 - Increase fares across all tariffs by 14.2%; or
- 4.8.2 Option 2 - Increase fares across all tariffs by 14.2% and provide a one off increase of an additional 5% in light of increased vehicle costs, across Tariffs 1 and 2.
- 4.9 Members’ attention is directed to the responses from trade members attached at section 4.4 of the Jacobs report, and Committee is also reminded that the sole criteria to be considered when setting any taxi fares are the statutory framework and guidance available. Affordability and other issues of public policy such as impact on the travelling public are not factors which should be used to determine any decision.

- 4.10 Following receipt of feedback from the trade, Jacobs made the revised final recommendations contained within Section 8.2 of their report, which sets out the fare increases and other changes that Jacobs recommend should be applied, specifically:
- 4.10.1 Apply 20% increase to Tariffs 1 and 2;
 - 4.10.2 Apply 15% increase to Tariffs 3 and 4; and,
 - 4.10.3 Impose a mandatory requirement for credit/debit card payment to be accepted for all taxi journeys.
- 4.11 After taking the above into consideration, it is recommended that Committee fixes a taxi fare scale with the following changes to the current fare scale:
- 4.11.1 Apply 20% increase to Tariffs 1 and 2; and,
 - 4.11.2 Apply 15% increase to Tariffs 3 and 4.
- 4.12 The third recommendation made by Jacobs, which in turn is a request from representatives of the taxi trade, is to make card payment machines mandatory in all taxis. It is recommended that the Committee takes no action on this request at this time, for the following reasons:
- 4.12.1 The Council is fixing the taxi fare scales and that power does not extend to amending conditions of licence to make this mandatory;
 - 4.12.2 It unclear whether the Council legally has the power to require the acceptance of card payments as a condition of licence; and
 - 4.12.3 If Committee decides to consider such a condition, then a full consultation process would be required prior to doing so, and also evidence for the need to impose such a condition.

5. Next Steps

- 5.1 Having reviewed the proposed new fare scales, if Committee approves the report recommendations, the fare scale will be updated to reflect the changes approved and advertised, as required by the Act. The outcome of this will be reported back to Committee when the process is complete.
- 5.2 Committee is asked to note this report and agrees to receive a further report after the statutory advert is published and the consultation period is complete.

6. Financial impact

- 6.1 There is no direct financial impact to the Council. The fare structure will have a direct impact on residents or visitors to the city using a taxi.

7. Stakeholder/Community Impact

- 7.1 If the taxi trade has a concern about the Council's decision on the new fare scales, taxi licence holders may appeal that decision individually or as a group, including any decision not to implement an increase in the fare scales.
- 7.2 Matters described in this report have no relationship to the public sector general equality duty, thus there is no direct equalities impact arising from this report
- 7.3 There is no environmental impact arising from the contents of this report.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 - Current tariff (from 30 December 2021).
- 9.2 Appendix 2 - Jacobs report dated 27 January 2023.

THE CITY OF EDINBURGH COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
FARE TABLE FOR TAXIS
With effect from 30 December 2021

FOR UP TO 2 PASSENGERS

TARIFF 1 Monday – Friday 6am – 6pm	TARIFF 2 Monday – Friday 6pm – 6am the following day 6am Saturday – 6am Monday
TARIFF 3 Monday – Friday 6am – 6pm during Christmas and New Year period	TARIFF 4 25 December - ALL DAY 1 January - ALL DAY Where Christmas period falls on Saturday and Sunday - ALL DAY Monday-Friday between 6pm and 6am during Christmas and New Year period
CHRISTMAS PERIOD	6pm on 24 December to 6am on 27 December
NEW YEAR PERIOD	6pm on 31 December to midnight on 2 January

CHARGES	TARIFF 1	TARIFF 2	TARIFF 3	TARIFF 4
<ul style="list-style-type: none"> Initial hire not exceeding 501m Initial 105 seconds of waiting time Combination of initial time and distance 	£3.00	£4.00	£4.00	£5.00
<ul style="list-style-type: none"> Each additional 163m up until 1805m and thereafter each additional 190m Each additional 35 seconds of waiting time Combination of additional time and distance 	£0.25	£0.25	-	-
<ul style="list-style-type: none"> Each additional 179m up until 1933m and thereafter for each additional 207m Each additional 38 seconds of waiting time Combination of additional time and distance 	-	-	£0.35	£0.45

EXTRA PAYMENTS

When more than 3 passengers	Each	£0.40
Note: Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years of age.		
Each Passenger must be properly seated		
Hires ending at Edinburgh Airport Inner Drop-off Zone (See Note 4 below)	£4.00	
Call Out Charge Applicable when pre-booked	£0.80	Airport Pickup - For hires commencing at Edinburgh airport. The amount charged at the exit gate subject to a maximum of £5.00, providing it is no more than the actual amount charged.
Cancellation Fee Applicable when taxi is pre-booked but not used	£2.20	
Soiling charge - maximum of £50.00 payable by a passenger, where a vehicle is required to be removed from service for cleaning in order for it to be restored to a usable state and condition		

NOTES

- (1) The above Tariff is applicable only within the City of Edinburgh.
- (2) Any hire which terminates outside the City of Edinburgh area – FARE MUST BE NEGOTIATED AND AGREED WITH DRIVER BEFORE THE JOURNEY COMMENCES.
- (3) A copy of the Licensing Conditions can be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh, EH1 1YJ and downloaded from www.edinburgh.gov.uk
- (4) **The Airport Extra** is only payable if passenger is dropped off in the covered inner drop-off zone at Edinburgh Airport and the driver has explained to the passenger before the start of the journey - (1) He will take the passenger to the drop off point just beside the airport terminal and that there is a £4 extra for this. (2) If the passenger states he is disabled, the £4 extra still has to be paid, but the driver understands that the passenger can reclaim this from the airport at the drop-off point. (3) If the passenger wishes to avoid the £4 extra, he can be taken to an outer drop-off point. However, this is further from the airport terminal, involves the use of a free shuttle bus and will require more time for the passenger to get to the airport terminal.

COMPLAINTS

Any hirer aggrieved at the level of the fare charged for any hire or for any other reason may discuss the matter with the Taxi Licensing Officer (0131 529 4250). Any complaint must be made in writing and addressed to the Complaints Officer, Licensing Service, The City of Edinburgh Council, 249 High Street, Edinburgh EH1 1YJ, and should include the vehicle's licence number and time and date of the incident.

CS.70 DEC 21



Fare review 3

Draft Report

Document No. | 1

January 27, 2023

City of Edinburgh Council

Document history and status

Revision	Date	Description	Author	Checked	Reviewed	Approved
		Draft Report	LR	DH	LR	DH

Distribution of copies

Revision	Issue approve	Date issued	Issued to	Comments

Fare review 3

Project No: Project Number
Document Title: Draft Report
Document No.: Document No.
Revision: <revision>
Document Status: <DocSuitability>
Date:
Client Name: City of Edinburgh Council
Client No: Client Reference
Project Manager: Liz Richardson
Author: Liz Richardson
File Name: Document1

Jacobs U.K. Limited

1 City Walk
Leeds, West Yorkshire LS11 9DX
United Kingdom
T +44 (0)113 242 6771
F +44 (0)113 389 1389
www.jacobs.com

© Copyright 2021 Jacobs U.K. Limited. The concepts and information contained in this document are the property of Jacobs. Use or copying of this document in whole or in part without the written permission of Jacobs constitutes an infringement of copyright.

Limitation: This document has been prepared on behalf of, and for the exclusive use of Jacobs' client, and is subject to, and issued in accordance with, the provisions of the contract between Jacobs and the client. Jacobs accepts no liability or responsibility whatsoever for, or in respect of, any use of, or reliance upon, this document by any third party.

Contents

1.	Introduction	4
1.1	General.....	4
1.2	Background to fares in Edinburgh.....	4
1.3	Age limitation and emission standards.....	4
1.4	Low Emission Zone (LEZ).....	5
2.	Review of the Current Fare Tariff	6
2.1	Background.....	6
3.	Benchmarking	9
3.1	Introduction	9
3.2	Tariffs.....	9
3.3	Comparison of 1,2, 3- and 5-mile fares.....	11
3.4	Fare for a 2-mile journey.....	12
3.5	Additional Passenger Charge.....	13
3.6	Call out charges.....	14
3.7	Cancellation fees.....	14
3.8	Local benchmarking	14
4.	Consultation – Trade	16
4.1	Introduction	16
4.2	Initial trade consultation.....	16
4.3	Trade Consultation – 2 nd	20
4.4	Trade Consultation – final.....	20
5.	Consultation - Public	22
5.1	Introduction	22
5.2	General Information	22
5.3	Summary.....	26
6.	Consultation – Stakeholder	28
6.1	Introduction	28
6.2	Stakeholder Responses.....	28
7.	Fare Revision	29
7.1	Background and overall proposed increases.....	29
7.2	Impact of fare increases – Trade Consultation.....	29
7.3	Impact of fare increases – Tariff 1 and 2	29
7.4	Amended Festive Tariff	32
7.5	Credit/Debit Card payments	32
8.	Conclusions	33
8.1	General.....	33

8.2	Recommendations.....	33
8.3	General Increase.....	33
8.4	Festive Tariff.....	34
8.5	Credit Card payment.....	34

Appendix A. Additional Information

1. Introduction

1.1 General

This study has been conducted by Jacobs on behalf of City of Edinburgh Council (CEC). The overall objective is to carry out a review of the taxi fare tariff in Edinburgh. The study will review the current fare tariff and advise on any changes. In terms of Section 17 of the Civic Government (Scotland) Act 1982, the Council must fix maximum scales for the fares and other charges in connection with the hire of a taxi. In terms of Section 17(2) of the said Act (as amended by Section 174(3) of the Criminal Justice and Licensing (Scotland) Act 2010), the Council has to review these scales on a regular basis. The Council must fix scales within 18 months, beginning with the date on which the scales came into effect. In carrying out a review, the Council is required to consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area.

The Second Edition of the Scottish Government's Licensing of Taxis and Private Hire Cars Best Practice Guidance for Licensing Authorities, issued in April 2012, refers Councils carrying out taxi fare reviews to pay particular regard to advice contained in paragraphs 2.34 – 2.37 of Scottish Development Department Circular 25/1986; whereby;

“The Secretary of State expects that in fixing fares authorities will want to pay primary regard to the costs incurred by the trade, having regard to the capital costs (including interest payments) of the vehicles, the costs of maintaining and replacing them to the standards required by the licensing authority, of employing drivers and the prevailing level of wages and costs in related road transport industries. In the Secretary of State's view the public interest is better served by ensuring that the maintenance of an adequate taxi service by giving the trade a fair return, than by depressing fares for social reasons, however understandable. If fares are fixed at a level higher than the market can stand, the trade is free to reduce them”.

CEC licensing conditions require all taxis in Edinburgh to be fully wheelchair accessible.

1.2 Background to fares in Edinburgh

In line with the Civic Government (Scotland) Act 1982, licensing authorities are required to review and fix the scale of fares and other charges which may be used by taxis licensed within the city. This review must take place at intervals not greater than 18 months. The current fares were last reviewed by the Regulatory Committee in October 2021 and a 2.9% increase was applied across all tariffs. In addition, the additional passenger charge was increased to 40p and the days the festive tariff applied were amended.

1.3 Age limitation and emission standards

On 16 March 2016 the Regulatory Committee agreed to revise the policy on Taxis and Private Hire Cars. This policy change came effective from 7 May 2018 and introduced an age limit for taxis and private hire cars as well as an emission policy.

This policy set out that:

- **Effective 1 April 2020** a taxi or private hire car can be submitted for test prior to the 10th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.
- **Effective 1 April 2020** Any taxi or private hire car which is converted to LPG will be allowed a further 4 years of operation.

In addition to the age limits set out above the committee introduced emission standards for vehicles.

- **Effective 1 April 2019** no Taxi or private hire car will thereafter be accepted for test unless it is Euro 5 or above. Any Euro 0-4 Taxi or private hire car which has passed its test and is licensed prior to 1 April 2019 may continue to be operated until its licence expires or **31 Mar 2020** whichever date is earliest.
- **4. Effective 1 April 2022** no Taxi or private hire car will thereafter be accepted for test unless it is Euro 6 or above. Separately to this requirement, any Euro 5 Taxi or private hire car that has passed its test and is licensed prior to 1 April 2022 may continue to be operated until its licence expires or **31 Mar 2023** whichever date is earliest.

For those vehicles not currently licensed by City of Edinburgh Council, no vehicle will be accepted for licensing as a taxi or private hire car or replacement vehicle for an existing Taxi or private hire car licence unless it is a Euro 6.

In November 2020, City of Edinburgh Council amended the terms of the Age and Emissions policy, by delaying the implementation date for the following milestones until 30 September 2021.

- For existing vehicles, no application will be accepted for licensing a taxi or PHC or as a replacement vehicle for an existing taxi or PHC if it was more than 10 years old (from the date of first registration); and
- For vehicles not currently licensed, no vehicle will be accepted for licensing as a taxi or PHC or as a replacement vehicle for an existing taxi or PHC unless it is a Euro 6.

These dates were further revised following Committee on the 21st August 2021 where it was agreed that they would take effect from 1 April 2022.

1.4 Low Emission Zone (LEZ)

City of Edinburgh Council implemented a Low Emission Zone on 31st May 2022. The proposals include a LEZ which applies both to the city centre for all vehicles, and city wide for only commercial vehicles (buses, coaches, heavy goods vehicles, light goods vehicles, vans, taxis, and private hire cars).

The proposals as they currently stand require all diesel vehicles to be Euro 6 compliant and petrol vehicles to be Euro 4 standard. A grace period of two years is proposed for Edinburgh's LEZ scheme, which means that subject to approval, enforcement of the LEZ will commence in June 2024.

2. Review of the Current Fare Tariff

2.1 Background

City of Edinburgh Council's current fare tariff is detailed on the following page (Figure 2.1). The current fare tariff has been in existence since 30 December 2021 and is arranged in a series of four tariffs and extra charges and payments. Tariff 1 operates Monday to Friday 6am to 6pm and Tariff 2 operates Monday to Friday 6pm to 6am and all-day Saturday and Sunday. In addition to these two tariffs there are further tariffs for the Christmas and New Year period. Tariff 3 is operational Monday to Friday 6am to 6pm over Christmas and New Year and Tariff 4 is operational all day on Christmas Day and New Years Day. Where Christmas period fall on a Saturday or Sunday, Tariff 4 applies all day and Monday to Friday 6pm – 6am. The Christmas period is defined as 6pm 24th December to 6am 27th December. The New Year period is defined as 6pm 31st December to midnight 2nd January.

In addition to these four tariffs there are a series of additional payments for soiling, pick up and drop off at the Airport, additional passengers and call out charges. Table 2.1 details the current fare for a 1 and 2-mile journey at each tariff. The publication Private Hire and Taxi Monthly issues monthly league tables of the fares for 365 authorities over a two-mile day time journey. Each journey is ranked with one being the most expensive. The January 2023 table shows Edinburgh rated 140th in the table, indicating that Edinburgh has higher than average fares. Table 2.2 provides a comparison of where a selection of neighbouring authorities in Scotland rank in terms of fares, showing that fares in Edinburgh are mid-range in comparison to other similar Scottish authorities and less than average overall.

Table 2.1 Detail of fares of a 1 and 2 mile journey at each tariff

Tariff	1-mile fare	2-mile fare
Tariff 1	£4.75	£7.00
Tariff 2	£5.75	£8.00
Tariff 3	£6.45	£9.25
Tariff 4	£8.15	£11.75

Table 2.2 - Comparison of neighbouring and/or comparable authorities in terms of fares (Source Private Hire and Taxi Monthly, January 2023)

Local Authority	Rank
Midlothian	8
Fife	66
East Lothian	139
City of Edinburgh	140
Glasgow	170

West Lothian	183
Falkirk	256

DRAFT

Figure 2.1 Current Fare Card

THE CITY OF EDINBURGH COUNCIL CIVIC GOVERNMENT (SCOTLAND) ACT 1982 FARE TABLE FOR TAXIS With effect from 30 December 2021				
FOR UP TO 2 PASSENGERS				
TARIFF 1 Monday – Friday 6am – 6pm	TARIFF 2 Monday – Friday 6pm – 6am the following day 6am Saturday – 6am Monday			
TARIFF 3 Monday – Friday 6am – 6pm during Christmas and New Year period	TARIFF 4 25 December - ALL DAY 1 January - ALL DAY Where Christmas period falls on Saturday and Sunday - ALL DAY Monday-Friday between 6pm and 6am during Christmas and New Year period			
CHRISTMAS PERIOD	6pm on 24 December to 6am on 27 December			
NEW YEAR PERIOD	6pm on 31 December to midnight on 2 January			
CHARGES	TARIFF 1	TARIFF 2	TARIFF 3	TARIFF 4
<ul style="list-style-type: none"> Initial hire not exceeding 501m Initial 105 seconds of waiting time Combination of initial time and distance 	£3.00	£4.00	£4.00	£5.00
<ul style="list-style-type: none"> Each additional 163m up until 1805m and thereafter each additional 190m Each additional 35 seconds of waiting time Combination of additional time and distance 	£0.25	£0.25	-	-
<ul style="list-style-type: none"> Each additional 179m up until 1933m and thereafter for each additional 207m Each additional 38 seconds of waiting time Combination of additional time and distance 	-	-	£0.35	£0.45
EXTRA PAYMENTS				
When more than 3 passengers			Each	£0.40
Note: Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years of age.				
Each Passenger must be properly seated				
Hires ending at Edinburgh Airport Inner Drop-off Zone (See Note 4 below)				£4.00
Call Out Charge Applicable when pre-booked	£0.80	Airport Pickup - For hires commencing at Edinburgh airport. The amount charged at the exit gate subject to a maximum of £5.00, providing it is no more than the actual amount charged.		
Cancellation Fee Applicable when taxi is pre-booked but not used	£2.20			
Soiling charge - maximum of £50.00 payable by a passenger, where a vehicle is required to be removed from service for cleaning in order for it to be restored to a usable state and condition				
NOTES				
(1) The above Tariff is applicable only within the City of Edinburgh.				
(2) Any hire which terminates outside the City of Edinburgh area – FARE MUST BE NEGOTIATED AND AGREED WITH DRIVER BEFORE THE JOURNEY COMMENCES.				
(3) A copy of the Licensing Conditions can be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh, EH1 1YJ and downloaded from www.edinburgh.gov.uk				
(4) The Airport Extra is only payable if passenger is dropped off in the covered inner drop-off zone at Edinburgh Airport and the driver has explained to the passenger before the start of the journey - (1) He will take the passenger to the drop off point just beside the airport terminal and that there is a £4 extra for this. (2) If the passenger states he is disabled, the £4 extra still has to be paid, but the driver understands that the passenger can reclaim this from the airport at the drop-off point. (3) If the passenger wishes to avoid the £4 extra, he can be taken to an outer drop-off point. However, this is further from the airport terminal, involves the use of a free shuttle bus and will require more time for the passenger to get to the airport terminal.				
COMPLAINTS				
Any hirer aggrieved at the level of the fare charged for any hire or for any other reason may discuss the matter with the Taxi Licensing Officer (0131 529 4250). Any complaint must be made in writing and addressed to the Complaints Officer, Licensing Service, The City of Edinburgh Council, 249 High Street, Edinburgh EH1 1YJ, and should include the vehicle's licence number and time and date of the incident.				
CS.70 DEC 21				

3. Benchmarking

3.1 Introduction

In order to compare taxi tariffs in other cities in Scotland and the UK a benchmarking exercise has been undertaken. Benchmarking has been undertaken on the following:

- Tariffs
- Cost of a 2, 3 and 5-mile journey
- Additional passenger cost
- Call Out Charges; and
- Cancellation fees

All Scottish cities¹ and the Core Cities in England have been used for comparison.

3.2 Tariffs

Figure 3.1 provides detail as to when different standard tariffs apply across days of the week and times of the day for the benchmarked authorities. The majority of authorities have two tariffs – one for daytime and one for night-time and these apply across the whole week. The time that the night-time tariff applies does vary with the earliest commencing at 6pm and the latest at 11pm.

Edinburgh and Leeds's night-time tariff commences the earliest of all benchmarked authorities. Most of the benchmarked authority's night-time tariff commences after 7pm. However, in Edinburgh it is our understanding that 6pm is also when the night-time shift drivers commence.

¹ Glasgow CC are in the process of applying an increase to their fares, however this is not yet in place

3.3 Comparison of 1,2, 3- and 5-mile fares

Figure 3.2 details the current weekday daytime fare for these authorities over a distance of 1, 2,3 and 5 miles. It illustrates that Edinburgh is towards the higher end of fares at all distances

Figure 3.2 Comparison at 1,2, 3 and 5 miles - daytime

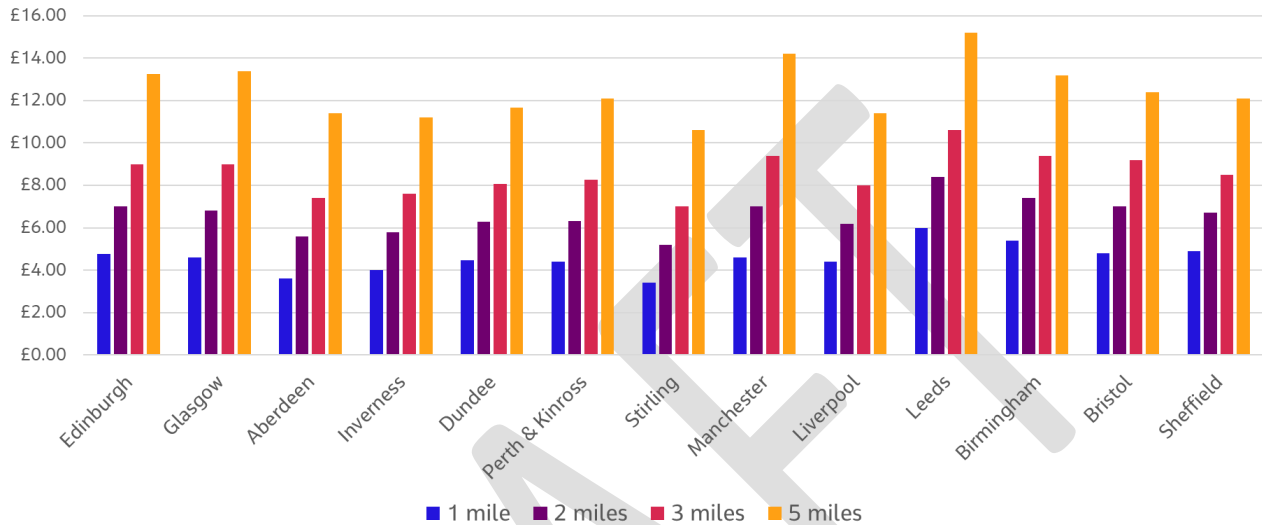
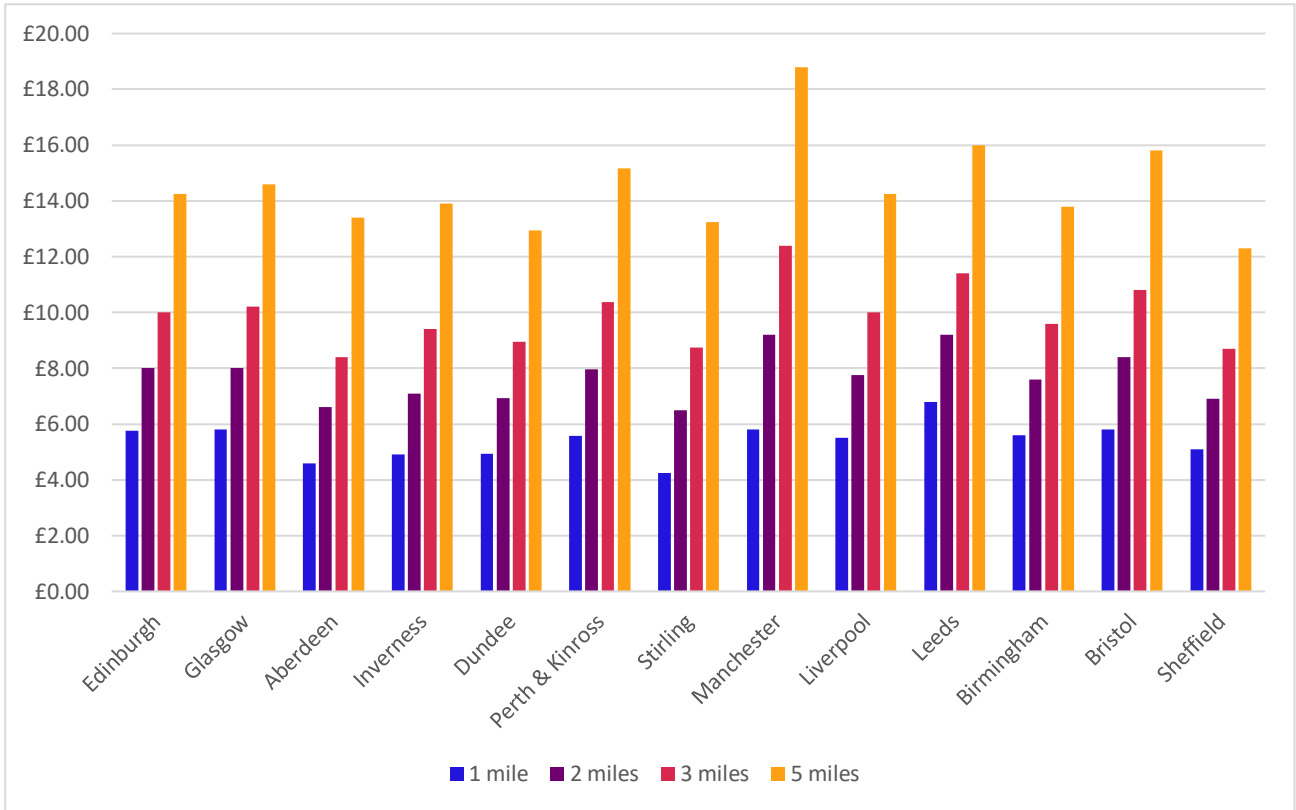


Figure 3.3 details the current night time fares for these authorities over a distance of 1, 2,3 and 5 miles. It illustrates that Edinburgh is just above the average of benchmarked fares for most distances.

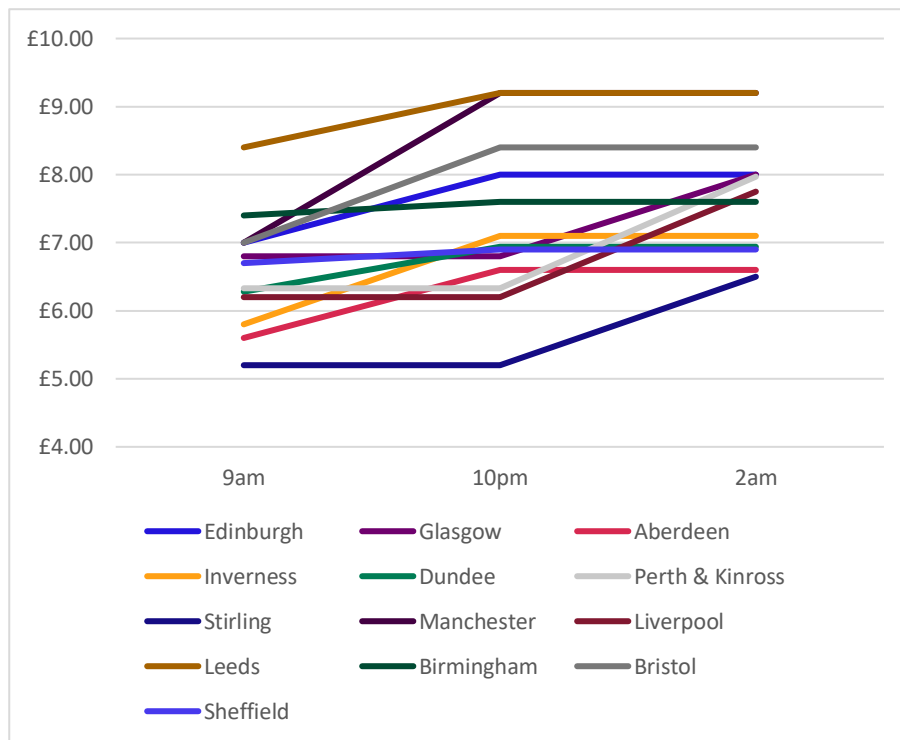
Figure 3.3 Comparison at 1,2, 3 and 5 miles – night time



3.4 Fare for a 2-mile journey

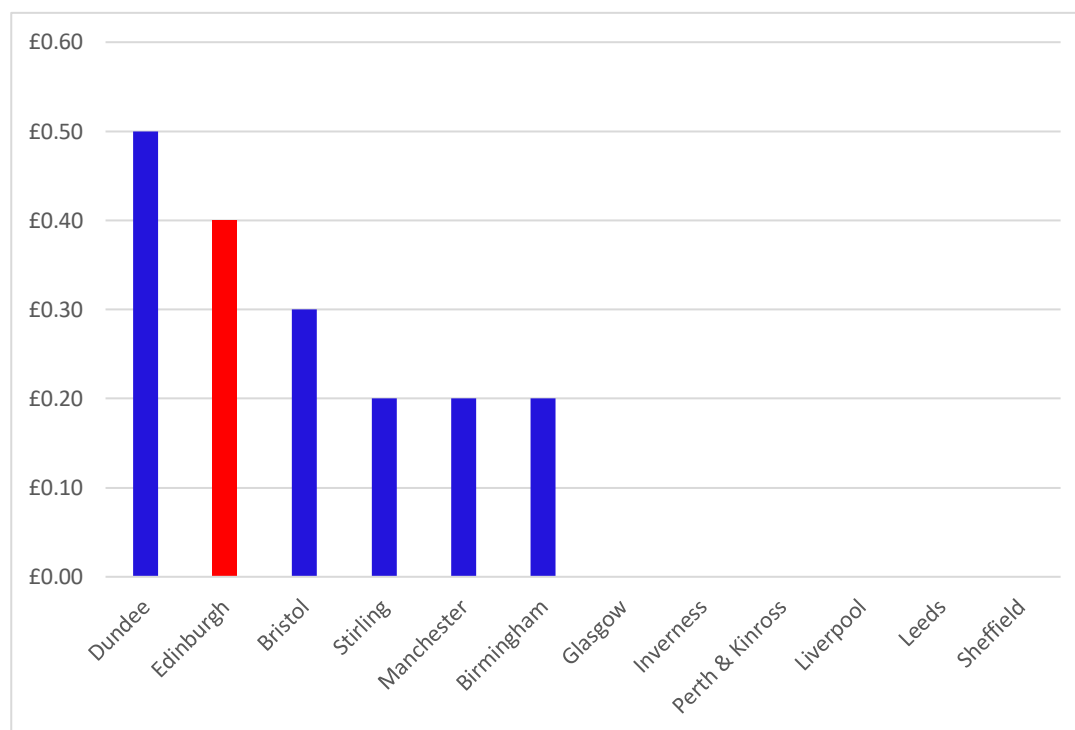
Figure 3.4 compares daytime and night time tariffs across the benchmarked authorities. Fares have been benchmarked at three separate time periods on a standard weekday – 9am, 10pm and 2am. The average cost of a two-mile journey at 9am is £6.59; 10pm is £7.27 and £7.70 at 2am. Edinburgh is higher than average across all time periods.

Figure 3.4 Tariff 1 and Tariff 2 comparisons



3.5 Additional Passenger Charge

In Edinburgh the fare card is applicable for journeys with up to 2 passengers. For journeys with more passengers there is an 'additional passenger charge' of 40p. Figure 3.4 on the following page shows a comparison of the cost for additional passenger charges. As can be seen, half of the other benchmarked city authorities do not apply any additional passenger charges. Of those authorities that do stipulate a charge the most expensive is in Dundee at 50p per additional passenger.

Figure 3.4 Additional Passenger Charges


3.6 Call out charges

In Edinburgh the fare card allows drivers to add 80p on to the fare when they have been prebooked. Out of the benchmarked authorities only Highland (£1), Aberdeen (£1) and Stirling (50p) have comparable charges. Glasgow allows drivers to set the meter to the 'hired' position prior to reaching the fare provided the meter does not exceed £3.40 at the time the journey commences.

3.7 Cancellation fees

Edinburgh is the only authority who charge a cancellation fee. This is applicable when a taxi is prebooked but not used.

3.8 Local benchmarking

Local benchmarking has also been undertaken to provide context with Edinburgh's neighbouring authorities. As detailed in Figure 3.5, Fife Council are the most expensive for daytime fares. Figure 3.6 shows that Fife has the most expensive fares on a nighttime tariff for neighbouring authorities.

Figure 3.5 Neighbouring authorities – Daytime fares

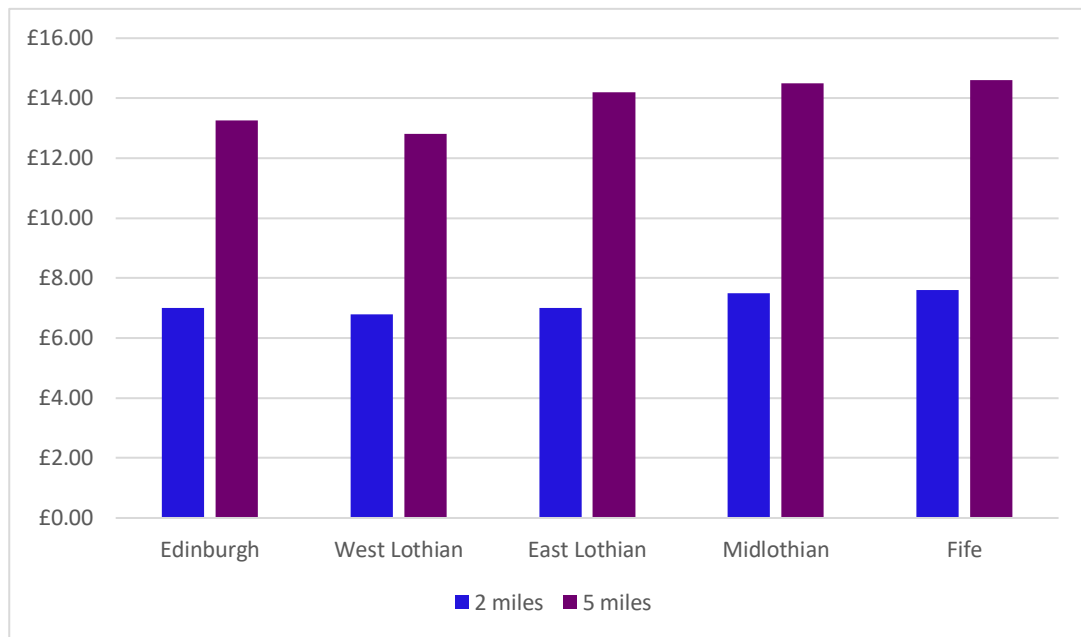
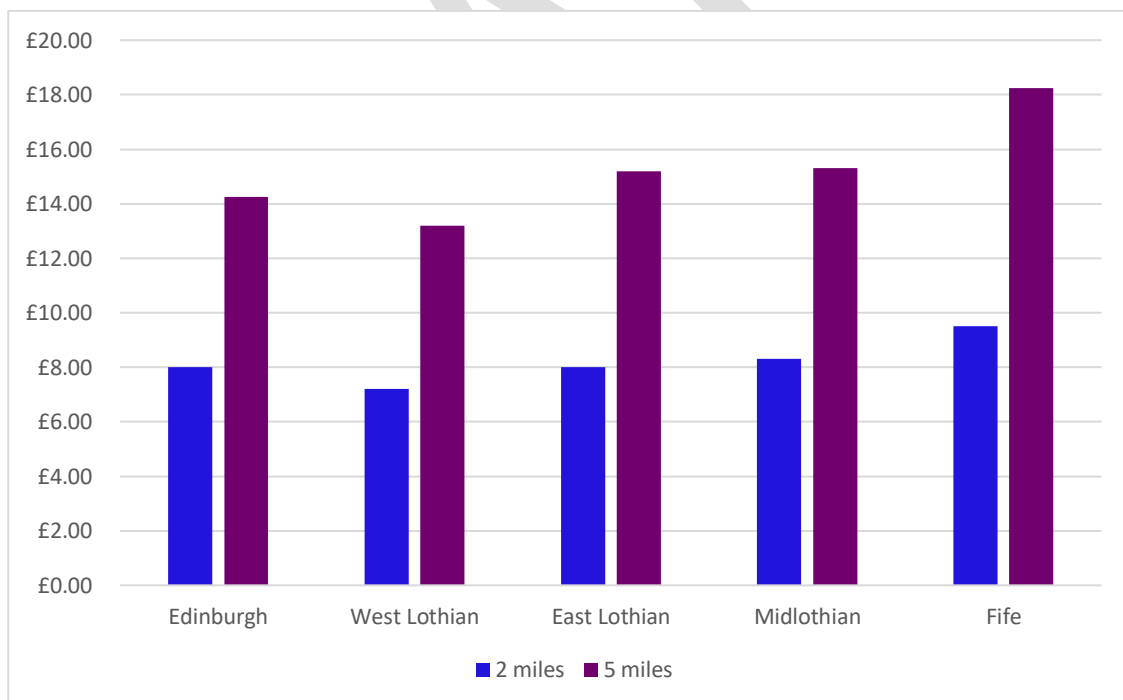


Figure 3.5 Neighbouring authorities – Nighttime fares



4. Consultation – Trade

4.1 Introduction

Three trade meetings were scheduled to be held with 'representatives' of the taxi trade². A number of trade representatives expressed their concern with how these 'representatives' had been determined and refused to attend the scheduled meetings. In light of this being unresolved and the time restrictions in place City of Edinburgh Council determined that consultation would be undertaken via email.

4.2 Initial trade consultation

The first email to the trade representatives was issued on 3rd January 2023. This email set out the process for consultation with the trade and requested initial thoughts from them on the current tariff.

The responses are set out below:

Unite the Union

"Unite the Union, Edinburgh Cab Section, wish it noted on record that we are extremely disappointed that a representative of the private hire trade is - despite the protests of the legitimate trade reps - still being included in these negotiations. We wish to make our objection to the inclusion of a Private Hire Car representative in these talks official and noted on record. The attitude of council officers has also been noted and we are again disappointed at their position on this matter. However, in view of the limited time available to conduct the tariff review, our thoughts are as follows:

- The costs incurred in both buying and running a taxi have increased significantly since the last fare review. Household bills have increased hugely, particularly energy and food prices. inflation rate (CPI) currently stands at around 11.1% at time of writing and this is expected to increase further over the next 12-18 months according to the government's own economic forecasts.
- It is the view of Unite that a tariff increase of 15% be implemented which would take into account the current inflation rate and help the trade absorb increasing costs as inflation continues to rise. An increase in line with the rate of CPI is the absolute minimum.
- We also support the mandatory acceptance of credit and debit cards in all taxis (note that Unite previously pushed the Council to implement this but this was rejected by Licensing Dept).

Airport pick-ups and drop-offs. It has always and continues to be our view that the trade should be able to increase the amount of extras to reflect the costs implemented by the airport at any given time. In simple terms, if the airport increase the pick-up/drop-off fee to £5, then taxi drivers should be able to add that full amount to the taxi fare and not be "out of pocket".

Central taxis

"Central Taxis wish to formally record our continued objection to Kevin Woodburn and his associates being included in this process. They have failed to evidence anything that would support their claim to be a legitimate representative of the taxi trade, proposals to commence an operation that may or may not include taxi operators is not a basis for inclusion. For the avoidance of doubt, we recognise that this debate is a matter for CEC and potentially the traffic commissioner, given the timescales you are working to we have reluctantly decided to participate at this stage.

² As defined by City of Edinburgh Council

We propose an increase based on the CPI aligned with an uplift to reflect the rising costs of replacement vehicles required to meet CEC age & emission targets and the increase of running costs.

Debit and credit card usage within the sector has increased exponentially since Covid, the transaction costs to facilitate this payment mechanism are currently being borne by the drivers.

We wish to propose a very small one-off increase to cover those costs. As every driver would benefit from this increase, acceptance of card payments should be a mandatory option for customers.

Other major cities within the UK have adopted this policy, Edinburgh is a city that attracts millions of visitors every year it seems logical that we ensure they can access the services of the fleet in its entirety”

Scottish Taxi Federation

“The Scottish Taxi Federation remains very concerned about the inclusion of Mr Kevin Woodburn as a Statutory Consultee to the Statutory Taxi Tariff review. Equally alarming is the position taken by the City of Edinburgh Council in response to reasonable requests for confirmation of the basis upon which Mr Woodburn/Intercity Management Limited qualify as statutory consultees There is a clear and concerted (albeit somewhat thinly grounded) attempt to avoid at all costs a disclosure of any part of the process by which public officials claim to have determined the qualifications of Mr Woodburn, and any facts upon which that decision was based. This is all the more alarming given that Mr Woodburn is a well known and vocal advocate for the private hire industry and he and his company have absolutely no interest as yet in any licensed taxi vehicles within the city, let alone to have operated any business which involves the use of any licensed taxis (as opposed to private hire vehicles) let alone to justify a conclusion of his having a representative function.

We consider the inclusion of Mr Woodburn risks tainting the review process with illegality, as his view would be an irrelevant consideration if he does not qualify the requisite statutory criteria. We have seen the terms of the response to a freedom of information request, which serves only to exacerbate our concerns about the inherent illegality tainting the current review process. The risk of illegitimacy being so high, we regret that we cannot be lend our name further to a process so obviously flawed”

City Cabs

“City Cabs remain alarmed at the inclusion of a direct competitor to the Taxi trade, who has no legitimate reason to be included in the Taxi Tariff review, still being included in the Statutory Consultee stage of the review. Mr Kevin Woodburn has no obvious reason to be included in this review and the council have thus far refused to give any justification at all for his inclusion. To confirm, Mr Woodburn has no Taxis, has a temporary booking office license issued in June 2022 for a company which represents no Taxis, has made no effort to create the base of operations as detailed in the photos today from the ‘site’, and has openly stated that he is working for Seven Sevens Cars in their email to their Private Hire drivers.

In addition, they have stated publicly that ‘We always look at adapting to market changes and one of the things we are looking at is a variable tariff. This would be reducing the fare at certain times of the week but also raising it at other times to match supply and demand.’

This is a clear demonstration that not only Mr Woodburn should not be involved in this process, but also that his company intends to disregard the outcome and charge what they want either way. We now have the ludicrous position of a direct competitor with no demonstratable interest in the Taxi trade, being included on the consultation for the prices the Taxi trade must charge whilst simultaneously deciding to charge another amount of their choosing for their competitor Private Hire company. This is greatly damaging to the Taxi trade in Edinburgh and therefore City Cabs can’t condone Kevin Woodburn being involved in this process while the council disregard the views of the representatives of the Taxi trade.

Tariff:

City Cabs believe a necessary base level starting point for any rise would be the CPI increase in the period since the last review. Additionally, we would seek an increase for the massive rise in the cost of vehicles, since there is no company converting an existing vehicle anymore, the trade is left with the LEVC as the only new vehicle being produced. These are currently priced at £72,685 and are increasing to £74,486 next month. This is a significant rise from the £46,000 that a new vehicle cost during the consultation period of the previous Taxi Fare review.

We would also seek to make all credit card payment acceptance mandatory within Edinburgh Taxi Trade in line with the London Taxi Trade. This gives the customer the ability to pay in the way they choose for every taxi journey and ensures a consistent service for the public. We believe there should be a small one-off increase on the tariff to reflect this change.

Airport Pickup can often go over £5, we believe that the driver should be able to pass on the full cost incurred without making any profit. This will ensure that drivers wait for the passenger and not leave once the charge goes too high, as we find can happen currently"

Intercity Management

Intercity Management provided 9 pages of comments on the current tariff. These are appended in full but summarized below:

"This summary is for ideas on potential ways to simplify and improve the current Taxi Tariff in use for the Taxi trade within Edinburgh. The overriding principle being that we arrive at a Tariff that is balanced between rewarding Taxi operators and drivers appropriately, and also ensuring the travelling public is receiving a fair price for their journey, given the current financial climate it is important that this balance is achieved for all concerned".

"To break this down the data comparison shows some obvious anomalies when it comes to the Tariff sheet and the way any increase has been arrived at over the 17-year period.

Obviously, the purpose of the Tariff review is to reflect the changes in overheads that effect the Trade, and obviously to arrive at a fair pricing structure for the travelling public. The changes in overheads for members of the Trade can be very different from one operator to the next given Insurance, Maintenance, Road Tax and other working practices. The two categories that have been represented in this summary are two that are totally out of the operator's control, being Fuel Cost and Inflation.

In respect of the changes to those two overheads it is apparent that there needs to be an increase to the current Tariff, just exactly what that increase should be is debatable, however even an increase in line with just inflation would result in around the **10%** mark.

You also have a similar situation regarding the increased cost of fuel between the average 2020 diesel price of 119.46p per litre and the current average diesel price of 175.59p per litre. This represents an increase of approximately **47%**. This cost may continue to drop slightly but it is anyone's guess as to how much, if it does at all.

Given the comparison of both tariffs and the mechanisms used to calculate fares, they are not exactly customer friendly in terms of giving the public an idea of costs. With that in mind perhaps a few aspects could be looked at to make it easier for consumers to work out fares. One very simple way would be to incorporate a simple table of fares for average journeys as per the above table of 1,2-, 5- and 10-mile journeys. Obviously, that would not reflect traffic and waiting times.

It is also rather confusing as to the additional part to the Tariff going up in increments of 25p, the use of the 5p makes the giving of change a bigger issue than it needs to be and perhaps it would be better to adjust the distances and apply a 30/40/50p increment with the changes to the distance reflecting those jumps.

It also poses the question of the additional cost of Tariff 2. This has been £1 additional charge for as long as I can remember and perhaps, we should be looking at a greater differential to encourage more operators working as part of the nighttime economy, perhaps even having a different charge based on 6pm and a further charge based on 10pm, particularly at weekends and Bank Holidays? Another possible suggestion would be to utilize Tariff 3 on weekends or weekend nightshifts. There can be quite a dramatic difference between the number of vehicles out at differing times of the day, and there is undoubtedly more of a shortage during the nighttime, a change along these lines would hopefully encourage more drivers at these times. It would also potentially encourage more drivers into the trade and that again can only be a good thing given the current shortage.

I have not discussed the increases over the period to Tariff 3 and Tariff 4. However, it does appear to be even more confusing for the travelling public as to the difference between both and why? Would it not be more practical to have one Tariff over the Christmas and New Year period which lessens the confusion of the public, regardless of the days of the week that it falls on each year. The day of the week that Christmas and New Year falls on really makes no difference in terms of impact and fares to supplement the holiday. I am happy to discuss which one perhaps that should be, and why."

It is also very apparent that there has really been no increase at all to two of the three main extra charges that form part of the Tariff Sheet.

The soling charge has increased over the period by 150%, a rather substantial figure, but when you consider the loss of time involved in the cleaning of the vehicle it is probably more reflective of the losses incurred by the operator or driver when these unfortunate incidents occur.

However, given the rise over the period in pre-booked hires within the trade with the advances in apps and automated booking facilities it is staggering that the call out charge has changed by only 20p in 17 years. This charge was brought in to cover the dead mileage involved in going to a pre-booked hire and given the extreme increases in fuel costs it is staggering that it has only changed by 20p over that period. Even when you consider the increase in fuel costs over the period with an 83% increase that would reflect in approximate callout charge of around £1.46. I feel that this is something that should be looked at for this new Tariff as a matter of urgency to reflect the changes in costs alone.

The third area of extra charges is considerably the worst of all, that being a Cancellation Fee. This has also increased by only 20p in the years from 2006, which gives a 10% increase in the 17 intervening years (0.58%/year average). Bearing in mind the fuel costs alone, never mind the time element involved, if the cancellation fee had increased in line with fuel and inflation, we would be looking at a charge nearing the £5 level. Again, I think that this is an area that needs to be looked at urgently in this review.

I have gone to great lengths within this summary to base any suggestions on the data provided rather than just a finger-in-the-air approach, or what other councils may be doing. In the last 18 months or so there have been quite a few changes around the country regarding Tariff's, ranging from around a 4% increase to as much as 45% increases to tariff's, obviously they are more reflective of how low a particular area's tariff may already be. Edinburgh currently sits in 129th place in the UK table of Tariff's around the country having at one stage been in 47th place.

I hope that you accept some of these suggestions in the spirit that they are given and look forward to having further discussions to arrive at a proposal that would be in both the Trade's and the travelling public's interests going forward.

4.3 Trade Consultation – 2nd

Trade representatives were issued with a slide deck setting out the results of the benchmarking exercise on January 10th 2023.

4.4 Trade Consultation – final

Trade representatives were issued with the following recommendations on 19th January 2023 and asked to provide comments. These recommendations were determined following the results of the consultation and review of CPI. The recommendations were:

1. Increase fares across all tariffs by 14.2%
2. Increase fares in line with CPI (14.2%) but provide a one off increase of an additional 5% in light of increased vehicle costs , across Tariff 1 and 2.

The following comments were received from the trade representatives:

Intercity Management

- Recognised that the increase would be in the ball park presented
- Wanted to review callout and cancellation charges

City Cabs

- Wished to see a flat rate of 20% applied across Tariff 1 and 2
- Increase to be applied to ensure the increase was received across the board with Tariff 1 - £3.60 flag, increments of £0.30 on the same setup as currently. Tariff 2 - £4.80 flag, increments of £0.30 on the same setup as currently.
- Mandatory condition for all taxi drivers to accept card payments

Central Taxis

- Support in principle Option 2. However, want to see this applied to the initial hire charge as well as increments.
- In favour of the same increase being applied across Tariffs 3 and 4 as well.
- Wish to see that the acceptance of card payments is made mandatory for all drivers.

Unite

- In favour of Option 2 although wished to see a flat 20% rise across tariffs 1 and 2 (and obviously reflected in tariffs 3 and 4 when applicable).
- Wanted to reiterate that the acceptance of debit and credit card payments be made mandatory in all black cabs operating in the Edinburgh City Council Licensing Area.

Scottish Taxi Federation

In favour of Central Taxis and City Cabs suggestions

-

DRAFT

5. Consultation - Public

5.1 Introduction

A public attitude survey was designed with the aim of collecting information regarding options on taxi fares in Edinburgh. A survey was published online, on the City of Edinburgh Council's Consultation Hub website between 5th January 2023 and 19th January 2023 and was hosted by Microsoft Forms. In total, the survey received 278 responses. However there are some inconsistencies with the results leading to a suspicion that some taxi drivers have responded to the survey and therefore the results should be viewed with caution.

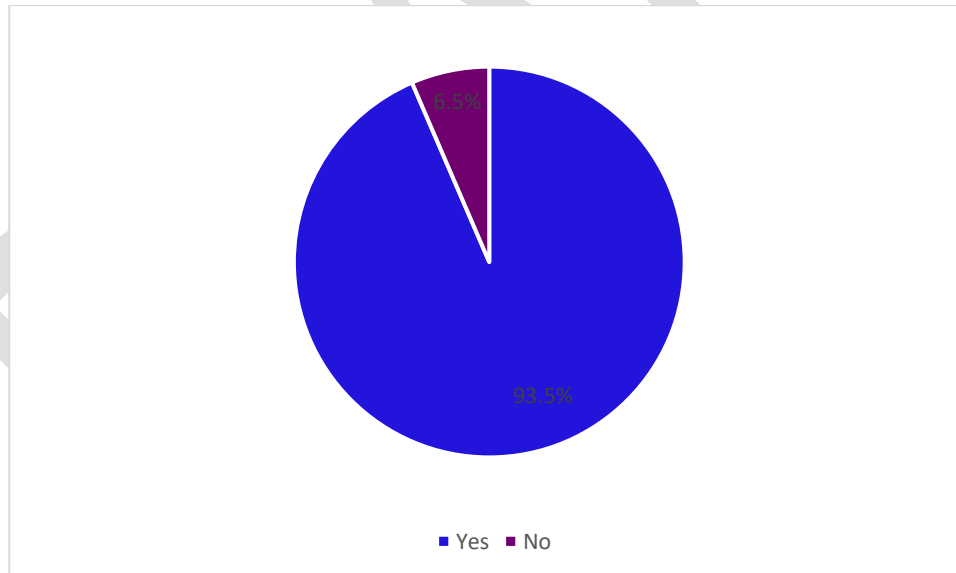
It should be noted that in the tables and figures below, the totals do not always add up to the same amount. This is due to one of two reasons:

- Not all respondents were required to answer all questions;
- Some respondents failed to answer some of the questions that were asked.

5.2 General Information

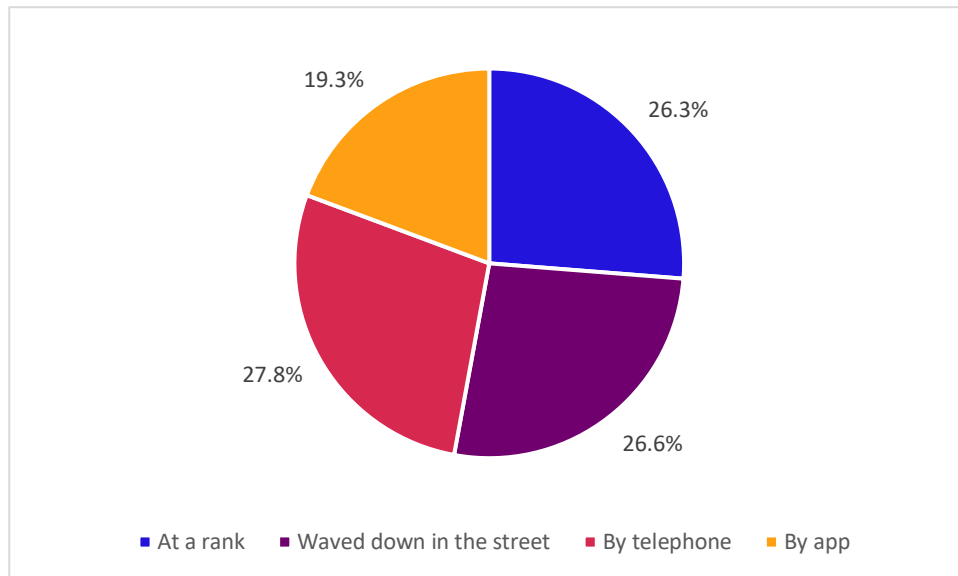
The respondents were asked if they had made a trip by taxi (black cab) in the last 3 months. Figure 5.1 displays the results, with 93.5% of the survey population stating they had used a taxi in this period.

Figure 5.1 Have you made a trip by taxi (black cab) in Edinburgh in the last 3 months?



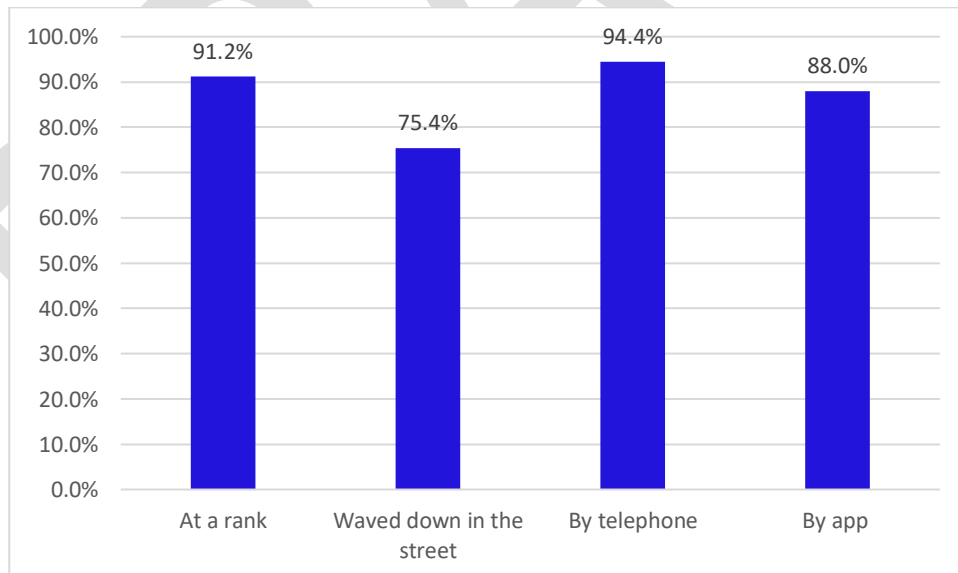
Those making a trip were asked how they obtained their taxi - Figure 5.2 details the results. The split in how they were obtained is fairly equal, ranging from 19.3% (by app) to a maximum of 27.8% (by telephone). In between lay waved down in the street (26.6%) and at a specific taxi rank (26.3%).

Figure 5.2 How did you obtain your taxi in Edinburgh in the last 3 months?



All respondents who were making a trip, regardless of how they obtained it, were asked if they were satisfied with the time taken and promptness of arrival. Overall, 90% of the respondents were satisfied by the time taken and promptness of its arrival. On closer analysis the highest level of satisfaction came from those who obtained their taxi by pre booking the trip via telephone (94.4%) with the least satisfaction (75.4%) coming from those who waved a taxi down in the street.

Figure 5.3 Were you satisfied with the time taken and promptness of its arrival?



Respondents reported they waited between 0 – 30 minutes for their taxi.

Trip makers were then asked whether they were satisfied with the cost of their journey. Some 90.5% of trip makers were satisfied with the cost of their journey, as seen in Figure 5.4.

Figure 5.4 Were you satisfied with the cost of your journey?

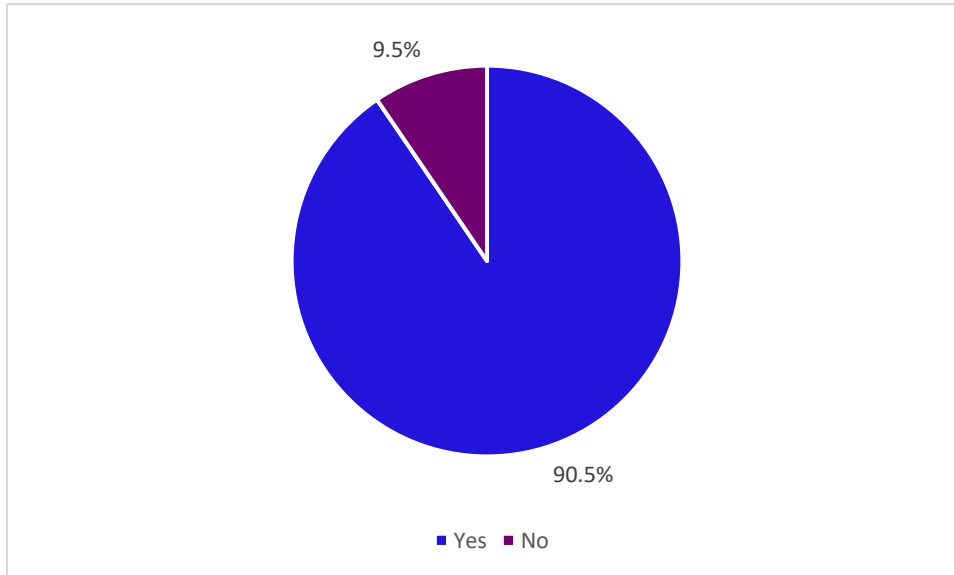
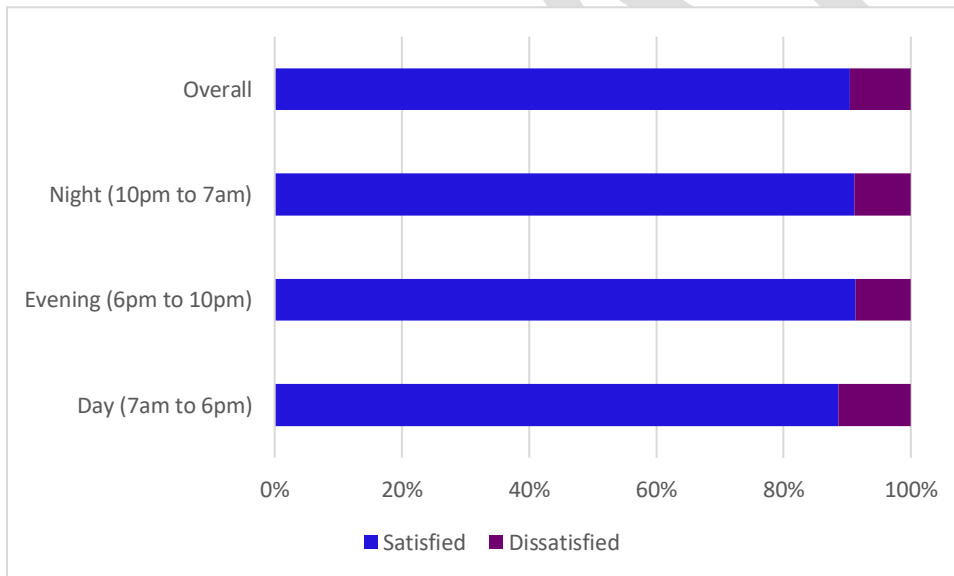


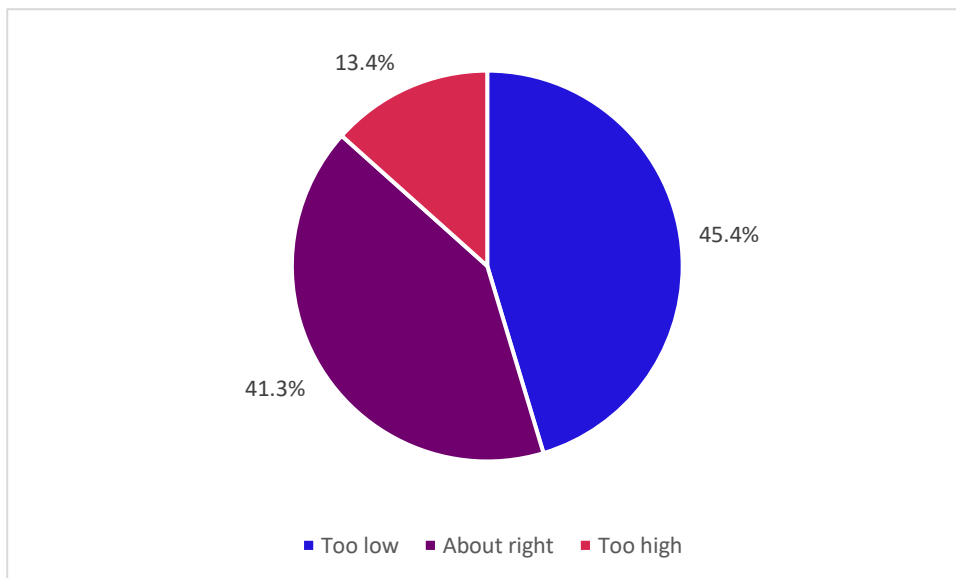
Figure 5.5 documents how this satisfaction with the overall cost varies depending on the time of day the taxi was obtained. Satisfaction was marginally higher for those who used a taxi service during the evening.

Figure 5.5 Satisfaction with cost by time of day



Respondents were then asked a series of questions relating to fares. Firstly, they were asked whether they consider fares in Edinburgh to be too low, too high or about right, there was also an option of don't know. Some 13.4% considered fares to be too high, with 45.4% suggesting that they are too low.

Figure 5.5 Do you consider taxi fares in Edinburgh to be...?



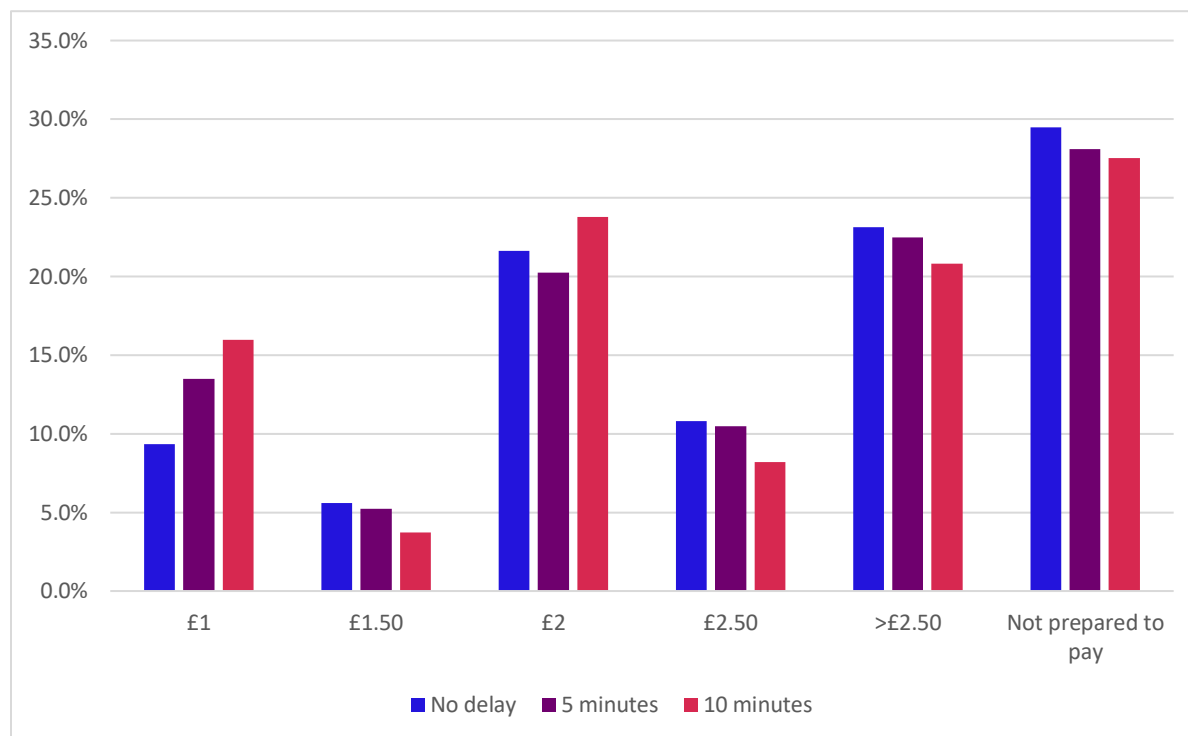
Respondents were then asked several questions regarding taxi fare increases and the time their trip took place. The answers to these questions have been collated in Table 5.2 below.

Table 5.2 Analysis of taxi fare price increase awareness and time specific situations

	Are you aware that taxi fares in Edinburgh increase after 6pm?	If taxi fares also increased from midnight to 5am, would you still travel by taxi after midnight?
Yes	93.7%	86.9%
No	6.3%	13.1%

Respondents were then asked to consider a range of scenarios in relation to the length of time they would be prepared to wait for a taxi. Respondents were asked whether they would be prepared to pay extra should the delay be limited by either 5 or 10 minutes, or no delay at all. Figure 5.6 shows these results.

Figure 5.6 What would you be prepared to pay to reduce delay?



Most respondents would not be prepared to pay any extra. Some 29.5% would not be prepared to pay any more even if it meant there was no delay at all.

Respondents were then asked about whether they travelled by taxi over the festive period. Two thirds of respondents did travel by taxi over the festive period. Those who had travelled by taxi were asked if they were satisfied with the length of time they had to wait. Some 90.4% were satisfied with the length of time they had to wait. Those 9.6% that were not satisfied stated the following:

- 'Taxi took too long to come'
- 'Very long wait'
- 'Not enough taxis'
- 'It was cold and wet outside'

Those who weren't satisfied (17 respondents) were asked if they were prepared to pay more to reduce the level of delay – the majority (76.5%) were. Of the people who were willing to pay more, the highest amount was £5-£10.

5.3 Summary

Through the analysis above, some key summaries have been made:

- Of the respondents, 93.5% have used a taxi in Edinburgh within the last 3 months;
- 90% were satisfied with the promptness of their taxi;
- Obtaining a taxi via the telephone was both the most common way of ordering one (27.8%) and provided the highest satisfaction in relation to promptness of arrival (94.4%);
- 90% of the responders were satisfied with the cost;

- Some 45.4% believe that taxi fares are too low.
- 93.7% were aware that taxi fares increased post 6pm;
- The majority are not prepared to pay any more to reduce the length of time that they have to wait for a taxi; and
- 66% used taxis over the festive period

DRAFT

6. Consultation – Stakeholder

6.1 Introduction

In addition to the trade and public consultation a consultation letter was emailed to a range of stakeholders across Edinburgh. The following groups/organisations were contacted:

- Disability Organisations;
- Business representatives;
- Transport and travel providers;
- Local interest groups including health and education;
- Tourism representatives.

6.2 Stakeholder Responses

Only two stakeholder responses were received:

Daniel Johnson MSP

"I believe the fare structure isn't the easiest to understand; it could be made more accessible for users to understand. The mileage contribution to a fare is opaque at best. Of course, if fares are lower, then the city will see an increase in taxi usage. Additionally, having a night-time tariff forces people to use other means of transport. Any tariff increase during festivals must not affect local users.

My views on the additional charge are that there should be no additional charge for additional passengers or luggage and, in most cases, cleaning fees. However, a cancellation fee is a good idea and encourages users not to cancel journeys last minute."

Edinburgh Airport

"We would support the Extra Payments specific to Edinburgh Airport being £5.00 for 2023."

7. Fare Revision

7.1 Background and overall proposed increases

In May 2013, the Regulatory Committee took the decision to use CPI³ as a means of calculating fare increases – this was based on a consultation with the trade. This was applied in July 2014, January 2018, August 2019 and most recently in July 2021 when the index was 111.4. As of January 2023, the index was 127.2. This results in an increase of 14.2%.

Taking into account the increased cost of vehicles we are proposing to apply a one-off increase of an additional 5%, this results in a recommended increase of 19.2%.

7.2 Impact of fare increases – Trade Consultation

These recommendations and the impact on the fare card were emailed to the trade representatives seeking their view. Historically the % increase has been applied to the farecard by maintaining the flag amount but reducing the distance travelled proportionately. It has been applied in this manner previously to avoid the final taxi fare needing to provide change in pence. However, following issue of the recommendations to the trade, some trade representatives have requested the increase be applied differently, so that they receive the full benefit on short journeys as well as longer journeys. Therefore, all calculations are worked out in line with this request. The fare card will have to be amended in line with these fares.

City Cabs wanted to see a 20% increase but wanted the increase on the flag to £3.60 and increments of £0.30.

Central Taxis were supportive of the 19.2% but wanted it applied as per City Cabs recommendation. In addition, they wanted the same increase applied to tariff 3 and 4.

Unite were in favour of a 19.2% increase. However, they felt a more practical option was to see a flat rise of 20% across all tariffs.

Scottish Taxi Federation were in support of the proposal made by Central and City Cabs.

Intercity Management made comment as to whether consideration had been given to the call out and cancellation charges.

7.3 Impact of fare increases – Tariff 1 and 2

To review the effect of the proposed recommendations Table 7.1 sets out the resultant cost of a 2 and 5 mile fare at Tariff 1 and 2. In order to avoid drivers having to charge 'non round number' fares a 20% increase has been applied.

³ The Consumer Price Index (CPI) is the official measure of inflation of consumer prices on the UK. The CPI calculates the average price increase as a percentage for a basket of 700 goods and services. The basket of goods and services chosen is intended to reflect changes in society's buying habits. The purchase of vehicles – new and second hand, taxi fares, and the operation of personal transport equipment are all included in the index.

	Tariff 1		Tariff 2	
	2 miles	5 miles	2 miles	5 miles
Current	£7.00	£13.25	£8.00	£14.25
20% increase	£8.40	£15.90	£9.60	£17.10

Table 7.1

Figure 7.1 compares the figures for a 2-mile journey to comparable cities on a daytime tariff. The average cost of the 2-mile fare across the cities is £6.72. Presently at £7.00 Edinburgh is above this average. Adopting the 20% increase puts Edinburgh to the joint most expensive comparable authority.

Figure 7.1 Impact of options on a 2-mile fare - daytime

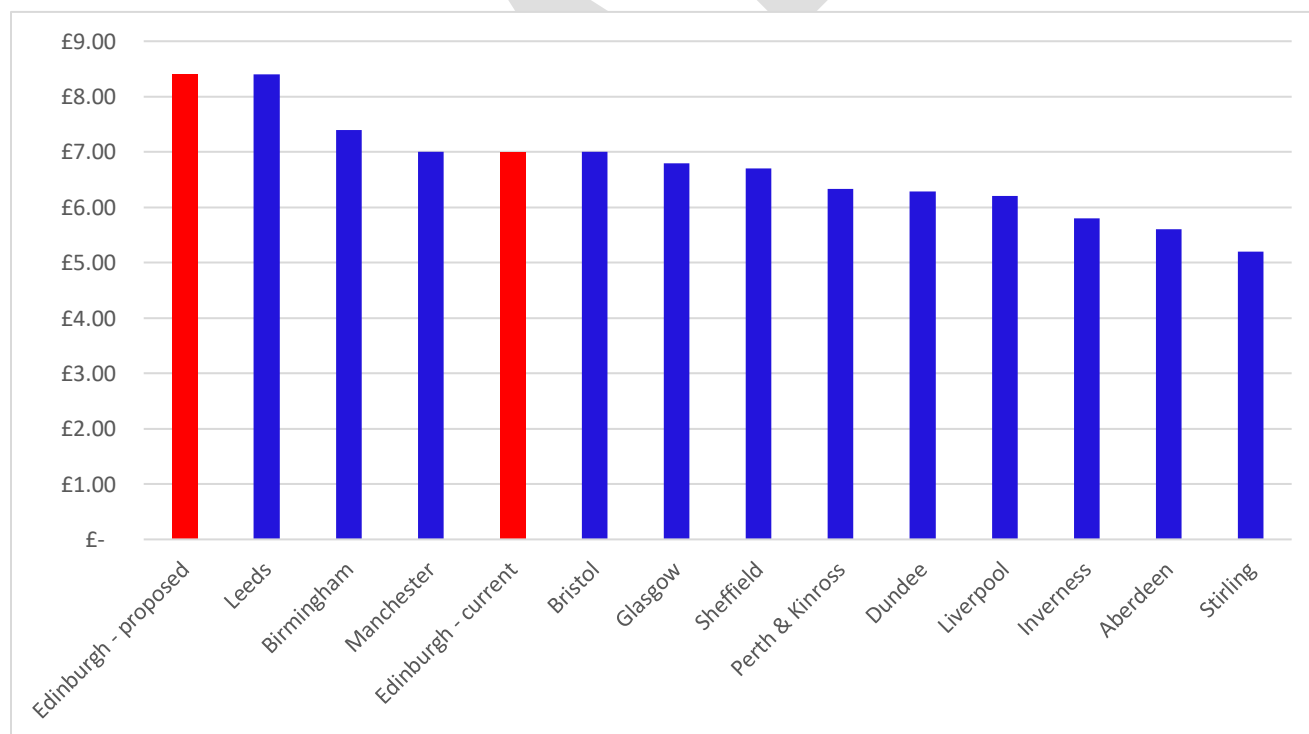


Figure 7.2 compares the figures for a 5-mile journey to comparable cities. The average cost of the 5-mile fare across the cities is £12.72. Presently at £13.25 Edinburgh is above this average. Adopting the 20% increase puts Edinburgh to the most expensive.

Figure 7.2 Impact of options on a 5-mile fare

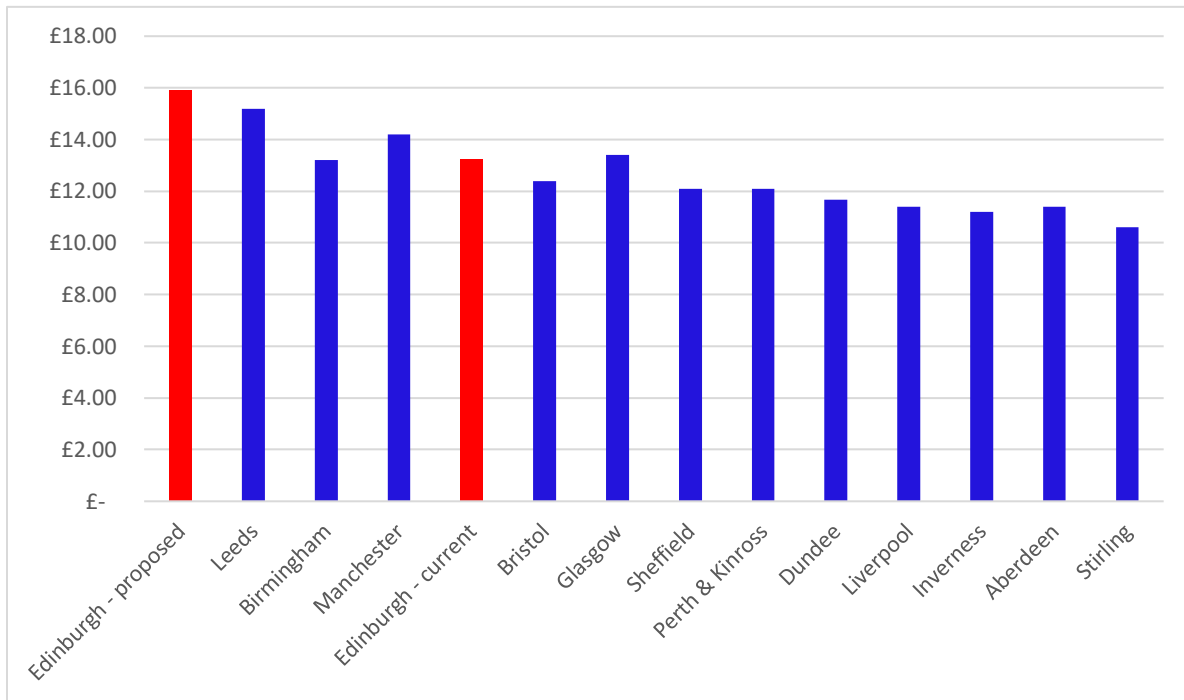
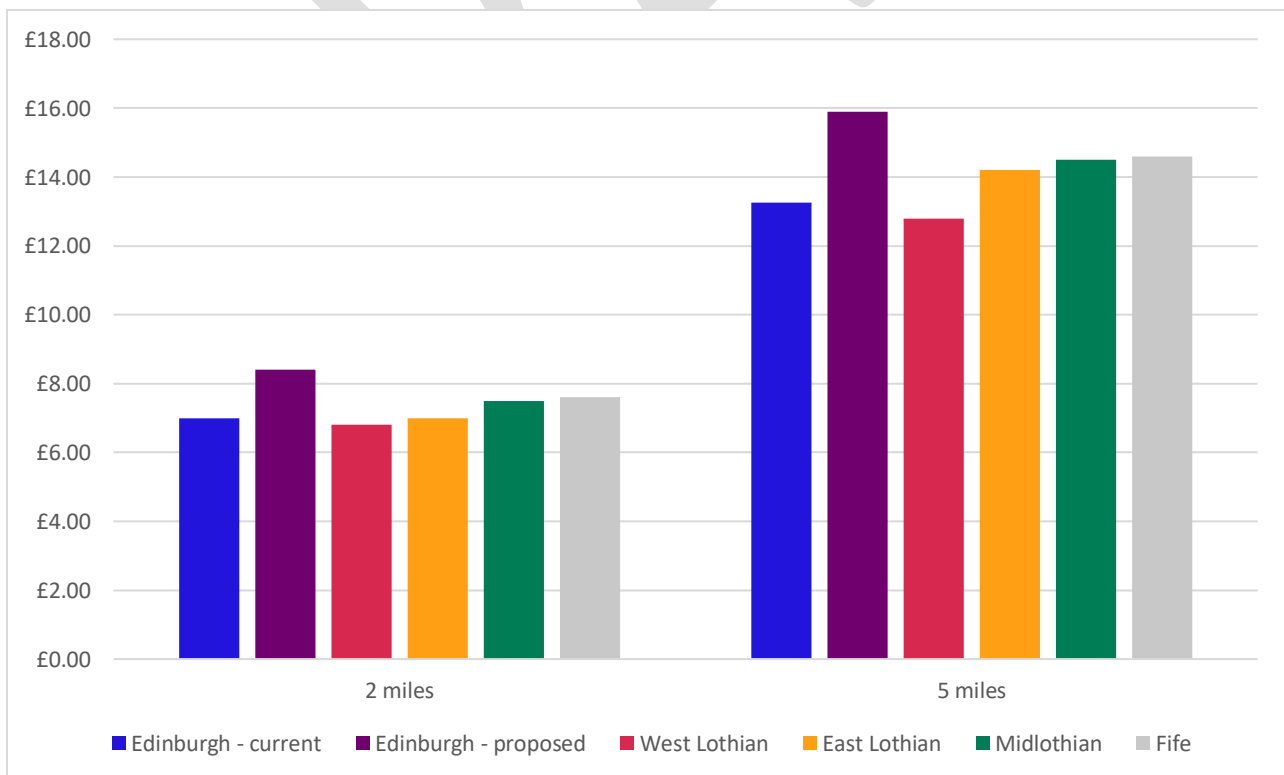


Figure 7.3 compares Edinburgh with neighbouring authorities. It shows that for a 2 and 5-mile journey fares in Edinburgh will be more expensive.

Figure 7.3 Impact of options on a 2 and 5 mile fare – neighbouring authorities



7.4 Amended Festive Tariff

The trade has requested that a 20% increase be applied to all tariffs, including Tariff 3 and 4. The impact of this increase is set out in Table 7.2

	2 miles		5 miles	
	Tariff 3	Tariff 4	Tariff 3	Tariff 4
Current	£ 9.25	£ 11.75	£ 17.30	£ 22.10
15% increase	£ 10.64	£ 13.51	£ 19.90	£ 25.42
20% increase	£ 11.10	£ 14.10	£ 20.76	£ 26.52

7.5 Credit/Debit Card payments

The trade has requested that City of Edinburgh council make the acceptance of debit and credit card mandatory.

8. Conclusions

8.1 General

This study has been conducted by Jacobs on behalf of City of Edinburgh Council (CEC). The overall objective was to carry out a review of the taxi fare tariff in Edinburgh including a review of the current fare tariff and advising on any changes. In May 2013 the Regulatory Committee took the decision to use CPI as a means of calculating fare increases. Using CPI the increase applicable is 14.2%. However, consultation with the trade identified that since the last review the running costs associated with operating a taxi have significantly increased.

Consultation with trade representatives has been undertaken and the trade have expressed their preference for all tariffs to be increased by a flat rate of 20%

There was limited response to the stakeholder consultation. Comments received suggested that the fare structure was confusing.

8.2 Recommendations

Having undertaken the fares review Jacobs have proposed a number of changes. Our recommendations cover:

- General Increase;
- Festive Tariff
- Extras

Each of these recommendations are set out in more detail below.

8.3 General Increase

Edinburgh currently sits 140th of 365 authorities for taxi fares. In July 2021 when the previous report was produced, Edinburgh was at position 50. It is clear that Edinburgh currently has above average fares but that it has dropped down considerably in the table.

However, given the vehicle age policy requirements and the introduction of the LEZ, taxi drivers in Edinburgh need to invest heavily in newer more environmentally friendly vehicles. A fare increase will allow them to generate more income to allow them to invest in the vehicle fleet.

Our recommendation would be in line with those requested by the trade – 20% across Tariffs 1 and 2. The impact of this is set out in Table 8.1.

Table 8.1 Tariff 1

	Tariff 1		Tariff 2	
	2 miles	5 miles	2 miles	5 miles
Current	£7.00	£13.25	£8.00	£14.25
20% increase	£8.40	£15.90	£9.60	£17.10

8.4 Festive Tariff

It is our recommendation that a 15% increase is applied in line with CPI on the festive tariff. This is to ensure the festive tariff does not become too expensive and puts people off from travelling.

8.5 Credit Card payment

The trade has requested that it becomes a mandatory requirement for taxis to accept credit and debit card payments. Since the Covid pandemic there has been an increase in more people using contactless payment and therefore we are supportive of this being mandatory. However this may need to be written into the drivers conditions as well as the fare card.

DRAFT

This page is intentionally left blank

Regulatory Committee

10.00am, Monday, 6 February 2023

Taxi Stance Appointment – Haymarket Station

Executive/routine
Wards 11 – City Centre
Council Commitments

1. Recommendations

- 1.1 Committee is asked to:
 - 1.1.1 Note the content of this report;
 - 1.1.2 Agree that officers will carry out the second stage of the statutory consultation on the proposed taxi stance; and
 - 1.1.3 Note that a report will be brought back for a decision if representations or objections are received.

Paul Lawrence

Executive Director of Place

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

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

Taxi Stance Appointment – Haymarket Station

2. Executive Summary

- 2.1 Committee is asked to note that, in order to satisfy the first part of the two part process of appointing a taxi stance, the Roads Authority has implemented a Traffic Regulation Order (TRO) to facilitate the appointment of two authorised taxi stances at Haymarket Station and Morrison Street (Feeder Rank for Haymarket Station) as shown on Appendix 1.
- 2.2 In order to satisfy the second part of this process, Council officers seek permission to carry out the statutory consultation required prior to formally appoint the taxi stance, as required by the [Civic Government \(Scotland\) Act 1982](#) (the 1982 'Act').

3. Background

- 3.1 The City of Edinburgh Council, as Licensing Authority, is required to appoint taxi stances in line with the provisions of Section 19 (1) of 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 consult the appropriate trade organisations and other representatives; give notice to the Police; and the public. There is a separate requirement that any stance does not obstruct access to any premises.
- 3.3 The Council, as Roads Authority, has implemented a TRO to facilitate the appointment of two authorised taxi stances at Haymarket Station and Morrison Street (Feeder Rank for Haymarket Station) as shown on Appendix 1. This is the first part of a two part process whereby parking restrictions on and around taxi stances are facilitated by a TRO, which is separate from the requirements of the 1982 Act and the duties of the Licensing Authority. The second part is statutory consultation, required by the 1982 Act, prior to formally appointing the taxi stance. A process map is included at Appendix 2.
- 3.3 The first stage of the licensing consultation with taxi trade representatives has been undertaken through the Taxi Stance Working Group. This is a working group of stakeholders made up of Council officers and taxi trade representatives. In addition, where required, additional invitees attend to discuss specific items of interest (e.g., officers from Trams, Lothian Buses etc.).

4. Main report

- 4.1 The City Centre West to East Cycle Link and Street Improvements (CCWEL) project consists of significant street improvements along a 4km route between Roseburn and Picardy Place.
- 4.2 As it is proposed to introduce the new segregated cycle track along the north side of Haymarket Terrace, it is necessary to remove the existing taxi stance which is located on Haymarket Terrace west of Rosebery Crescent. This is the main taxi stance serving Haymarket railway station.
- 4.3 During the preliminary design stage in 2018, an exercise was undertaken to explore potential alternative locations for the taxi stance in the vicinity of the station. This exercise was carried out in conjunction with elected members and project stakeholders, including the taxi trade.
- 4.4 The proposed taxi stance arrangement is to reintroduce the main taxi stance at the pick-up/drop-off area outside the old Haymarket Station main entrance (four bays), As there is limited capacity for taxis at this location, the main stance would be supported by a feeder stance on the north side of Morrison Street (seven bays). This feeder rank would be linked to the main stance using a camera/screen system, which would alert drivers in the feeder stance when there is space in the main stance outside the station. Public pick-up/drop-off facilities will also be retained in the area outside the station.
- 4.5 The proposal requires the situation to be regulated by appointing the two stances as authorised stances in line with the requirements of the 1982 'Act'.
- 4.6 Council officers discussed these proposals with taxi trade representatives at the Taxi Stance Working Group on 13 October 2022 as part of the initial consultation. The trade members indicated that they are supportive of the proposal and therefore would support appropriate enforcement of the stance.
- 4.7 In addition to this initial consultation with the trade, the Licensing Authority is required to publish an advert which will allow consultation with the wider business and residential community, relevant partners and agencies. This process allows 28 days for objections or representations to be made.
- 4.8 Where representations are received, these will require a hearing as part of the final determination of the proposals by Committee. If no representations are received then officers have delegated powers to appoint the taxi stance and complete that process.

5. Next Steps

- 5.1 If Committee agrees to approve these proposals in principle, the Licensing service will undertake its statutory obligations as detailed in 3.2 above and will also undertake the proposed additional engagement actions detailed in section 7 below.

- 5.2 The outcome of these actions, and any consultation responses received, will be reported back to Committee at the next available meeting, on 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 transport budget.

7. Stakeholder/Community Impact

- 7.1 Initial consultation has been carried out with the trade, as detailed in paragraph 4.6. In addition to its statutory obligations of notification and consultation, the Licensing Authority will also undertake to inform the public and community, relevant partners and agencies including:
- 7.1.1 Ward 11 councillors;
 - 7.1.2 Community Council representatives.
- 7.2 The publication of the statutory advertisement will allow consultation to take place with the wider business and residential community, relevant partners and agencies in line with the statutory requirements for consultations being carried out under the terms of the [Road Traffic Regulations Act 1984](#).
- 7.3 The draft TRO was advertised between Friday 20 April and Friday 18 May 2018, in line with the statutory requirements for consultations being carried out under the terms of the [Roads \(Scotland Act 1984\)](#).
- 7.4 The draft Redetermination Order was advertised during the same period.
- 7.5 Just under 4,500 letters were delivered to businesses and residents along the CCWEL route and streets surrounding the area covered by the Orders. In addition, public drop-in sessions were held in the local area, at 6a Murrayfield Place, Roseburn on Tuesday 17 April 2018 and at the Apex Haymarket Hotel, Haymarket on Thursday 19 April 2018. The purpose of these exhibition sessions was to enable members of the local community to view the advertised plans and speak to members of the CCWEL project team before submitting representations. Across both days more than 190 people attended, including local residents, business owners and staff from surrounding workplaces. This was reported to the Transport and Environment Committee on [20 June 2018](#).
- 7.6 In the event that the proposed taxi stance is appointed, Roads Operations will ensure that follow up actions to implement the stance are completed (e.g., laying of road markings, erection of appropriate signage etc.).

8. Background reading/external references

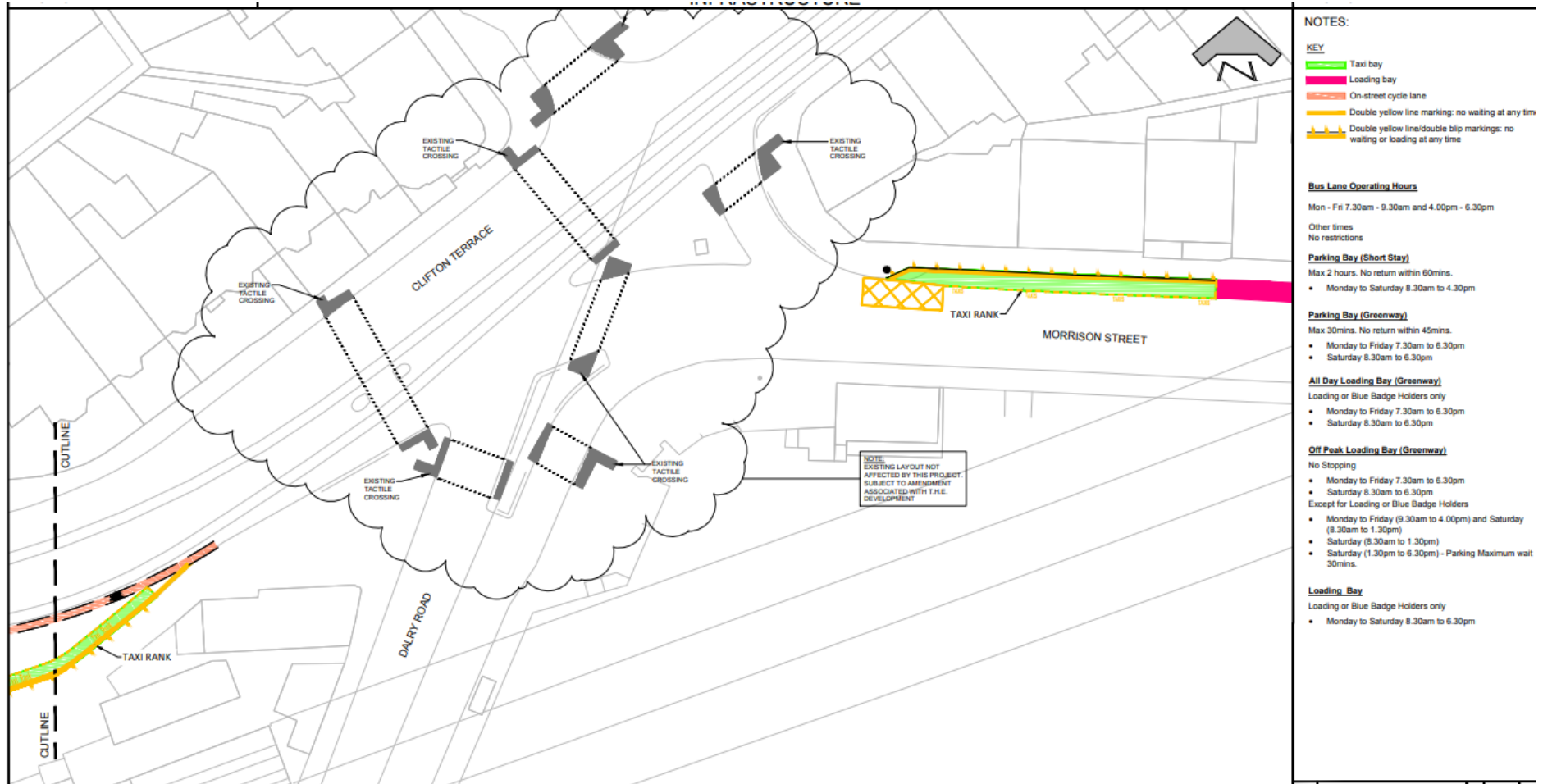
8.1 None.

9. Appendices

9.1 Appendix 1 – Proposed plan of taxi stances at Haymarket Station and Morrison Street.

9.2 Appendix 2 – Taxi stance appointment process flowchart.

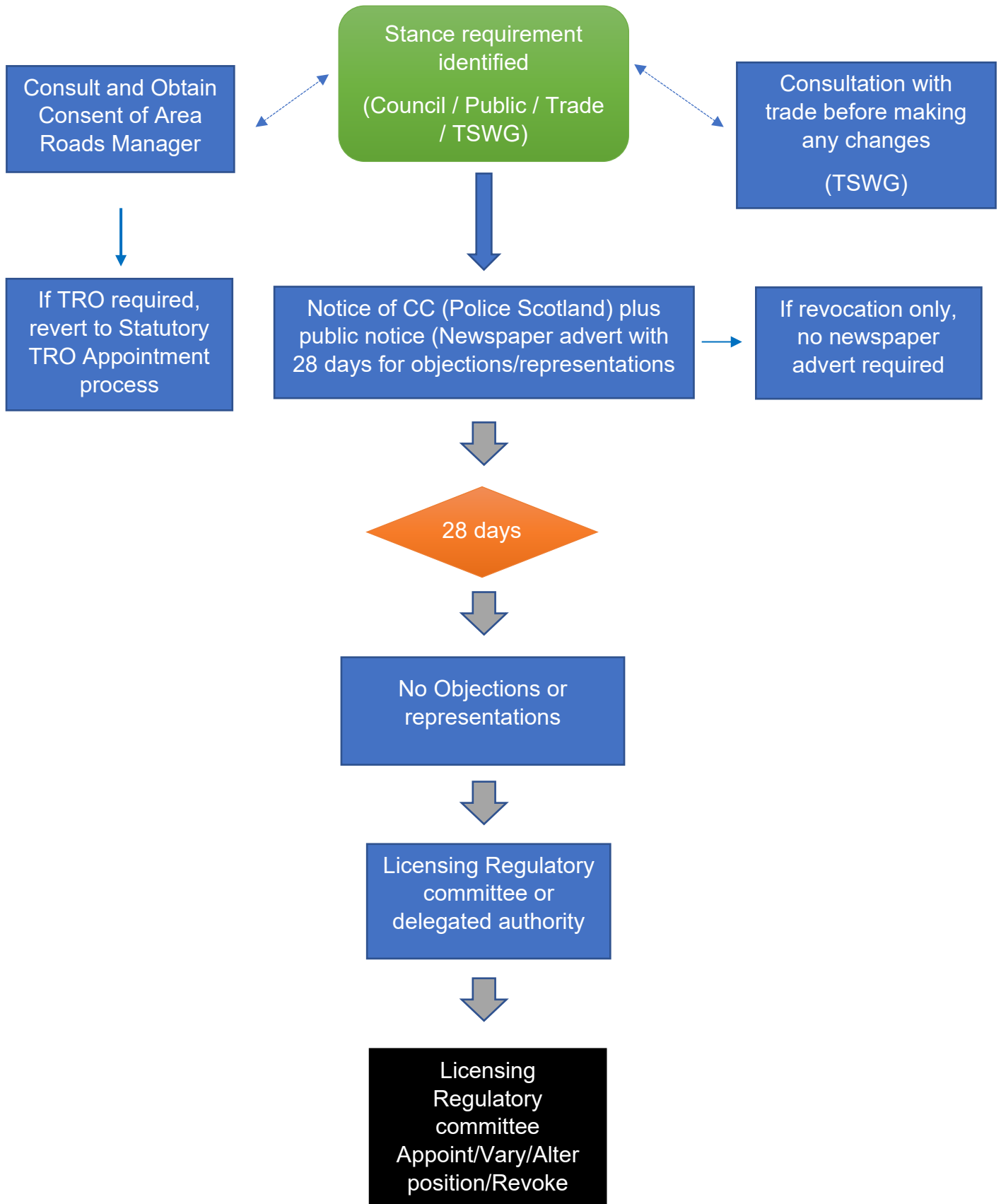
Appendix 1 - proposed plan of the taxi stance at Haymarket Station and Morrison Street





Appendix 2 – Stance appointment procedure

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



Regulatory Committee

10.00am, Monday, 6 February 2023

Consultation Conclusion: Demand for Taxis within the City of Edinburgh

Executive/routine Wards Council Commitments	All
---	-----

1. Recommendations

- 1.1 Committee is asked to:
 - 1.1.1 Note that the licensed hire trade has been subject to unprecedented challenges since Committee last assessed whether there is significant unmet demand;
 - 1.1.2 Note the survey results and the Jacobs report;
 - 1.1.3 Note Jacobs' conclusion that no significant unmet demand exists;
 - 1.1.4 Note the feedback from stakeholder consultation following the November 2022 Committee;
 - 1.1.5 Agree to maintain the limitation policy and therefore determine that the limit of 1,316 licences should remain; and
 - 1.1.6 Note that, subject to agreement of 1.1.5, it is not intended to carry out interim surveys (regular surveys are carried out every three years) until the number of issued licences is approaching the current limitation.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Consultation Conclusion: Demand for Taxis within the City of Edinburgh

2. Executive Summary

- 2.1 The Council has a policy of limiting the number of taxi licences issued within the City, using 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 'significant demand' for taxis which is unmet. The Council is required to keep this position under regular review.
- 2.2 Interim demand surveys were regularly carried out and reported to the Regulatory Committee until the COVID-19 pandemic. The numbers of taxi licences are currently below the 1,316 limit, and it is not intended to resume interim surveys until that number of issued licences is approached.
- 2.3 At its meeting on 21 November 2022, the Regulatory Committee directed officers to invite comment from interested parties on the survey and its conclusions and to report the results back to the Committee.

3. Background

- 3.1 The Council acts as Licensing Authority for the purpose of licensing taxis within the City of Edinburgh. In line with the powers contained in the Act, the Council has adopted a policy of limiting the number of taxi licences issued where there is no evidence of significant unmet demand. The Council last formally reviewed this position in 2013. At present, there are 1,258 licences for taxis within the city. All applications for taxi licences are currently referred to the Licensing Sub-Committee for a hearing and decision.
- 3.2 The policy of restricting the number of taxi licences within the city has previously created considerable debate. As there are currently fewer licences in effect than the numbers limitation, there has been less concern raised in that regard.
- 3.3 The restriction policy has previously been challenged. This typically takes the form of an appeal to the Sheriff against decisions of the Licensing Sub-Committee to refuse applications for taxi licences based on the Committee's assessment that there is no significant unmet demand. The last such challenge was in late 2016 when the Sheriff Court refused an appeal from an

applicant who had been refused a licence based on the absence of unmet demand.

- 3.4 The Scottish Government has issued [guidance](#) for licensing authorities which operate a limitation policy. The guidance clearly indicates that the level of unmet demand must be kept under regular review. The guidance also makes clear that authorities should consider any evidence of 'peak demand' and consider the impact of this when considering if there is 'significant unmet demand'. Examples of 'peak demand' may be after pubs and clubs close at weekends. The guidance also makes clear that peak demand should not be considered in isolation but balanced against the full range of data.
- 3.5 As agreed by the Regulatory Committee on [21 November 2022](#), the Jacobs report (Appendix 1) was circulated to representatives of the licensed fleet, with responses being requested by 30 December 2022. The responses received are attached at Appendix 2.

4. Main report

- 4.1 The Jacobs research provides Committee with an up to date review of the level of demand for taxis in the city. This will form the basis on which individual licences will be considered until the next formal review, which will be in approximately three years' time. Interim demand surveys will resume when the number of issued taxi licences approaches the 1,316 cap. This will ensure that the service is operating in line with best practice, and will provide a robust basis for decisions should any legal challenge be made.
- 4.2 There is no evidence of significant unmet demand for taxis in Edinburgh. This conclusion is based on an assessment of the implications of case law that have emerged since 2000, and the results of Jacobs's analysis.
- 4.3 On this basis, the authority has discretion in its taxi licensing policy, and may either:
 - 4.3.1 Continue to limit the number of licensed taxis at 1,316;
 - 4.3.2 Issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
 - 4.3.3 Remove the limit on the number of vehicles and allow a free entry policy.
- 4.4 The Jacobs report concludes that the number of hours where excess passenger demand was observed has decreased since the last full study in 2017, as has passenger delay. The report also highlights the significant impact that the pandemic has had on the trade.
- 4.5 Those members of the public who completed the survey were generally satisfied with the taxi service in Edinburgh. Levels of passenger satisfaction with waiting times were high. The key results from the 'public attitude' survey highlight:
 - 4.5.1 Over a quarter (27%) of taxi hires are from a stance, and 36% of respondents obtained a taxi via a smartphone app;

- 4.5.2 Almost half of the respondents believed that new stances are needed;
 - 4.5.3 Respondents did not express dissatisfaction with the levels of delay on their most recent trips, suggesting that any delays were minimal. Hiring by flag down in the street provided the highest satisfaction levels; and
 - 4.5.4 25% of people surveyed had given up trying to obtain a taxi at a stance or by flag down.
- 4.6 Taxi trade representatives raised the following issues during the initial survey and Committee should consider these as part of its overall review of this policy:
- 4.6.1 The consultation took place during the pandemic, which had a significantly disruptive effect on the sector. This included the loss of many drivers and many drivers switching to daytime shifts;
 - 4.6.2 For two years, the Council has not been able to deliver training or topographical testing (a requirement for a Taxi Driver's Licence), which is a bar to entering the trade;
 - 4.6.3 The numbers limit ensures that sufficient taxis are available for customers, and that there is sufficient work to support the trade and to encourage entry;
 - 4.6.4 Capital costs are now significant, and the limit allows confidence that a reasonable return will be gained from initial investment; and
 - 4.6.5 Taxi rank locations need to be considered with respect to taxis being part of transport strategies, particularly at major transport hubs such as Waverley Station and Edinburgh Airport.
- 4.7 On 21 November 2022, Committee agreed that officers would arrange a further short period of engagement, to allow the licensed hire trade and all other interested parties to comment on the Jacobs report, before Committee reaches a final decision. Upon completion of this, Committee would be in a position to decide whether any change to the numbers cap is necessary.
- 4.8 Responses to the further consultation are attached at Appendix 2, including the following:
- 4.8.1 "Our clients (Central Radio Taxis and the Scottish Taxi Federation) are in agreement with the recommendations in the reports, namely, to retain the taxis limit at 1316".
- 4.9 With respect to Scottish Government guidance, the Council has had the taxi limitation policy since 1990 and it has been reviewed periodically since then. The recommended assessment of demand and public attitude is provided by the Jacobs report. The fieldwork for the most recent interim survey on demand for taxis was carried out in November 2020, and an update is therefore overdue.
- 4.10 Anecdotally, there has been a small number of complaints from members of the public about lack of taxis either at peak periods, after large events or at Edinburgh Airport. Members will also be aware of media coverage of concerns about the shortage of licensed hire cars across Scotland.

- 4.11 Members are invited to note the conclusion from Jacobs and the feedback from the taxi trade. Given there is no evidence of unmet demand and apparent support for the limitation policy, it is recommended that members should reaffirm the limitation policy and accept and implement the Jacobs conclusions and recommendations.

5. Next Steps

- 5.1 It is recommended that Committee notes this report and the feedback received and agrees to maintain the numbers limitation at 1,316.

6. Financial impact

- 6.1 The cost of the Jacobs research is contained within the income from the taxi licence fees.

7. Stakeholder/Community Impact

- 7.1 Matters described in this report have no relationship to the public sector general equality duty, thus there is no direct equalities impact arising from this report
- 7.2 There is no environmental impact arising from the contents of this report.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 - Jacobs report dated 1 July 2022.
- 9.2 Appendix 2 – Feedback received during additional period agreed on 21 November 2022.

Draft Report

City of Edinburgh Council

Edinburgh Taxi Unmet Demand Study

1 July 2022





Draft Report

Client name: City of Edinburgh Council

Project name: Edinburgh Taxi Unmet Demand Study

Client reference:[Client reference] Project no: [Project number]

Document no: [Document number] Project manager: Liz Richardson

Revision no: [Revision number] Prepared by: Liz Richardson

Date: 1 July 2022 File name: Document1

Doc status: [Doc suitability – Delete row if not applicable]

Document history and status

Revision	Date	Description	Author	Checked	Reviewed	Approved
		Draft Report			Liz richardson	Liz Richardson

Distribution of copies

Revision	Issue approved	Date issued	Issued to	Comments

Jacobs U.K. Limited

1 City Walk
Leeds, West Yorkshire LS11 9DX
United Kingdom

T +44 (0)113 242 6771

F +44 (0)113 389 1389

www.jacobs.com

Copyright Jacobs U.K. Limited © 2023.

All rights reserved. The concepts and information contained in this document are the property of the Jacobs group of companies. Use or copying of this document in whole or in part without the



written permission of Jacobs constitutes an infringement of copyright. Jacobs, the Jacobs logo, and all other Jacobs trademarks are the property of Jacobs.

NOTICE: This document has been prepared exclusively for the use and benefit of Jacobs' client. Jacobs accepts no liability or responsibility for any use or reliance upon this document by any third party.

Contents

1.	Introduction	7
1.1	General	7
1.2	Covid -19 Pandemic	7
2.	Background	8
2.1	Vehicle numbers	8
2.2	Provision of Taxi Stands	9
2.3	Taxi Fares and Licence Premiums	9
3.	Benchmarking	13
3.1	Introduction	13
3.2	Fleet Composition	13
3.3	Wheelchair Accessible Vehicles	15
3.4	Entry Control	16
3.5	Fares	17
4.	Definition, Measurement and Removal of Significant Unmet Demand	19
4.1	Introduction	19
4.2	Overview	19
4.3	Defining Significant Unmet Demand	19
4.4	Measuring Patent Significant Unmet Demand	20
4.5	Determining the Number of New Licences Required to Eliminate Significant Unmet Demand	23
4.6	Note on Scope of Assessing Significant Unmet Demand	24
5.	Evidence of Patent Unmet Demand – Stance Observation Results	24
5.1	Introduction	24
5.2	The Balance of Supply and Demand	25
5.3	Average Delays and Total Demand	26
5.4	The Delay/Demand Profile	28
5.5	The General Incidence of Passenger Delay	29
6.	Evidence of Suppressed Demand – Public Attitude Pedestrian Survey Results	30
6.1	Introduction	30

6.2	General Information	30
6.3	Attempted method of hire	34
6.4	Service Provision	34
6.5	Stances	34
6.6	Complaints	35
6.7	Summary	36
7.	Consultation	37
7.1	Introduction	37
7.2	Direct (virtual) Consultation	37
7.3	Indirect (Written) Consultation	38
8.	Deriving the Significant Unmet Demand Index Value	44
8.1	Introduction	44
9.	Summary and Conclusions	44
9.1	Introduction	44
9.2	Recommendations	46

Appendices

Introduction

General

This study has been conducted by Jacobs on behalf of City of Edinburgh Council (CEC). The overall objective is to provide a full survey of demand for taxis in Edinburgh and to determine whether significant unmet demand for taxis exists in terms of section 10(3) of the Civic Government (Scotland) Act 1982. Specific objectives of the study are to determine:

Determine whether there is any significant unmet demand for taxi services in Edinburgh;

If significant unmet demand is found, recommend how many licences would be required to meet this; and.

To determine public perception of the taxi service provided in Edinburgh

In 2007 the Scottish Government issued Best Practice Guidance for Taxi and Private Hire licensing. The Scottish Government reissued this guidance in April 2012 in recognition of a number of legislative changes. Essentially, the Government stated that the present legal position on quantity restrictions for taxis is set out in section 10(3) of the 1982 Act. The Scottish Government takes the view that decisions as to the case for limiting taxi licences should remain a matter for licensing authorities in the light of local circumstances. The Guidance provides local authorities with assistance in local decision making when they are determining the licensing policies for their local area. Guidance is provided on a range of issues including: flexible taxi services, vehicle licensing, driver licensing and training.

Taxi Licensing has been subject to a number of reforms and reviews over the last few years. The Law Commission produced a report in 2014 which set out a number of recommendations on Taxi and Private Hire reform that have yet to be accepted. In its 2014 report the Law Commission concluded that the ability of local authorities to impose quantity restrictions on licensed taxis should remain, but that there should be controls on the transferability of licence plates in areas introducing new quantity restrictions. Transfers would continue to be permitted in areas where quantity restrictions were already in place.

The Equality Act 2010 provided a cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society. Sections 165, 166 and 167 of the Equality Act 2010 are concerned with the provision of wheelchair accessible vehicles and place obligations on drivers of registered vehicles to carry out certain duties unless granted an exemption by the licensing authority on the grounds of medical or physical condition. Section 166 allows taxi drivers to apply to their licensing authority for an exemption from Section 165 of the Equality Act 2010.

Covid -19 Pandemic

This study has been undertaken during a period of significant disruption for the taxi and private hire trade. Many drivers have been unable to work due to having to isolate or due to their personal circumstances. A number of drivers have left the trade in order to pursue other lines of work. There were also government restrictions in place at the time of the study which meant that both the trade and customers were not going about their normal business and this is likely to influence the results of the study.

Background

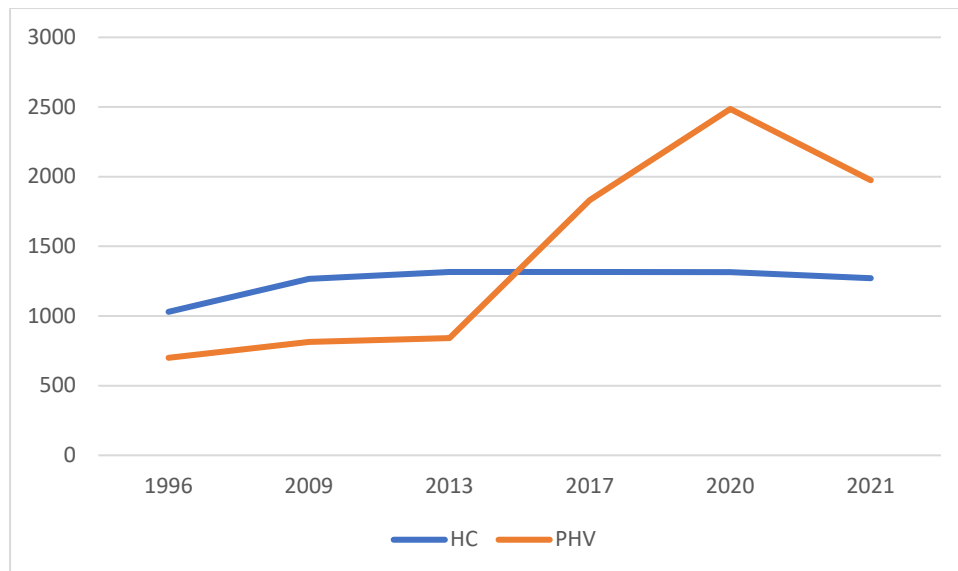
Edinburgh is the capital city of Scotland and covers some 259 square kilometres. Edinburgh's resident population is 527,620 (National records of Scotland, 2020 midyear estimate). The city has a large student and visitor population and demand for taxis fluctuates across the year.

Vehicle numbers

In recent times, following a period of deregulation, a limit of 1,030 taxi licences was introduced in 1990. This was reviewed in 1993 and 1995 and the limit was raised by 181. In 2001, the limit was increased by a further 49, to 1,260. Following a survey in 2005, the Council concluded that there was no evidence of significant demand for taxis which was unmet and resolved not to issue any new licences at that time. In February 2007, the Council considered an update to the 2005 survey, involving stance surveys and questionnaires to stakeholders, and again concluded that there was no significant demand for taxi services which was unmet. On 25th October 2007, the Council reaffirmed its existing policy to restrict the number of taxi licences issued to 1,260 and instructed the Director of Corporate Services to commission a comprehensive report on taxi demand approximately every three years. An unmet demand study was commissioned in 2008. The report identified that there was evidence of significant unmet demand for taxi services and a recommendation was made for 30 new taxi licences be issued to meet this demand. In addition to these 30 licences a further 20 more taxi licences were issued on appeal. The unmet demand study in 2013 and 2017 stated that there was no unmet demand and therefore no extra licences were awarded.

City of Edinburgh Council currently has a numerical limit of 1,316 taxis. However, given the recent pandemic a number of these licences have been returned to the Council. At the time of the survey, it was estimated that there were 1,272 taxis licenced. This provides Edinburgh with a taxi provision of around one taxi per 414 resident population. City of Edinburgh Council also licence approximately 1,975 private hire cars. Vehicle numbers have continually increased since 1996 reaching a peak of 2,486 in 2020. However and in light of the Covid -19 pandemic the number of private hire cars licenced has started to decrease as demonstrated in Figure 2.1 The graph shows a significant increase in private hire cars since the last study in 2017, peaking in 2020 before a steady decline in 2021.

Figure 2.1 Taxi and PHV trends



Provision of Taxi Stands

There are currently 82 official taxi stances¹ located throughout the Edinburgh licensing area; the locations and times of operation of each of the stances are provided in Appendix 1.

AWAITING RECENT PHOTOS

Taxi Fares and Licence Premiums

Taxi fares are regulated by the Local Authority. There are four tariffs across the following periods;

Tariff 1– Monday to Friday, 6am until 6pm;

Tariff 2 – Monday to Friday, 6pm until 6am, Saturday 6am to Monday 6am

Tariff 3 – Monday to Friday, 6am until 6pm during Christmas and New Year;

Tariff 4 – Monday to Friday, 6pm until 6am, Saturday 6am to Monday 6am during Christmas and New Year.

¹ Market Street is a temporary stance

The standard charge tariff is made up of two elements: an initial fee (or 'drop') of £3.00 for entering the vehicle, and a fixed price addition of 25p per 163m/179m dependent on the tariff in place, or uncompleted part thereof travelled, plus fixed additions for waiting time. Fixed additional charges are also in place for extra passengers. A standard two-mile daytime fare undertaken by one individual would therefore be £7.00. The tariffs are outlined in detail in the fare card in Figure 2.2 below.

Figure 2.2 – Farecard for Edinburgh

THE CITY OF EDINBURGH COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
FARE TABLE FOR TAXIS
With effect from 30 December 2021

FOR UP TO 2 PASSENGERS

TARIFF 1 Monday – Friday 6am – 6pm	TARIFF 2 Monday – Friday 6pm – 6am the following day 6am Saturday – 6am Monday
TARIFF 3 Monday – Friday 6am – 6pm during Christmas and New Year period	TARIFF 4 25 December - ALL DAY 1 January - ALL DAY Where Christmas period falls on Saturday and Sunday - ALL DAY Monday-Friday between 6pm and 6am during Christmas and New Year period
CHRISTMAS PERIOD NEW YEAR PERIOD	6pm on 24 December to 6am on 27 December 6pm on 31 December to midnight on 2 January

CHARGES	TARIFF 1	TARIFF 2	TARIFF 3	TARIFF 4
<ul style="list-style-type: none"> • Initial hire not exceeding 501m • Initial 105 seconds of waiting time • Combination of initial time and distance 	£3.00	£4.00	£4.00	£5.00
<ul style="list-style-type: none"> • Each additional 163m up until 1805m and thereafter each additional 190m • Each additional 35 seconds of waiting time • Combination of additional time and distance 	£0.25	£0.25	-	-
<ul style="list-style-type: none"> • Each additional 179m up until 1933m and thereafter for each additional 207m • Each additional 38 seconds of waiting time • Combination of additional time and distance 	-	-	£0.35	£0.45

EXTRA PAYMENTS

When more than 3 passengers	Each	£0.40
Note: Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years of age.		
Each Passenger must be properly seated		
Hires ending at Edinburgh Airport Inner Drop-off Zone (See Note 4 below)	£4.00	
Call Out Charge Applicable when pre-booked	£0.80	Airport Pickup - For hires commencing at Edinburgh airport. The amount charged at the exit gate subject to a maximum of £5.00, providing it is no more than the actual amount charged.
Cancellation Fee Applicable when taxi is pre-booked but not used	£2.20	
Soiling charge - maximum of £50.00 payable by a passenger, where a vehicle is required to be removed from service for cleaning in order for it to be restored to a usable state and condition		

NOTES

- (1) The above Tariff is applicable only within the City of Edinburgh.
- (2) Any hire which terminates outside the City of Edinburgh area – FARE MUST BE NEGOTIATED AND AGREED WITH DRIVER BEFORE THE JOURNEY COMMENCES.
- (3) A copy of the Licensing Conditions can be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh, EH1 1YJ and downloaded from www.edinburgh.gov.uk
- (4) **The Airport Extra** is only payable if passenger is dropped off in the covered inner drop-off zone at Edinburgh Airport and the driver has explained to the passenger before the start of the journey - (1) He will take the passenger to the drop off point just beside the airport terminal and that there is a £4 extra for this. (2) If the passenger states he is disabled, the £4 extra still has to be paid, but the driver understands that the passenger can reclaim this from the airport at the drop-off point. (3) If the passenger wishes to avoid the £4 extra, he can be taken to an outer drop-off point. However, this is further from the airport terminal, involves the use of a free shuttle bus and will require more time for the passenger to get to the airport terminal.

COMPLAINTS

Any hirer aggrieved at the level of the fare charged for any hire or for any other reason may discuss the matter with the Taxi Licensing Officer (0131 529 4250). Any complaint must be made in writing and addressed to the Complaints Officer, Licensing Service, The City of Edinburgh Council, 249 High Street, Edinburgh EH1 1YJ, and should include the vehicle's licence number and time and date of the incident.

CS.70 DEC 21

The publication Private Hire and Taxi Monthly issues monthly league tables of the fares for 365 authorities over a two-mile day time journey. Each journey is ranked with one being the most expensive. The August 2022 table shows Edinburgh rated 75th in the table, indicating that Edinburgh has higher than average fares. Table 2.1 provides a comparison of where a selection of other

authorities in Scotland, based on population figures and the presence of a large city or town, rank in terms of fares, showing that fares in Edinburgh are more expensive in comparison to other neighbouring authorities with the exception of East Lothian Council.

Table 2.1 - Comparison of neighbouring authorities in terms of fares (Source Private Hire and Taxi Monthly, August 2022)

Local Authority	Rank
East Lothian	74
City of Edinburgh	75
Fife	95
Midlothian	193
Falkirk	202
West Lothian	300

Benchmarking

Introduction

A benchmarking exercise has been undertaken to compare taxi provision in Edinburgh with that of the Scottish cities and the English core cities. This exercise presents information for the remaining six cities in Scotland, and the eight core cities in England. The core cities comprise those cities that are considered the economically most important cities outside of London in England. Table 3.1 shows the cities used in this benchmarking exercise. The benchmarking exercise has been undertaken using data sourced from the latest edition of the Scottish Transport Statistics, (2021 Edition)² and the Department for Transport's Taxi statistics³ therefore the numbers reported here may differ from current licensed numbers if there has been significant change in a particular area since the figures were published.

Table 3.1 – Cities used in benchmarking exercise

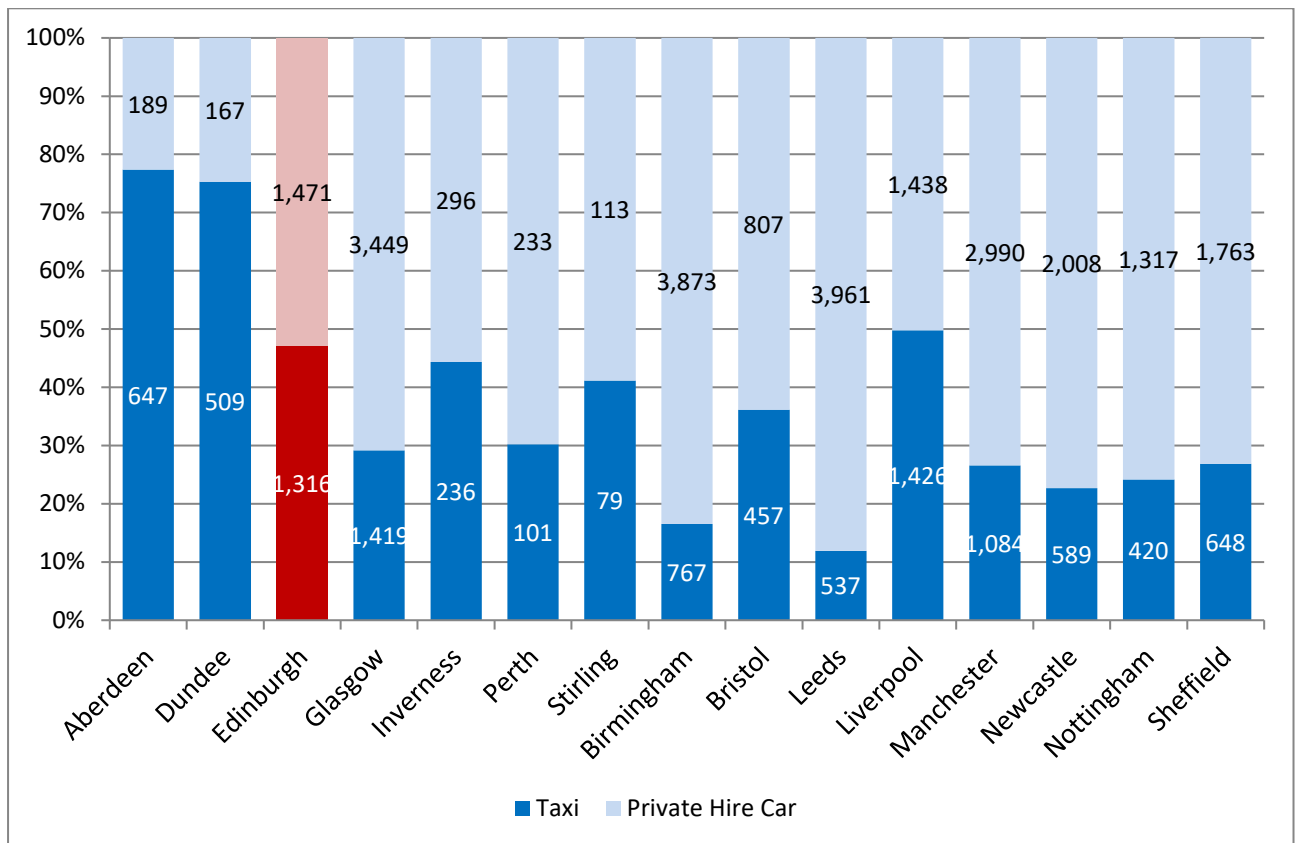
Scottish Cities	Core Cities
Aberdeen	Birmingham
Dundee	Bristol
Edinburgh	Leeds
Glasgow	Liverpool
Inverness	Manchester
Perth	Newcastle
Stirling	Nottingham
	Sheffield

Fleet Composition

³ <https://www.gov.uk/government/collections/taxi-statistics>

Figure 3.1 documents the fleet size for Edinburgh along with the other benchmarked authorities⁴. Liverpool, Glasgow and Edinburgh have the largest fleets of taxis (1,426, 1,419 and 1,316 vehicles respectively), while Glasgow has the largest combined (taxi and private hire car) fleet at 4,868 vehicles. Of the other Scottish cities, Glasgow has the largest combined fleet. Stirling has the smallest taxi fleet (79 vehicles) whilst Stirling and Dundee have the smallest private hire fleets at 113 and 167 vehicles.

Figure 3.1 Fleet Composition

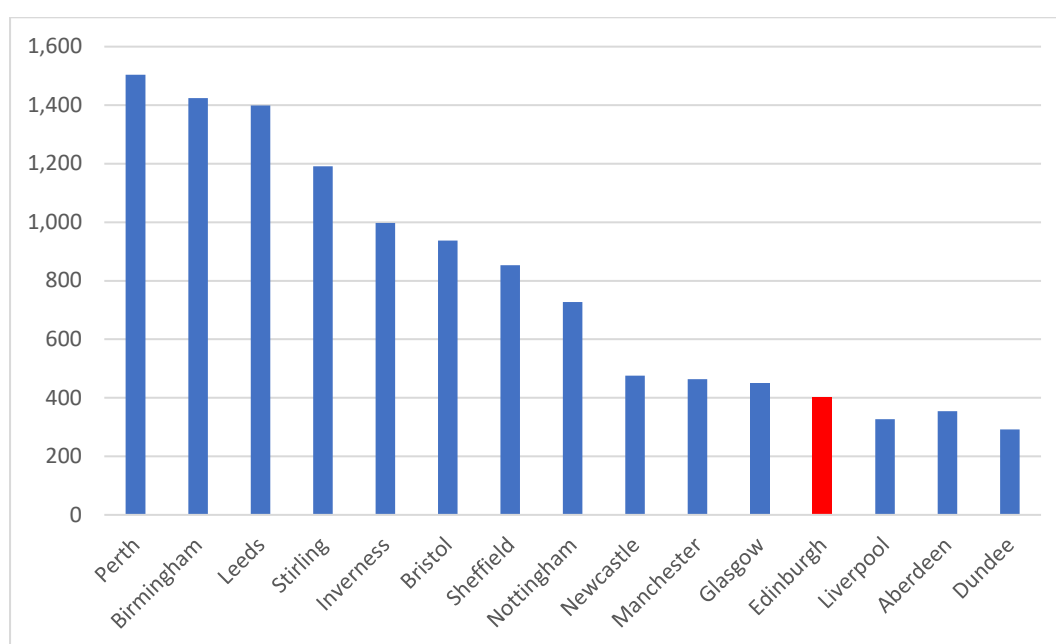


Edinburgh has the third largest taxi fleet and the eighth largest private hire fleet, placing it in mid-range of the comparable authorities in terms of its overall fleet size. While these figures are based

⁴ Note the figures on fleet composition are the latest published figures therefore may differ to licensed vehicle numbers as of August 2022.

on the latest published figures available, we note that private hire car numbers in Edinburgh have recently decreased to approximately 1,975 in 2021 which has decreased the overall fleet size. Figure 3.2 shows taxi per capita provision in each authority. This demonstrates that Aberdeen has the lowest number of people per taxi, thereby indicating that it has the best provision of the authorities shown. Leeds has the highest number of people per taxi, and therefore the worst provision. Edinburgh has the fifth best taxi provision per capita.

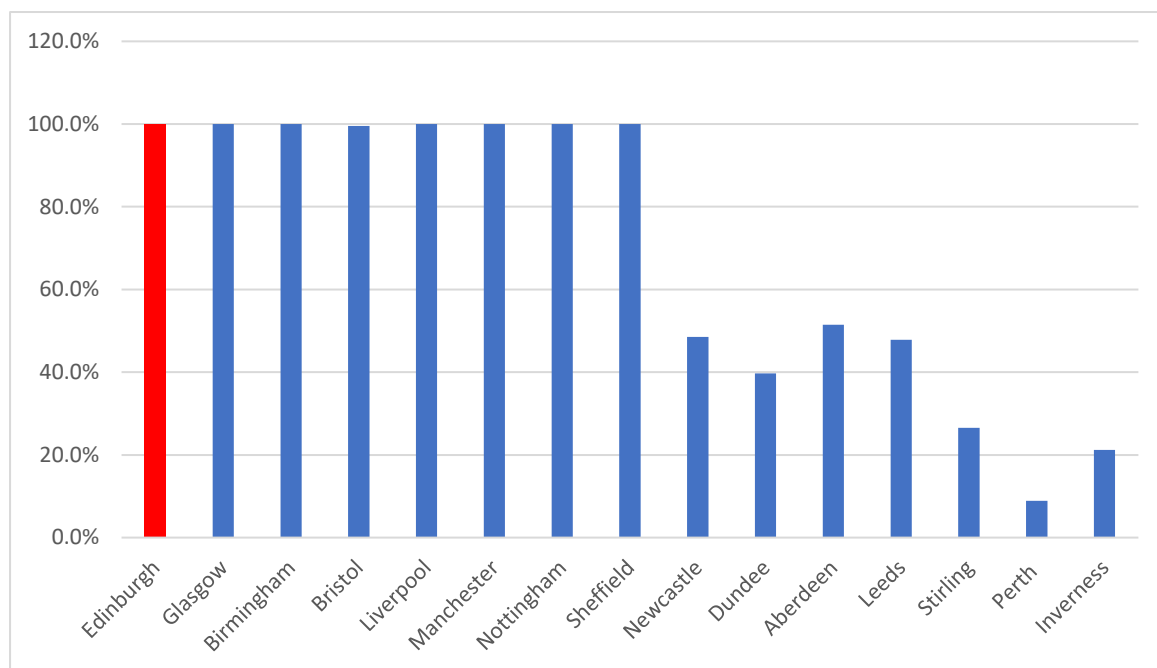
Figure 3.2 Population per taxi across the different licensing authorities



Wheelchair Accessible Vehicles

With regards to wheelchair accessible vehicles, Edinburgh ranked in joint first position. This is due to all taxis being wheelchair accessible, a move which seven other cities have also taken. The remaining seven locations have around 50% or less of their taxis able to accommodate wheelchairs. Figure 3.4 shows the percentage of taxis in each authority which are wheelchair accessible:

Figure 3.4 Proportion of the taxi fleet that is wheelchair accessible



Entry Control

Table 3.1 documents the entry control policies for the 15 authorities. Edinburgh is one of the fourteen authorities which impose a numerical limit on the number of taxis licensed.

Table 3.1 Entry Control Policy for the Authorities

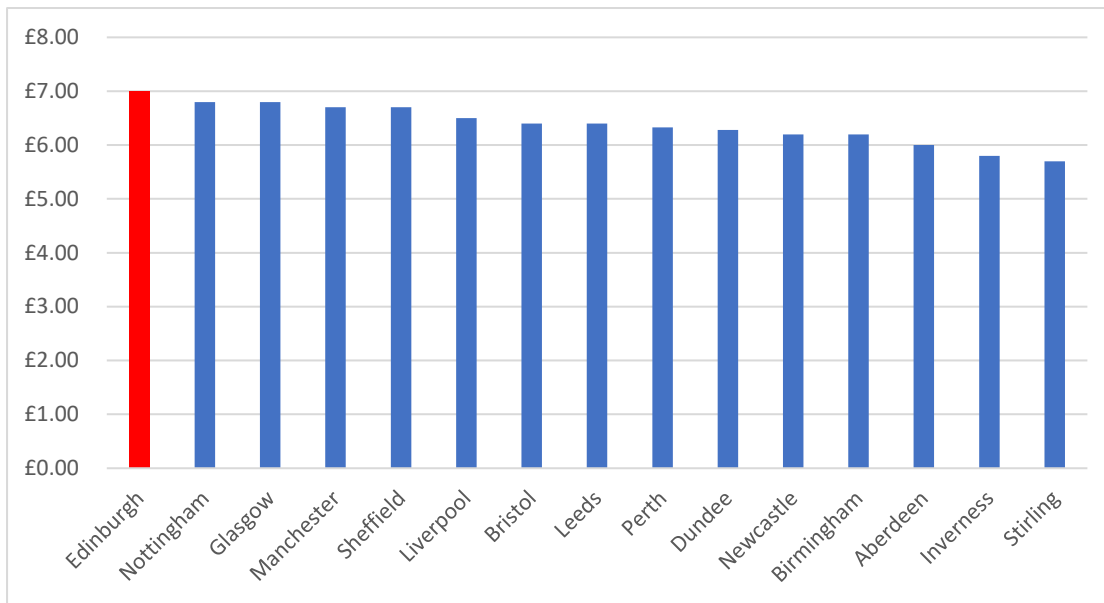
Authority	Entry Control Policy
Aberdeen	Restricted
Birmingham	Restricted
Bristol	Restricted in some areas
Dundee	Restricted
Edinburgh	Restricted
Glasgow	Restricted
Inverness	Derestricted

Leeds	Restricted
Liverpool	Restricted
Manchester	Restricted
Newcastle	Restricted
Nottingham	Restricted
Perth	Restricted
Sheffield	Restricted
Stirling	Restricted

Fares

Figure 3.5 details the average fare for a two-mile journey across the core cities and Scottish cities. The average cost of a two-mile journey in Edinburgh is £7.00, which is the most expensive of all authorities.

Figure 3.5 Fare for a two-mile journey



Source: Derived from Private Hire and Taxi Monthly, August 2022

Definition, Measurement and Removal of Significant Unmet Demand

Introduction

Section 4 provides a definition of significant unmet demand derived from experience of over 100 unmet demand studies since 1987. This leads to an objective measure of significant unmet demand that allows clear conclusions regarding the presence or absence of this phenomenon to be drawn. Following this, a description is provided of the SUDSIM model which is a tool developed to determine the number of taxi licences required to eliminate significant unmet demand, where such unmet demand is found to exist. This method has been applied to numerous local authorities and has been tested in the courts as a way of determining if there is unmet demand for taxis.

Overview

Significant Unmet Demand (SUD) has two components:

- Patent demand – that which is directly observable; and
- ‘Suppressed’ demand – that which is released by additional supply.

Patent demand is measured using stance observation data. Suppressed (or latent) demand is assessed using data from the stance observations and public attitude interview survey. Both are brought together in a single measure of unmet demand, ISUD (Index of Significant Unmet Demand).

Defining Significant Unmet Demand

The provision of evidence to aid licensing authorities in making decisions about taxi provision requires that surveys of demand be carried out. Results based on observations of activity at taxi stances have become the generally accepted minimum requirement.

The definition of significant unmet demand is informed by two Court of Appeal judgements:

- R v Great Yarmouth Borough Council ex p Sawyer (1987); and
- R v Great Castle Point Borough Council ex p Maude (2002).

The Sawyer case provides an indication of the way in which an Authority may interpret the findings of survey work. In the case of Sawyer v Yarmouth City Council, 16 June 1987, Lord Justice Woolf

ruled than an Authority is entitled to consider the situation from a temporal point of view as a whole. It does not have to condescend into a detailed consideration as to what may be the position in every limited part of the Authority in relation to the time of day. The authority is required to give effect to the language used by the Section (Section 16) and can ask itself with regard to the area as a whole whether or not it is satisfied that there is no significant unmet demand.

The term 'suppressed' or 'latent' demand has caused some confusion over the years. It should be pointed out that following *Maude v Castle Point Borough Council*, heard in the Court of Appeal in October 2002, the term is now interpreted to relate purely to that demand that is measurable. Following *Maude*, there are two components to what Lord Justice Keene prefers to refer to as 'suppressed demand':

What can be determined inappropriately met demand. This is current observable demand that is being met by, for example, private hire cars illegally ranking up; and

That which arises if people are forced to use some less satisfactory method of travel due to the unavailability of a taxi.

If demand remained at a constant level throughout the day and week, the identification and treatment of significant unmet demand would be more straight-forward. If there were more cabs than required to meet the existing demand there would be queues of cabs on stances throughout the day and night and passenger waiting times would be zero. Conversely, if too few cabs were available there would tend to be queues of passengers throughout the day. In such a case it would, in principle, be a simple matter to estimate the increase in supply of cabs necessary to just eliminate passenger queues.

Demand for taxis varies throughout the day and on different days. The problem, introduced by variable demand, becomes clear when driver earnings are considered. If demand is much higher late at night than it is during the day, an increase in cab supply large enough to eliminate peak delays will have a disproportionate effect on the occupation rate of cabs at all other times. Earnings will fall and fares might have to be increased sharply to sustain the supply of cabs at or near its new level.

The main implication of the present discussion is that it is necessary, when considering whether significant unmet demand exists, to take account of the practicability of improving the standard of service through increasing supply.

Measuring Patent Significant Unmet Demand

Considering the economic, administrative and legal considerations, the identification of this important aspect of significant unmet demand should be treated as a three stage process as follows:

Identify the demand profile;

Estimate the passenger and cab delays; and

Compare estimated delays to the demand profile.

The broad interpretation to be given to the results of this comparison are summarised in Table 4.1.

Demand is:	Delays during peak only	Delays during peak and other times
Highly peaked	No SUD	Possibly a SUD
Not highly peaked	Possibly a SUD	Possible a SUD

Table 4.1 – Existing of SUD determined by comparing demand and delay profiles

It is clear from the content of the table that the simple descriptive approach fails to provide the necessary degree of clarity to support the decision-making process in cases where the unambiguous conclusion is not achievable. However, it does provide the basis of a robust assessment of the principal component of significant unmet demand. The analysis is therefore extended to provide a more formal numerical measure of significant unmet demand. This is based on the principles contained in the descriptive approach but provides greater clarity. A description follows.

The measure feeds directly off the results of observations of activity at the stances. In particular, it takes account of:

Case law that suggests an authority should take a broad view of the market;

The effect of different levels of supply during different periods at the stance on service quality; and

The need for consistent treatment of different authorities, and the same authority over time.

The Index of Significant Unmet Demand (ISUD) was developed in the early 1990's and is based on the following formula. The SF element was introduced in 2003 and the LDF element was introduced in 2006 to reflect the increased emphasis on latent demand in DfT Guidance.

$$ISUD = APD \times PF \times GID \times SSP \times SF \times LDF$$

Where:

APD = Average Passenger Delay calculated across the entire week in minutes.

PF = Peaking Factor. If passenger demand is highly peaked at night the factor takes the value of 0.5. If it is not peaked the value is 1. Following case law this provides dispensation for the effects of peaked demand on the ability of the Trade to meet that demand. To identify high peaking we are generally looking for demand at night (at weekends) to be substantially higher than demand at other times.

GID = General Incidence of Delay. This is measured as the proportion of passengers who travel in hours where the delay exceeds one minute.

SSP = Steady State Performance. The corollary of providing dispensation during the peaks in demand is that it is necessary to focus on performance during “normal” hours. This is measured by the proportion of hours during weekday daytimes when the market exhibits excess demand conditions (i.e. passenger queues form at stances).

SF = Seasonality Factor. Due to the nature of these surveys it is not possible to collect information throughout an entire year to assess the effects of seasonality. Experience has suggested that taxi demand does exhibit a degree of seasonality and this is allowed for by the inclusion of a seasonality factor. The factor is set at a level to ensure that a marginal decision either way obtained in an “untypical” month will be reversed. This factor takes a value of 1 for surveys conducted in September to November and March to June, i.e. “typical” months. It takes a value of 1.2 for surveys conducted in January and February and the longer school holidays, where low demand the absence of contract work will bias the results in favour of the taxi trade, and a value of 0.8 for surveys conducted in December during the pre-Christmas rush of activity. Generally, surveys in these atypical months, and in school holidays, should be avoided.

LDF = Latent Demand Factor. This is derived from the public attitude survey results and provides a measure of the proportion of the public who have given up trying to obtain a taxi at either a stance or by flagdown during the previous three months. It is measured as 1+ proportion giving up waiting. The inclusion of this factor is a tactical response to the latest guidance.

The product of these six measures provides an index value. The index is exponential and values above the 80 mark have been found to indicate significant unmet demand. This benchmark was defined by applying the factor to the 25 or so studies that had been conducted at the point it was developed. These earlier studies had used the same principles but in a less structured manner. The highest ISUD value for a study where a conclusion of no significant unmet demand had been found was 72. The threshold was therefore set at 80. The ISUD factor has been applied to over 80 studies by CH2M and has been adopted by others working in the field. It has proved to be a robust, intuitively appealing and reliable measure.

Suppressed/latent demand is explicitly included in the above analysis by the inclusion of the LDF factor and because any known illegal plying for hire by the private hire trade is included in the stance observation data. This covers both elements of suppressed/latent demand resulting from the Maude case referred to above and is intended to provide a ‘belt and braces’ approach. A

consideration of latent demand is also included where there is a need to increase the number of taxi licences following a finding of significant unmet demand. This is discussed in the next section.

Determining the Number of New Licences Required to Eliminate Significant Unmet Demand

To provide advice on the increase in licences required to eliminate significant unmet demand, CH2M has developed a predictive model. SUDSIM is a product of 20 years' experience of analysing taxi demand. It is a mathematical model, which predicts the number of additional licences required to eliminate significant unmet demand as a function of key market characteristics.

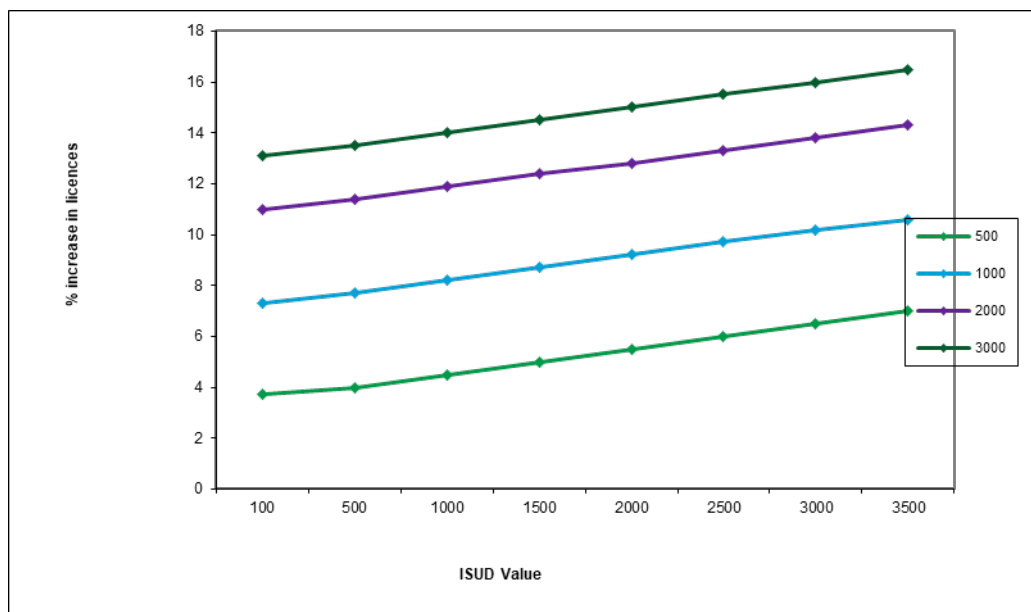
SUDSIM represents a synthesis of a queue simulation work that was previously used (1989 to 2002) to predict the alleviation of significant unmet demand and the ISUD factor described above (hence the term SUDSIM). The benefit of this approach is that it provides a direct relationship between the scale of the ISUD factor and the number of new hackney licences required.

SUDSIM was developed taking the recommendations from 14 previous studies that resulted in an increase in licences, and using these data to calibrate an econometric model. The model provides a relationship between the recommended increase in licences and three key market indicators:

- The population of the licensing authority;
- The number of taxis already licensed by the licensing authority; and
- The size of the SUD factor.

The main implications of the model are illustrated in Figure 4.1 below. The figure shows that the percentage increase in a taxi fleet required to eliminate significant unmet demand is positively related to the population per taxi (PPT) and the value of the ISUD factor over the expected range of these two variables.

Figure 4.1 – Forecast increase in taxi fleet size as a function of population per taxi (PPT) and the ISUD value



Where significant unmet demand is identified, the recommended increase in licences is therefore determined by the following formula:

$$\text{New Licences} = \text{SUDSIM} \times \text{Latent Demand Factor}$$

Where:

Latent Demand Factor = (1 + proportion giving up waiting for a taxi at either a stance or via flagdown).

Note on Scope of Assessing Significant Unmet Demand

It is useful to note the extent to which a licensing authority is required to consider peripheral matters when establishing the existence or otherwise of significant unmet demand. This issue is informed by *R v Brighton Borough Council, exp p Bunch 1989*. This case set the precedent that it is only those services that are exclusive to taxis that need concern a licensing authority when considering significant unmet demand. Telephone booked trips, trips booked in advance or indeed the provision of bus type services are not exclusive to taxis and have therefore been excluded from consideration.

Evidence of Patent Unmet Demand – Stance Observation Results

Introduction

This section of the report highlights the results of the stance observation survey. The stance observation programme covered a period of 297 hours during September 2021. Some 19,506 passengers and 16,060 departures were recorded across 14 stances. A summary of the stance observation programme is provided in Appendix 2.

The results presented in this section summarise the information and draw out its implications. This is achieved by using five indicators:

The Balance of Supply and Demand – this indicates the proportion of the time that the market exhibits excess demand, equilibrium and excess supply;

Average Delays and Total Demand – this indicates the overall level of passengers and cab delays and provides estimates of total demand;

The Demand/Delay Profile – this provides the key information required to determine the existence or otherwise of significant unmet demand;

The Proportions of Passengers Experiencing Given Levels of Delay – this provides a guide to the generality of passenger delay.

The Balance of Supply and Demand

The results of the analysis are presented in Table 5.1 below. The predominant market state is one of equilibrium. Excess supply (queues of cabs) was experienced during 2% of the hours observed while excess demand (queues of passengers) was experienced 18% of the hours observed. Conditions are generally favourable to customers at all times of the day.

Table 5.2 – The balance of supply and demand in the Edinburgh stance-based taxi market (percentage of hours observed)

Period		Excess Demand (Max Passenger Queue \geq 3)	Equilibrium	Excess Supply (Min Cab Queue \geq 3)
Weekday	Day	11	86	4
	Night	8	90	2
Weekend	Day	28	71	1
	Night	26	74	0
Sunday	Day	19	79	2

Period	Excess Demand (Max Passenger Queue ≥ 3)	Equilibrium	Excess Supply (Min Cab Queue ≥ 3)
Total 2021	18	80	2
Total 2017	13	71	16

NB – Excess Demand = Maximum passenger queue ≥ 3 . Excess Supply = Minimum Cab Queue ≥ 3 – values derived over 12 time periods within an hour.

As detailed in Table 5.1 conditions have changed for passengers since the previous study in 2017. The number of hours where excess demand was observed has increased to 18% while the hours the market is in equilibrium has increased from 71% to 80%.

Average Delays and Total Demand

The following estimates of average delays and throughput were produced for each selected stance in Edinburgh (Table 5.2).

The survey suggests some 19,506 passenger departures occur per week from stances in Edinburgh involving some 16,060 cab departures. The taxi trade is concentrated at the stances at East Market Street and Waverley bridge accounting for 48% of the total passenger departures. On average cabs wait 7.10 minutes for a passenger. On average passengers wait 0.75 minutes for a cab which is lower than recorded in 2017. The highest level of passenger delay was recorded at Lothian Road (1.9 minutes) and East Market Street (1.5 minutes) predominantly at the weekend. Passengers encountered little of no delay at the majority of stance locations observed. The observations did highlight periods of high demand and delay at the East Market Street stance. Average delay of over 8 minutes was observed on a Saturday afternoon and almost 10 minutes on a Sunday afternoon.

As detailed in Chapter 1 this study was undertaken during the Covid pandemic when restrictions were in place and therefore demand is significantly lower than observed in previous studies.

Since the previous study in 2017 when comparing like for like passenger demand and passenger delay is significantly lower. Cab departures have also significantly decreased

Table 5.2 Average Delays and Total Demand (Delays in Minutes)

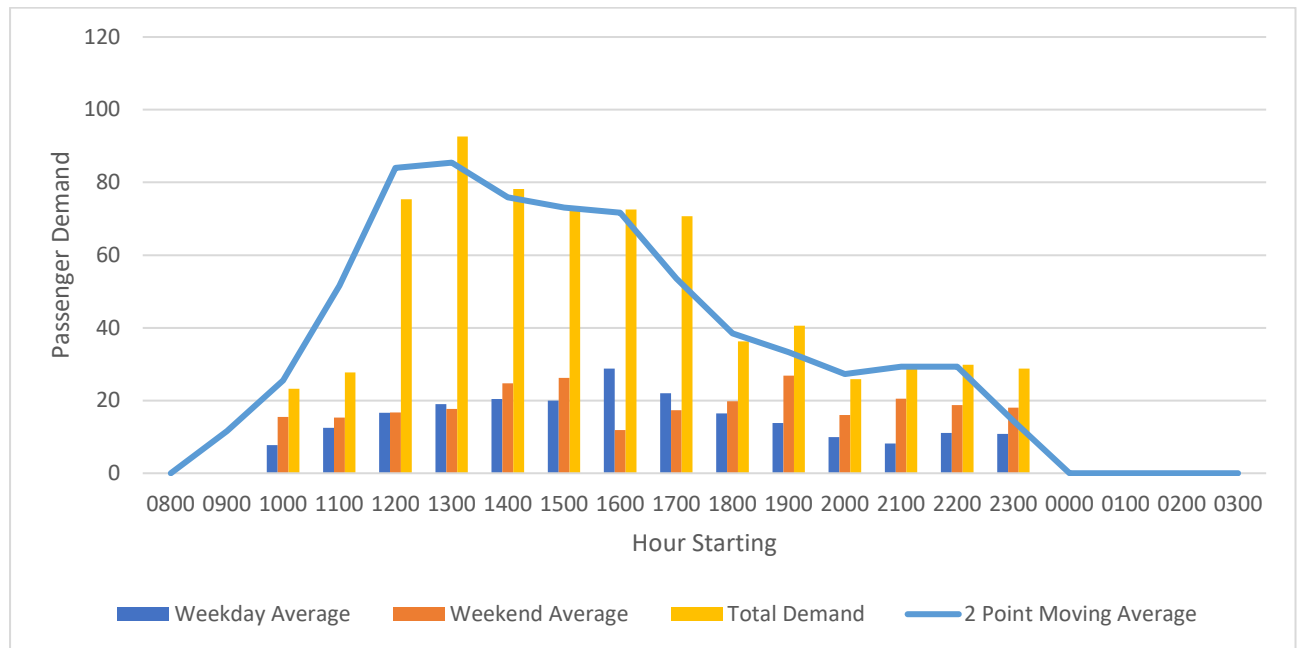
Stance	Passenger Departures	Cab Departures	Average Passenger Delay in Minutes	Average Cab Delay in Minutes
East Market Street*	4,628	3,375	1.50	6.55
Waverley Bridge*	4,707	2,884	0.32	7.41
Rutland Street*	908	885	0.61	4.74
High Street*	1,327	680	0.53	10.33
Hannover Street*	1,443	1,041	0.61	7.72
Queensferry Street*	65	108	0.00	4.00
Haymarket*	2,949	2,296	0.49	6.85
Wester Hailes*	209	251	0.00	7.69
South St Andrews Street	270	252	0.44	4.52
Lothian Road (Festival Sq)*	1,092	1,383	1.94	4.70
Lady Road (Cameron Toll)*	990	968	0.00	9.12
Castle Street	484	1,022	0.00	8.47
Dundas Street	95	306	0.00	8.60
Omni Centre, Leith Walk*	340	612	1.18	8.95
Total 2021	19,506	16,060	0.75	7.10
Total 2017 like for like stances	41,222	25,875	1.27	8.70
Total 2013	42,228	27,697	0.32	12.07
Total 2008/2009	37,518	23,411	1.27	12.64

* observed in 2017

The Delay/Demand Profile

Figure 5.1 provides a graphical illustration of passenger demand for the Monday to Saturday period between the hours of 08:00 and 00:00.

Figure 5.1 Passenger Demand by Time of Day in 2021 (Monday to Saturday)



The profile of demand shows a peak in demand between 1200 and 1400

Figure 5.2 Passenger Delay by Time of Day in 2021(Monday to Saturday)

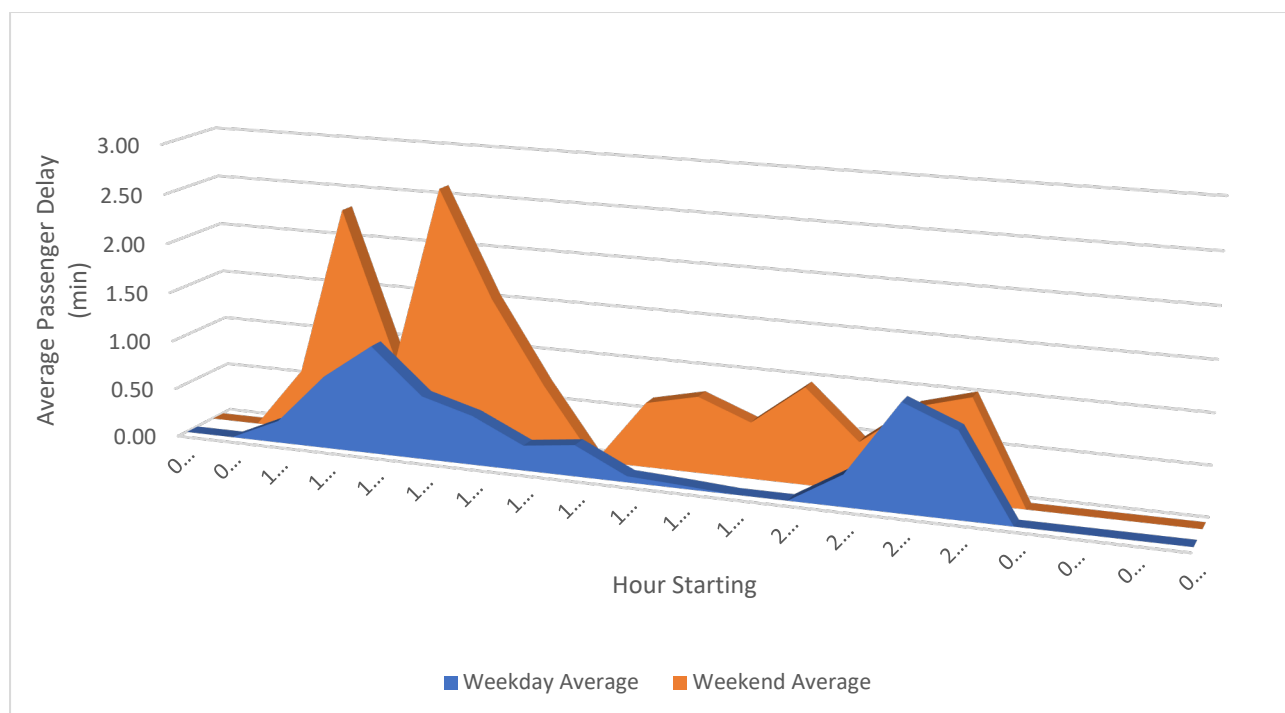


Figure 5.2 provides an illustration of passenger delay by the time of day for the weekday and weekend periods. It shows that delay peaks on weekdays mornings and evenings and during the morning at weekends..

The General Incidence of Passenger Delay

The stance observations data can be used to provide a simple assessment of the likelihood of passengers encountering delay at stances. The results are presented in Table 5.3 below.

Table 5.3 – General incidence of passenger delay (percentage of passengers travelling in hours where delay exceeds one minute)

Year	Delay > 0	Delay > 1 min	Delay > 5 min
2021	12.80	6.85	1.28
2017 like for like stances	14.06	8.63	3.98

Year	Delay > 0	Delay > 1 min	Delay > 5 min
2017	13.11	7.31	3.09
2013	5.66	2.73	0.17
2008/2009	12.27	7.35	2.60

In 2021, 6.85% of passengers are likely to experience more than a minute of delay. It is this proportion (6.85%) that is used within the ISUD as the ‘Generality of Passenger Delay’.

Evidence of Suppressed Demand – Public Attitude Pedestrian Survey Results

Introduction

An online public attitude survey was designed with the aim of collecting information regarding opinions on the taxi market in Edinburgh. The survey allowed an assessment of flagdown, telephone and stance delays, the satisfaction with delays and general use information.

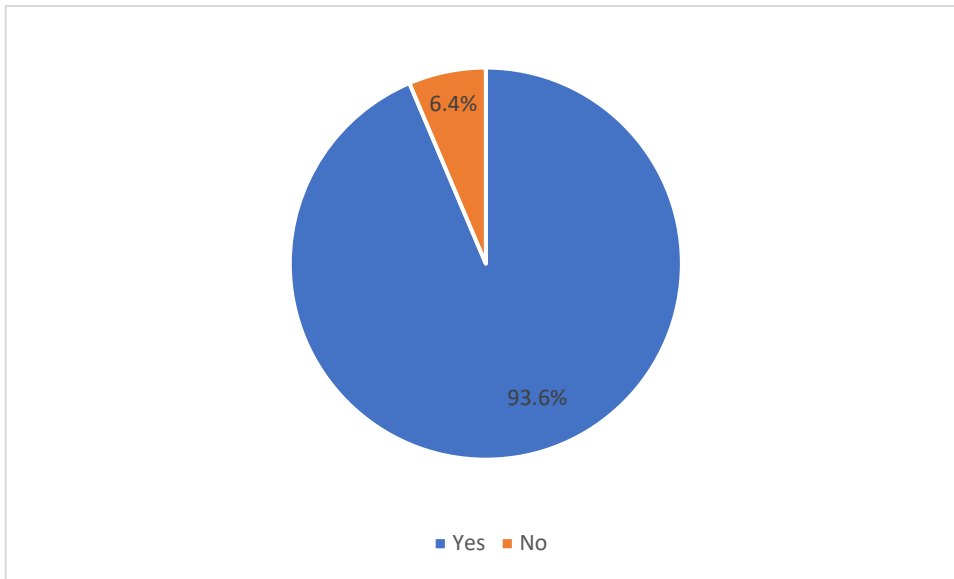
The survey was conducted in December 2021 and hosted on City of Edinburgh Council’s Consultation Hub. Some 300 responses were received.

It should be noted that in the tables and figures that follow the totals do not always add up to the same amount which is due to one of two reasons. First, not all respondents were required to answer all questions; and second, some respondents failed to answer some questions that were asked.

General Information

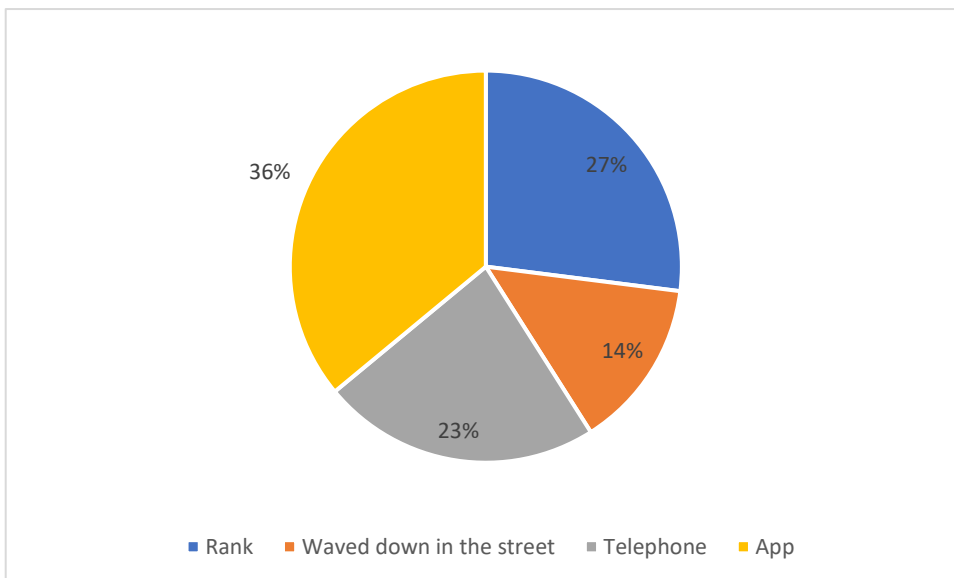
Respondents were asked whether they had made a trip by taxi or private hire car in the past three months. Figure 6.1 shows that 93.6% (279) of the 300 respondents had made a trip by taxi or private hire car in the last three months.

Figure 6.1 – Have you made a trip by taxi or private hire car in the last three months?



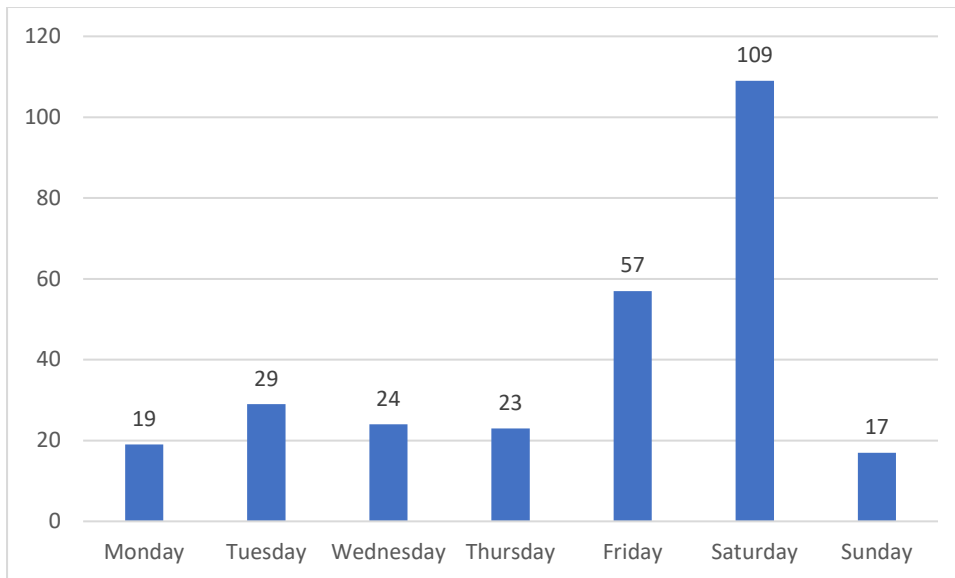
Those respondents who had made a trip by taxi or private hire car were asked how they obtained their vehicle. Some 36% of trip makers (99) stated that hired their taxi vi a smartphone or tablet app while 27% (75) of taxi hirings were obtained at a rank. Some 23% (65) of trips were achieved by telephone. The online and telephone bookings relate to both taxi and private hire car bookings. Figure 6.2 reveals the pattern of hire.

Figure 6.2 – Method of hire for last trip



Respondents were asked what time of day and day of the week they obtained their taxi or private hire car. As detailed in figure 6.3, the majority of trips were taken on a Saturday. Overall 46% of trips were in the evening between 6pm-10pm.

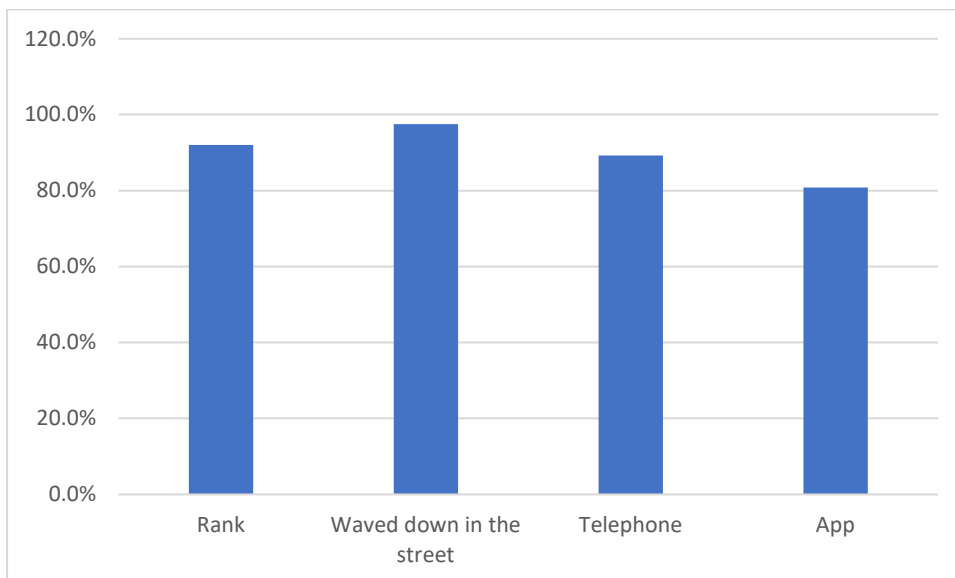
Figure 6.3 – Method of hire for last trip



Respondents were then asked if they were satisfied with the time taken and the promptness of the vehicle’s arrival. When considering all hirings, the majority of customers (91.8%) were satisfied.

Figure 6.4 shows that for each method of obtaining a vehicle, the majority were satisfied with the length of time they had to wait. Those ‘waving’ their vehicle down in the street provided the highest levels of satisfaction.

Figure 6.4 – Satisfaction with delay on last trip by method of hire



Respondents were also asked if they had received any discount on their last trip, with 10% (27) of trip makers stating that they had.

Trip makers were asked to rate five elements from their last taxi journey on a scale from very poor to very good. The results in Figure 6.5 show that all elements were generally good. When poor ratings were given, respondents were asked to provide a reason for their rating. Negative ratings included reasons such as:

Poor English

Poor route decision, however, this is due to all the roadworks and not the drivers fault

Not enough drivers working early morning

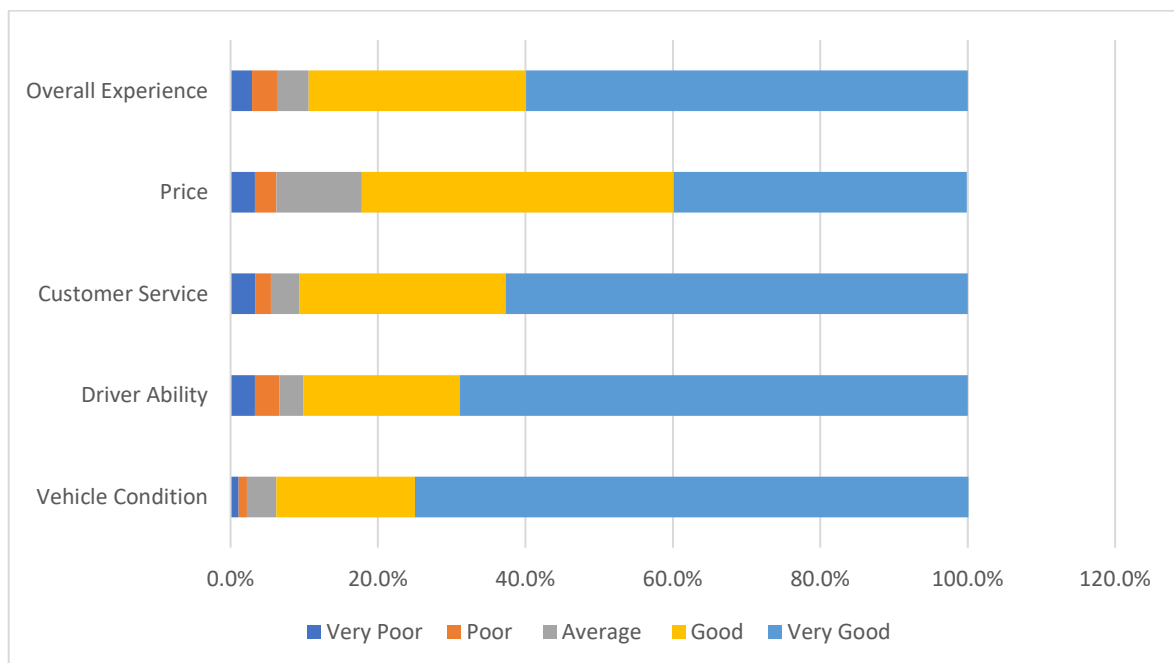
Waiting times are totally unacceptable since the pandemic

Driver had poor knowledge of the route

Smelly vehicle – cigarette smoke

Grumpy driver

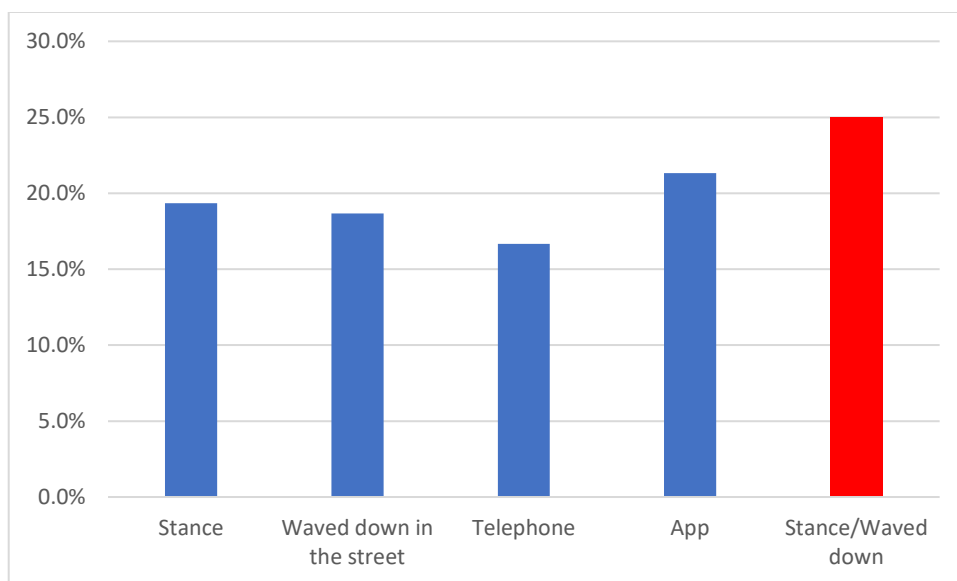
Figure 6.5 – Rating of last journey



Attempted method of hire

In order to measure demand suppression, all respondents were asked to identify whether or not they had given up waiting for a taxi at a stance or on the street or given up waiting for a taxi or private hire car booked by telephone, or through an online app in Edinburgh in the last three months. The results are summarised in Figure 6.6.

Figure 6.6 – Latent demand by method of hire – Given up trying to make a hiring?



As indicated in Figure 6.6, some 25% of respondents had given up waiting for a taxi at a stance and/or by flagdown in the last three months. This has implications for the interpretation of the results (see Chapter 8 below). This is an increase to the figure identified in 2017 (10.9%).

Service Provision

The difference between a taxi and private hire car was explained to each respondent prior to asking participants whether they feel there are enough purpose-built taxis in Edinburgh at the current time. Some 75% (222) commented that there are sufficient taxis in Edinburgh.

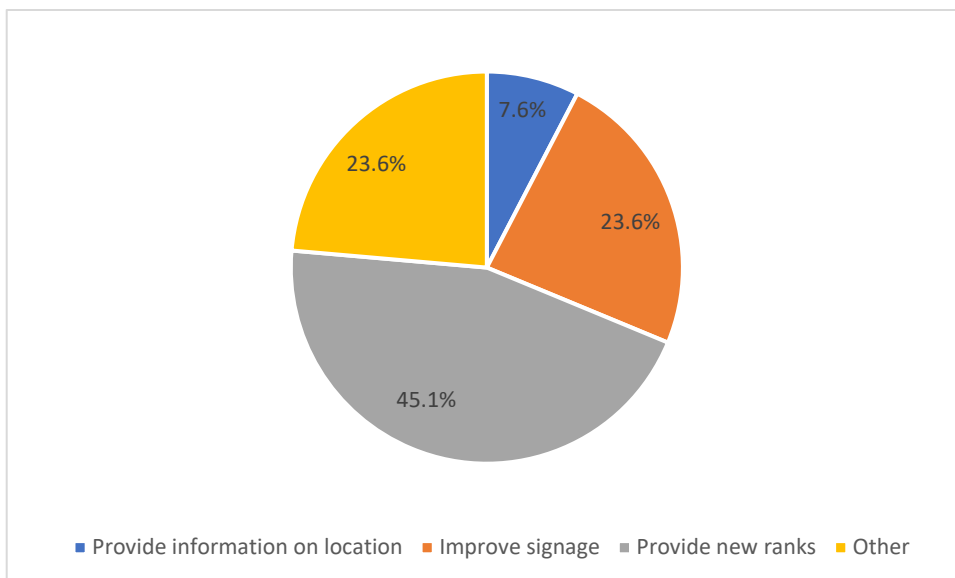
The survey then asked respondents whether they supported the policy of restricting the number of taxis licensed to work in Edinburgh to 1,316 licences. Some 74% (221) of respondents supported the policy.

The survey then asked respondents whether taxi services in Edinburgh could be improved. Some 47% (137) felt that they could be improved while 37% (110) thought no improvements were needed and 16% (47) were unsure.

Stances

Respondents were asked if they felt there was sufficient provision of taxi stances in Edinburgh. Some 49% (148) of respondents felt that there are currently not enough stances in Edinburgh, 42% stated that there was sufficient with 8% unsure. Suggested improvements from the 49% (148) of respondents who answered 'no' are listed in Figure 6.7.

Figure 6.7 – What needs to be done to improve the provision of taxi ranks / stances in Edinburgh?



Respondents were asked if there were any locations in Edinburgh where new stances were needed. A total of 48% (143) said that new stances were needed in Edinburgh. Those who stated that they would like to see a new stance were asked to provide a location. The most common locations cited included:

Waverley Station

Balmoral Hotel

Waverley Steps

Princes Street

Fort Kinnaird

West end of George Street

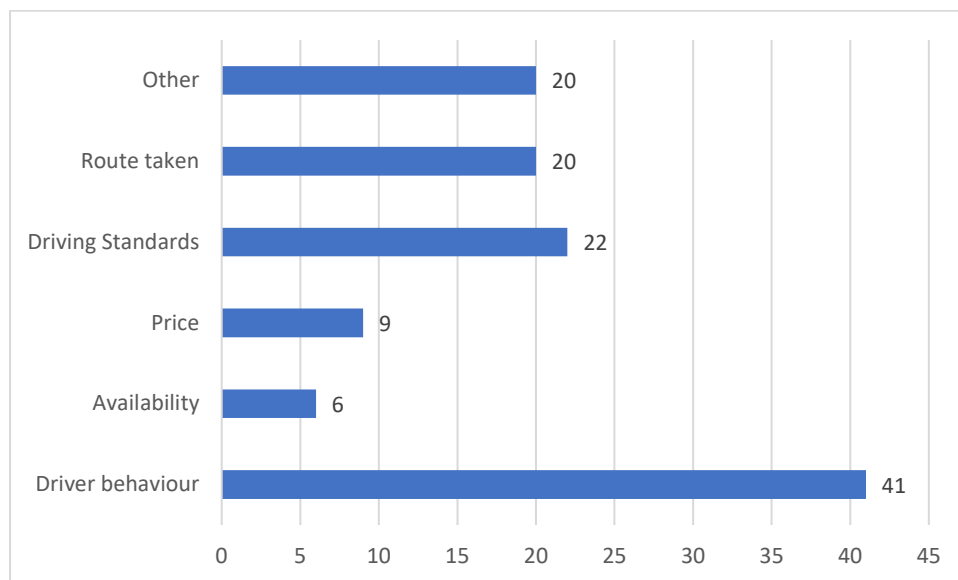
St James Quarter

Complaints

Respondents were asked whether they had made a complaint to City of Edinburgh Council about a Taxi or Private Hire Car. Some 114 respondents stated that they had made a complaint. The

majority of these complaints were made to the driver (46%) with 27% being made to the Council and 27% to the operator. Figure 6.8 sets out the nature of these complaints.

Figure 6.8 Nature of Complaints



Summary

Key points from the public attitude survey can be summarised as:

Some 36% of hiring's are from a smartphone/table app;

High levels of satisfaction with delay on last trip – waving down in the street provided the highest levels;

Some 25% of people had given up trying to obtain a taxi at a stance or by flagdown;

Some 75% commented that there are sufficient taxis in Edinburgh

High ratings across all categories for the quality of the last trip, however negative comments were generally around drivers taking poor route choices and their attitude;

Despite some low ratings 75% of respondents didn't feel that new training was required

Some 47.4% of people believe that new stances are needed stating Balmoral hotel, Waverley Steps and Princes Street.

Consultation

Introduction

Guidelines issued by the Scottish Government state that consultation should be undertaken with the following organisations and stakeholders:

- All those working in the market;
- Consumer and passenger (include disabled) groups;
- Groups which represent those passengers with special needs;
- The Police;
- Local interest groups such as hospitals or visitor attractions; and
- A wide range of transport stakeholders such as rail/bus/coach providers and transport managers.

In order to consult with relevant stakeholders across Edinburgh, written consultation was undertaken.

Direct (virtual) Consultation

Several stakeholders were invited to attend a series of virtual focus groups. This assured the Scottish Government guidelines were fulfilled and all relevant organisations and bodies were provided with an opportunity to comment. Following the focus groups the written minutes were circulated for comment to the attendees. A summary of the responses received are provided below

Hackney Trade

All attendees wished to see the numerical limit maintained. Attendees were concerned with the lack of available taxi drivers, the ease with which private hire drivers can become licensed and the lack of enforcement in Edinburgh. The trade was aware that less than 1,316 taxis are operating in Edinburgh which they felt reflected a lack of drivers in the sector. One of the attendees considered there to be a 'perfect storm' – the need for Euro 6 compliance, a lack of drivers, the pandemic and the ease that private hire drivers can enter the market have all had a negative impact on the taxi trade. There is a lack of enforcement which is allowing PH drivers to act as public hire.

Attendees considered that the choice of vehicles that can be licensed as taxis is limiting entry to the market, and they want CEC to review this.

With regard to ranks the attendees discussed a number of issues:

Hope Street rank to be restored

Need eye level signage at ranks

Ranks need to be maintained better

Rank at Market Street should be reinstated as the current one on East Market Street is dangerous

Proposed rank at Haymarket will not work

Needs to be a rank in the vicinity of the Balmoral hotel

Attendees wanted CEC to waive the variation fee for CCTV implementation.

With regard to private hire cars the trade wished to see their numbers limited and the range of vehicles limited to a number of smaller vehicle types. It was also suggested that private hire drivers should sit a topographical test.

Attendees also discussed issues pertaining to the size of some wheelchairs and the need for guidance on how to safely work with wheelchairs.

Private Hire Trade

Attendees spent most of the meeting discussing issues around whether private hire cars should be limited in number – this discussion is contained in the Private Hire overprovision report and therefore not discussed here.

All attendees wished to see the numerical limit on taxis removed as this would help with any unmet demand. This point was made in reference to the recent large queues at Edinburgh Airport.

Attendees felt that CEC need to review all of their policies relating to taxi and private hire cars. It was considered that there is a need to go back to the start and re structure the trade in Edinburgh and attendees wished to have a face-to-face meeting with CEC officers to discuss this. Attendees wanted to work more closely with CEC in order to encourage more drivers to come bac in to the trade, especially given the current levels of demand.

Indirect (Written) Consultation

Several stakeholders were contacted by letter and email. This assured the Scottish Government guidelines were fulfilled and all relevant organisations and bodies were provided with an opportunity to comment.

In accordance with advice issued by the Scottish Government the following organisations were contacted:

- City of Edinburgh Council;
- Trade representatives;

- User/disability groups representing those passengers with special needs;
- Local interest groups including hospitals, visitor attractions, entertainment outlets and education establishments; and
- Rail bus and coach operators.

A summary of the responses received are provided below.

Central Taxis

Central taxis provided a written response as below:

This consultation is proceeding during the persistence of a public health emergency that has had a significantly disruptive effect on the hire and reward sector in Edinburgh. The periods of lockdown and the economic and social restrictions which have been in place for much of the last 2 years led many licensed drivers to leave the taxi trade and to seek employment in other professions. Those drivers who continued to work in the trade altered their working patterns to reflect the lack of a night-time economy. While the situation has improved from the darkest days of the lockdowns, the effects of the disruption remain and are expected to do so in the short and through medium terms at least. For example, the Council continues to require taxi drivers sit and pass a test of their knowledge of the streets and places in the city, but have not provided any facility for those tests to take place for almost 2 years. Accordingly, persons wishing to join the trade have been unable to do so as they could not qualify the conditions set by the Council. Other drivers are returning to the trade, but at a slow pace. This is not least because there remains a general uncertainty in society as to the future course of the pandemic, and the lack of confidence which that brings for a sustained, linear recovery. It is axiomatic in these circumstances that great care must be applied in the interpretation of data which is collected in these unique circumstances if recommendations are not to further distort and disrupt the trade at the time when it most needs time to recover

We consider that the number of taxis, currently set at 1316, serves the city well. This number ensures that there is an adequate supply of taxis for most of the year, and gives sufficient capacity to meet public demand and expectations during those limited occasions of high intensity demand. It also serves to facilitate sufficient work to support the livelihoods of drivers and supports an earning potential sufficient to entice persons from other professions into joining the trade, or to retain persons within it.

CEC should continue to numerically limit taxi numbers. Limitation serves to ensure that demand can be met while maintaining conditions to encourage entry into the trade. It is particularly important to note that the capital costs of entry are now considerable, with vehicles costing from £40,000 to over £60,000. Limitation helps to ensure that entrants can have confidence that this level of investment will see a reasonable return in a reasonable business cycle. Without such effect, the willingness of persons to enter the trade, and the upholding of the high standards which the current policy produces, will inevitably each suffer negatively.

There is a tendency of policymakers to consider taxis as sitting outside of the perceived legitimate forms of public transport. In our view there is a clear and compelling case for treating taxis as an important part of the public transport matrix and in integrating taxi use within transport strategies which govern policy decisions in the city. The current view of taxi use leads to some very unfortunate results, one of which is the limited consideration given to the use of taxis for onward travel, particularly at major transport hubs. We consider it very unfortunate that persons entering the city have to walk very long distances, or search about, for taxi stances at these major hubs, a task one does not often encounter in other major cities in Europe. The ongoing push for environmentally sustainable vehicles also gives cause to seek to encourage more taxi use to tackle the undeniable problem of air pollution and its effects on the population.

With regard to the location of taxi ranks, we consider, the failure to have due regard to the place of taxis as an integral part of the public transport network. The failure to have adequately sized and suitably located stances at major transport hubs, including Edinburgh Airport and both Haymarket and Waverly Train stations has an adverse impact on customers, who are regularly confused when egressing from these hubs only to become puzzled by the lack of any obvious taxi stances. The taxi stance at Haymarket was formerly sight outside the station. Now it is around 150 metres away, and out of sight of those who egress at the eastern doorway. The stance at Waverley is barely visible from those egressing on Market Street, and there is no official rank at the top of the Waverley steps. Passengers expect there to be onward provision at these hubs and the repeated failure to provide same is a stain on the provision of good transport links to residents, businesses and visitors to the city. So too at other locations in the city, including at the east and west ends of Princes Street. Also taxi stances are regularly occupied by non taxi vehicles and greater enforcement is required to ensure that the existing stances operate as they are intended.

Additional ranks are required at Waverly Station, including the Waverley Steps at Princes Street; Haymarket Station and at Edinburgh Airport.

Consideration should be given to raised kerbs at these stances in order to make accessing and egressing from taxis easier for all groups. Signage should be improved, as many stances are invisible to people, particularly if there happens to be no taxis waiting at the point one is seeking to locate a stance. The stances are defined by poorly maintained painted lines on the roads so a stranger to the city has very little chance of identifying it as a stance. Serious consideration could be given to three-dimensional notifications as opposed to the 2 dimensional signs which are used at present.

City Cabs

City Cabs provided a written response as below:

We believe there are currently more than enough taxis in Edinburgh, this can be highlighted by the fact that Edinburgh is currently sitting under the council set allocation limit of Taxis. The barriers to entry for new operators in relation to the high expense of vehicles and emissions requirements has created a situation where many simply cannot afford to become operators of Taxis in Edinburgh. We operate with less than the limit of Taxis currently, therefore the market has dictated that the

demand for more licenses is simply not there. The city operates well with the current limit and an increase to licensed vehicles would lead to higher total vehicle emissions within our city.

Yes, CEC should continue to limit the number of taxis, as the barriers to entry are already significant and the demand for more licenses is not there.

Taxis are an integral part of the Public Transport solutions within our City. We believe it is imperative that Taxi stakeholders are included in all consultations and Government policy in the same fashion as Lothian buses. Currently at City Cabs we are working on our environmental impact and have been very successful recently in reducing our carbon emissions through improvements to our dispatch system and reducing the miles covered without a passenger on board.

Waverley station market street rank - this should be relocated back to the original market street rank as soon as possible. The current rank is difficult to locate and visibility is impaired due to distance and street clutter. In addition, the public then have to cross over either East Market Street or Jeffrey Street which is an incredibly busy and complicated location for a passenger and likely stranger to our city to cross. This extra risk to the public is unacceptable and dangerous in our opinion. Additionally, there is a problem with no rank at the Waverley steps exit to the station. There needs to be taxi provision at the exit of our train station and this can be shown by the volume of public who wait there to hail a passing Taxi.

Taxis are all wheelchair accessible which provides a fair and equal service to wheelchair users. Taxis already have many accessibility features. These include assistance for wheelchair users, yellow grab handles and step markings for visually impaired passengers. There is also adequate signage. The random selection of vehicles used for Private Hire makes this difficult, we believe the council should approve 2-3 set vehicles for Private Hire operators and should ensure all signage, visibility enhancements and fixed grab handles should be included for PH vehicles. These need not be wheelchair compliant but should have the full range of benefits to aid disabled passengers otherwise this could be construed as discriminatory to users of PH vehicles.

Concierge, Balmoral Hotel

It was considered that there were sufficient taxis in general in Edinburgh, however this was not always the case especially Friday and Saturday nights and for large events. He wished to see the numerical limit on taxis maintained and made reference to them illegally ranking across the City. He also felt that many black taxi drivers have a complete disregard for any rules in the city and wanted to see stronger punishments for drivers breaking the law. He also felt that taxi drivers should only be granted a licence if they are affiliated with one of the taxi companies so standards can be maintained. The concept of an independent black taxi driver is outdated and should be abolished as they are not answerable to anyone, and many do not maintain high enough standards when it comes to cleanliness and attitude.

Since Waverley Station stopped allowing taxis to rank inside the station it was considered that there has been a persistent problem of taxis ranking around the area instead of using the ranks. The rank on Market Street is too small for the number of drivers who try and rank there whereas there is an

area on Calton Road which is quiet and can accommodate far more cars. One side of the road has been coned off for what seems years now but if that road was opened it would be far more suitable. In other areas of the city you will find more taxis on the ranks than are permitted but again nothing is ever done about this (ie outside The Radisson Hotel and Scottish Parliament).

ECAS

ECAS responded to the consultation stating that they haven't used any taxis since March 2020 so are not confident in making any comments.

Lothian Centre for Inclusive Living (LCIL)

The representative from LCIL considered there to be enough taxis in Edinburgh but was unsure about whether the Council should maintain the limitation policy. They suggested that greater driver education was needed in order to give a better understanding of the needs of disabled people. It was suggested that more wheelchair accessible taxis were needed together with drivers having more training in handling wheelchairs and checks on equipment for clamping wheelchairs. The representative also stated that 'Some drivers are amazing, just not always'.

Drummond Community High School

The representative considered there to be enough taxis in Edinburgh but was unsure about whether the Council should maintain the limitation policy. It was suggested that time keeping for taxi's that are ordered well in advance for school pick ups should be tightened up. More wheelchair accessible taxis were thought to be needed.

Currie Community High School

The representative considered there to not be enough taxis in Edinburgh and considered that the Council should remove the limitation policy. The representative considered there to be a serious lack of taxis available at school times, stating that they regularly have taxis turning up more than 30 mins late. It was also noted that sometimes two taxis appear for the same person and that when taxi's turn up so late some of the pupils that have arranged taxi's privately have given up and their parents have come and collected them.

The school feel that because they are slightly remote that pre-booked taxis are forgotten about when there are other fares available in the city centre.

Individual with a Taxi account

This individual commented that there are not enough taxis in Edinburgh, particularly during rush hour and inclement weather.

Deriving the Significant Unmet Demand Index Value

Introduction

The data provided in the previous chapters can be summarised using Jacobs' ISUD factor as described in Chapter 4.

The component parts of the index, their source and their values are given below;

Average Passenger Delay (Table 5.2)	0.75
Peak Factor (Figure 5.2)	1
General Incidence of Delay (Table 5.3)	6.85
Steady State Performance (Table 5.1)	11
Seasonality Factor (Section 4)	1
Latent Demand Factor (Section 6)	1.25
ISUD ($0.75*1*6.85*11*1*1.25$)	71

The cut off level for a significant unmet demand is 80. It is clear that Edinburgh is below this cut off point as the ISUD is 71, indicating that there is NO significant unmet demand. This conclusion covers both patent and latent/suppressed demand.

Summary and Conclusions

Introduction

This study has been conducted by Jacobs on behalf of City of Edinburgh Council (CEC). The overall objective is to provide a full survey of demand for taxis in Edinburgh and to determine whether or not significant unmet demand for taxis exists in terms of section 10(3) of the Civic Government (Scotland) Act 1982. Specific objectives are:

Determine whether there is any significant unmet demand for taxi services in Edinburgh;

If significant unmet demand is found, recommend how many licences would be required to meet this; and.

To determine public perception of the taxi service provided in Edinburgh

To measure demand, including latent demand, for any taxi services to the general public in order to determine whether there is any significant unmet demand in Edinburgh city as a whole, or any part thereof.

The 2021 study has identified that there is NO evidence of significant unmet demand for taxis in Edinburgh. This conclusion is based on an assessment of the implications of case law that has emerged since 2000, and the results of Jacobs' analysis. On this basis the authority has discretion in its taxi licensing policy and may either:

continue to limit the number of vehicles at 1,316;

issue any number of additional plates as it sees fit, either in one allocation or a series of allocations;
or

remove the limit on the number of vehicles and allow a free entry policy.

The number of hours where excess demand was observed has increased since the last study however passenger delay has reduced. However public satisfaction remains high.

This unmet demand survey has been undertaken in an atypical period given the Covid – 19 pandemic. We are also aware that not all of the 1,316 licences were in use at the time of the survey.

To determine public perception of the taxi service provided in Edinburgh.

Public perception of the taxi service in Edinburgh has been obtained through the undertaking of an online survey. The key results from the survey highlight that

Some 36% of hiring's are from a smartphone/table app;

High levels of satisfaction with delay on last trip – waving down in the street provided the highest levels;

Some 25% of people had given up trying to obtain a taxi at a stance or by flagdown;

Some 75% commented that there are sufficient taxis in Edinburgh

High ratings across all categories for the quality of the last trip, however negative comments were generally around drivers taking poor route choices and their attitude;

Despite some low ratings 75% of respondents didn't feel that new training was required

Some 47.4% of people believe that new stances are needed stating Balmoral hotel, Waverley Steps and Princes Street.

Overall the public were generally satisfied with the taxi service in Edinburgh. Levels of satisfaction with delay were high.

Recommendations

The 2021 study has identified that there is NO evidence of significant unmet demand for taxis in Edinburgh. This conclusion is based on an assessment of the implications of case law that has emerged since 2000, and the results of Jacobs' analysis. On this basis, the authority has discretion in its taxi licensing policy and may either:

continue to limit the number of vehicles at 1,316.

issue any number of additional plates as it sees fit, either in one allocation or a series of allocations;
or

remove the limit on the number of vehicles and allow a free entry policy.

Appendix 2

Deputation to Regulatory Committee 21 November 2021 Item 7.1 PHC Overprovision Report (Kevin Woodburn)

Thank you, Convenor and Committee, for allowing my Deputation today.

Item 7.1 refers to the Overprovision Report on Licensed PHC Vehicles in Edinburgh conducted by Jacobs. Normally my Deputation to this committee would be in relation to objections to a Report, today however I am not here to object to this Report from Jacobs, more I am here to ask the Committee to reflect on some points, and suggestions I would like to make on the reporting for the future, and to the recommendations made by Jacobs for the ongoing survey situation.

The fact that the findings from Jacobs on this Report are very much reflective of the current aftermath of the Covid Pandemic cannot be underestimated, and I think we can all agree that the probability of even having this Report would have been nil if this had been decided after the Pandemic started. Obviously, the results contained within the Report are very much reflective of the decimation the Trade suffered at the hands of the Pandemic.

We have no objection to the overall findings and the summary that no overprovision of PHC Vehicles exists currently. However, we would like to point out a few things that perhaps the Committee could consider when it comes to other areas contained within the recommendations from Jacobs, and suggestions that could perhaps allow for a more cost-effective solution to the reporting and surveys of demand for both the PHC and Hackney sectors of the trade in future.

Our first point is with reference to the overall reporting on both the PHC provision and the Hackney provision. It seems appropriate that there should be one report on both sectors of the Trade with specific areas of specialty being looked at per licensed vehicle type.

In essence, currently in Edinburgh you have pre-booked hire work and street work. Pre-booked hire work is traditionally looked at as the PHC sector, and street work (ranks, stances and hailing in the street) as Hackney work. However, with the rise in apps and consumer changes to the way in which both Hackney Taxis and PHC vehicles are used, this has become more of a mixed bag and the majority of consumer usage is by way of pre-booked hires for both sectors. This will only increase over the next few years as consumers become more and more discerning and want hired vehicles to come and pick them up at their location rather than wandering about and looking to flag down. With that trend in mind, it is imperative that when looking specifically at overprovision within the PHC sector we must look at the “pre-booked hire bookings” made by consumers, regardless of which sector of the trade that the consumer uses to book.

The PHC sector can only be pre-booked and therefore 100% of the work within the sector is of that type. However, the pre-booked hire customer is also within the hackney sector, and that is fine, but if we are looking at pre-booked hires as Private Hire work, we must look at the entire pre-booked hire marketplace, regardless of the vehicle type being booked. A perfect example of this consumer behavior is around busy nights at the weekend, Edinburgh festival time, rugby internationals and other major events. At this point the PHC sector does not change, customers still book as normal, however when the streets are busy there is more work available to the hackney sector from the street, this in turn means less availability for pre-booked hires within that sector.

The result is more than normal numbers turn to PHC booking offices for a service, in other words greater demand for services when the streets are busy.

In our opinion it is imperative when looking at the pre-booked hire sector we must have data from ALL pre-booked hire operators, regardless of licensed vehicle type.

I must add at this time that there has been a degree of empathy from within the PHC sector in this regard, and a lack of engagement with both Licensing and Jacobs in order to gain the relevant data required, and we take some responsibility for that.

We also feel that there are many relevant factors that would be available from this Booking Office Licence holder's data driven policy. Examples of that are Full-time and Part Time driving, the data available could determine hours worked and give a far more accurate data stream to enable more informed decisions. Differences between those drivers who are not on any booking system but hold licenses to cover contract and council schoolwork only, the entire trade is not out there covering bookings from the public all the time. The toolkit of data available to help make these informed decisions could also include Licensed Vehicle mileage data. Vehicles are tested annually, and mileages are taken regarding MOT data, this data is readily available and would be an extremely useful tool in determining if there have been increases or decreases overall and therefore determining an indicator of supply and demand.

To that end it is our assertion that data driven decision making must form part of the surveys of demand on both sectors, and therefore we would request that it become mandatory that all licensed booking office holders should disclose the relevant information to Licensing for use in the reporting mechanisms for these surveys. We know that this information is important in

making data driven decisions rather than opinions, and that some of this information may be commercially sensitive, but if we use the relevant data in numerical terms and not names address etc, there are no confidentiality issues. Booked vehicles, late bookings, cancelled bookings, customer no shows, number of vehicles working at different times and days, all this data is required to give a relevant picture of the state of the market at any given time. A voluntary approach may work, but given the current response in this Report, we feel that the data must be provided by all involved in the pre-booked sector. We understand this would require a small change to the local Booking Office License conditions, but in our opinion, why should that not be a requirement for those taking bookings in Edinburgh. It can only be in everyone's interests that we have better data driven decisions taken for the future of our collective Trade's.

It is an extremely interesting time within the Trade, and within Edinburgh in general. We are in a climate crisis and the Council has many policy commitments in relation to climate and emissions. The LEZ proposals, George Street and First New Town policies, Net Zero on a national level. At a time when these policies are at the forefront of the members' thinking we should also take cognizance of the fact both PHC and Hackney vehicles form a major part of the Public Transport provision now and in the future of Edinburgh. At a time when the emphasis from Councils around the country is to get citizens away from car use and more active and public transport use it is important that the role of both PHC and Hackney vehicles in helping to achieve that end should be utilized in an informed fashion. Our proposals will give the Council the benefit of a data driven policy that feeds into the Public Transport infrastructure in helping us all to get car use down, and PHC and Hackney Taxi being a transport of choice for the general public alongside walking, cycling and Bus transportation. We as

a Trade welcome the opportunity to be a major part of the infrastructure, you can already see some of the changes being made in electric and hybrid vehicles with more to follow, more choice on those types of vehicles, and not less should be the way forward, our data driven policy change will go a long way to achieving that ambition, and it costs nothing as the data already exists.

In respect of cost effectiveness, we feel that there are so many similarities given the pre-booked status of both sectors that one report covering both sectors of the trade, albeit with consideration taken of rank and street work etc, should be the way forward. The financial consideration given to this report by Jacobs with a budget assessment of £50,000, and presumably similar for the unmet demand survey, we feel a singular report will have substantial savings. We would welcome the opportunity to discuss this with officials and committee members to pursue this opportunity further.

An additional point on this specifically refers to the point made by Jacobs that this Report should be addressed again in 12 months' time, however the unmet demand assessment should be looked at again in 3 years' time. Given our suggestion of one overall report then this may be looked at differently, and obviously financial consideration would also apply if we looked again in 12 months at a similar cost. Again, this is something we would welcome the opportunity to discuss in more detail before a final decision on time scales is taken.

Edinburgh Council has always been seen as one of the leading Councils in the country in the Licensing Arena, we have been at the forefront of much of the Regulatory changes over the years, our proposal offers the Council the opportunity to once again set the standard in reporting of Licensing policy, setting a gold standard on this and other areas of Licensing with data that is already there and readily available at no real cost to the Council represents exactly that golden opportunity that should be

grasped with both hands, setting the standards that other LA's would surely follow.

I could go into other aspects of this report and Items 7.2 and 8.2, both of which have relevance to the PHC and Hackney trade. However, given the shortage of time and other very important items on this Agenda with regards to Prevention of Drug Deaths, I thank the committee for its time today, and request that perhaps we can have a

more in-depth discussion on the format and timing of any future reports with officials and with Members at their convenience. I am happy to answer any questions that the members may have.

From: Jonathan Nisbet <jn@nisbetssolicitors.com>
Sent: 30 December 2022 18:10
To: Gordon Hunter <Gordon.Hunter@edinburgh.gov.uk>
Cc: Scottish Taxi Federation (Work) <enquiries@scottaxifed.org>; Committee Committee (Other) <committee@taxis-edinburgh.co.uk>
Subject: FW: CEC Reports response.

Gordon

Our clients (Central Radio Taxis and the Scottish Taxi Federation) are in agreement with the recommendations in the reports, namely to retain the taxis limit at 1316 and to review the position concerning overprovision of Private Hire Car vehicles in 12 months' time.

Our clients do continue to urge the Licensing Authority to give due consideration to mandating the use of meters in private hire vehicles. Unlike other licensing authorities, the City of Edinburgh Council does not mandate the use of a meter with regulated fares in a private hire vehicle. Quite why not continues to perplex our clients and others within the taxi trade. Detailed submissions were made by our clients and others concerning the issues this omission causes the paying public. This situation has grown worse since those submissions. We are aware of the significant increase in the incidence of price gouging in the city, through Uber's "surging" policy. While this may support a conclusion that overprovision is not much in evidence presently, it also ought to be a development of significant concern for the Licensing Authority. The paying public are suffering from a practice which, on any view, has an egregiously unfair effect on residents and visitors to the city in their use of hire and reward vehicles. The price gouging also creates a significant imbalance between the earnings of the fully trained professional taxi driver and the driver of private hire vehicles; the former being restricted to using the meter for all fares commencing and completing within the city boundary, even if pre-booked. By failing to mandate a meter in private hire vehicles, the Licensing Authority is actively facilitating these negative impacts upon the paying public despite having the power - and we would argue responsibility - to act. This stance also appears to our client to be at odds with the position taken by the Licensing Authority in relation to the addition of "technology fees", which were pointedly the subject of a warning given to all earlier this year. Why can it be that the Licensing Authority considers it appropriate to argue against the application of additional fees levied by app providers (i.e. not by licensed drivers), but it is prepared to actively facilitate all manner of other unfair pricing being visited upon consumers by the drivers of private hire vehicles?

The case for mandated meter usage is reinforced by the increased use of virtual meters by private hire companies. These increasingly are being used in replacement for CEC fitted meters. These virtual meters perform a similar function to those installed by CEC's approved installers, by allowing passengers to see the cost of the journey as it develops. However, they do not provide the fare controls put in place by the Council to protect consumers.

Another anomalous provision is the allowance by CEC of a Reduced Tariff to be applied to a metered vehicle, but not also allowing a higher tariff to the same vehicle for use in certain circumstances (beyond festive periods). There is no question that this is a consumer protection measure. However, the same Licensing Authority has nothing to say when a meter is removed from a Private Hire Vehicle which it licenses, with the result that consumers pay considerably more than the regulated tariff rates for the same journey in that vehicle.

Put simply, if this Licensing Authority is not prepared to protect consumers by requiring the use of metered fare rates for all journeys within the city, then it requires to recognise that

taxis should also be able to take advantage of periods of high demand by having their own surge pricing tariff. Our client would much prefer if the Council acted to protect consumers than to facilitate a wider use of price gouging to the detriment of the paying public.

Thanks

Best regards

Jonny Nisbet

Principal & Solicitor Advocate

Nisbets, Solicitors & Solicitor Advocates

Email: jn@nisbetssolicitors.com

Tel: 07967754488

www.nisbetssolicitors.com



Uber Scot Ltd
31/1 Silvermills Court
Henderson Place Lane
Edinburgh
EH3 5DG
United Kingdom

Monday 26th December 2022

**Response to Assessment of Overprovision of Private Hire Cars within the City of
Edinburgh Survey of Demand for Taxis within the City of Edinburgh**

Submitted by email to gordon.hunter@edinburgh.gov.uk

Dear Mr Hunter

Thank you for the opportunity to comment on the above report from the Regulatory Committee. We support the conclusions of the Jacobs Review and the Committee's subsequent recommendation not to impose a cap on the number of Private Hire Cars (PHC) in Edinburgh.

ABOUT UBER

Uber operates in almost 60 towns and cities across the UK, connecting over 85,000 licensed private hire vehicle (PHV) drivers with five million customers – supporting the shift towards more shared and sustainable transport. In September we launched Uber Travel in the UK, which makes intercity trains, coaches and nationwide car rentals available to book on the app, alongside the existing options of PHV, e-bikes, e-scooters and Uber Boat by Thames Clipper.

In Scotland, we have been licensed in Glasgow (since May 2015) and Edinburgh (since March 2015), where we partner with local drivers to service tens of thousands of customers each year. Nationally Uber is a member of the Institute of Licensing which comprises practitioners from regulatory, industry and legal fields to advance the development, evaluation and ethical conduct in the field of PHV licensing.

To date, Uber is the leading operator in the UK to treat drivers as 'workers' in the private hire industry. This means drivers on the Uber app receive holiday pay, access to a pension plan, and are guaranteed at least the National Living Wage (with actual earnings often significantly higher), whilst maintaining the total flexibility over when, how often, and where they work – something which drivers consistently tell us they value.

RESPONSE TO THE JACOBS REVIEW

Since the pandemic we have experienced a significant reduction in PHC supply in cities across the UK including Edinburgh. This imbalance between demand and supply does not just impact reliability, with a significantly higher proportion of riders unable to get a ride on request (demand since 2019 has increased by 7.5%+ YTD 2022), it also presents a safety issue, especially for people traveling late at night when fewer public transport options may be available (for example coming home from a late shift at work, or after a night out).

We believe that any future assessment of supply should be demand-driven and not purely based on the number of licensed vehicles. Relying on an arbitrary cap on the number of vehicles does not accurately reflect the real-time number of vehicles on the road or whether riders are able to secure a ride home. By utilising data that highlights demand fulfillment, the city will be able to get a much clearer picture of supply needs.

Our data indicates that there is significant unmet demand in Edinburgh and that an increase in supply is required, particularly as city centre footfall increases, the city prepares for the summer season and plans for a private car-free centre. We believe that we could support the city to meet demand and create a significant number of new earnings opportunities by attracting new drivers.

We suggest that a future review does not need to be done within 12 months as suggested by Jacobs as we do not think anything material would have changed within such a short time period.

If requested we would welcome the opportunity to discuss this in more detail with committee members or officials. Thank you again for the opportunity to comment and we look forward to continuing to work with the city to support its transport and sustainability objectives.

Kind regards.

Matthew Freckelton

Head of Cities, UK

Uber

This page is intentionally left blank

Regulatory Committee

10.00am, Monday, 6 February 2023

Consultation Conclusion: Provision of Private Hire Cars (PHC) within the City of Edinburgh

Executive/routine
Wards
Council Commitments

All

1. Recommendations

1.1 Committee is asked to:

- 1.1.1 Note the survey results and the Jacobs report (Appendix 1);
- 1.1.2 Note that the licensed hire trade has been subject to unprecedented challenges since Committee decided to assess whether there is overprovision in the Private Hire Car (PHC) market;
- 1.1.3 Note the Jacobs' conclusion that there is a lack of evidence of overprovision of PHC and the recommendation that this is reviewed in 12 months;
- 1.1.4 Note the feedback from stakeholder consultation following the November 2022 Committee; and
- 1.1.5 Agree not to introduce an overprovision policy for PHCs at this time.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Consultation Conclusion: Provision of Private Hire Cars (PHC) within the City of Edinburgh

2. Executive Summary

- 2.1 At its meeting on [21 November 2022](#), the Regulatory Committee considered a report on the provision of Private Hire Cars (PHCs) within the city, and to identify the impact of recent policy changes on the licensed fleet as a whole.
- 2.2 Committee agreed that officers would invite final comments from interested parties on the survey and its conclusions; and to report results back to Committee.

3. Background

- 3.1 The Council acts as a Licensing Authority for the purpose of licensing PHCs within the City of Edinburgh. While the [Civic Government \(Scotland\) Act 1982](#) has long standing powers for the Council to limit taxi licences in its area, similar powers with respect to PHC have only been available since the 2018 enactment of parts the Air Weapons and Licensing (Scotland) Act 2015 [Air Weapons and Licensing Act Scotland\) 2015](#) . At the time of writing, there are 2,153 licensed PHCs. This has fallen from a peak of 2,518 licences in 2020.
- 3.2 Following changes to the Act (as set out above), the grant of a new PHC licence may be refused, but only if there is overprovision of PHC services in an authority's area. The Act requires that, when considering whether overprovision of PHC services exists, authorities should consider the number of PHCs and the demand for PHC services in its area.
- 3.3 The Scottish Government has issued [guidance](#) for licensing authorities with respect to assessing potential overprovision and operating a limitation policy for PHCs. This guidance was issued in 2019, two years after the new powers took effect.

- 3.4 Attached, at Appendix 1, is a copy of the Jacobs report which was presented by representatives from Jacobs at the Regulatory Committee meeting on 21 November 2022.

4. Main report

- 4.1 The Jacobs research provides Committee with an assessment of whether there is evidence of overprovision of PHCs in the city.
- 4.2 Jacobs conclude that there is 'little evidence' of overprovision of PHCs in Edinburgh. This conclusion is based on their analysis of the available data and feedback from stakeholders. The drop in number of licences, as set out at paragraph 3.1 above, shows that the PHC market contracted during the pandemic. It would therefore corroborate Jacobs' conclusion on overprovision more generally.
- 4.3 Jacobs conducted a public survey with 300 people replying, which is a relatively low response rate. The key outcomes from the 'public attitude' survey were reported to the Committee on 21 November 2022.
- 4.4 On 21 November 2022, Committee agreed that officers should arrange a further short period of engagement, to allow the PHC trade and all other interested parties, to comment on the Jacobs report, before Committee reached a final decision. Upon completion of this, Committee would be in a position to decide whether an overprovision policy is necessary.
- 4.5 Key responses from the licensed hire fleet, from the initial Jacobs consultation, were reported to Committee on 21 November 2022. Responses from representatives of the taxi fleet at that stage can be summarised as follows:
- 4.5.1 Taxi operators considered there to be too many PHCs in circulation and that a numbers cap was required, particularly with a view to the Council's environmental commitments;
- 4.5.2 Taxi operators called for the types of PHC vehicles to be further restricted and for the use of a meter to be made mandatory; and
- 4.5.3 Taxi operators also wanted PHC drivers to be required to pass a topographical test prior to the grant of a licence.
- 4.6 Responses from representatives of the PHC fleet at that time can be summarised as follows:
- 4.6.1 PHC drivers believed there to be unmet demand for PHC services, and argued that the number of PHC drivers and vehicles had in fact decreased since the pandemic;
- 4.6.2 There are too few PHC vehicles on the circuit as costs are too high; and

- 4.6.3 The PHC trade needs more support from the Council to attract drivers back to the trade.
- 4.7 Responses to the further consultation agreed on 21 November 2022 are attached at Appendix 2 and can be summarised as follows:
- 4.7.1 A representative of the taxi fleet agreed that the position with respect to numbers of PHC's should be reviewed in 12 months' time;
- 4.7.2 Uber responded that any future assessment of supply should be demand-driven and not purely based on the number of licensed vehicles; and that it is unlikely that there will have been any material change within 12 months that would necessitate a further review at that point;
- 4.7.3 Uber believes that there is significant unmet demand for PHCs in Edinburgh; and
- 4.7.4 Another representative of the PHC trade agreed that no overprovision of PHCs currently exists.
- 4.8 Members will recall from the previous report the conclusion from Jacobs that the introduction of a number's limitation on PHC licences is not justified at this time.
- 4.9 The views of the taxi trade, as set out in paragraph 4.5, are noted and members of Committee will be aware that these views are longstanding. When considering that public consultation shows support for a cap (from 90% of respondents), caution has to be advised given the relatively low number of respondents compared to other licensing consultations. The counter-argument is that there have been significant changes to the number of PHCs licensed and the PHC trade believes that the market overall has contracted, therefore a cap would not be necessary. All of this feedback must be considered in reaching a decision.
- 4.10 On balance, Council officers agree that, at this time, it appears that there is insufficient evidence to justify the introduction of a PHC overprovision policy. The additional comments received after Committee's last consideration of these issues have not provided sufficient reason to alter that view. Therefore, it is recommended that Committee does not exercise this statutory power at this time. This can be reviewed periodically depending on circumstances that arise or as directed by Committee.

5. Next Steps

- 5.1 It is recommended that Committee notes this report and agrees not to impose a numbers cap on PHC licences at this time.

6. Financial impact

- 6.1 The cost of the Jacobs research is contained within the income from the taxi licence fees.

7. Stakeholder/Community Impact

- 7.1 Matters described in this report have no relationship to the public sector general equality duty, thus there is no direct equalities impact arising from this report
- 7.2 There is no environmental impact arising from the contents of this report.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 - Jacobs report dated 8 August 2021.
- 9.2 Appendix 2 – Feedback received during additional period agreed on 21 November 2022.



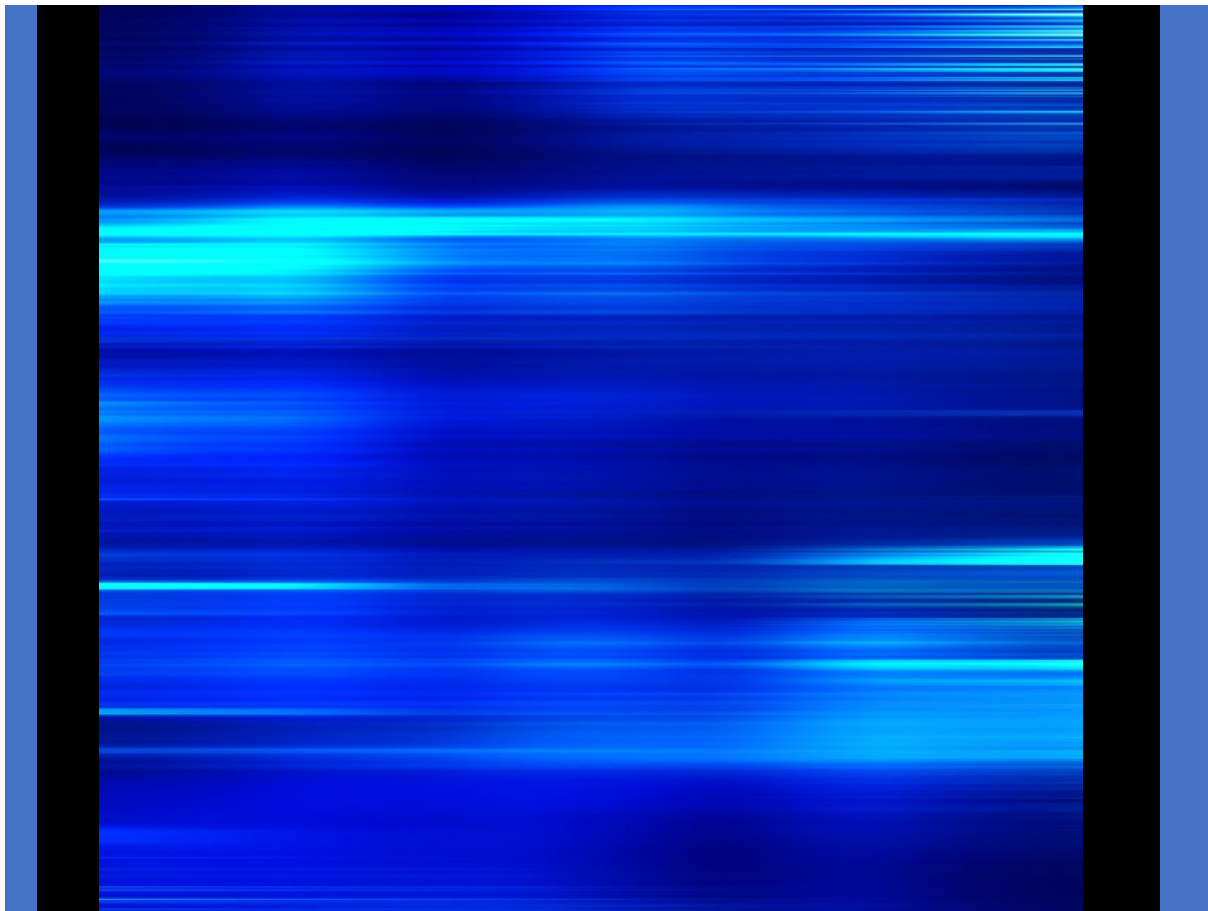
Draft Report

City of Edinburgh Council

CT0794

Private Hire Car Overprovision Study

8 August 2022



Draft Report

Client name: City of Edinburgh Council

Project name: Private Hire Car Overprovision Study

Client reference: CT0794

Project no: B23500

Document no: 1

Project manager: Liz Richardson

Revision no: 0

Prepared by: Liz Richardson

Date: 8 August 2022

File name: Draft Report

Doc status: DRAFT

Document history and status

Revision	Date	Description	Author	Checked	Reviewed	Approved
		Draft Report	LR	DH	DH	DH

Distribution of copies

Revision	Issue approved	Date issued	Issued to	Comments

Jacobs U.K. Limited

1 City Walk
Leeds, West Yorkshire LS11 9DX
United Kingdom

T +44 (0)113 242 6771

F +44 (0)113 389 1389

www.jacobs.com

Copyright Jacobs U.K. Limited © 2023.



All rights reserved. The concepts and information contained in this document are the property of the Jacobs group of companies. Use or copying of this document in whole or in part without the written permission of Jacobs constitutes an infringement of copyright. Jacobs, the Jacobs logo, and all other Jacobs trademarks are the property of Jacobs.

NOTICE: This document has been prepared exclusively for the use and benefit of Jacobs' client. Jacobs accepts no liability or responsibility for any use or reliance upon this document by any third party.

Contents

1.	Introduction	3
1.1	Objectives	3
1.2	Background	3
2.	Background to the Private Hire Trade	4
2.1	Vehicle numbers	4
3.	Methodology for Overprovision	7
3.1	Background	7
3.2	Overprovision tests	8
4.	Public Consultation	8
4.1	Introduction	8
4.2	General Information	9
4.3	Attempted Method of Hire	10
4.4	Views on availability of PHCs	11
4.5	Complaints	12
4.6	Summary	13
5.	Stakeholder Consultation	13
5.1	Direct (virtual) Consultation	13
5.2	Indirect (Written) Consultation	15
6.	Overprovision Tests	18
6.1	Passenger Complaints	18
6.2	Driver ratios	19
6.3	Driver turnover	20
6.4	New businesses operating in a locality	20
6.5	Reduced vehicle mileage	21
6.6	Driver ability to cover night-time demand	21
6.7	Levels of multi shifting	21
6.8	Pirating activity	21
6.9	Extended wait times between hires	22
7.	Summary and Recommendations	22

Introduction

Objectives

Jacobs has been commissioned by City of Edinburgh Council to undertake an assessment of Private Hire Car (PHC) numbers in the city and whether there exists a state of over provision. The main objectives to be addressed are:

Determine what evidence there is of 'overprovision' of PHCs in the City of Edinburgh Council area;

If there is evidence of PHC overprovision, to make recommendations as to the number of licences necessary to meet demand from passengers and therefore, a figure for a cap;

If there is evidence of PHC overprovision, to assess what level of licences would be sustainable and therefore whether the Council should decide to adopt a policy regarding overprovision and the number of licences beyond which the Council should refuse to issue licences under Section 10 3A of the 1982 Act;

Research the attitude of the relevant trade with respect to introducing any cap on numbers (of both taxis and PHCs);

Carry out independent research of public and other stakeholder attitudes on the need/support for such a cap;

Make relevant recommendations to amend existing Council policy or introduce new policy, and

In addition, the Council requires an independent assessment of the impact of all of these changes on the PHC trade, in addition to carrying out the core task of assessing whether there is overprovision.

Background

The PHC fleet in Edinburgh has more than doubled since 2013, coinciding with the introduction of ride hailing 'apps' and other similar technology and online booking platforms. It is argued in some quarters that this has had a detrimental impact on public safety, increased air pollution and is unsustainable.

The Air Weapons and Licensing (Scotland) Act 2015 gives local authorities the discretionary power to cap or limit the number of PHC licences issued, on the grounds of overprovision. The statutory test in the 2015 Act is however different from the well-known test for 'unmet demand' for taxis. The Scottish Government issued guidance to Licensing

Authorities on 24 Oct 2019 on how to assess overprovision (Private Hire Car overprovision: independent assessment tool for local authorities)¹.

There is only one example of a Scottish Council introducing a cap, in July 2019 prior to the guidance being published. This issue is untested in the courts and was introduced before guidance was published by the Scottish Government.

CEC has received complaints there are insufficient bookings to sustain a PHC fleet of approximately 2,400. It is further suggested that as a result, some drivers of PHCs illegally ply for trade (i.e. operate as taxis) in order to supplement their income. In addition, it is complained that the increase in fleet has increased traffic congestion and pollution.

Typically, the market for suitable types of PHC vehicles is much wider than for taxis, and one of the consequences of the large increase in the fleet is that newer vehicles of a higher euro standard now make up a significantly larger part of the PHC fleet in comparison to the taxi fleet. The overall impact of this policy has thus been less keenly felt by the PHC trade.

Background to the Private Hire Trade

Edinburgh is the capital city of Scotland and covers some 259 square kilometres. Edinburgh's resident population is 527,620 (National records of Scotland, 2020 midyear estimate). The city has a large student and visitor population and demand for taxis fluctuates across the year.

Vehicle numbers

Unlike Taxi vehicle licences, PHCs have not been numerically limited in Edinburgh.. The number of vehicles has more than doubled between 2015 and 2018 before peaking in 2020 before steadily reducing since the start of the pandemic, as shown in Figure 2.1 below

¹ <https://www.gov.scot/publications/private-hire-car-overprovision-assessment-potential-assessment-tools-independent-report-produced-scottish-government/>

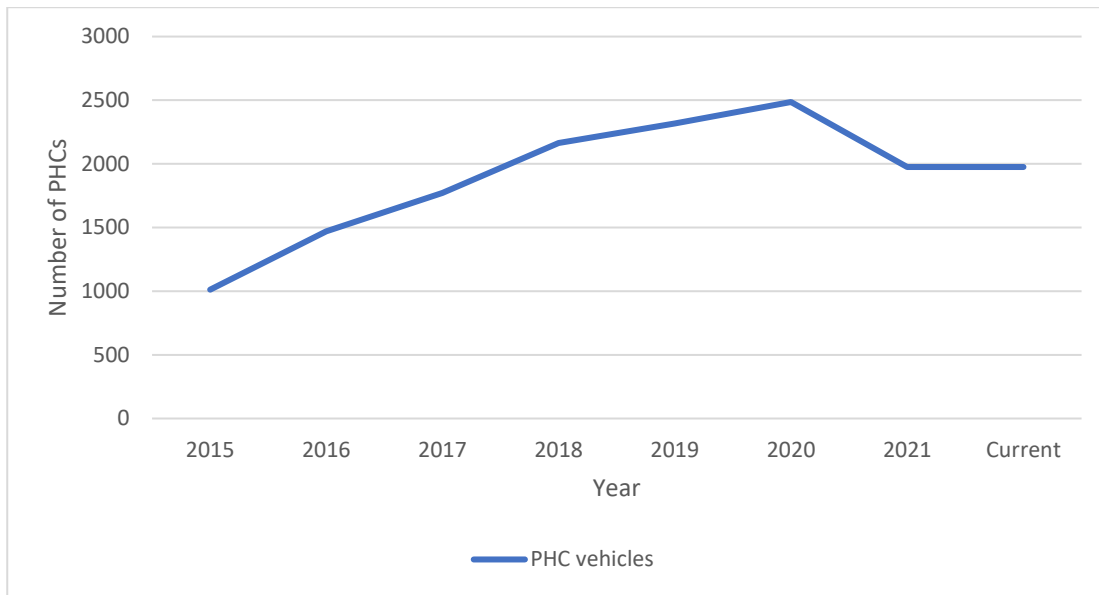


Figure 2-1 PHC numbers

Figure 2.2 demonstrates that driver numbers have also more than doubled between 2015 and 2018 before peaking in 2020 before steadily reducing since the start of the pandemic

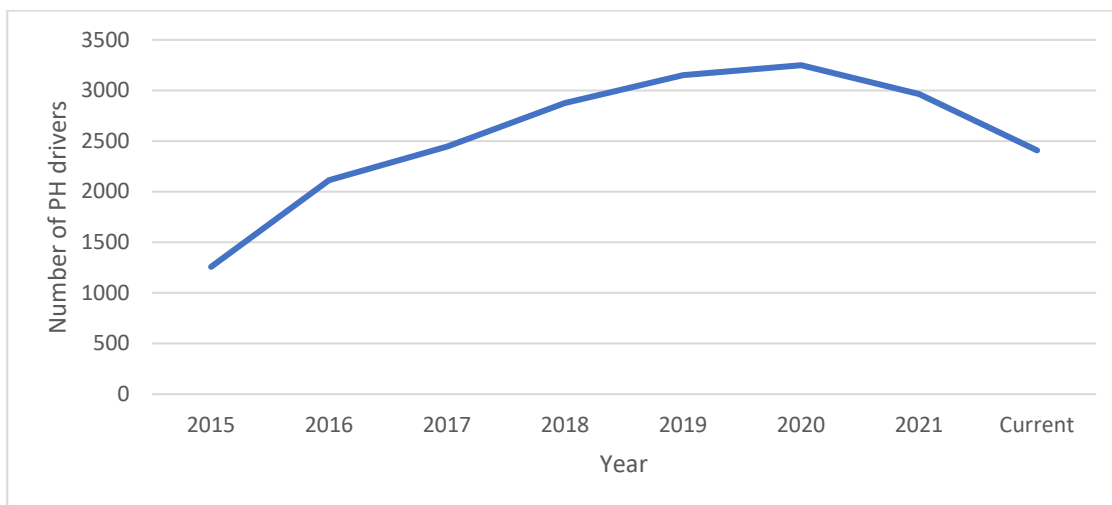


Figure 2-2 Driver Numbers

Figure 2.3 below compares PHC per capita provision across the Scottish Cities and English core cities. This demonstrates that Aberdeen has the highest number of people per PHC, thereby indicating that it has the lowest provision of the authorities shown. Newcastle has the lowest number of people per PHC, and therefore the best provision. Edinburgh has the seventh best taxi provision per capita.

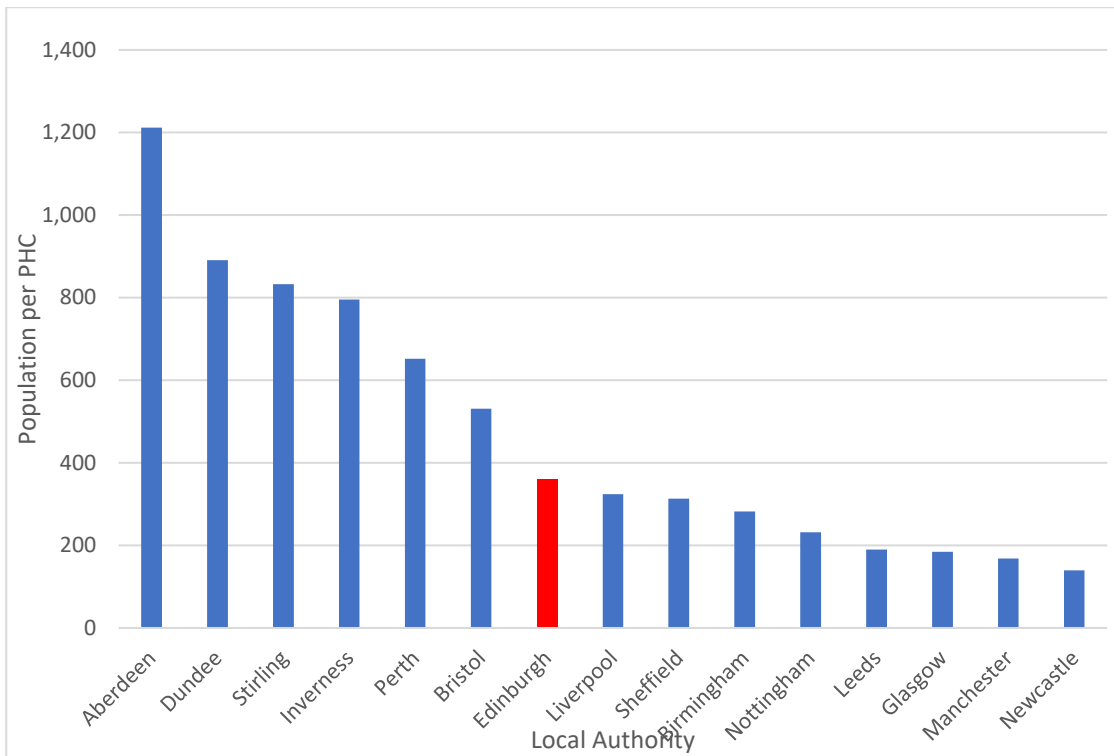


Figure 2-3 Population per PHC across licensing authorities

A number of operators in Edinburgh were asked to provide data from a sample week to demonstrate the typical demand for vehicles and the number of drivers working across the week. Only one operator provided this data so caution should be used when interpreting the results. Figure 2.4 shows demand against number of drivers working.

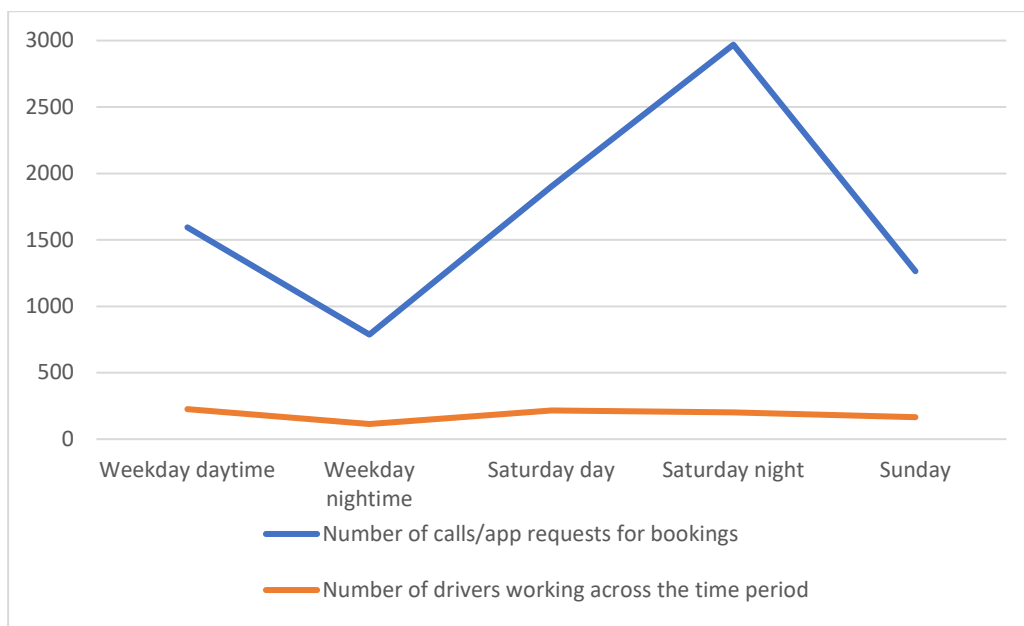


Figure 2-4 PHC demand compared to number of drivers working

Figure 2.4 shows a peak in demand on a Saturday night-time, however the number of drivers working does not increase to match this peak.

Methodology for Overprovision

Background

The Air Weapons and Licensing (Scotland) Act 2015 introduced a number of amendments to the legislation, namely:

- Allowing for testing of private hire car drivers;
- Requiring local authorities to appoint a civic licensing standards officer; and
- And allowing local authorities to limit the number of private hire cars.

The 2015 Act introduced a power to allow licensing authorities to restrict the number of Private Hire Cars (PHC), if it were determined that there was an overprovision. The newly added subsections of Section 10 of the Civic Government (Scotland) Act 1982 are as follows:- “(3A) Without prejudice to paragraph 5 of Schedule 1, the grant of a private hire car licence may be refused by a licensing authority if, but only if, they are satisfied that there is(or, as a result of granting the licence, would be) overprovision of private hire car services in the locality(or localities) in their area in which the private hire car is to operate.

(3B) It is for the licensing authority to determine the localities within their area for the purposes of subsection (3A) and in doing so the authority may determine that the whole of their area is a locality. (3C) In satisfying themselves as to whether there is or would be overprovision for the purposes of subsection (3A) in any locality, the licensing authority must have regard to :- a) the number of private hire cars operating in the locality, and b) the demand for private hire car services in the locality.”

There is no simple numerical formula for pinpointing the threshold between provision and overprovision. Determining overprovision involves the application of reason and judgement in the interests of the community. Therefore, one of the key considerations when considering applying a cap to private hire car licenses, would be how such a limit would benefit the public.

In October 2019, the Scottish Government published ‘Private Hire Car Overprovision Assessment – Potential Assessment Tools An Independent Report’. This publication sets out a number of tests than can be used for a local authority to determine whether there is any over provision.

Overprovision tests

Based on available data from CEC the following tests have been applied:

Passenger complaints

Driver ratios

Driver turnover

New businesses operating in a locality

Driver availability to cover night-time demand

Levels of multi shifting

Pirating activity

Extended wait times between hires

Public Consultation

Introduction

An online public attitude survey was designed with the aim of collecting information regarding opinions on the PHC market in Edinburgh. The survey was conducted in December 2021 and hosted on City of Edinburgh Council’s Consultation Hub. Some 300 responses were received.

It should be noted that in the tables and figures that follow the totals do not always add up to the same amount which is due to one of two reasons. First, not all respondents were required to answer all questions; and second, some respondents failed to answer some questions that were asked.

General Information

Respondents were asked whether they had made a trip by taxi or private hire car in the past three months. Figure 4.1 shows that 93.6% (279) of the 300 respondents had made a trip by taxi or private hire car in the last three months.

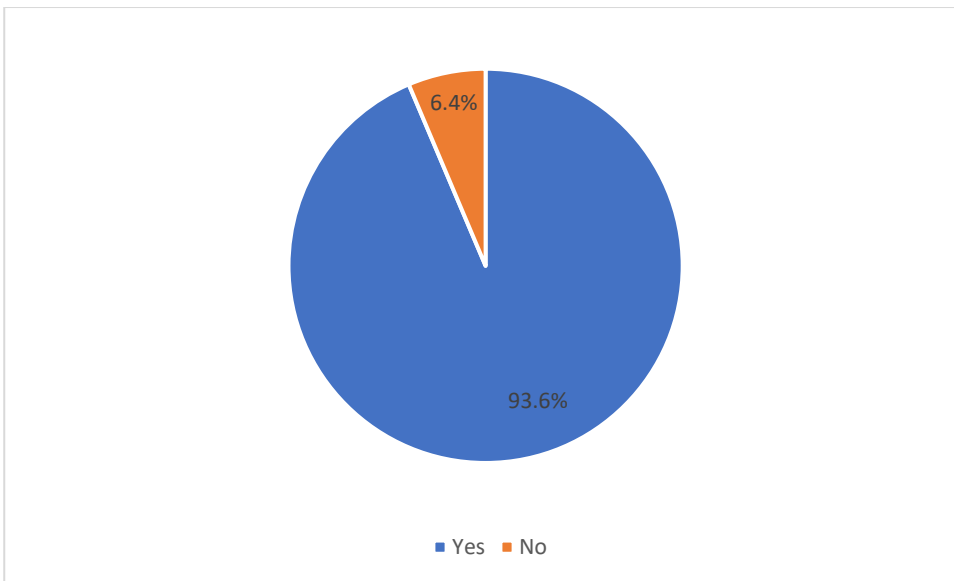


Figure 4-5 Have you made a trip by taxi or private hire car in the last three months?

Those respondents who had made a trip by taxi or private hire car were asked how they obtained their vehicle. Some 36% of trip makers (99) stated they hired their taxi vi a smartphone or tablet app while 27% (75) of taxi hirings were obtained at a rank. Some 23% (65) of trips were achieved by telephone. The online and telephone bookings relate to both taxi and private hire car bookings. Figure 4.2 reveals the pattern of hire.

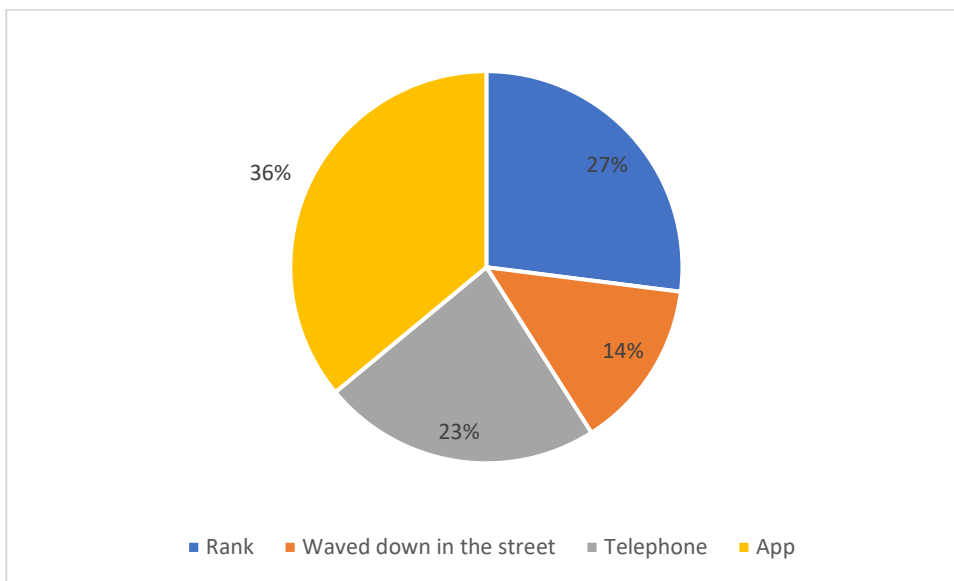


Figure 4-6 Method of hire for last trip

Attempted Method of Hire

All respondents were asked to identify whether or not they had given up waiting for a PHC booked by telephone, or through an online app in Edinburgh in the last three months. The results are summarised in Figure 4.3.

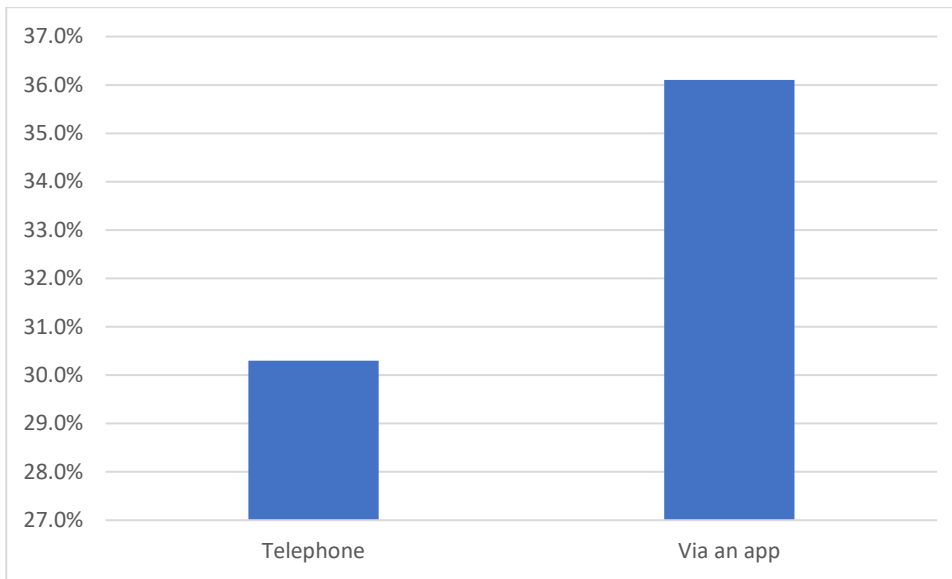


Figure 4-7 Given up trying to make a hiring?

As indicated in Figure 4.3, some 30.3% of respondents had given up waiting for a taxi by telephone booking or 36.1% by an app in the last three months.

Views on availability of PHCs

Respondents were asked whether they considered there to be enough PHCs in Edinburgh. Some 91% considered there to be enough. Respondents were then asked for their views on whether CEC should introduce a numerical limit on the number of PHCs. As detailed in Figure 4.4, 91% of respondents wanted a limit to be introduced on PHCs.

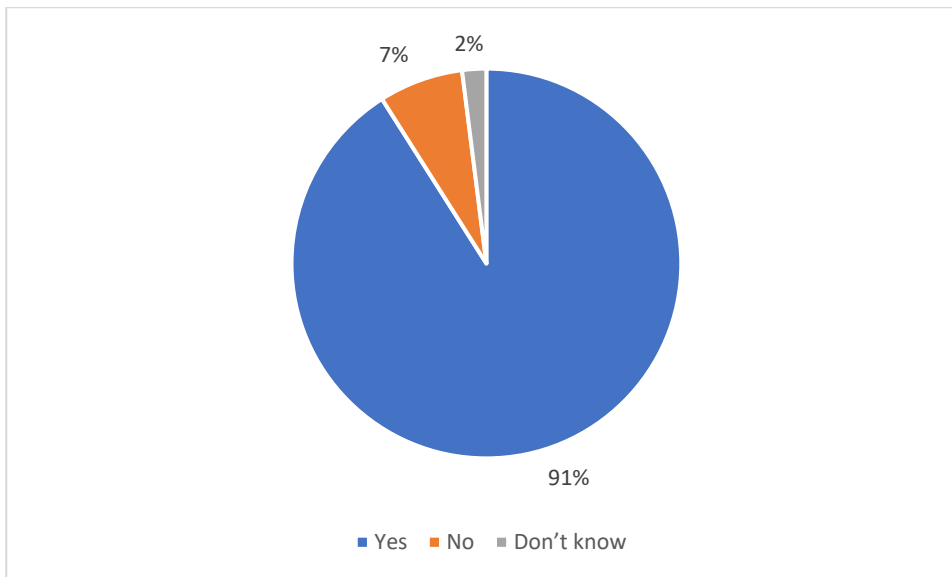


Figure 4-8 Should CEC introduce a numerical limit on PHCs?

Respondents were then asked whether they felt that PHC services in Edinburgh could be improved. Some 71% of respondents stated that services could be improved. Those who stated that they could be improved were asked in what way. Suggestions included:

Too many drivers do not know their way around the city

Better presented vehicles

Better language skills

Allow PHCs to use bus lanes

Have more availability

Take card payment options

Better driving skills

Complaints

Respondents were asked if they had made a complaint about a PHC or Taxi in the last three months. Of the 114 people stating that they had made a complaint some 73.7% were against a PHC with 26.3% stating it was against a Taxi. Figure 4.5 demonstrates that 31.5% of complaints were about driver behaviour with only 2.7% about availability. Those stating other included:

Driver making me wait over 10 minutes and then cancelling

Vehicle operating without licensed plates

Surge Pricing

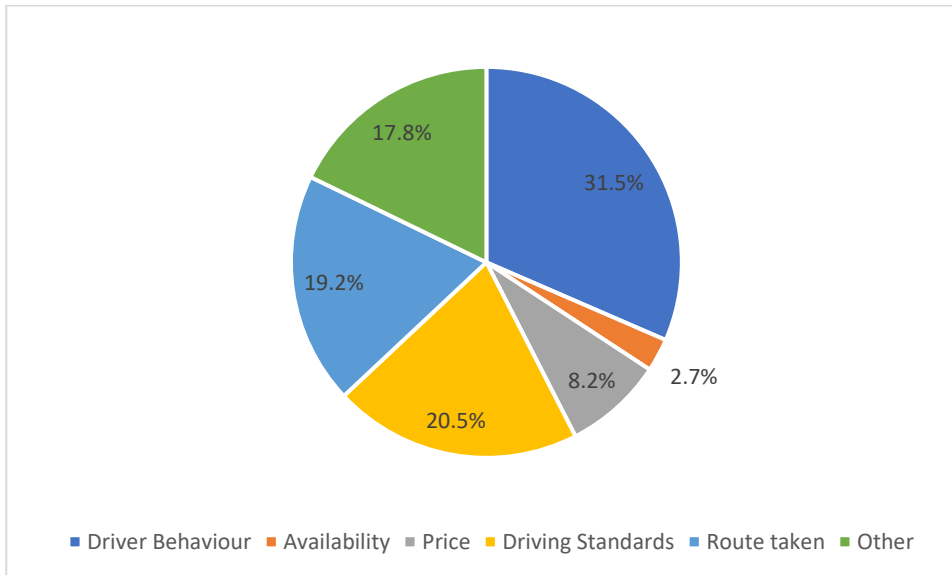


Figure 4-9 Nature of complaints made about PHCs

Summary

The key findings from the public consultation can be summarised as:

93.6% of respondents had made a taxi or PH journey in the previous 3 months;

36% had prebooked via an app, 23% had prebooked via a telephone booking;

Some 30.3% had given up waiting for a booking made via telephone and 36.1% had given up waiting for a booking made by an app

Some 91% of respondents wanted to see a PHC numerical limit introduced

Some 71% of respondents suggested that PHC services could be improved.

Stakeholder Consultation

Direct (virtual) Consultation

Several stakeholders were invited to attend a series of virtual focus groups. This assured the Scottish Government guidelines were fulfilled and all relevant organisations and bodies were provided with an opportunity to comment. Following the focus groups the written minutes were circulated for comment to the attendees. A summary of the responses received are provided below:

Hackney Trade

It was suggested that a significant number of PHC licences been returned to City of Edinburgh Council. The trade considered that there were too many PHCs prior to Covid and a high incidence of vehicles on circuits and Uber.

The trade considered that the number of PHCs should be limited as taxi numbers are, especially if CEC are serious about reducing congestion and air pollution.

Attendees suggested that the numbers of PHCs increased when the licence fee was reduced.

It was recognised that PHC numbers have decreased since the pandemic with people leaving the industry.

Attendees wanted to see the range of PHCs limited to a smaller number of vehicle types and all PHCs to have a meter installed – Unite the Union stated that this is something that they are campaigning to make mandatory.

Want to see the PH trade sit a topographical test

Private Hire

All attendees stated that they felt there was an unmet demand for PHCs. They didn't want to see a cap put on PHCs because of this. It was also noted that the number of PH drivers and vehicles had decreased since the pandemic.

It was suggested that the PHC trade is in a very different place since Covid and the trade were surprised that CEC are still looking at capping PHCs.

With regards to PHC demand it was stated that this has never been higher. There has been an exit of drivers from the industry during the pandemic and it is proving difficult to entice drivers back into the industry. It was recognised that there was no quick fix for this. Reference was made to the decision to cap PHCs in Glasgow and the negative repercussions.

The trade representatives considered it to be too expensive to operate a vehicle. Many ex-PHC drivers have gone to Uber Eats and Deliveroo. It was stated that nobody on the call can service the work they already have and customers are being let down.

The trade discussed the difficulties with getting drivers to work a full shift. Drivers are only working Monday to Friday day shifts as they don't now need to work anti-social hours and it was very difficult to get drivers to work night shifts. The nature of the work has also changed as there is no multi shifting anymore.

It was felt that the overprovision survey has come 2 years too late – the trade is now decimated with an estimate at the time of the consultation of 40% fewer PH drivers in Edinburgh.

It was also suggested that CEC could do more to support operators to attract people back into the trade. The lack of PHCs is causing safety issues as people including lone females are having to wait a long time for vehicles at weekends.

Indirect (Written) Consultation

Several stakeholders were contacted by letter and email. This insured the Scottish Government guidelines were fulfilled and all relevant organisations and bodies were provided with an opportunity to comment.

In accordance with advice issued by the Scottish Government, the following organisations were contacted:

- City of Edinburgh Council;
- Trade representatives;
- User/disability groups representing those passengers with special needs;
- Local interest groups including hospitals, visitor attractions, entertainment outlets and education establishments; and
- Rail bus and coach operators.

A summary of the responses received are provided below.

Central Taxis

Central taxis provided a written response as follows:

“We understand that the number of private hire car vehicles licensed in Edinburgh reduced by a measure of some 600-700 during the last 2 years. This was a necessary reduction in our view. Prior to March 2020, the number of licensed private hire cars operating in the city exceeded saturation, being well over 3000 (as against 1316 taxis). In these numbers Private Hire cars were not able to generate sufficient revenues simply by operating within the laws which govern their operation, leading to PHC drivers illegally ranking in taxi ranks, routinely picking up off the street without a pre booking and parking in all areas of the city

centre despite the rules prohibiting PHC cars waiting and touting for business as if they were taxis. The dangers to public safety are paramount considerations in the licensing sphere, but the Licensing Authority had yet to act upon powers to limit PHC licenses on account of overprovision. It is hoped that the reduction of licences held and the time since limitation of PHC was first considered, will allow any further growth in the number of licensed private hire vehicles to be properly assessed and regulated to ensure legal compliance and the paramount concern of public safety.

The contribution of private hire vehicles to traffic within the city centre (and thus congestion) was considerable and patently obvious to other road users. There was no mechanism in place to allow licences to be refused for overprovision as exist in the taxi trade and other licensing fields. Amendments to legislation now in force allows such controls to be activated and to do so would serve the public, private hire operators and drivers and other public sector policy priorities.

The advent of app based private hire operated vehicles has changed the landscape for private hire car operation. Hitherto most private hire vehicles were metered in the city, meaning that the maximum fares to be charged the consumer were regulated by a proper democratic process, involving consultation and due consideration of the competing interests of operators and users. This serves as a consumer protection measure to ensure that users are not subjected to unfair practices, or profiteering at busy periods of demand.

The App based model has now turned this on its head. Meters have been removed from many vehicles, meaning that the operation of these vehicles is not subjected to any control on price. At busy times, the customer is being charged up to 4 times the normal cost of a journey; a reality which can only occur in private hire vehicles as taxis, with their mandatory meter, cannot engage in such practices at any time. While this may be viewed as a competitive advantage for taxis, another view is that consumers are being exposed to extremely unfair profiteering at those times when these forms of transport are most required. The maintenance of this divergence in place for private hire operators will necessarily lead to taxis demanding that they too be allowed to set prices according to peaks in demand when engaged in pre-booked work – there being no obvious reason why there should be such divergence. It is our view that this would be much to the detriment of the people of Edinburgh and to its businesses and visitors. A return to a mandatory meter in all hire vehicles for work which begins and ends in Edinburgh would serve to restore levels of consumer protection and be a vast improvement to the current situation. Also, there are no approved vehicle types for private hire vehicles, which leads to some very odd sights on the streets of Edinburgh, with cars obviously unsuitable in size for comfortable passenger transport being plated and used for commercial purposes. We consider that there are clearly some vehicle types which are unsuited to use as private hire vehicles in Edinburgh. An approved list should be considered to ensure passenger comfort and to set a standard worthy of the Capital city.”

City Cabs

City Cabs provided a written response as below:

“We have been aware of discussions around the overprovision of Private Hire Cars for at least 10 years now. The numbers of PHC licenses have reduced significantly over the period of the global pandemic and we believe (much like the Taxi industry) that the point we are now at would prove to be a suitable place to limit vehicle numbers. We should use the current numbers of PH as a limit. This will help to improve the environment through less vehicles driving around the city centre empty waiting on being dispatched a job. There needs to be a limitation on vehicle numbers and also a requirement that once dropping off the vehicle should wait after completing a job on a new one being dispatched before driving around the city empty and harming the environment further.

All vehicles should be fitted with a council set meter. It will be a terrible future for the licensed transport infrastructure in this city if your journey home can randomly change in price due to availability. Meters installed in vehicles protect the public and allow a fair and reasonable service. Imagine if you got on a bus one day and the driver said, ‘sorry its triple fare today because the weather isn’t very good’. That is the current setup with non-meter installed vehicles operating on dynamic pricing. The general public are being ripped off at any opportunity. Licensing can, and in our view should, protect the public from this practice by enforcing meters in all licensed vehicles.”

Concierge, Balmoral Hotel

It was considered that there should be an increase in environmentally friendly and compliant private hire taxis in Edinburgh and that black cabs should be abolished. The representative did not feel that a cap should be introduced on PHCs but he felt that private hire taxis offer a better service. The drivers with larger vehicles are much better equipped to transfer people with luggage to/from Edinburgh Airport and the station, as the luggage is secured in the boot, as opposed to black taxis who have luggage loose in the back of the vehicle.

In terms of how PHC services could be improved the representative wanted to see a stricter qualification test in terms of their knowledge of the city, and spot-checking vehicles for compliance to regulations and cleanliness.

ECAS

ECAS responded to the consultation stating that they haven’t used any taxis since March 2020 so are not confident in making any comments.

Lothian Centre for Inclusive Living (LCIL)

The representative from LCIL considered there to be enough PHCs in Edinburgh but was unsure about whether the Council should introduce a limitation policy. It was suggested that more wheelchair accessible vehicles were needed together with drivers having more training in handling wheelchairs and checks on equipment for clamping wheelchairs. The representative also stated that 'Some drivers are amazing, just not always'.

Drummond Community High School

The representative considered there to be enough PHCs in Edinburgh and felt that the Council should limit their number. It was considered unfair for taxis to be limited but private higher cars not to be. Again being on time matters when school contracts are involved.

Currie Community High School

The representative considered there to not be enough PHCs in Edinburgh and considered that the Council should not introduce a limitation policy.

Overprovision Tests

In order to determine whether there is overprovision of PHCs in Edinburgh the following tests have been applied. These tests are set out in Chapter 4 of the Private Hire Car overprovision: independent assessment tool for local authorities

Passenger Complaints

The guidance suggests that an absence of passenger complaints may indicate that there is adequate provision of private hire services or that there is an existing overprovision of private hire services. The public attitude survey suggested that of the 114 people stating that they had made a complaint some 73.7% were against a PHC with 26.3% stating it was against a Taxi. However, these complaints were for a variety of reasons including driver behaviour with only 2.7% about availability.

Further information was obtained from City of Edinburgh Council and is set out in Table 6.1 and demonstrates a low level of complaints.

	Complaints about no show/availability	Complaints about fares
2022	7	1
2021	2	3
2020	2	1
2019	2	3

Table 6-1 Complaints received about PHC service

Driver ratios

Figure 6.1 looks at the ratio between the number of PHCs licensed and the number of drivers. This is a quick indicator of the effective fleet size. Lower ratios indicate that vehicles are predominantly operated by a single driver and according to the guidance can be an indicator of overprovision. Figure 6 shows that currently for every licensed PHC there are 1.22 drivers. This ratio peaked in 2021 due to the covid 19 related reduction in PHC drivers. Prior to the pandemic it was fairly constant. However, it has never approached a 1:1 ratio. Anecdotal evidence from the trade also suggests that multi shifting is not practiced currently.

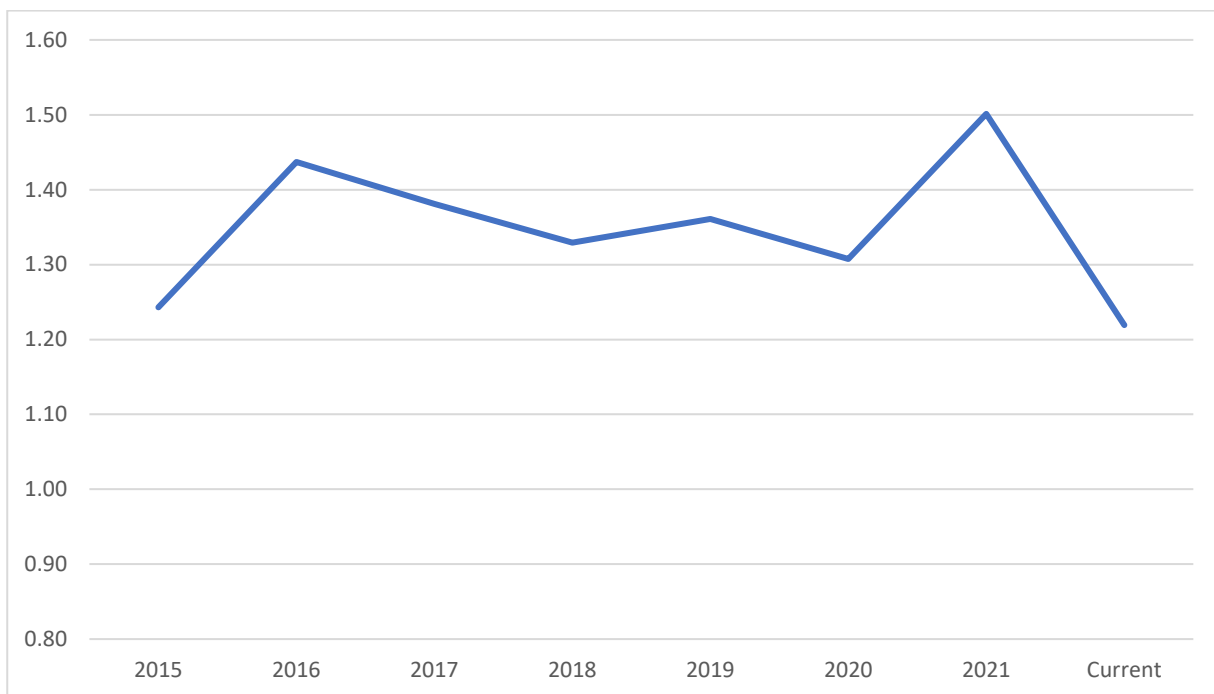


Figure 6-10 Ratio of drivers to PHCs

Driver turnover

A high level of driver turnover may be an indication that drivers find it difficult to make a living.. Table 6.1 looks at the number of drivers submitting an application to renew their licence between 2017 and 1st August 2022. It shows that renewals have declined since peaking in 2019 suggesting that a number of drivers have left the trade. This cannot wholly be attributed to drivers being unable to make a living as anecdotal evidence suggests that a number of drivers left the trade during the pandemic to take up other occupations. It can also be associated with drivers not being able to maintain the costs incurred with being a PHC driver.

Year	Number of applications
2022	77
2021	684
2020	1023
2019	1078
2018	975
2017	803

Table 6-2 Licence renewal applications

New businesses operating in a locality

The guidance suggests that new businesses may drive additional recruitment for drivers and may in turn lead to additional licenced vehicles becoming registered. If the increase in drivers and/or vehicles is sustained for several years, this could lead to overprovision.

From analysis of Edinburgh’s licensing registers, Table 6.2 sets out the applicant numbers for drivers and new businesses since 2017.

	Number of new booking office applications	No of PHC driver applications
2022 to date	1	145
2021	5	242
2020	3	272
2019	2	864
2018	5	930
2017	5	892

Table 6-3 New applications

Between 2017 and 2019 the data suggests that new business applications were driving demand for driver licences. However, since the pandemic, demand for new driver licences has decreased.

Reduced vehicle mileage

This data is not available to apply this tool.

Driver ability to cover night-time demand

The guidance states that if there is evidence that drivers are generally unwilling to work at night, this may be an indicator that drivers can derive sufficient earnings during daytime working to achieve targets. Such a scenario may indicate that there is not overprovision.

Data provided by one PH operator suggests that fewer drivers are working at night compared to daytime shifts. This was similar for both a weekday night and a weekend night shift. This was corroborated during a discussion with PH trade representatives who suggested that drivers do not need to work during night times as they make their money during the day.

The findings above may, however, be a result of the slow-down in the night-time economy throughout the pandemic. Responses from Jacobs' consultation with operators in the trade suggest that "drivers [...] altered their working patterns to reflect the lack of a night-time economy" since March 2020. This situation "has improved" but "the effects of the disruption remain and are expected to do so in the short and through the medium term at least."

Levels of multi shifting

Discussion with PHC trade representatives suggest that there are low levels of multi shifting. As detailed above, representatives suggested that drivers are able to make their income during the day, suggesting a sustainable level of income and .

Pirating activity

The recent unmet demand study undertaken to assess taxi demand didn't identify any issues with PHCs illegally plying at ranks. However, the consultation with taxi trade representatives suggested that this had been an issue. Central taxis stated:

"We understand that the number of private hire car vehicles licensed in Edinburgh reduced by a measure of some 600-700 during the last 2 years. This was a necessary reduction in

our view. Prior to March 2020, the number of licensed private hire cars operating in the city exceeded saturation, being well over 3000 (as against 1316 taxis). In these numbers Private Hire cars were not able to generate sufficient revenues simply by operating within the laws which govern their operation, leading to PHC drivers illegally ranking in taxi ranks, routinely picking up off the street without a pre booking and parking in all areas of the city centre despite the rules prohibiting PHC cars waiting and touting for business as if they were taxis”

Extended wait times between hires

Anecdotal evidence provided by the PHC representatives suggest that demand is outstripping supply. Data provided by one operator suggests that across all time periods they were dropping calls/losing bookings on apps.

Summary and Recommendations

The key objectives of the study are to:

Determine what evidence there is of ‘overprovision’ of PHCs in the City of Edinburgh Council area;

If there is evidence of PHC overprovision, to make recommendations as to the number of licences necessary to meet demand from passengers and therefore, a figure for a cap;

If there is evidence of PHC overprovision, to assess what level of licences would be sustainable and therefore whether the Council should decide to adopt a policy regarding overprovision and the number of licences beyond which the Council should refuse to issue licences under Section 10 3A of the 1982 Act;

Research the attitude of the relevant trade with respect to introducing any cap on numbers;

Carry out independent research of public and other stakeholder attitudes on the need/support for such a cap;

Make relevant recommendations to amend existing Council policy or introduce new policy, and

In addition, the Council requires an independent assessment of the impact of all of these changes on the PHC trade, in addition to carrying out the core task of assessing whether there is overprovision.

This study has been undertaken during a period of significant change for the PH trade. Prior to the pandemic there had been a significant increase in the number of PHCs and drivers in Edinburgh which had seen the need for this study to be undertaken. However, PHC numbers are approaching 2017 levels currently with the number of divers below those licensed in 2017.

In line with the Scottish Governments publication: “Private Hire Car Overprovision Assessment – Potential Assessment Tools” a range of suggested tool have been applied

Objective 1: Determine what evidence there is of ‘overprovision’ of PHCs in the City of Edinburgh Council area;

Objective 2: If there is evidence of PHC overprovision, to make recommendations as to the number of licences necessary to meet demand from passengers and therefore, a figure for a cap;

Objective 3: If there is evidence of PHC overprovision, to assess what level of licences would be sustainable and therefore whether the Council should decide to adopt a policy regarding overprovision and the number of licences beyond which the Council should refuse to issue licences under Section 10 3A of the 1982 Act;

to address the above objectives.

At the present time there is little evidence of any ‘overprovision’ in Edinburgh. Of the 8 tools applied, none indicated any overprovision. The reduction in PHCs and drivers indicates that people are leaving the PH trade. However, pre pandemic there had been a significant increase in drivers and vehicles suggesting potential over provision at the time. It is suggested over provision should again be looked at in one year’s time to determine the longer lasting impacts from covid.

Objective 4: Research the attitude of the relevant trade with respect to introducing any cap on numbers;

The taxi trade was in favour of introducing a cap on PHCs, with one company suggesting that they are limited at the current number of vehicles i.e., 2,408. It was stated that this would help to improve the environment through less vehicles driving around the city centre empty, waiting on being dispatched a job. The PH trade felt that there was unmet demand

for PHCs and therefore didn't want to see a cap introduced. This was also in the context of several drivers leaving the industry. One trade representative felt that demand for PHCs had never been higher.

Objective 5: Carry out independent research of public and other stakeholder attitudes on the need/support for such a cap

Engagement with the public demonstrated that they were in favour of introducing a cap on PHCs. Only one none trade stakeholder response was received and they had the view that they should not be capped – the stakeholder felt that PHCs offered a better service to

Objective 6: Make relevant recommendations to amend existing Council policy or introduce new policy

the public.

At this time, it is recommended that CEC does not introduce a cap on PHCs. The PHC trade is recovering from the impact of Covid and there is evidence that a large number of drivers has left the trade. This should be reviewed in a years' time when the trade has had a chance to recover.

Appendix 2 – Feedback received during additional period agreed on 21 November 2022

**Deputation to Regulatory Committee 21 November 2021 Item 7.1
PHC Overprovision Report (Kevin Woodburn)**

Thank you, Convenor and Committee, for allowing my Deputation today.

Item 7.1 refers to the Overprovision Report on Licensed PHC Vehicles in Edinburgh conducted by Jacobs. Normally my Deputation to this committee would be in relation to objections to a Report, today however I am not here to object to this Report from Jacobs, more I am here to ask the Committee to reflect on some points, and suggestions I would like to make on the reporting for the future, and to the recommendations made by Jacobs for the ongoing survey situation.

The fact that the findings from Jacobs on this Report are very much reflective of the current aftermath of the Covid Pandemic cannot be underestimated, and I think we can all agree that the probability of even having this Report would have been nil if this had been decided after the Pandemic started. Obviously, the results contained within the Report are very much reflective of the decimation the Trade suffered at the hands of the Pandemic.

We have no objection to the overall findings and the summary that no overprovision of PHC Vehicles exists currently.

However, we would like to point out a few things that perhaps the Committee could consider when it comes to other areas contained within the recommendations from Jacobs, and suggestions that could perhaps allow for a more cost-effective solution to the reporting and surveys of demand for both the PHC and Hackney sectors of the trade in future.

Our first point is with reference to the overall reporting on both the PHC provision and the Hackney provision. It seems

appropriate that there should be one report on both sectors of the Trade with specific areas of specialty being looked at per licensed vehicle type.

In essence, currently in Edinburgh you have pre-booked hire work and street work. Pre-booked hire work is traditionally looked at as the PHC sector, and street work (ranks, stances and hailing in the street) as Hackney work. However, with the rise in apps and consumer changes to the way in which both Hackney Taxis and PHC vehicles are used, this has become more of a mixed bag and the majority of consumer usage is by way of pre-booked hires for both sectors. This will only increase over the next few years as consumers become more and more discerning and want hired vehicles to come and pick them up at their location rather than wandering about and looking to flag down. With that trend in mind, it is imperative that when looking specifically at overprovision within the PHC sector we must look at the “pre-booked hire bookings” made by consumers, regardless of which sector of the trade that the consumer uses to book.

The PHC sector can only be pre-booked and therefore 100% of the work within the sector is of that type. However, the pre-booked hire customer is also within the hackney sector, and that is fine, but if we are looking at pre-booked hires as Private Hire work, we must look at the entire pre-booked hire marketplace, regardless of the vehicle type being booked. A perfect example of this consumer behaviour is around busy nights at the weekend, Edinburgh festival time, rugby internationals and other major events. At this point the PHC sector does not change, customers still book as normal, however when the streets are busy there is more work available to the hackney sector from the street, this in turn means less availability for pre-booked hires within that sector. The result is more than normal numbers turn to PHC booking

offices for a service, in other words greater demand for services when the streets are busy.

In our opinion it is imperative when looking at the pre-booked hire sector we must have data from ALL pre-booked hire operators, regardless of licensed vehicle type.

I must add at this time that there has been a degree of empathy from within the PHC sector in this regard, and a lack of engagement with both Licensing and Jacobs in order to gain the relevant data required, and we take some responsibility for that.

We also feel that there are many relevant factors that would be available from this Booking Office Licence holder's data driven policy. Examples of that are Full-time and Part Time driving, the data available could determine hours worked and give a far more accurate data stream to enable more informed decisions. Differences between those drivers who are not on any booking system but hold licenses to cover contract and council schoolwork only, the entire trade is not out there covering bookings from the public all the time. The toolkit of data available to help make these informed decisions could also include Licensed Vehicle mileage data. Vehicles are tested annually, and mileages are taken regarding MOT data, this data is readily available and would be an extremely useful tool in determining if there have been increases or decreases overall and therefore determining an indicator of supply and demand.

To that end it is our assertion that data driven decision making must form part of the surveys of demand on both sectors, and therefore we would request that it become mandatory that all licensed booking office holders should disclose the relevant information to Licensing for use in the reporting mechanisms for these surveys. We know that this information is important in making data driven decisions rather than opinions, and that

some of this information may be commercially sensitive, but if we use the relevant data in numerical terms and not names address etc, there are no confidentiality issues. Booked vehicles, late bookings, cancelled bookings, customer no shows, number of vehicles working at different times and days, all this data is required to give a relevant picture of the state of the market at any given time. A voluntary approach may work, but given the current response in this Report, we feel that the data must be provided by all involved in the pre-booked sector. We understand this would require a small change to the local Booking Office License conditions, but in our opinion, why should that not be a requirement for those taking bookings in Edinburgh. It can only be in everyone's interests that we have better data driven decisions taken for the future of our collective Trade's.

It is an extremely interesting time within the Trade, and within Edinburgh in general. We are in a climate crisis and the Council has many policy commitments in relation to climate and emissions. The LEZ proposals, George Street and First New Town policies, Net Zero on a national level. At a time when these policies are at the forefront of the members' thinking we should also take cognizance of the fact both PHC and Hackney vehicles form a major part of the Public Transport provision now and in the future of Edinburgh. At a time when the emphasis from Councils around the country is to get citizens away from car use and more active and public transport use it is important that the role of both PHC and Hackney vehicles in helping to achieve that end should be utilized in an informed fashion. Our proposals will give the Council the benefit of a data driven policy that feeds into the Public Transport infrastructure in helping us all to get car use down, and PHC and Hackney Taxi being a transport of choice for the general public alongside walking, cycling and Bus transportation. We as a Trade welcome the opportunity to be a major part of the

infrastructure, you can already see some of the changes being made in electric and hybrid vehicles with more to follow, more choice on those types of vehicles, and not less should be the way forward, our data driven policy change will go a long way to achieving that ambition, and it costs nothing as the data already exists.

In respect of cost effectiveness, we feel that there are so many similarities given the pre-booked status of both sectors that one report covering both sectors of the trade, albeit with consideration taken of rank and street work etc, should be the way forward. The financial consideration given to this report by Jacobs with a budget assessment of £50,000, and presumably similar for the unmet demand survey, we feel a singular report will have substantial savings. We would welcome the opportunity to discuss this with officials and committee members to pursue this opportunity further.

An additional point on this specifically refers to the point made by Jacobs that this Report should be addressed again in 12 months' time, however the unmet demand assessment should be looked at again in 3 years' time. Given our suggestion of one overall report then this may be looked at differently, and obviously financial consideration would also apply if we looked again in 12 months at a similar cost. Again, this is something we would welcome the opportunity to discuss in more detail before a final decision on time scales is taken.

Edinburgh Council has always been seen as one of the leading Councils in the country in the Licensing Arena, we have been at the forefront of much of the Regulatory changes over the years, our proposal offers the Council the opportunity to once again set the standard in reporting of Licensing policy, setting a gold standard on this and other areas of Licensing with data that is already there and readily available at no real cost to the Council represents exactly that golden opportunity that should be

grasped with both hands, setting the standards that other LA's would surely follow.

I could go into other aspects of this report and Items 7.2 and 8.2, both of which have relevance to the PHC and Hackney trade. However, given the shortage of time and other very important items on this Agenda with regards to Prevention of Drug Deaths, I thank the committee for its time today, and request that perhaps we can have a more in-depth discussion on the format and timing of any future reports with officials and with Members at their convenience. I am happy to answer any questions that the members may have.

From: Jonathan Nisbet <jn@nisbetssolicitors.com>

Sent: 30 December 2022 18:10

To: Gordon Hunter <Gordon.Hunter@edinburgh.gov.uk>

Cc: Scottish Taxi Federation (Work) <enquiries@scottaxifed.org>; Committee Committee (Other) <committee@taxis-edinburgh.co.uk>

Subject: FW: CEC Reports response.

Gordon

Our clients (Central Radio Taxis and the Scottish Taxi Federation) are in agreement with the recommendations in the reports, namely to retain the taxis limit at 1316 and to review the position concerning overprovision of Private Hire Car vehicles in 12 months' time.

Our clients do continue to urge the Licensing Authority to give due consideration to mandating the use of meters in private hire vehicles. Unlike other licensing authorities, the City of Edinburgh Council does not mandate the use of a meter with regulated fares in a private hire vehicle. Quite why not continues to perplex our clients and others within the taxi trade. Detailed submissions were made by our clients and others concerning the issues this omission causes the paying public. This situation has grown worse since those submissions. We are aware of the significant increase in the incidence of price gouging in the city, through Uber's "surging" policy. While this may support a conclusion that overprovision is not much in evidence presently, it also ought to be a development of significant concern for the Licensing Authority. The paying public are suffering from a practice which, on any view, has an egregiously unfair effect on residents and visitors to the city in their use of hire and reward vehicles. The price gouging also creates a significant imbalance between the earnings of the fully trained professional taxi driver and the driver of private hire vehicles; the former being restricted to using the meter for all fares commencing and completing within the city boundary, even if pre-booked. By failing to mandate a meter in private hire vehicles, the Licensing Authority is actively facilitating these negative impacts upon the paying public despite having the power - and we would argue responsibility - to act. This stance also appears to our client to be at odds with the position taken by the Licensing Authority in relation to the addition of "technology fees", which were pointedly the subject of a warning given to all earlier this year. Why can it be that the Licensing Authority considers it appropriate to argue against the application of additional fees levied by app providers (i.e. not by licensed drivers), but it is prepared to actively facilitate all manner of other unfair pricing being visited upon consumers by the drivers of private hire vehicles?

The case for mandated meter usage is reinforced by the increased use of virtual meters by private hire companies. These increasingly are being used in replacement for CEC fitted meters. These virtual meters perform a similar function to those installed by CEC's approved installers, by allowing passengers to see the cost of the journey as it develops. However, they do not provide the fare controls put in place by the Council to protect consumers.

Another anomalous provision is the allowance by CEC of a Reduced Tariff to be applied to a metered vehicle, but not also allowing a higher tariff to the same vehicle for use in certain circumstances (beyond festive periods). There is no question that this is a consumer protection measure. However, the same Licensing Authority has nothing to say when a meter is removed from a Private Hire Vehicle which it licenses, with the result that consumers pay considerably more than the regulated tariff rates for the same journey in that vehicle.

Put simply, if this Licensing Authority is not prepared to protect consumers by requiring the use of metered fare rates for all journeys within the city, then it requires to recognise that

taxis should also be able to take advantage of periods of high demand by having their own surge pricing tariff. Our client would much prefer if the Council acted to protect consumers than to facilitate a wider use of price gouging to the detriment of the paying public.

Thanks

Best regards

Jonny Nisbet

Principal & Solicitor Advocate

Nisbets, Solicitors & Solicitor Advocates

Email: jn@nisbetssolicitors.com

Tel: 07967754488

www.nisbetssolicitors.com



Uber Scot Ltd
31/1 Silvermills Court
Henderson Place Lane
Edinburgh
EH3 5DG
United Kingdom

Monday 26th December 2022

**Response to Assessment of Overprovision of Private Hire Cars within the City of
Edinburgh Survey of Demand for Taxis within the City of Edinburgh**

Submitted by email to gordon.hunter@edinburgh.gov.uk

Dear Mr Hunter

Thank you for the opportunity to comment on the above report from the Regulatory Committee. We support the conclusions of the Jacobs Review and the Committee's subsequent recommendation not to impose a cap on the number of Private Hire Cars (PHC) in Edinburgh.

ABOUT UBER

Uber operates in almost 60 towns and cities across the UK, connecting over 85,000 licensed private hire vehicle (PHV) drivers with five million customers – supporting the shift towards more shared and sustainable transport. In September we launched Uber Travel in the UK, which makes intercity trains, coaches and nationwide car rentals available to book on the app, alongside the existing options of PHV, e-bikes, e-scooters and Uber Boat by Thames Clipper.

In Scotland, we have been licensed in Glasgow (since May 2015) and Edinburgh (since March 2015), where we partner with local drivers to service tens of thousands of customers each year. Nationally Uber is a member of the Institute of Licensing which comprises practitioners from regulatory, industry and legal fields to advance the development, evaluation and ethical conduct in the field of PHV licensing.

To date, Uber is the leading operator in the UK to treat drivers as 'workers' in the private hire industry. This means drivers on the Uber app receive holiday pay, access to a pension plan, and are guaranteed at least the National Living Wage (with actual earnings often significantly higher), whilst maintaining the total flexibility over when, how often, and where they work – something which drivers consistently tell us they value.



RESPONSE TO THE JACOBS REVIEW

Since the pandemic we have experienced a significant reduction in PHC supply in cities across the UK including Edinburgh. This imbalance between demand and supply does not just impact reliability, with a significantly higher proportion of riders unable to get a ride on request (demand since 2019 has increased by 7.5%+ YTD 2022), it also presents a safety issue, especially for people traveling late at night when fewer public transport options may be available (for example coming home from a late shift at work, or after a night out).

We believe that any future assessment of supply should be demand-driven and not purely based on the number of licensed vehicles. Relying on an arbitrary cap on the number of vehicles does not accurately reflect the real-time number of vehicles on the road or whether riders are able to secure a ride home. By utilising data that highlights demand fulfillment, the city will be able to get a much clearer picture of supply needs.

Our data indicates that there is significant unmet demand in Edinburgh and that an increase in supply is required, particularly as city centre footfall increases, the city prepares for the summer season and plans for a private car-free centre. We believe that we could support the city to meet demand and create a significant number of new earnings opportunities by attracting new drivers.

We suggest that a future review does not need to be done within 12 months as suggested by Jacobs as we do not think anything material would have changed within such a short time period.

If requested we would welcome the opportunity to discuss this in more detail with committee members or officials. Thank you again for the opportunity to comment and we look forward to continuing to work with the city to support its transport and sustainability objectives.

Kind regards.

Matthew Freckelton
Head of Cities, UK

Uber

This page is intentionally left blank

Regulatory Committee

10.00am, Monday, 6 February 2023

Houses in Multiple Occupation (HMO) – Raising Standards Motion Update

Executive/routine
Wards
Council Commitments

1. Recommendations

1.1 Committee is asked to:

- 1.1.1 Note the results of the consultation on Houses of Multiple Occupation (HMO) licence conditions 011 and 012;
- 1.1.2 Agree to amend HMO condition 011 to state that: *“An emergency contact telephone number for the licence holder and/or management shall be available and notified to the Council, on an annual basis, for 24-hour contact purposes for emergencies or antisocial behaviour from the property”*;
- 1.1.3 Amend HMO condition 012 to state that: *“The licence holder shall give a neighbour notification to every occupier in the same building as the licence holder’s premises, and any adjoining premises within 28 days of the licence holder’s receipt of the licence document, and thereafter on an annual basis. This will advise of the name of the licence holder or managing agent, a contact address, daytime telephone number and an emergency contact number”*; and
- 1.1.4 Agree to consult on the terms of a proposed Best Practice Guide (Appendix 4) for HMO licence holders and agents.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Houses in Multiple Occupation (HMO) - Raising Standards Motion Update

2. Executive Summary

- 2.1 This report provides Committee with an update on work carried out in response to a motion by Councillor Neil Ross ([item 11.3](#)) on Raising Houses of Multiple Occupation (HMO) Standards.
- 2.2 In particular, the report provides Committee with the results of a public consultation on whether conditions 011 and 012 of the HMO standard licence conditions should be amended. Further, a draft Best Practice Guide for HMO licence holders and agents is presented for consideration and subsequent public consultation.

3. Background

- 3.1 In terms of the [Housing \(Scotland\) Act 2008](#) ('the 2006 Act'), the Council is required to license HMOs where three or more individuals or families both live in a property and share facilities therein.
- 3.2 On 28 October 2021, the City of Edinburgh Council agreed a motion by Councillor Neil Ross on Raising HMO Standards. The motion relates to specific areas of HMO Licensing in the city. In particular, the motion referred to three areas:
 - 3.2.1 The issue of application notices to residents;
 - 3.2.2 The issue of emergency contact details to residents: and
 - 3.2.3 The problem of fly-tipping and/or abuse of residential waste facilities by contractors employed by landlords or agents.
- 3.3 On [28 February 2022](#), Committee agreed that a consultation should take place on whether conditions 011 and 012 of the HMO standard conditions should be amended to require licence holders, and agents acting on their behalf, to annually provide adjoining properties with emergency contact details.

4. Main report

HMO Conditions Consultation

- 4.1 The public consultation on whether conditions 011 and 012 should be amended was launched on the Council's Consultation Hub on 7 October 2022 and closed on 30 December 2022. There were 228 responses received.
- 4.2 Conditions HMO11 and HMO12 of the Council's standard conditions for HMO licences set out the requirements to be met by licence holders in relation to the provision of contact details to residents:
- 4.2.1 **HMO11** - An emergency contact telephone number for the licence holder and/or management shall be available and notified to the Council for 24-hour contact purposes for emergencies or antisocial behaviour from the property; and
- 4.2.2 **HMO12** - The licence holder shall give a neighbour notification to every occupier in the same building as the licence holder's premises, and any adjoining premises within 28 days of the licence holder's receipt of the licence document. This will advise of the name of the licence holder or managing agent, a contact address, daytime telephone number and an emergency contact number.
- 4.3 The motion suggested that the requirement to provide a neighbour notification to every occupier in the same building as the licence holder's premises, and any adjoining premises, could be improved by making this an annual requirement. This refers to a decision to allow three-year HMO licences where the applicant meets all the required standards and there are no complaints. Therefore, any new neighbours moving into a building may not be aware of who to contact should the need arise. Currently licence holders are only required to do this within 28 days of receipt of their licence, this typically being only every three years.
- 4.4 Respondents were asked whether condition 011 should be amended to require emergency contact details to be provided on an annual basis. 52% of respondents agreed that condition 011 should be an annual requirement, while 47% thought that the condition should remain the same.
- 4.5 Respondents were asked whether condition 012 should be amended to require neighbour notifications to be provided on an annual basis. 48% of respondents agreed that this should be an annual requirement, while 52% thought that the condition should remain the same.
- 4.6 The full set of results are available at Appendix 1. Of those who responded to the consultation, 54% identified themselves as being HMO licence holders or agents and 36% identified themselves as being local residents.
- 4.7 It is clear from the responses that HMO licence holders and agents are strongly against the proposal to make conditions 011 and 012 an annual requirement. Responses have stated that this would create an added burden and lead to

increased costs for the trade and Council. Furthermore, it is suggested that this approach is not a proportionate response to any issues which exist. A common suggestion, which is replicated in a number of responses, is that it may be more suitable for licences holders to be required to update contact details should any changes be made to them during the term of a licence.

- 4.8 It is also apparent that those in favour of the conditions being amended view this potential change as a means of improving residents and neighbours' ability to contact licence holders and agents at short notice, should the circumstances require it. Some point to the fact that agent, or emergency contact, details can change during the term of a licence and with there being no requirement to notify residents or the Council, it can lead to difficulties in raising issues or concerns with the appropriate persons.
- 4.9 Having considered the responses to the consultation, it is noted that there are divergent views of residents and the HMO trade on the appropriateness of these changes of conditions. However, it is also important to note that Committee is required to consider all the information available to it, and therefore it is a matter for the judgement of Committee to determine what weight to place on the responses received.
- 4.10 On balance, it is recommended that Committee agree to amend the HMO standard conditions 011 and 012 to require licence holders, and agents acting on their behalf, to annually provide adjoining properties with emergency contact details as set out in the recommendations for the following reasons:
- 4.10.1 Prior to the introduction of three-year licences, in 2017, there was a requirement to send the details annually as the Council operated, at that time, an annual licence system;
- 4.10.2 The concerns raised by residents, and in particular objectors to HMO applications, repeatedly raise the issue of difficulty in knowing who to contact in the event of a problem with HMOs;
- 4.10.3 Any additional costs to the HMO licence holders are likely to be minimal and it may avoid licence holders incurring other costs if a problem goes unreported and the issue escalates;
- 4.10.4 The suggestion that contact details should only be sent when a change is made lacks clarity as to what would constitute a change and draft conditions provide clarity as to what is expected of licence holders; and
- 4.10.5 This will improve residents access to appropriate persons involved with the licensed premises and is therefore a proportionate measure.

Best Practice Guide

- 4.11 Committee was advised, on 28 February 2022, that work would be undertaken to develop a code of conduct for HMO licence holders and agents as an additional tool to help improve standards in the sector. Officers have developed a Best Practice

Guide (Appendix 4) which seeks to address issues such as refuse disposal, property maintenance, repairs and impact on neighbours.

- 4.12 The measures set out in the Best Practice Guide will provide for a more effective and robust approach to dealing with any licence holders who do not act responsibly in the management of their property and in dealings with other owners/residents in relation to the common issues affecting HMO licensed properties.
- 4.13 It is proposed that a period of public consultation take place on the terms of the draft Best Practice Guide in order to receive feedback on its practicality and to raise any issues or concerns that they may foresee with its implementation. In particular, views will be sought from HMO licence holders, agents and community councils. The proposed Best Practice Guide would then be brought back to Committee for consideration.

5. Next Steps

- 5.1 If agreed, officers will arrange for the new amended HMO standard conditions and Best Practice Guide to be advertised and appropriately communicated. This will include contact with all HMO licence holders and agents who will be directly affected by these changes.
- 5.2 If agreed, officers will bring a report back to Committee to set out the findings of a formal consultation on the terms of the draft Best Practice Guide.

6. Financial impact

- 6.1 There is no financial impact on the Council as a result of this report.

7. Stakeholder/Community Impact

- 7.1 Key stakeholders which could be affected by a change were written to and advised of the consultation process for proposed changes to HMO license conditions. This included HMO licence holders 'agents and community councils.
- 7.2 In addition, on 30 November 2022, officers from the Licensing Service met with HMO agents who operate in Edinburgh to provide an update on a number of areas which may affect the operation of HMOs over the next year. The Convener of the Regulatory Committee, Councillor Neil Ross, also attended the meeting. Updates were provided on issues such as short term lets, the operation of the Licensing Service and the new HMO fee structure. The meeting also gave agents the opportunity to raise any queries and discuss any relevant topics with Council officers. It was agreed that the meeting was a useful forum for the agents and officers, with a further meeting planned in 2023

8. Background reading/external references

8.1 None.

9. Appendices

9.1 Appendix 1 – Consultation Summary Report.

9.2 Appendix 2 – Copy of Written Responses to the Consultation.

9.3 Appendix 3 – Current HMO Standard Conditions.

9.4 Appendix 4 – Draft Best Practice Guide for HMO Licence Holders and Agents.

Appendix 1 – consultation responses summary report

City of Edinburgh Council

House in Multiple Occupation conditions

<https://consultationhub.edinburgh.gov.uk/sfc/house-in-multiple-occupation-conditions>

This report was created on Wednesday 04 January 2023 at 11:10

The activity ran from 07/10/2022 to 30/12/2022

Responses to this survey: **228**

1: What is your name?

Name

There were 225 responses to this part of the question.

2: What is your email address?

Email

There were 226 responses to this part of the question.

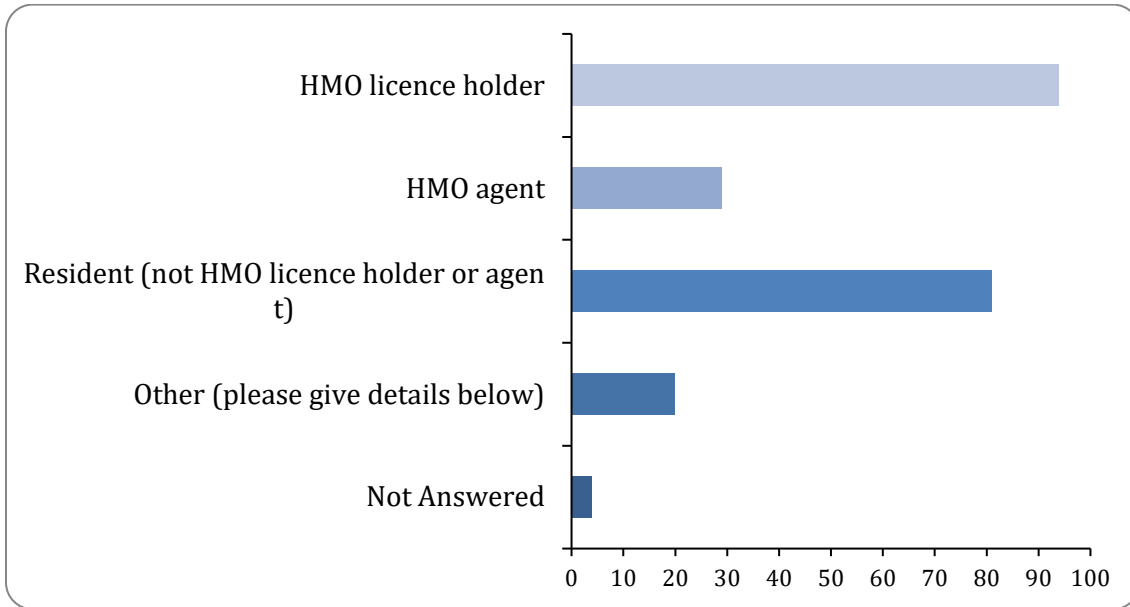
3: What is your organisation?

Organisation

There were 124 responses to this part of the question.

**4: Please indicate if you are a:
Answering as**

There were 224 responses to this part of the question.



Option	Total	Percent
HMO licence holder	94	41.23%
HMO agent	29	12.72%
Resident (not HMO licence holder or agent)	81	35.53%
Other (please give details below)	20	8.77%
Not Answered	4	1.75%

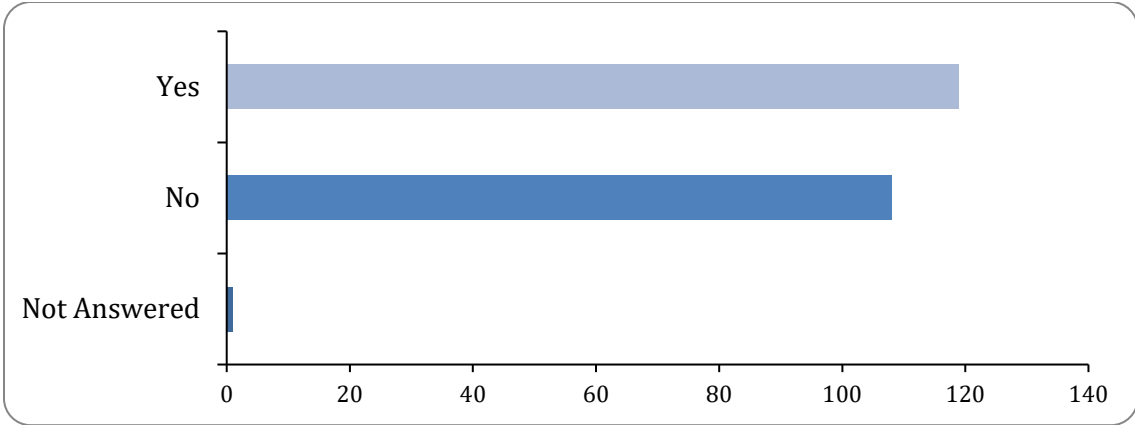
If you ticked 'other', please give details

There were 20 responses to this part of the question.

5: Should condition HMO11 be amended to make this an annual requirement for licence holders?

Should HMO11 be annual requirement?

There were 227 responses to this part of the question.

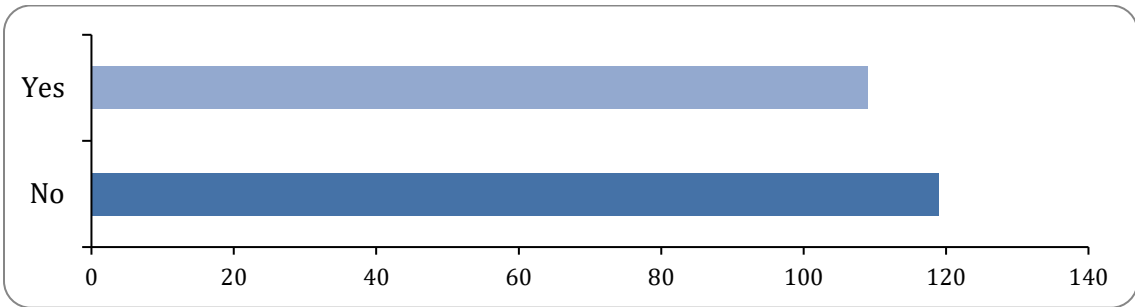


Option	Total	Percent
Yes	119	52.19%
No	108	47.37%
Not Answered	1	0.44%

6: Should condition HMO12 be amended to make this an annual requirement for licence holders?

Should HMO12 be amended to make annual requirement

There were 228 responses to this part of the question.



Option	Total	Percent
Yes	109	47.81%
No	119	52.19%
Not Answered	0	0.00%

7: Do you have any comments on the proposals?

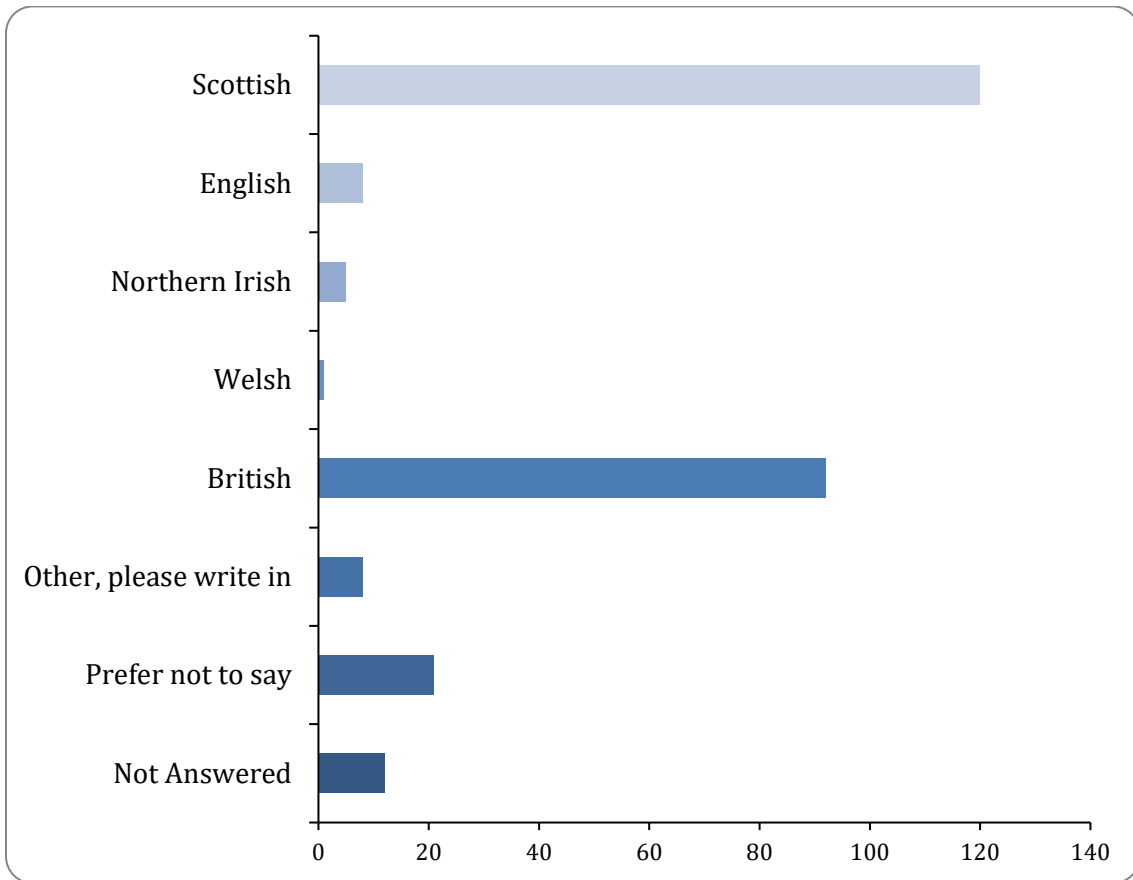
reports quality/readability comments

There were 162 responses to this part of the question.

8: What do you feel is your national identity?

National identity

There were 216 responses to this part of the question.



Option	Total	Percent
Scottish	120	52.63%
English	8	3.51%
Northern Irish	5	2.19%
Welsh	1	0.44%
British	92	40.35%
Other, please write in	8	3.51%
Prefer not to say	21	9.21%

Not Answered	12	5.26%
---------------------	----	-------

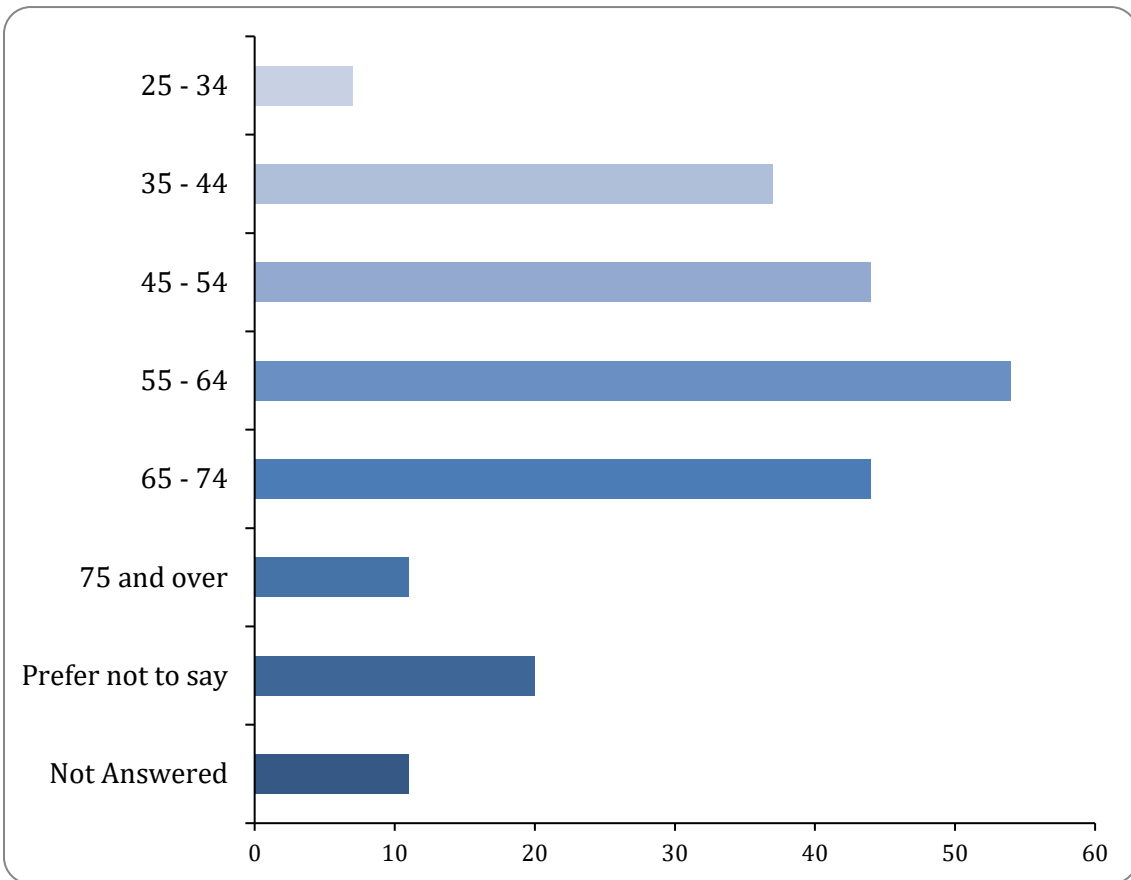
Other, please write in:

There were 12 responses to this part of the question.

9: What is your age?

Age

There were 217 responses to this part of the question.



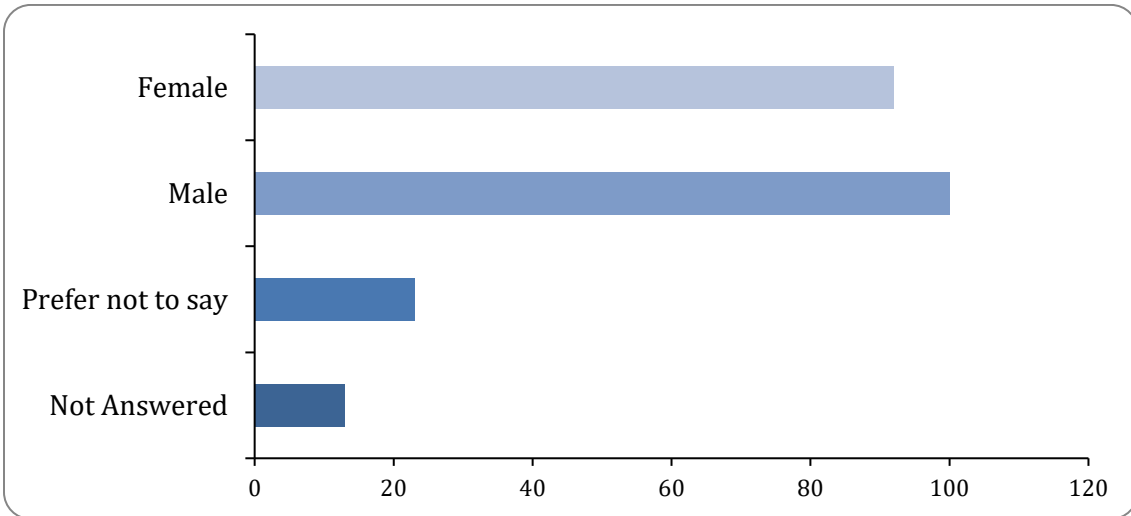
Option	Total	Percent
Under 16	0	0.00%
16 - 24	0	0.00%
25 - 34	7	3.07%
35 - 44	37	16.23%
45 - 54	44	19.30%

55 - 64	54	23.68%
65 - 74	44	19.30%
75 and over	11	4.82%
Prefer not to say	20	8.77%
Not Answered	11	4.82%

10: What is your sex?

Sex

There were 215 responses to this part of the question.



Option	Total	Percent
Female	92	40.35%
Male	100	43.86%
Prefer not to say	23	10.09%
Not Answered	13	5.70%

Appendix 2 – Copy of Written Responses to the Consultation

1.	A sensible and necessary requirement
2.	If I had the choice I would ensure that phone numbers and licenses were updated monthly.
3.	As an owner I feel bound to initiate and pay for necessary repairs. There are some owners who have never revealed their contact details, or responded to letters left for them at their flat. It's unfair for me to be made to pay the common repair costs of the anonymous absentee landlords.
4.	The requirement should be to notify the Council of changes to emergency contact, not an annual update
5.	It is easy for adjoining residents to find details on line so I'm not sure why more time consuming paperwork is needed?
6.	I think it makes more sense to submit contact details and neighbour notifications at each licence renewal.....and then only do it again if there is a change of contact during the licence period.
7.	<p>I feel like this is an unnecessary change and will lead to creating more unnecessary work for not only landlords and agents but also work for the council which is already stretched with wait times for responses to applications already very long.</p> <p>Letting agents especially already have systems in place for the 24 hour contact and realistically how often does this change? Having to confirm this every year would surely just create a substantial check being required by council officers to check every one is correct annually rather than being done when applications are checked during a renewal submission.</p> <p>With regard to the neighbourhood notification this would also create substantially more work for letting agents and landlords and then for council officers who would need to process these when submitted to the council. Does this also not remove the purpose of Landlord Registration which should hold the details of the agent and or landlord if a neighbour wished to get in touch with the agent or landlord and does not have the 24 hour emergency contact number.</p> <p>This proposed change feels extremely unnecessary and will only leave agents, landlords and council officers with substantial unnecessary work to do and process</p>
8.	Unless details change this is an extra imposition that duplicates work and ultimately raises costs
9.	HMOs are already swamped with admin, annual administration to confirm existing details seems a bit much, would it be an option to ask that agents are required to update CEC and neighbours should there be any changes in details?

	<p>(other than change of agent where the notification responsibility should lie with the new agent?)</p> <p>An emergency number should be on the agent's website anyway?</p>
10.	<p>There are supply and demand issues already with HMOs. If the intention is to further reduce supply then just crack on and keep coming up with further nonsense changes that are neither enforced nor fully implemented.</p> <p>If not, then why not consider directing the public and neighbours to the hugely expensive and badly designed landlord registration database for this information.</p>
11.	<p>Suggest you focus on reducing the inordinate length of time it currently takes you to process a licence, before adding additional demands on to landlords.</p> <p>I'm not suggesting that the people in the department aren't working hard or don't do a good job. My experience has of dealing with the people in the department has been positive. However, I would say a functioning licensing department should be able to process a licence application within 28 days.</p>
12.	<p>It should surely be the responsibility of the neighbours to record and hang on to the contact details provided. The proposal suggests that they are incapable of doing so!</p> <p>It seems to me as a managing agent of many HMO Licensed properties that all this is doing is creating extra work for us, to no benefit, whatsoever, to those in properties surrounding the licensed property.</p> <p>This when added to the nonsense of the new short let licensing requirements for properties already licensed and held to a high standard by the Council, is simply another waste of our precious time.</p>
13.	<p>This is unnecessary in our case as we have a WhatsApp group with all the neighbours. If there are any problems, we hear about it instantly and can sort it out together.</p>
14.	<p>would be helpful if we received a 3-year licence</p>
15.	<p>As ownership can change during a 3 year licence, it would help other residents be able to trace the 'current' licence holder.</p> <p>Secondly, it helps other residents to be confident of the licence holder being held accountable, should there be need to identify the owner at any particular time.</p>
16.	<p>The adjoining proprietors are already notified of the contact details at the time of issue of the HMO licence. If these are altered during the duration of the licence then it should be a requirement to notify neighbours at that point but, only when that situation occurs. To require that all neighbours are notified each year even when no alteration to the contact details has occurred is nonsensical. Extra costs and additional onerous conditions for the licence holder. There is also the sinister possibility that the licensing authority can claim that any infringement of this requirement justifies them in restricting licence to a one year certificate instead of a three year one. Extra costs again for the landlords.</p>

17.	It should be a condition to inform CEC or neighbours if the contact details change between licences.
18.	<p>It takes a bit of time and money to post out letters for each licence notification. Would it not make more sense to direct neighbours to an online site where this information could be accessed and updated on a more regular basis.</p> <p>The letters are sent to the occupier, which in a lot of cases would be the current tenant, rather than the owner who would be more likely to contact us for communal repairs or any issues. There is no way to evidence that a letter has been posted or read (unless you send recorded delivery.)</p> <p>Also, like most people I tend to throw away paper letters(!).</p> <p>A website would mean the information was updated more regularly and could be easily linked to the current landlord registration site where the managing agent details should already be accessible. Like a lot of agents we have our 24 hour contact number on our website.</p> <p>It would be no problem to update a website annually but extra admin for completing the current system every year rather than every 3 years, which I am not sure there would be a great benefit to.</p> <p>I'm unsure why the council would need to be notified of a 24 hour number every year, it would make more sense to submit the number with the application and make it a condition that the landlord or agent must notify the council in the event it changes during the period that the licence is running?</p>
19.	A notification is difficult to send when the owners are absentee landlords. The council will be provided with a telephone number by the HMO license holder. In this case, the council can track down the neighbours and send them the information to them.
20.	This is a moving deckchairs on the titanic proposal. In practice notification is normally given in physical letter form to individual flats. In the modern world residents typically expect to be notified of any matter via social media. For many residents e-mail notification would be outdated. The idea of increasing the frequency of snail mail to individual flats is ludicrous. Most residents would consider any such snail mail notification, junk mail, and deal with it along with the rest of their junk mail by inning it. Any new proposal should be considering abolition of the requirement to notify. Appropriate details should be made publicly available on the Landlord Register, or if appropriate more restrictively available to any party on the electoral register of an individual neighbouring flat.
21.	People would look up the necessary details (eg online) when needed. A more sustainable approach than printing leaflets with repeat information, especially in large developments.
22.	<p>This seems to be unnecessary for the following reasons:</p> <ol style="list-style-type: none"> 1. All landlords must be registered with the Scottish Landlord Register so the contact information is available online to other occupiers of the stair at all

	<p>times.</p> <p>2. Occupiers are already informed every time there is a new licence or renewal</p> <p>3. Should there be a change of owner, as part of the current HMO regulations, a new application is applied for and neighbour notifications are sent out.</p> <p>4. To impose further bureaucracy and administration (and cost) to an already laborious process seems unfair to landlords. In my experience, neighbours know who the landlords/agents are in a stair.</p> <p>5. There does not appear to be enough resource in the licencing department to cope with the current workload, I don't see how the HMO team will be able to find the time to administer or check that landlords carry out further notifications</p>
23.	If the licence is awarded for the years, then the contact details would stay the same. Perhaps an easier way would be for there to be an obligation on the license holder to update any changes to contact details over the course of the license. There could even be a penalty clause, if there was a failure to do so.
24.	More admin and bureaucracy for landlords without offering any benefit as tenants can easily find these details should they be required.
25.	Unnecessary
26.	Sound common sense - in fact would make sense to place a requirement for any change in contact details to be communicated both to the Council and neighbours when it happens - not just once a year.
27.	This seems an unnecessary obligation to impose on all landlords. Since a licence cannot be assigned to another party, is the council saying that issues have been caused by landlords changing their emergency contact numbers and other details within the licenced period? No information is provided as to why this change is seen as necessary. Assuming that is the issue, I suspect this is more likely to be due to a landlord changing their managing agents. Should any amendment be restricted to that eventuality rather than imposing a blanket obligation on all landlords?
28.	Contact with neighbours is vital but this is not the best way to do it. The Landlord Registration would be the best way and this should be improved. At the moment it provides only basic contact details - no phone numbers. It is at the moment very incomplete and cannot be contacted by phone.
29.	This sort of policies for those providing homes for people who are saving for a flat, cannot afford a flat or wish to live in a place without the burden of ownership is making it increasingly impossible to do so with over regulation & inconvenience. This information (hmo11 & 12) is already part of the listed info provided at time of license grant & is published on the council website as public info. If it changed, you specify the council must be informed. This proposal is causing duplication of data entry for both the council & license owner, who will incur extra charged by their Agent to implement something that works well that's already in place
30.	The tenants, others and council already hold this information. Putting a burden on the landlords and agencies to constantly confirm this information is unnecessary and will increase costs which in the end will get passed onto tenants, or push landlords out of the market for renting flats, which will also increase costs for tenants.

31.	<p>I am concerned about privacy. The council should have the necessary information</p> <p>If the hmo holder is a person and not a legal entity then phone numbers should not be public ally available as otherwise they are open to abuse</p> <p>I am concerned about effectiveness. Many neighbours are temporary what is the point in sending out a letter which gets lost. Better to be able to search online to see if hmo and provide contact details within the limitations noted above</p> <p>I recall that ECC allows people to search for planning applications. This is just another facet of the search function</p>
32.	<p>I expect I am not alone in having the same contact information today as I had when my I first registered as an HMO landlord.</p> <p>I suggest that the requirement be to notify if contact information changes within the three year period.</p>
33.	<p>I think this is unnecessary beurocracy, wasting time and resources. There should only be a need to notify Council and neighbours if there is a change in licence holder during the 3 yrs.</p>
34.	<p>unnecessary paper work. It should be noted and available to update if required by license holders. unnecessary paper work for HMO and an excuse to uplift hmo license prices</p>
35.	<p>I don't see a need once details have already been provided to have to keep on yearly providing the same details.</p>
36.	<p>Suggest that details be advised to neighbours only if there is a change within the 3 years.</p>
37.	<p>The actual notification of the contact details to the neighbours is not always a straightforward business - especially to the people in the next stair. Getting access is not always easy and making sure that the information gets to the right person is sometimes not at all straightforward. What if the flat to be notified is also let out? What if all the tenants are out? Who is the landlord anyway? How about making it a condition of granting a HMO licence that the contact details of the landlord (agent ...) are published on a website, listed by address and kept up-to date annually with the date of the most recent update also published with the other details - even if there is no change other than the date of the update? (The Scottish Landlord Register?) And how about having your computer remind all HMO licence holders by email a month in advance that their data will become invalid in a month's time?</p> <p>The ideas are basically good but, in an already very over-regulated sector, thought needs to be given to how exactly a person is to provide this data to the neighbours and to how that process is to made very, very straightforward to do. The proposed regulations should not be brought into force until this aspect has been dealt with. It's not enough to simply extend the present regulations to make the notification an annual occurrence.</p>

38.	This information could more easily be made public and readily available as is the licence and licence holder on the civic register.
39.	If you are working abroad or traveling it's not always possible to call round at the neighbours to give them the update. If this can be done remotely online then it would work
40.	I have no objection to the council keeping an emergency contact number. However Indo. it think it is a good idea to give out personal contact details to everyone in a block of flats, some of whom will be tenants, and some owner occupiers. It is unfair to expect such an intrusive requirement of rented properties without the same applied to all the other properties too.
41.	This should only be a requirement if the emergency contact details change between licence applications
42.	I feel neighbours may lose contact details however frequently they were provided whereas they would contact the Council in an emergency where up to date details could be held.
43.	It is not necessary. Neighbours should only need to be told if contact details change during the three year period. If nothing has changed why should they need to be reminded every year - it is overkill.
44.	As a flat owner for over 15 years I am absolutely behind any conditions that make life easier for both our tenants and their neighbours. I only wish Edinburgh Council would send notification to alert landlords that the licence needs to be renewed. During Covid and moving house we forgot and this has caused us so much worry, time and money. We are seriously thinking of giving up as we are a caring and supportive landlord but feel badly let down by Edinburgh Council. After all the fuss and threats of £50,000 fines they took well over a year to issue a new one year licence. Yet we were given no leeway.
45.	I've been operating several HMO properties for 20 years and there has never been an instance when neighbours have had difficulty in contacting me. The neighbours get reminded every 3 years of my contact details as part of the HMO re-licencing arrangements as you know anyway, but furthermore, the fact is that there is always regular communication between owners anyway due to common repairs, so it feels completely unnecessary to add further bureaucracy by requiring annual reminders to be sent out.
46.	It would make more sense to make this a requirement at the time of renewal AND additionally any time the phone number or contact information CHANGES. On the annual basis proposed, it could still be out of date up to 364 days. In reality, no landlord would buy a property for a one-year investment, so the norm would be that the contact information would remain the same. Therefore, the other residents would have the correct contact details, unless they binned them in which case the frequency of issuing makes no difference anyway. There is also a significant question of an unfair social contract between residents. HMO landlords are expected to provide 24 hour contact details, so that any issues with their tenants can be raised at any hour of the day or night. All other residents (owner occupiers or non HMO tenants) do not have to

	<p>provide any such details, so even in the event of a fire or a burst water pipe, they are potentially uncontactable. Given the relative fire regulations for HMO's (incredibly strict) compared to the fire regulations for private residents (none whatsoever), it is far more likely a fire would arise in a private residence, yet the private residents are under no obligation to provide contact details at all (let alone 24/7 numbers) to their HMO neighbours. Likewise, if a private residence is ABOVE an HMO, an escape of water is only going to go in one direction, yet the HMO residents will have no contact details for the upstairs neighbours who are bringing their ceiling down. Likewise, boiler/gas pipes in an HMO are inspected every year, so a gas or carbon monoxide leak is far more likely in a private residence than in an HMO.</p> <p>If the object of this principle is to promote safety, communication and harmony between residents, why is it a 100% one-way street? I am not trying to be combative in this statement, but these regulations do create a system where HMO landlords and their tenants are second class citizens with less rights than their neighbours. That's a literal statement of fact - owner/occupiers & non-HMO tenants have the right to keep their contact information to themselves, HMO landlords do not.</p> <p>However, it is surely the safety aspect that is imbalanced to the point of madness: private residents can contact the HMO landlord 24/7 if his/her tenants are playing the TV too loud, but HMO tenants have no right to their neighbour's contact details, even in the event of fire, escape of water or a gas leak. This is despite the fact that those kind of hazards are far more likely to come from a private residence than an HMO. Would you agree that that is ridiculously imbalanced?</p>
47.	<p>For me personally, I believe this would be unnecessary. I have 2 HMO flats and in both cases, neighbours in each stair have been able to contact me when needed with the current system in place.</p> <p>I think Landlords of HMO's are, on the whole, easier to contact as all our details are provided every 3 years or can be obtained from the council.</p> <p>I think the bigger issue in Edinburgh are landlords who fall out with the requirements of an HMO licence and so have no standard checks or responsibilities to their fellow neighbours.</p>
48.	<p>The information on who manages the property is already widely available on Landlord Registration Scotland. Residents also often know who the property owner is or are able to chap on residents doors if there is a property related issue.</p>
49.	<p>Yet more paperwork for no obvious benefit . If I need to contact a landlord I simply check the Landlord's Register . We have no problems contacting neighbours near our HMO Property and try to work as a team , sharing phone numbers and e mail addresses .</p>
50.	<p>I feel there is little benefit in this change as in a neighbourhood there is usually sufficient stability amongst residents for the contact information of a landlord to be readily available. Also the landlord registration system allows the public to access a landlord or agent contact details. This system is well publicised</p>

51.	The extension to the neighbouring properties strikes me as excessive.
52.	The Contact details could be a website contact form where there is 24hrs emergency cover being provided by an agent. Then it can collect the details for the complainer. Rather than having fraudulent calls to the emergency number.
53.	There are no conditions like this for ordinary rentals that can cause just as many or as few problems
54.	The proposal would seem to be a sensible suggestion which, in my own instance, is not administratively cumbersome
55.	<p>Sect 11. The council already has this information, I would suggest instead of an annual requirement to update you could have as part of the application a requirement/note to update council if any changes in contact details occur</p> <p>Sect 12 Neighbours can easily find out owner/agent through landlord registration, tenants and other avenues . I doubt few neighbours even read notifications physically attached near their property</p> <p>Legislation for agents is constantly updated and changing but a constant theme always seems to be extra work for agents. This may seem a small change from you but added to the myriad of other legislators adding their changes, the net effect is a huge increase in workload for agents so we would appreciate this is not implemented</p>
56.	Good idea.
57.	<p>Pointless, extra hassle, extra waste, no benefit.</p> <p>The existing regulation is pointless when the HMO is one flat in a building of many which are rented but are not HMO. Why should this apply to an HMO but not other rented properties? This requirement, which wastes resources whilst exposing landlord's personal contact details to all and sundry should be completely scrapped, not extended. It's also is completely unenforceable without wasting even more resource.</p>
58.	I feel that this is just more bureaucracy and totally unnecessary.
59.	I feel as though it is not a necessary step.
60.	We are planning to sell our flats which have been rented out. This is partly because of increasing legislation required for Landlords. It seems to us that little thought is given to the landlord's position. Most emphasis is on tenants rights. These proposals seem to increase the red tape required of landlords.
61.	I read that the number of HMO licences issued has dropped from 6,000 to 3,000 in Edinburgh in the past few years. Don't make life harder for landlords who already have to jump through any number of hoops.
62.	I don't quite understand why there's a problem with the current requirements of providing details every 3 years. If there's to be an amendment then it could be clearer that if the details change then residents/neighbours must be informed immediately but this just seems like extra paperwork for the sake of extra paperwork.
63.	No need for this unless all property owners have to do this.
64.	Landlord contact details are already in the public landlord register. This includes landlords of HMOs, and of smaller tenancies. That's good enough. If a landlord or agent changes during a three year license period then yes this should be

	notified, as we're sure it is anyway. The Council took over a year to renew two of our licences recently due to staff shortages - why complicate things further and waste additional Council time?
65.	The conditions could just be amended to state that any change in emergency contact details during the current licence period must be notified to both the council and the neighbours.
66.	These contacts already exist, it would only be relevant if a contact phone number changed.
67.	During the 1980s, neoliberal 'reforms' undertaken in the name of efficiency and social benefit achieved exactly the opposite in the policing, education, the NHS, private surgeries - everywhere. One raft of this social demolition was putting people under constant surveillance through multiplying the bureaucratic hoops they were forced to navigate. Good landlords are being made to feel like social pariahs by such measures. They will leave the market and the bad ones will be all that's left, but that seems to be the intension.
68.	Annual is better, change in management etc can happen in 3 years and it saves other owners having to hunt down who is responsible for a property
69.	There is no point in doing this annually unless there has been a change in the contact number (in which case there is a valid reason). The HMO conditions are already onerous and time consuming without adding to them further.
70.	<p>why should an HMO property provide this info on an annual basis when any other property which is non HMO rented or indeed owner occupied does not have to provide this info at all. As an example if there is a leak in an owner occupied property into the flat below it is even harder to gain access if no one is in the property - where do you go to gain access ?? At least with an HMO there is normally an agent in place or indeed a council landlord register in place. With an owner occupied property often there are no contact details available.</p> <p>Just because the property is an HMO - I see no reason to insist on an additional contact info being provided unless you want to introduce it to all properties in a tenement. ? If not surely this is discrimination ?</p> <p>Also regarding the administration of this the council are currently taking between 9-12 months to issue a straight forward HMO renewal so adding additional admin pressure is only going to make matters worse.</p>
71.	The contact information for the landlord or agent is available via the landlord registration site at any time so updating this information annually would be pointless.
72.	it would make more sense to provide contact details at licence renewal and only do it again during the licence period if there was a change of contact. Why add additional administration to the system?
73.	The requirement should be to notify neighbouring premises between renewal if the details change.
74.	Poor idea . At a critical time to reduce co2 emissions you want hmo licence holders to travel to Edinburgh to provide paperwork which is binned and probably goes to land fill .
75.	We do not believe this is needed

76.	<p>We provide contact details every 3 years, we are not changing our contact information so what is the point.</p> <p>If the licence holder changes then the neighbour is advised accordingly.</p> <p>It is easy to establish the registered landlord of such properties.</p> <p>We have an e-mail contact group for all owners of properties in the stair.</p>
77.	<p>The council have details through landlord registration and the HMO licence application system of the landlords details</p> <p>In my case all the owners in the stairs where I have flats have an email address for all flats.</p> <p>They also have the notification of the licence as do the individual flats</p> <p>They all know my name and contact details</p> <p>They can also find my details through the landlord registration system.</p> <p>My tenants would contact me if there was a problem.</p> <p>I have no problem doing this notification every three years but feel an annual legal requirement is a needless extra level of administration</p> <p>People seldom change their mobile number in my experience</p>
78.	<p>Landlords have a right to privacy too. Providing contact details to neighbours, which are frequently HMO properties also, exposes landlords to prank calls and trivial complaints. With a little extra effort neighbours can currently obtain contact details from tenants or the council.</p>
79.	<p>I don't understand why it would be necessary - perhaps I'm wrong but aren't those who apply for licences already doing a lot to keep up with the various legislations required for an HMO licence?</p>
80.	<p>HM012 - informing neighbours of contact details, including emergency and out of hours tel numbers.</p> <p>This relies on sensible use of this information and an individual not abusing the use of this information which in my experience, can sadly be often the case.</p> <p>I feel the Council should hold this information and be the first point of contact prior to any further contact details of the license holder being available.</p>
81.	<p>The above would establish better community and responsibility for good neighbourliness</p>
82.	<p>It is hard enough to make money out of HMO flats so stop making it worse.</p>
83.	<p>Neighbours to be made aware that there's an online portal to view emergency contact details. If there is more than 1 HMO in for eg a tenement flat the details may not be passed onto the landlord/agent. The online portal can be updated when a new licence is applied for.</p>
84.	<p>No evidence or reasoning has been presented which supports this change but presumably the councillors made this decision based on evidence and reasoning. If that is in fact the case then why not present the evidence and the reasoning which was used by the councillors in arriving at this decision.</p> <p>Providing this information to the council would not be onerous for Landlords as they already have to send details about safety certifications when they are updated (in some cases annually) - not at license renewal time. Consequently adding in the current contact details would be simple.</p>

	<p>I am unsure why it is necessary to provide this information annually to both the Council and the 'neighbours'. If the council have the (updated) information then 'neighbours' who may have recently moved in or have lost the last supplied details can contact the council for the information. Bear in mind that as a Landlord I could supply the information to 'neighbours' in January but they might move out in February which would mean any new occupants wouldn't not know who the contact was and I wouldn't know that new neighbours existed.</p> <p>I sort of get the idea but it hasn't been properly thought through. It won't guarantee to ensure that 'neighbours' know a contact so in that respect it is flawed.</p> <p>On the other hand having a central access point (the council) that 'neighbours' can contact for up to date details will be a much better system. Of course that does mean the council will have to resource this central access point - but isn't serving the citizens an important part of council policy anyway?</p>
85.	<p>I have no concern about this information being made available to neighbours however in our specific situation we have a variety of different flats next door which all would be classed as adjoining premises each with different landlords and different points of contact and we do not have access to the block or the contact details of the landlords/occupiers. It therefore at times can take a number of attempts to get access to the building to make people aware of the HMO requirements. I wondered if this could be looked at. Could we simply display information outside of our building rather than individually contact each of our Neighbours.</p> <p>This recent time I needed to get buzzed into the block and hand delivered all our notices. i wondered if this was necessary and if it is could this be reviewed?</p> <p>I am happy to have our contact details available including the office number and my email address.</p>
86.	<p>The licence itself is renewed every 3 years, therefore every administrative action concerned with the licence should only need to be done every 3 years. Landlords have a huge amount of administration to deal with already and any extra costs will need to be passed on to tenants.</p> <p>If the emergency contact number changes during the 3 year period then it is reasonable to expect neighbours to be notified. But if the number remains constant it is unnecessary to notify neighbours.</p>
87.	<p>If there is to be an emergency contact system it should apply to all residential (and even commercial) premises. I cannot see why rented accommodation should be treated differently from owner occupied accommodation.</p>
88.	<p>this is an unnecessary burden given that such changes rarely occur</p>
89.	<p>Council should be checking properties intermittently for overcrowding, illegal tenants etc</p>
90.	<p>Keep it simple The notification during the license term should only be of the contact details</p>

	change. This is something a reason person would go anyway
91.	As long as the information is accessible online (eg through the landlord register) if a neighbour is seeking it, this should be enough. We agree that this information should be readily available, but that sending it out on an annual basis would not be the most efficient way to do this.
92.	Contact details change rarely. It would be more appropriate to make it a condition that notification is required for both conditions only if the details change and otherwise every 3 years. I would be concerned that sending the same details multiple times (every year) would be overwhelming for tenants who do not wish to receive unsolicited mail. Thank you for providing an opportunity to provide my views.
93.	Although I agree with No. 6 above, I think giving a neighbour notification to adjoining properties in a tenement flat isn't necessary. I think as long as all neighbours in a full stairwell have the details that is fine. And if the flat is on the ground floor then I think letting the adjoining ground floor flats know would be necessary, but not the full stairwells of adjoining properties.
94.	Residents should be given the opportunity to view and comment on applications for HMO use - and to object in the same way as any other planning application.
95.	I would request to leave it for three years please , if there is no change of emergency number or neighbour notification. Thanks
96.	seems a good idea to make annual so can contact owners readily in case of emergency or antisocial behaviour by tenants
97.	There are various deteriorating, dangerous and unsafe conditions that merit amending to an annual requirement. Graffiti, presence of drug dealers, overcrowding and antisocial behaviour, filthy and poorly lit stairwells, crumbling stairwells, and dangerous cracks in ceiling of a building's shared entrance areas have markedly deteriorated over the past 2 1/2 years and have made properties unsafe. One can compare photos from year to year and see the deterioration. An example is Sis and Bro Property's HMO licence # 424440 for 1f2, 41 Home Street, Edinburgh, City Centre, EH3 9JP. The Manager listed on the continuation of licence transaction on Nov 2019 is Mr. John Davidson.
98.	Most rentals have a rental agent. They have all the contacts of the GMO license holder. You are creating more bureaucracy for very little gain.
99.	I live with 3 HMO s in our tenement. I have been here for 20 years and have NEVER had a landlord give me contact details but have had to seek them out.
100.	Common sense should prevail, living in tenement buildings is challenging enough so knowledge of owner details would help especially in the case of emergencies
101.	It's important that adjoining properties (where there any shared walls or prospect of residents chucking things into neighbours gardens from their windows) are also informed. Our upstairs neighbours are owner occupiers but the building next to us has several HMO properties and we regularly get cigarette ends, empty cans of lager and other random things chucked from windows into our garden, plus we can get disturbed by parties and unsociable

	noise. I've tried in vein in the past to find out who the owner of the flats in questions are but this isn't easy to find, if it is available so I would really welcome this direct approach where residents are automatically informed on an annual basis of landlord/ landlady contact details.
102.	As a resident (I.e. owner occupier of a flat), I am unclear how much weight the Council give to views of others like myself when granting these licences. If none/not much I guess it doesn't matter if the licences are 1 or 3 years' duration. The important issue for me is "does the council listen to views of people who have to live beside HMO properties and are - potentially inconvenienced by them"
103.	Not necessary and overkill.
104.	These requirements are perfectly reasonable. It's outrageous that HMO landlords should be able to shuffle off responsibility for building issues or for anti-social behaviour, simply by going no contact. My upstairs neighbour - an HMO Landlord - is a Chinese national who works in Wales. Some years ago, the shower in his bathroom leaked so badly that water pooled under his floorboards, causing my entire bathroom ceiling to collapse at 4am one morning. His tenants were young Chinese students who didn't speak much English, so it was a nightmare trying to get hold of him, in Wales, through them! On other occasions when I've contacted him on building issues, he's been in China.
105.	An online registry of contact details would be helpful. Perhaps accessed via council tax account so that only neighbours get access.
106.	This is a good idea. How will it be policed?
107.	The requirement should be to notify the requisite parties within (x days) when there is a change to the contact details.
108.	Not all of the landlords details are available online for our property. Out of 12 properties in our block 8 are rented out. The factor won't provide us with landlords details. We home owners find that not having contacts for the landlords makes the communal running and maintenance of stairwells extremely difficult and this has a knock on effect.
109.	HMO11 - Agent's details are on the HMO application provided by the landlord, if CEC want to check that these are still valid at any point, then they can contact the agent/landlord to confirm. Agent's should be encouraged to advise CEC of new/updated contact details, should those original details change at any point.
110.	This is another administrative item that is both unnecessary and cumbersome to enforce or manage. It is open to abuse by neighbours - there are instances where landlords may already send this notification by recorded post to avoid accusations of failing to meet the existing requirement. Agents/Landlords are already required to notify of any changes to their contact details - ie change of Agent. At all times, these details are held with the Council and most neighbours so is already readily available should there be a change of ownership in a neighbouring flat at any time. Most property owners in tenements share email distribution lists for common repairs these days and can ask for this information at any time. Tenants can contact their own landlord or letting agent to ask about a neighbouring HMO property. I have never hears of this

	<p>being an issue, where neighbours were unable to obtain emergency contact details for an HMO property. There needs to be evidence of this being a problem before you start costing the Council more money in administering this. Or perhaps the Council are collecting too much money from the HMO licensing program so require ways to spend it? It was meant to be self-funding but NOT to collect more than necessary for its own operation.</p> <p>A flat can change hands at any time, including 1 week after such a notice is provided. Or neighbours can lose the contact number at any time. Anyone capable of renting or buying a property will be more than capable of contacting the resident living in the HMO property for this information, other neighbours, or the Council at any time. They can also look up the landlord or agent on the Landlord Database.</p>
111.	<p>Rather than requiring landlords/agents to issue neighbour notification on an annual basis, I believe a better system might be to ask landlords/agents to attach a permanent notice-holder to the outside/stair door of the licensed premises, like a nameplate which would allow a card to be inserted displaying all up to date relevant information. I doubt many owners who receive an HMO neighbour notification letter retain it and have it to hand when they need it most. In the case of an emergency, if owners, contractors and emergency services can see relevant information on the door of the licensed premises, this would seem to be much more effective. A requirement within the licensing conditions could ask landlords/agents to ensure such information is continually updated and notified to the Council if there are any changes. Compliance with this condition and provision of up to date information could be confirmed to the Council on an annual basis, possibly via the online licensing portal.</p>
112.	<p>This all adds to the bureaucracy which already burdens down the HMO system and one reason why you have one less property for three tenants in your area for let. I Intend selling mine.</p> <p>With regard to the specific proposals, I must say that in the 20 years that I have had an HMO and distributed such a contact number, it has never been used. A couple of residents in the stair (Stair Representative and the Stair Treasurer) make it their business to know numbers of all 11 owners or agents regardless. Bottom line - more over the top nonsense driving (hated) landlords away.</p>
113.	<p>Recommend that if this becomes mandatory that it becomes clear which properties need to be notified similar to the planning process and then confirmation form agent /owner that has been done</p>
114.	<p>I live next to the Murano House Student accommodation in Leith. This year the noise from some of its residents has been terrible. Someone in there has a professional-grade music system that was blaring at all hours of the night. I could not find any contact details for the facility online, just a generic email to its parent company who never dealt with the issue. Having contact details for the facility would have made reporting the noise issue much easier.</p>
115.	<p>Sounds like a good plan! Thank you.</p>
116.	<p>The HMO licence holders do not obey the current rules and suffer no sanctions. Why do you think they'll obey the new rules? IMHO, the issue is less the rules and more about the enforcement.</p>

117.	<p>HMO11 - If the details have not changed this is an unnecessary burden. Suggest it is made clearer that any change in emergency contact details must be notified to the council.</p> <p>HMO12 - I see the purpose in this but in my experience the neighbour notification doesn't work. I have always distributed my details to neighbours however I have NEVER, in 10 years, been passed a neighbour notification by my tenant and I know there are HMO properties nearby. Would it not make more sense for the council to keep an online publically available register of HMO licences and licence holder contact details?</p>
118.	<p>I live with an HMO in my building. The more info that neighbours have the better. It is reassuring to have contact details should there be any problems. It would be good for neighbours to have direct notification for when licensing is being applied for or renewed ahead of time. If neighbours are happy they won't act on it and it will reassure licensing that the owner is acting appropriately. If neighbours are unhappy their views can be considered with applications/renewals.</p>
119.	<p>I live on a stair of 8 flats, 6 of which are occupied by tenants and 3 of which are HMOs. Having this information is vital.</p>
120.	<p>I find it hard to see how it will be policed. I live in a main door GF flat. There is A HMO above us and others near by. Occasionally there are antisocial parties very late into the night. I have never been given any contact details for HMOs. There needs to be a way of checking that notification has happened- bearing in mind neighbours may have quite different addresses from the HMO.</p>
121.	<p>Currently the requirement is for the council to have the contact details of the property owner, and for the adjoining neighbours to have the contact details for the agent. This is all reasonable.</p> <p>However the way I read the proposal is that the neighbours should in addition be provided with contact details for the property owner. This is not reasonable and such compulsory sharing of personal details is a significant data protection risk. I wish to keep my personal contact details private. I let my property through a responsible, well established agency who have an emergency contact facility which, being a letting agency, is far better placed to deal with emergency issues arising than I am as an individual.</p>
122.	<p>I would like this information to be given by letter. I oppose the use the signs being put on flat doors by some agents - these look ugly, give a commercial rather than a residential feel to a stair, and mark the residents out as tenants rather than owners. I think neighbours should be told who the owner is and their contact details, as well as the agent if there is one.</p>
123.	<p>We are a responsible agent and do the above already anyway.</p> <p>The neighbour notification should be done when any new/renewal licence is granted, rather than annually. Agents shouldn't incur the additional work if they are managing it properly and have been granted a three year licence anyway.</p>
124.	<p>This should apply to all rented properties not just HMO properties.</p>

125.	I agree neighbours should be notified but think on a 3 year licence they only need notified once and then only if there are any changes to this information.
126.	<p>My letting agent places a sign on the front door of each HMO property they manage providing their contact details.</p> <p>I would suggest that a condition requiring this would be a far simpler option, and remove yet more proposed unnecessary bureaucracy.</p> <p>It would also mean that no neighbour would be forced to hunt for the agent's details if there was a problem, or if the neighbour changed in between the proposed annual notifications it would give them a simple way to see the details.</p>
127.	Landlords & flat ownership changes regularly. Annual update is only fair.
128.	The emergency/24hr number is on the renewal/application form and is part of the neighbourhood notice, both of which are available to all at points of the process, surely it would be more sensible to ask that the HMO Dept and neighbours should be notified of any changes and a notice sent out on licence renewal? we (and I mean us and the council) are already snowed under with admin, making it an annual requirement would be overkill in my opinion.
129.	We have multiple HMO properties in the adjoining building and the noise is so disruptive because they are usually young and/ or students who live very different lifestyles and hours to working professionals and families. They also all have their own partners and friends so an HMO property with 4 residents can in fact have 8 people in and out each day, plus friends. The traffic on the stairs is near constant and I have no way of contacting them and landlords are un-responsive with evidence that it is their tenant.
130.	A telephone contact number should be published on the Scottish Landlord Register database search website.
131.	Condition HMO12: this information should be updated annually.
132.	<p>As a resident in a tenement where there are several HMOs, I do not have any recent contact details for any of them. I do not currently know how many of the flats are HMOs but it may be 3 or 4.</p> <p>My experience in the past has often been that contact details can change and we are never usually informed of that.</p>
133.	I live in Marchmont, which has many HMO lets. Most are fine, but a minority cause significant problems. It is important to be able to contact owners or agents promptly, particularly in tenement flats where an issue in one flat (eg water leaking) may cause issues for neighbours, and where noise easily carries to neighbouring flats. The proposals would make sure that current contact information for HMO owners or agents is available to neighbours, and I very much hope the Council makes these changes.
134.	<p>Not only should Emergency contact numbers be provided there should be a requirement to ensure access to the HMO property in an emergency. Not a number calling to an answering machine.</p> <p>You should also introduce a three strikes and you are out policy across all properties where regular complaints occur. There are too many unscrupulous</p>

	landlords who don't give a stuff about neighbours - they will promise to change agents and tenants but do nothing. The enforcement policy is weak - for years we were told an HMO, with a kitchen above one of our bedrooms had a cushioned floor. Recently on the sales market it proved to have a solid floor.
135.	This would take so much of the unfairness and stress out of trying to sort emergencies in our family home. It's not fair that landlords can make money without any obligation to support those trying to live here when their poorly maintained properties cause emergencies for residents.
136.	I live in a tenement of 11 flats of which I believe 8 are HMOs. I would appreciate any change which would make it easier to contact landlords in the event of an emergency.
137.	Difficult to get to the right person. Especially important when issues arise eg. Flooding from an HMO flat
138.	<p>The more information that neighbours get, the better. However, assuming that the neighbour notification under HMO12 remains paper-based, it cannot be fully relied upon - e.g. with rented properties where the onus remains on tenants to pass those neighbour notifications to their landlords, via letting agents often too. Also, we would argue that the emergency contact details on those paper notifications are easily missed.</p> <p>Consequently, condition HMO11 would be the key one here. Additionally to the above, neighbours wouldn't necessarily know about condition HMO12, or when licence holders fail to meet it - whether at the start / upon continuation of their licences, or annually for the duration of their licences.</p> <p>Neighbours may generally think of contacting the Council however, when seeking emergency contact details for rented properties in their building or next door.</p> <p>The Council should aim to act as a reliable fallback for neighbours and seek to enforce HMO11 accordingly.</p>
139.	Relieved and delighted that the council are at last considering the needs of Edinburgh residents who have had to put up with noise and other types of anti-social behaviour from those in short-term lets etc. for far too long.
140.	Very necessary. There has been constant churning in the management of HMO properties in our tenement at 64 Marchmont Crescent
141.	<p>We have HMO occupiers in the building, they have thrown cigarettes butts, litters and abandoned bicycles in the front and rear gardens. We contacted the owners of HMO license holders, no one admitted the behaviour and apologised. We contacted the police who asked us to contact the council, no response from the council.</p> <p>The police said we need to catch them in action, while we became unpopular in the neighbourhood and risked our safety to those people who did not behave themselves.</p> <p>Littering is a criminal offence, Section 87 EPA 1990, council and police should execute this law in Edinburgh to help fund the city and keep the city clean plus</p>

	<p>law in order.</p> <p>No point having a law unless we use it. It is time for action to keep the city in good order.</p> <p>Do we have enough police force? Do we have enough good quality cctv? How can we catch people in action when there is no CCTV in the city, in the residential areas? We are not talking about human rights here, but safety and security for our citizens. Is it a human right to be safe? Council should do inspections on households for cheating HMO, this is happening frequently when there are more occupiers than HMO permission. What has the council done with HMO license controls? apart from collecting license fee?</p>
142.	<p>Strongly feel that these two requirements should be annual. Agents and landlords can change and new residents move in over a period of 3 years. Requiring contact details and informing residents annually will ensure that all interested parties have up to date contact details.</p>
143.	<p>Both acts seem logical. In fact on reflection it seems strange that this is not already the case. It feels like a minimum requirement</p>
144.	<p>This is an essential requirement to allow HMO properties to be in harmony with local communities</p>
145.	<p>The Managing Agents are a large part of the problem.</p> <p>The Owner/Landlord should be forced to put their details on the notice regardless of whether or not they use an Agent.</p> <p>Many/most of the Agents do not respond to emergencies or reports of anti-social behaviour in a timely or professional way..</p> <p>The Council should test each agents response if they really want to deal with this matter and apply enforcements measures if Agents do not meet minimum standards.</p> <p>In my direct experience, agents are unresponsive and unprofessional (the biggest agent on the patch is the worst!!).</p> <p>Typically, if one can talk to the owner/landlord directly, then the response is much better.</p>
146.	<p>ECC has sole responsibility for the issuance of HMO licenses. As such it is entirely correct that, as the regulatory authority, it alone is also required to monitor those properties it authorises through the registering of complaints received and rectifying any issues arising from their inappropriate use.</p> <p>It is unfortunate that ECC currently permits a situation whereby any resident affected by an HMO has no means of contacting the council out of hours (and is directed to an already over-stretched police service, instead). This move would seem to be an attempt to further distance itself from its responsibility in this regard.</p> <p>As it stands the ECC HMO e-mail is inactive and anyone wishing to raise an issue has to think outside the box; say by making a report via the ASN mailbox. Even then, if and when contacted by ECC, there is strenuous attempts already to pass on the responsibility for ensuring compliance by requesting (in the strongest terms) that the resident wishing action make contact with the offending property and (when mattered have gotten so out of hand as to require police</p>

	<p>attendance at a property) simply refuse to advise residents whether such an attendance has been brought to the attention of the HMO owner or recorded against the property.</p> <p>Should ECC wish to help in this regard, as a first step, it shoal consider setting up a searchable register of HMO properties (much in the way the landlord register operates) whereby any affected resident can access the details of the HMO owner it wishes to complain about - and then have a system in place whereby it collates information and progresses action against any deficient license holder, as necessary.</p> <p>I appreciate this is quite a negative response and it certainly shouldn't be taken as a detraction from the mainly good work ECC does in any way. But ECC's approach to HMOs is not working - and there is significant concern that this suggestion is more driven by further abrogation than enhancement.</p> <p>By way of example.</p> <p>Having already informed ECC that I wished to object to license it then allowed that license to be reissued without informing me of the renewal date - something I had no control over and which was aided to no small extent by the owners approach to posting signage. And I live next door to the property!</p> <p>Equally, having watched the police decant approximately 80 students from a flat (on their having been called by another resident) (and my making complaint as to the aftermath to ECC) the person dealing, whilst advising they had spoken to the landlord, flatly refused to confirm whether police attendance had been shared with the license-holder.</p> <p>The system certainly need change, but I don not believe passing responsibility for license compliance to residents is the way ahead.</p>
147.	The contact information for any agency operating the HMO should also be provided, e.g. in the case of care providers who lease properties from Registered Social Landlords who are the license holders as property owners.
148.	They sound constructive.
149.	Dealing with HMO properties as a tenant in a shared block is a nightmare, so anything which makes it easier to contact landlords/their agents of such properties, whether in an emergency or simply as a matter of routine maintenance, would be a big help.
150.	This allows long term residents access to HMO12 and possible absent landlords .
151.	So many things can change over a 3 year period that I feel it is essential for residents peace of mind for the annual updates to be mandatory.
152.	As a resident there is no way of knowing whether there is a new HMO licence holder who has not complied with the requirement, so an annual update would be really useful. It would be even better if there was a publicly accessible list of HMOs and contact details.

153.	If it is the same licence holder then it shouldn't be necessary to keep notifying the neighbours every year - should the rules not say that the licence holder should notify the neighbours as soon as the licence holder changes, otherwise if it is still the same person then it would be perfectly reasonable if they just reminded us every three years, unless their own details changed.
154.	I am not clear if by 'adjoining' premise if we would be notified of the next tenement block along - I hope this is what is planned as we don't have issues with HMO flats in our block but the next block along has several HMO flats plus Airbnb and we have several problems for those flats, e.g. rubbish thrown out of windows into our garden, noisy parties, and I've found it impossible to find out whether the flats have an HMO licence and who the owner is from a search of the council's website.
155.	These are good amendments, which I would welcome.
156.	<p>1. The requirement to notify the Council annually actually weakens the requirement to ensure the Council is kept see of the contact details.</p> <p>2. The requirement to notify neighbours annually rather than once every 3 years is yet another administrative imposition on thousands of licence holders. It is designed to assist the small number of cases where there is lack of control and such emergency contact use needed. Enforcement of Condition HMO10 and consequences for non compliance will be a better action.</p>
157.	Having been one of two owner occupiers in a block where every other flat is an HMO, my experience is that it is very hard to get up to date contact details for licence holders and that many avoid taking responsibility for emergencies and antisocial behaviour leaving owner occupiers to bear the consequences . A yearly requirement to provide up to date numbers I especially for emergencies or antisocial behaviour should reduce this.
158.	<p>There is a severe shortage of affordable rented accommodation, including accommodation for students. I do not perceive antisocial behaviour from HMO properties to be an issue that needs addressing at all. Instead, efforts should be focussed on improving renters' rights (properties are often in poor condition, with e.g. mould) and the availability of affordable rented accommodation. This is not done through placing extra hurdles on landlords, except when those extra requirements are concerned with keeping the property in liveable condition, and keeping rents affordable.</p> <p>I myself have lived in owner-occupied accommodation in Edinburgh for the past >20 years, in an area with many HMO properties, and only once have we had minor issues with party music at night. On the other hand, I teach university students and am therefore quite aware of the acute and severe issues facing this group of people when it comes to accommodation.</p> <p>Another issue that is very pressing is also traffic in residential areas - pedestrians should have priority when crossing streets, as in e.g. the Nordic countries. There should be painted zebra crossings at every street corner, where pedestrians have priority at all times. Motorists are also not observing the recent change in the Highway Code, giving way to pedestrians crossing streets when turning.</p>
159.	every 3 years is too long to ensure up to date contact details are available

160.	In discussion with many residents' association, community councils, residents and members, the issue of anti-social behaviour of properties with an HMO license frequently arises as an amenity issue. The provision of contact details of the landlord and/or their Management Agents would assist in enabling affected neighbours to highlight issues directly to them.
161.	Agents can change and with a requirement to notify more regularly this can lead to confusion among residents in a shared tenement regarding who to contact should need for repairs., maintenance etc arise.

Appendix 3 – HMO Standard Conditions

Housing (Scotland) Act 2006

Standard HMO Licensing Conditions – Adopted 9 March 2012

HMO1	The licence holder must take steps to ensure that the property, fittings and furniture, including fire precautions, plumbing, drainage, gas and electrical installations, are maintained throughout the period of the licence to the standard required. The HMO owner should have a system in place which provides for continuity of safety certification.
HMO2	The licence holder must ensure that advice to occupiers on action to be taken in the event of an emergency is clearly and prominently displayed within the living accommodation.
HMO3	The licence holder must ensure that the physical standards for HMO living accommodation assessed as suitable by the local authority when approving the licence application are met at all times.
HMO4	The licence holder must ensure that the number of persons residing in the premises shall not exceed [<i>insert number</i>] when operating as an HMO.
HMO5	The licence holder must make the Licence, including any conditions, available to occupiers, or prospective occupiers, within the premises where it can be conveniently read by residents.
HMO6	The licence holder must ensure that actions to secure repossession must be only by lawful means.
HMO7	The licenceholder must provide each tenant with a clear statement, in a form they can understand and keep for reference, of what is expected of them and what they can expect from the licenceholder. The agreement must accurately describe the subject of let, the start and end dates of the agreement, rent to be paid, period of written notification of intention to enter the property (which shall not be less than 24 hours), and where the agreement is in the form of a lease and the licence holder intends to retain a key for the property, the agreement will specify how the tenant will grant explicit permission for the key to be used.
HMO8	The licenceholder must act lawfully and reasonably in requiring any advanced payments, handling rents, returning deposits, and making deductions from deposits.

HMO9	The licenceholder must comply with all relevant legislation affecting private sector residential tenancies, including participation in any communal repairs and maintenance, as per the Tenements (Scotland) Act 2004.
HMO10	The licenceholder must manage the property in such a way as to seek to prevent and deal effectively with any anti-social behaviour by tenants to anyone else in the HMO and in the locality of the HMO.
HMO11	An emergency contact telephone number for the licenceholder and/or management shall be available and notified to the Council for 24-hour contact purposes for emergencies or antisocial behaviour from the property.
HMO12	The licenceholder shall give a neighbour notification to every occupier in the same building as the licenceholder's premises, and any adjoining premises within 28 days of the licence holder's receipt of the licence document. This will advise of the name of the licenceholder or managing agent, a contact address, day time telephone number and an emergency contact number.
HMO13	The use of the premises shall be as authorised from time to time by the City of Edinburgh Council in terms of the Building (Scotland) Act 2003.
HMO14	Adequate facilities must be provided for the storage and disposal of refuse, and recycling. The licenceholder shall make the tenants fully aware of their responsibilities.
HMO15	The licence holder must ensure that Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises.
HMO16	The licence holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.
HMO17	Where the agreement between a tenant (or group of tenants) and the licence holder gives those tenants exclusive access to specified rooms in the premises, the licence holder should ensure those rooms are fitted with a lever latch and secured with a suitable lock and thumb turn mechanism or other appropriate locking mechanism.

HMO18	Any chimneys/flues that are in use must be maintained/cleaned annually or in accordance with the manufacturer's instructions, or, where the flue is covered by a Gas Safety Inspection, at a period determined by a Gas Safe registered engineer.
--------------	---

Appendix 4 – Draft Best Practice Guide

Houses in Multiple Occupancy (HMO) Best Practice Guide for HMO licence holders and Agents in Edinburgh

The following guide for the holders of HMO licences in Edinburgh was approved by the City of Edinburgh Council's ("the Council") Regulatory Committee at its meeting on 6 February 2023 for consultation.

Failure to follow this best practice guide may be relevant to the Licensing Sub-Committee's consideration of whether a landlord or agent is, or continues to be, a fit and proper person to be authorised to permit persons to occupy any living accommodation as an HMO in terms of section 130 and/or section 139 of the Housing (Scotland) Act 2006.

The following requirements set out the practices that the Council considers to demonstrate best practice by HMO licence holders and their agents:

General Refuse Disposal

The Licence Holder should provide tenants, no later than two days from the commencement date of the Tenancy Management Agreement, with an information leaflet on how to dispose of refuse and bulk items (including general and recyclable refuse and any furniture) properly and appropriately from the licensed property.

The Licence Holder should ensure that tenants are aware how to use the refuse facilities at the property and in the communal surrounding areas of the property appropriately.

Maintenance, Insurance and Repairs of Common Areas

The Licence Holder should act reasonably in relation to the payment of their share of all maintenance costs, insurance costs and repair costs of areas in common areas relative to the property and in all dealings with other co-owners and any relevant Factor.

The Licence Holder should ensure that any undisputed invoice or notification of their share of maintenance costs, insurance costs and repair costs received in respect of common areas relative to the property is paid in full without unreasonable delay and in adherence to the payment terms stipulated.

The Licence Holder should ensure that all common areas are regularly inspected and any defects brought to the attention of the other owners and any relevant Factor.

Those who have HMO licences for a tenement property (or properties) should give due regard to the Shared Repairs Tenement Toolkit – found [here](#).



Bulk Refuse

The Licence Holder must make arrangements with the Council or another collecting contractor for the uplift of any bulk items and/or refuse, including furniture, from the licensed property, prior to the Licence Holder presenting the items for collection. The Licence Holder should ensure that tenants are advised likewise to make arrangements for uplift of such items from the licensed property prior to the tenants presenting items for collection.

Bulk refuse should only be presented immediately outside the property on the date for collection specified by the Council or other collecting contractor. Due regard should be given to the information on bulk uplifts [here](#).

Neighbouring Residents

The Licence Holder must act reasonably in relation to the management of the licensed property in respect of any dealings with neighbouring residents of the property.

The Licence Holder should take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of the Licence Holder's tenants or their visitors, at or in the immediate vicinity of the licensed living accommodation.

Statutory Notices

The Licence Holder should respond appropriately and timeously to any statutory notices served on them under the Housing (Scotland) Act 2006 and any other relevant legislation, including the Environmental Protection Act 1990, in relation to the licensed property and the communal areas surrounding the property.

This page is intentionally left blank

Regulatory Committee

10.00am, Monday, 6 February 2023

Licence Income from Fees 2019/20, 2020/21, 2021/22

Executive/routine	
Wards	All
Council Commitments	

1. Recommendations

1.1 Committee is asked to note the contents of this report.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Report

Licence Income from Fees 2019/20, 2020/21, 2021/22

2. Executive Summary

- 2.1 This report provides Committee with high level information on the income collected from licensing fees during the last three full financial years. The report gives detail on income from the three main licence categories and provides a breakdown of the main expenditure.

3. Background

- 3.1 The Council's activities as a Licensing Authority are funded directly by income raised from licence application fees. The fees currently charged are approved by the City of Edinburgh Council as part of the annual budget process and are attached as Appendix 1. A small number of fees are fixed or capped by legislation and are thus not set by the Council. Notwithstanding that, this Committee has the power to amend the fee structure and most recently did so by amending the Houses in Multiple Occupation (HMO) licence fee structure.
- 3.2 The provision of licensing services is not directly funded from the Council's general revenue fund. Fees are designed to fully recover the costs of the service. Income in relation to Taxi and Private Hire Car Licences and HMOs is ringfenced, and any surplus is maintained separately. Income from all other types of licence is not ringfenced, and any surplus which exists at the end of the financial year is included within the Council's end of year accounts.
- 3.3 The [Air Weapons Act \(Scotland\) 2015](#) introduced a requirement for Licensing Boards to report income and expenditure. A similar report was submitted to the Regulatory Committee to increase transparency, however, due to the impact of the pandemic the report was last submitted in [January 2020](#), and therefore this report provides the information for the three subsequent financial years.

4. Main report

- 4.1 Income is collected from licence applications and is coded against three main licence types:
- 4.1.1 Taxis and Private Hire Cars (PHCs) etc;
 - 4.1.2 HMOs; and
 - 4.1.3 Civic (which includes any other licence types dealt with by the Council not in 4.1.1 and 4.1.2 above).

Taxi and PHC licence income

- 4.2 In relation to 4.1.1, the Council does not further break down income to show, for example, income for taxis as opposed to PHCs, and for vehicles as opposed to drivers. The staff resource necessary to deal with these is the same and there is no operational need for the service to create a breakdown which does not reflect how the service is structured.
- 4.3 The Council's income from licence fees is attached at Appendix 2. The structure of both civic and taxi/PHC fees was last reviewed in 2015 with minor changes thereafter. As part of its budget process, the Council considers whether any annual increase of fees is required. This report therefore does not deal with any fee increase, as this will be done as part of the annual budget process by Council (for 2023/24, this will be considered later this month).

HMO Licence income

- 4.4 The fee structure for HMOs was last reviewed in 2022, and on [29 September 2022](#), Regulatory Committee agreed to the reintroduction of a one year licence – at a reduced fee rate.
- 4.5 Details of income generated and the main items of expenditure are attached at Appendix 2.
- 4.6 As indicated above, income from taxis/PHC and HMOs is ringfenced, and if there is a surplus of income this is held in reserve accounts. These accounts are monitored regularly to ensure that they remain proportionate, and are reported to the Finance and Resources Committee within much more comprehensive financial reporting.

Civic Licence income

- 4.7 In terms of civic licence fees, these are not subject to the same ring-fencing as taxi/PHC and HMO. No estimate is included in Appendix 2 as to the direct or indirect costs of related enforcement. Where costs are in excess of the surplus this is indicated in Appendix 3, but it is important to note that wider services in Place Directorate, for example Roads, Planning and/or Parks, do not receive any reimbursement for undertaking licensing activity. This also applies to Corporate Services.
- 4.8 The income for years 2020/21 and 2021/22 was severely affected by the COVID-19 public health restrictions, particularly those affecting events. The Council received

grant funding from Scottish Government to fund the majority of that lost income, and this has to be borne in mind for the overall civic licence income.

Reserves

- 4.9 The current cash reserves are set out in Appendix 3. In relation to the HMO reserve, members may recall that, at the time the new HMO fee structure was implemented (as noted at paragraph 4.4 above), the long-term plan was to allow this reserve to reduce as the effect of three-year licences became apparent. The setting of the revised HMO licence fees took the level of the reserve into account. This will be monitored, and adjustments recommended, if necessary, in the report in the next cycle. In the budget for 2023/24, it is proposed that the HMO fees are not increased, in order to allow the recent adjustment to take effect. It should be noted that, whilst the reserve remains healthy, much of this income will be carried over from 2022/23 to the next two years, as this was the first year in the three-year licence cycle and income for 2023/24 and 2024/25 will be much lower.
- 4.10 The taxi and PHC reserves are required to provide capital, should infrastructure or work on the Taxi Examination Centre (TEC) be required. For example, the cost of procuring a new inspection ramp was approximately £60,000. The reserves are maintained at a prudent level to ensure that further capital is available should it be required, as other capital funding in the Council is not available for these costs. The need to ensure capital for the replacement of the TEC is now being quantified. A new facility has been secured and work is underway to procure the fit out. Given the current inflationary pressures within construction, the current prudent assumption is that approximately £1m may be required to secure the facility.
- 4.11 Staffing in the Licensing Service has had an impact on costs, and the outturn for the reported periods. Within the service there were up to 18 FTE posts which were vacant at various points during the period due to retirement, staff moving to other roles or internal promotion. Members will recall from previous discussions about the operational pressures on the service, that recruitment has proved challenging in terms of:
- 4.11.1 Availability of suitable applications when recruitment has taken place;
 - 4.11.2 Challenges in recruiting new staff into the service during the period staff were working from home; and
 - 4.11.3 Private Rented Services (PRS) Inspector posts which were not recruited to in the period during which inspections were suspended during the public health restrictions.
- 4.12 Taken together, these factors have meant that the staffing expenditure (in particular HMO) was lower than planned.

5. Next Steps

- 5.1 It is recommended that Committee notes this report. Annual updates will be prepared for Committee in due course.

6. Financial impact

- 6.1 The information contained within this report summarises the financial arrangements for the Licensing service and is presented for information only. The Council's scale of fees for licensing applications was approved by full Council with effect from 1 April in each year.

7. Stakeholder/Community Impact

- 7.1 The report provides members with information. No direct policy implications arise from the report. Decisions on fees and expenditure are made as part of the Council's budget process.

8. Background reading/external references

- 8.1 [Licence Income for Fees 2018-2019](#) report to Regulatory Committee on 9 January 2020.

9. Appendices

- 9.1 Appendix 1 – Current fees.
9.2 Appendix 2a – Income and expenditure for 2019/20.
9.3 Appendix 2b - Income and expenditure for 2020/21.
9.4 Appendix 2c - Income and expenditure for 2021/22.
9.5 Appendix 3 – HMO and taxi/PHC reserve accounts.

Appendix 1 – Current fees

Valid – 2022/23



• EDINBURGH •
THE CITY OF EDINBURGH COUNCIL

LICENCE APPLICATION FEES & CHARGES

Please note that a 20% surcharge is payable for all temporary licence applications submitted within 28 days of the date the licence is due to start.

TYPE	SUB TYPE	FEE £ & DURATION
CIVIC		
BOAT HIRE		
	new/renewal	£665 – 1 year
	temporary	£222 – up to 28 days
	temporary – inc late application surcharge	£268 – up to 28 days
INDOOR SPORTS		
	new/renewal	£1110 – 1 year
	temporary	£775 – up to 28 days
	temporary- inc late application surcharge	£929 – up to 28 days
	community or charitable events (reduced fee is not available when the event involves any commercial activity)	£135 – up to 6 weeks
KNIFE DEALERS		
	new	£249 – 1 year
	renewal	£186 – 1 year
LATE HOURS CATERING		
	new	£698 – 1 year
	renewal	£500 – 1 year
	exemption	£126 – up to 2 months max
MARKET OPERATORS - Including car boot sales within Ward 11 (City Centre)		
The annual fee is only available to markets that operate with a frequency of at least once per calendar month	annual indoor markets	£63 - per stall – 1 year new/renewal
	annual outdoor markets	£94 - per stall – 1 year new/renewal
temporary outdoor markets who operate less than once per calendar month	temporary outdoor markets - subject to a max fee of £5,000	£94 – fee per stall for up to 28 days

	temporary outdoor markets - subject to a max fee of £5,000 inc late application surcharge	£112 – fee per stall for up to 28 days
temporary indoor markets who operate less than once per calendar month	temporary indoor markets - subject to a max fee of £1,000	£63 – fee per stall for up to 28 days
	temporary indoor markets - subject to a max fee of £1,000 inc late application surcharge	£75 – fee per stall for up to 28 days
<i>Note an indoor market is considered to be wholly or substantially contained within a building or other permanent structure. This does not apply to the exterior grounds of a building, any area temporary fenced off or restricted area or any temporary structure i.e. marquee</i>		
MARKET OPERATORS - Including car boot sales out with the City Centre (Ward 11)		
temporary markets are those who operate less than once per calendar month	temporary indoor or outdoor market	£6 – fee per stall for up to 28 days
	temporary indoor or outdoor market - inc late application surcharge	£7 – fee per stall for up to 28 days
The annual fee is only available to markets that operate with a frequency of at least once per calendar month		£15 – fee per stall new / renewal for 1 year
COMMUNITY MARKETS OR REGISTERED CHARITIES - See Note 1		
provided there is no commercial element, i.e. where 100% of the profits is given over to the charity or community group		
	City wide - 20 stalls maximum (thereafter normal fees will apply)	£135 – per week or part of a week (<i>up to a max 7 days per application</i>)
	City wide - 20 stalls maximum (thereafter normal fees will apply) - inc late application surcharge	£161 – per week or part of a week (<i>up to a max 7 days per application</i>)
METAL DEALERS – Includes Itinerant Metal Dealers		
	new / renewal	£713 – 1 year
	renewal	£1874 – 3 years
PUBLIC CHARITABLE COLLECTION PERMIT (see note 1) – NO FEE		
A maximum of 6 days street and/or 6 days house to house collections in any calendar year, with only one Saturday permitted for a street collection and/or house to house collection		
PUBLIC ENTERTAINMENT		
	Capacity 1 – 200	£1188 – 1 year new or temporary up to 28 days
	Capacity 1 – 200 - inc late application surcharge	£1421 – temporary up to 28 days
	Capacity 1 – 200	£961 – 1 year renewal
	Capacity 201 - 1000	£1776 – 1 year new or temporary up to 28 days
	Capacity 201 – 1000 - inc late application surcharge	£2131 – temporary up to 28 days
	Capacity 201 - 1000	£1188 – 1 year renewal

	Capacity 1001 - 5000	£3562 – 1 year new or temporary up to 28 days
	Capacity 1001 – 5000 - inc late application surcharge	£4275 – temporary up to 28 days
	Capacity 1001 - 5000	£2371 – 1 year renewal
	Capacity 5,001 - 10,000	£7123 - 1 year new or temporary up to 28 days
	Capacity 5,001 - 10,000 - inc late application surcharge	£8533 – temporary up to 28 days
	Capacity 5,001 - 10,000	£4742 – 1 year renewal
	Capacity 10001 - 15,000	£11570 – 1 year new or temporary up to 28 days
	Capacity 10001 - 15,000 - inc late application surcharge	£13878 – temporary up to 28 days
	Capacity 10001 - 15,000	£8675 – 1 year renewal
	Capacity > 15000	£14964 – 1 year new or temporary up to 28 days
	Capacity > 15000 - inc late application surcharge	£17961 – temporary up to 28 days
	Capacity > 15000	£11222 – 1 year renewal
	Sun Tan Centres – sun beds	£286 – per bed for 1 year new or renewal
PUBLIC ENTERTAINMENT - Community/Charitable/Religious or Political Group Events		
Free to enter events		
	capacity up to 500 - see note 5	No Fee
	capacity 501 - 2500	£173 – temporary up to 28 days
	capacity 2501 - 5000	£344 – temporary up to 28 days
	capacity greater than 5000	temporary up to 28 days - 25% discount of normal fee
	capacity 501 - 2500	£459 – 1 year
	capacity 2501 - 5000	£918 – 1 year
	capacity greater than 5000	25% discount of normal fee - 1 year
Pay to enter events		
	capacity of up to 250- see note 6	No Fee
	capacity 251 - 2500	£173 – temporary up to 28 days
	capacity 2501 - 5000	£344 – temporary up to 28 days
	capacity greater than 5000	temporary up to 28 days - 25% discount of normal fee
	capacity 251 - 2500	£459 – 1 year
	capacity 2501 - 5000	£918 – 1 year
	capacity greater than 5000	25% discount of normal fee - 1 year

PUBLIC ENTERTAINMENT - Amusement Devices linked to a public entertainment event or a stand alone structure – see note 2		
	Amusement devices 1	£236 – 1 year new or temporary up to 28 days
	Amusement devices 1 - inc late application surcharge	£281 – temporary up to 28 days
	Amusement devices 2 - 5	£1082 – 1 year new or temporary up to 28 days
	Amusement devices 2 - 5 - inc late application surcharge	£1297 – temporary up to 28 days
	Amusement devices 6 - 20	£2665 – 1 year new or temporary up to 28 days
	Amusement devices 6 – 20 - inc late application surcharge	£3197 – temporary up to 28 days
	Amusement devices > 20	£5278 – 1 year new or temporary up to 28 days
	Amusement devices > 20 - inc late application surcharge	£6333 – temporary up to 28 days
PUBLIC ENTERTAINMENT – Variation to an existing licence – see note 3		
	Change to capacity > 15,000	£14989
	Change to capacity > 15,000 - inc late application surcharge	£17985
	Change to capacity > 10,001 to 15000	£11585
	Change to capacity > 10,001 to 15000 - inc late application surcharge	£13901
	Change to capacity 5,001 - 10,000	£7123
	Change to capacity 5,001 - 10,000 - inc late application surcharge	£8549
	Change to capacity 1,001 - 5,000	£3563
	Change to capacity 1,001 - 5,000 - inc late application surcharge	£4275
	Change to capacity 201 - 1,000	£1792
	Change to capacity 201 - 1,000 - inc late application surcharge	£2152
	Change to capacity 1 - 200	£1188
	Change to capacity 1 – 200 - inc late application surcharge	£1423
	Variation other than a capacity increase	£63
	Live animal supplement *	£249 – per event
	*any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition</u> to the licence application fee	
	Hypnotism supplement	£249 –per event
SECOND-HAND DEALER		
	new	£249 – 1 year
	renewal	£186 – 1 year
	renewal	£452 – 3 years

	exemption – disposal of stock in trade	£113 – per application
	temporary	£126 – up to 28 days
	temporary - inc late application surcharge	£150 – up to 28 days
	antique fairs dealers	£73 – 1 year
	stamp & book fairs dealers	£73 – 1 year
	record/transaction books	£9 – per book
SEX SHOP		
	new/renewal	£1752 – 1 year
SKIN PIERCING/TATTOOING		
Where activity carried out from premises		
	Principal Operator with employees - New	£312 – 1 year
	Renewal	£312 – 1 year
	Renewal	£624 – 3 years
	Each additional employee	£94
	Self Employed Operator - New	£312 – 1 year
	Renewal	£312 – 1 year
	Renewal	£624 – 3 years
One Off Events		
	Principal Operator/Organiser	£299 – per application
	Attending an exhibition or Arts event – where event licence is already in place	£94 – max 7 days
STREET TRADERS – a valid food hygiene certificate must be submitted with an application to sell food		
	Food	£352 – 1 year
	Non food	£240 – 1 year
	Food - temporary	£249 – per application - up to 7 days max
	Food - temporary - inc late application surcharge	£299 – per application - up to 7 days max
	Non food - temporary	£186 – per application - up to 7 days max
	Non food - temporary - inc late application surcharge	£225 – per application - up to 7 days max
	Food - change of vehicle	£186 – per application
	Food Hygiene Inspection for vehicles	£186 – per vehicle when not part of a licence application
	Food - change of vehicle - inc late application surcharge	£225 – per application
	Employees – per applicant	£63 – for the duration of employer's licence
	Employees – per applicant - inc late application surcharge	£74 – for the duration of employers licence

Charitable Organisations		
Provided there is no commercial element, i.e. where 100% of the profits is given over to the charity or community group. Qualifying criteria must be submitted with an application and after expiry of licence		
	See note 1	£83 – 6 months max
WINDOW CLEANERS		
	New/ Renewal	£126 – 1 year
	Renewal	£312 – 3 years
OTHER LICENCE TYPES		
ANIMAL BOARDING		
	Commercial Kennels*	£372 – 1 year
	Home Boarding or Dog Day Care (1–10 animals) *	£173 – 1 year
	Home Boarding or Dog Day Care (>10 animals) *	£372 – 1 year
*any application that involves a vet inspection will be charged the full cost of that inspection in addition to the licence application fee		
CINEMAS		
	multi-screen	£618 – 1 year
	single screen	£309 – 1 year
	temp	£206 – 1 month
	transfer	£123
	up to 4 screens	£618 – 1 year
	variation	No fee
	Change of manager	£95
DANGEROUS WILD ANIMALS		
*any application that involves a vet inspection will be charged the full cost of that inspection in addition to the licence application fee		£372 – 1 year new or renewal
DOG BREEDING*		
*any application that involves a vet inspection will be charged the full cost of that inspection in addition to the licence application fee		£372 – 1 year new or renewal
FIREWORK SALES		
	all year sale	£599 – 1 year
FIREWORK DISPENSATION		
You need a dispensation from the Council to operate a firework display between the hours of 23.00 and 07.00. Dispensations are not needed for a display between 23.00 and 01.00 at New Year, Chinese New Year and Diwali or between 23.00 and 24.00 on November 5th.		
		Free – per event

HYPNOTISM		
	permission	£249 – per event
PERFORMING ANIMALS*		
*any application that involves a vet inspection will be charged the full cost of that inspection in addition to the licence application fee		£663 – 1 year
PET SHOPS*		
*any application that involves a vet inspection will be charged the full cost of that inspection in addition to the licence application fee		£436 – 1 year new or renewal
RIDING ESTABLISHMENTS*		
*any application that involves a vet inspection will be charged the full cost of that inspection in addition to the licence application fee		£711 – 1 year new or renewal
VENISON DEALER		
		£192 – 3 year
ZOO - *any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition</u> to the licence application fee		
		£1119 – 6 year new or renewal
MISCELLANEOUS FEES		
CERTIFIED COPY LICENCE		£63 – per copy
DUPLICATE ID BADGE		£63 – per badge
CHANGE OF MANAGER		£117 – per application
VARIATION OF ANY CIVIC LICENCE – other than a capacity increase for a Public Entertainment		£63 – per application

NOTES:

<p>Note 1: Charitable Organisations</p> <p>when applying for a temporary licence as a charitable, religious, youth, sporting, community, political or similar organisations qualifying material must be submitted at the time of application and again after the event</p> <p>Qualifying material to be submitted with an application for a licence includes, but is not restricted to the following;</p> <ul style="list-style-type: none"> • the organisations charity number (if a registered charity), • a copy of the organisation's constitution/ or a list of the organisations aims and objectives if no constitution exists • a copy of the organisations last annual audited accounts or a copy of the recent statement of accounts <p>after the expiry of a licence organisations must provide the following returns;</p> <ul style="list-style-type: none"> • statement of account showing monies raised and any expenses incurred 									
<p>Note 2: Public Entertainment - Amusement Devices</p> <p>Amusement Devices – this includes carousels, bouncy castles, bungee jump or bungee running equipment, stalls, tents, booths or structures. They will all have either been installed or erected and therefore require safety checking ahead of members of the public having access to them. They are operated in connection with the amusement or entertainment of the public</p>									
<p>Note 3: Public Entertainment Variation - Capacity Increase</p> <p>The fee due for an application to increase the capacity of an existing public entertainment licence will comprise of the difference between (a) the fee due for a licence with the new increased capacity and (b) the fee already paid for a licence with the original occupant capacity as per the following;</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>example</u></td> <td style="text-align: center;"><u>£</u></td> </tr> <tr> <td>(a) fee due for a licence with a capacity of 350</td> <td style="text-align: right;">1776</td> </tr> <tr> <td>(b) less the fee paid for a licence with a capacity of 200</td> <td style="text-align: right;">1188</td> </tr> <tr> <td>total fee payable for application to increase capacity</td> <td style="text-align: right; border-top: 1px solid black; border-bottom: 3px double black;">£588</td> </tr> </table>		<u>example</u>	<u>£</u>	(a) fee due for a licence with a capacity of 350	1776	(b) less the fee paid for a licence with a capacity of 200	1188	total fee payable for application to increase capacity	£588
<u>example</u>	<u>£</u>								
(a) fee due for a licence with a capacity of 350	1776								
(b) less the fee paid for a licence with a capacity of 200	1188								
total fee payable for application to increase capacity	£588								
<p>Note 4: Public Entertainment – Free to enter events</p> <p>no public entertainment licence is required for the following 'free to enter' events</p> <ul style="list-style-type: none"> • Events held by a charitable, religious, youth, sporting, community, political or similar organisation (see note 1) providing the capacity does not exceed 500 people • premises used for exhibitions of art work • 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. 									
<p>Note 5: Public Entertainment – Pay to enter events with a maximum capacity of 250 people</p> <p>no public entertainment licence is required for premises used for functions or events by;</p> <ul style="list-style-type: none"> • any charity, religious, community or political group or any similar non-commercial organisation <p>where the public pay to enter or use the any facilities for their entertainment provided the capacity does not exceed 250 people</p>									

Valid – 2022/23

TAXI & PHC LICENCE APPLICATION FEES & CHARGES

TYPE	SUB TYPE	FEE £ & DURATION
TAXI		
	New Licence	£714 – 1 year
	Renewal Licence (existing vehicle)	£387 – 1 year
	Renewal Licence (with variation for new vehicle)	£450 – 1 year
	New Driver (Includes one 'topographical' test)	£206 – 1 year
	Renewal driver	£126 – 1 year
	Renewal driver	£193 – 3 years
PARTNERSHIP/INCORPORATION		£728
TAXI TOPOGRAPHICAL TEST		£75 – per application
WHEELCHAIR EXEMPTION CERTIFICATE		£13 – for duration of licence or temporary period as determined
PRIVATE HIRE		
	New Licence	£714 – 1 year
	Renewal Licence (existing vehicle)	£387 – 1 year
	Renewal Licence (with variation for new vehicle)	£450 – 1 year
	New driver	£169 – 1 year
	Renewal driver	£126 – 1 year
	Renewal driver	£193 – 3 years
PARTNERSHIP/INCORPORATION		£728
REPLACEMENT PRE-BOOKED DOOR SIGN		£14 – per sticker
BOOKING OFFICE		
	New	£1249 – 1 year
	Renewal	£874 – 1 year

MISCELLANEOUS FEES	
BRACKETS	£31 – per application
CANCELLATION OF INSPECTION	£117 – per cancellation
VEHICLE RETEST	£61 - per retest
6 MONTH ADDITIONAL COMPLIANCE CHECK	£61 - per check
CHANGE OF MANAGER	£117 – per application
CHANGE OF VEHICLE - Other than at annual inspection	£186
DUPLICATE CERTIFICATE OF COMPLIANCE	No fee
DUPLICATE ID BADGE	£63 – per badge
DUPLICATE LICENCE	£63 – per licence
MEDICAL EXEMPTION CERTIFICATE - DOGS	£13 – for duration of licence or temporary period as determined
MEDICAL EXAMINATION NOT ATTENDED (without notice)	£117
MEDICAL EXAMINATION - FURTHER ASSESSMENT NOT ATTENDED (without notice)	£232
REPLACEMENT PLATE	£98
VARIATION OF LICENCE TO ALLOW FITTING OF WIFI EQUIPMENT	£64 – per application
VARIATION OF LICENCE TO ALLOW INSTALLATION OF FORWARD FACING CAMERAS	£64 – per application
VARIATION OF LICENCE TO ALLOW INSTALLATION OF SAFETY CAMERAS	£64 – per application
VARIATION OF LICENCE TO ALLOW INSTALLATION OF ROOFTOP ADVERTISING – TAXI VEHICLES ONLY	£64 – per application
GENERAL VARIATION OF LICENCE – other than any of the above	£63 – per application
DSDP– FOUNDATION TRAINING COURSE	£89 – per course

Appendix 2a – Income and expenditure for 2019/20

City of Edinburgh Licensing Services Financial Report

Year Ending: 31 March 2020

This report has been prepared using unaudited financial data taken for year ending 31 March 2020. It should be noted that not all expenditure is directly attributable to certain licensing categories. Where general costs have been incurred, these have been allocated to the Licensing category based on a best estimate of the expenditure incurred. The report accordingly should not be relied upon as a precise reflection of income and expenditure.

The financial statement is as follows:

	2019/20	2019/20	2019/20	2018/19	2018/19	2018/19
	Cab Licensing	Civic Licensing	HMO Licensing	Cab Licensing	Civic Licensing	HMO Licensing
<u>Income</u>¹						
Licensing Income	-1,829,954	-1,037,766	-1,632,963	-2,001,585	-959,768	-1,318,966
Other Income	-148,692	-3,205	-0	-136,089	-2,568	-1,500
Total	-1,978,646	-1,040,971	-1,632,963	-2,137,674	-962,336	-1,320,466
<u>Staff Costs</u>²						
Regulatory Services Staff	324,957	264,205	847,779	532,775	165,720	876,833
Legal Services	57,906	28,953	48,255	53,812	26,906	44,844
Administrative Support	24,262	12,131	140,159	28,295	14,148	146,269
Total	407,125	305,289	1,036,193	614,883	206,774	1,067,945
<u>Other Direct Costs</u>³						
ICT Equipment	5,739	3,794	3,042	4,027	569	137

Training	525	525	525	0	743	0
Postage	11,629	1,557	4,428	6,248	2,159	6,395
Printing/Stationery/Photocopying	3,065	3,192	1,268	4,232	5,145	4,092
Capital funded through revenue	0	0	0	0	0	0
Consultant Fees	8,333	0	0	7,280	0	7,000
Medical Fees	121,173	0	0	152,959	0	0
Operational Materials	94,051	0	0	93,854	0	0
Recharges to other public bodies	0	0	0	0	0	48,026
Property Charges	42,504	82	0	40,464	0	0
Legal Fees	28,780	16,175	81,671	24,173	8,590	16,813
Transport	13,623	430	2,126	8,340	585	5,720
Other expenses	782,291	10,519	-20,360	647,977	7,928	10,252
Internal Charges	0	231,468	23,824	24,441	188,882	40,733
Total	1,111,714	267,742	96,524	1,013,994	214,600	139,169
<u>Indirect Costs</u> ⁴						
ICT/Telecommunications	21,669	10,835	18,058	22,027	11,013	18,356
Business Support	18,913	9,457	15,761	19,346	9,673	16,122
Property	84,376	42,188	70,313	75,653	37,826	63,044
Corporate & Democratic Core	36,337	18,169	30,281	33,792	16,896	28,160

Other ⁵	61,208	30,604	157,455	41,544	21,284	192,698
Total	222,504	111,252	291,868	192,362	96,693	318,650
Net (Surplus)/Deficit⁶	-237,304	-356,689	-208,377	-316,435	-444,268	205,297

Notes:

1. Denotes income from applications and annual fees received in 2019/20.
2. Denotes salary, superannuation, national insurance and pension costs associated with Legal Services/Depute Clerk, Licensing Officers, Licensing Standards Officers and other Council staff responsible for administrative support. HMO staffing costs include a share of Private Rental Sector enforcement officers. Where costs are not directly attributable to the Licensing Categories, costs have been allocated based on the proportional share of licensing applications.
3. Denotes direct budgetary costs associated with the exercise of the Licensing functions, such as travel and transport costs, stationery, supplies and services etc.
4. Denotes the portion of centralised administrative costs such as ICT, training, property costs etc. that are allocated to Licensing and PRS Enforcement. These allocations are derived from the Council's Central Support Cost model.
5. This represents a share of services such as Legal & Risk, HR, Finance, Strategy & Insight and Communications.
6. To note that surplus income from ringfenced accounts after covering expenses is transferred to reserves. If costs in ringfenced accounts exceed income recovery for the year i.e., a deficit, the equivalent shortfall will be drawn from reserves.

Appendix 2b – Income and expenditure for 2020/21

City of Edinburgh Licensing Services Financial Report

Year Ending: 31 March 2021

This report has been prepared using unaudited financial data taken for year ending 31 March 2021. It should be noted that not all expenditure is directly attributable to certain licensing categories. Where general costs have been incurred, these have been allocated to the Licensing category based on a best estimate of the expenditure incurred. The report accordingly should not be relied upon as a precise reflection of income and expenditure.

The financial statement is as follows:

	2020/21 Cab Licensing	2020/21 Civic Licensing	2020/21 HMO Licensing	2019/20 Cab Licensing	2019/20 Civic Licensing	2019/20 HMO Licensing
<u>Income</u>¹						
Licensing Income	-1,868,311	-646,963	-2,202,707	-1,829,954	-1,037,766	-1,632,963
Other Income	-78,773	-0	-0	-148,692	-3,205	-0
Total	-1,947,084	-646,963	-2,202,707	-1,978,646	-1,040,971	-1,632,963
<u>Staff Costs</u>²						
Regulatory Services Staff	379,478	273,665	878,340	324,957	264,205	847,779
Legal Services	43,592	18,666	92,445	57,906	28,953	48,255
Administrative Support	21,710	9,296	169,673	24,262	12,131	140,159
Total	444,779	301,627	1,140,458	407,125	305,289	1,036,193
<u>Other Direct Costs</u>³						
ICT Equipment	35,247	13,545	22,617	5,739	3,794	3,042

Training	0	0	0	525	525	525
Postage	7,488	175	789	11,629	1,557	4,428
Printing/Stationery/Photocopying	1,764	3,277	123	3,065	3,192	1,268
Capital funded through revenue	0	0	0	0	0	0
Consultant Fees	13,468	-67	34	8,333	0	0
Medical Fees	0	0	0	121,173	0	0
Operational Materials	103,536	563	913	94,051	0	0
Recharges to other public bodies	0	0	0	0	0	0
Property Charges	48,685	1,227	162	42,504	82	0
Legal Fees	79,756	6,621	86,000	28,780	16,175	81,671
Transport	9,916	0	4	13,623	430	2,126
Other expenses	586,925	22,599	5,938	782,291	10,519	-20,360
Internal Charges	0	141,170	0	0	231,468	23,824
Total	886,786	189,110	116,580	1,111,714	267,742	96,524
<u>Indirect Costs</u> ⁴						
ICT/Telecommunications	16,414	7,028	34,809	21,669	10,835	18,058
Business Support	12,140	5,198	25,745	18,913	9,457	15,761
Property	59,033	25,277	125,190	84,376	42,188	70,313
Corporate & Democratic Core	34,703	12,889	63,834	36,337	18,169	30,281

Other ⁵	44,133	18,898	222,824	61,208	30,604	157,455
Total	161,820	69,290	472,402	222,504	111,252	291,868
Net (Surplus)/Deficit⁶	-453,698	-86,936	-473,266	-237,304	-356,689	-208,377

Notes:

1. Denotes income from applications and annual fees received in 2020/21.
2. Denotes salary, superannuation, national insurance and pension costs associated with Legal Services/Depute Clerk, Licensing Officers, Licensing Standards Officers and other Council staff responsible for administrative support. HMO staffing costs include a share of Private Rental Sector enforcement officers. Where costs are not directly attributable to the Licensing Categories, costs have been allocated based on the proportional share of licensing applications.
3. Denotes direct budgetary costs associated with the exercise of the Licensing functions, such as travel and transport costs, stationery, supplies and services etc.
4. Denotes the portion of centralised administrative costs such as ICT, training, property costs etc. that are allocated to Licensing and PRS Enforcement. These allocations are derived from the Council's Central Support Cost model.
5. This represents a share of services such as Legal & Risk, HR, Finance, Strategy & Insight and Communications.
6. To note that surplus income from ringfenced accounts after covering expenses is transferred to reserves. If costs in ringfenced accounts exceed income recovery for the year i.e., a deficit, the equivalent shortfall will be drawn from reserves.

Appendix 2c – Income and expenditure for 2021/22

City of Edinburgh Licensing Services Financial Report

Year Ending: 31 March 2022

This report has been prepared using unaudited financial data taken for year ending 31 March 2022. It should be noted that not all expenditure is directly attributable to certain licensing categories. Where general costs have been incurred, these have been allocated to the Licensing category based on a best estimate of the expenditure incurred. The report accordingly should not be relied upon as a precise reflection of income and expenditure.

The financial statement is as follows:

	2021/22	2021/22	2021/22	2020/21	2020/21	2020/21
	Cab Licensing	Civic Licensing	HMO Licensing	Cab Licensing	Civic Licensing	HMO Licensing
<u>Income</u>¹						
Licensing Income	-1,678,546	-524,080	-3,436,143	-1,868,311	-646,963	-2,202,707
Other Income	-158,698	-0	-0	-78,773	-0	-0
Total	-1,837,244	-524,080	-3,436,143	-1,947,084	-646,963	-2,202,707
<u>Staff Costs</u>²						
Regulatory Services Staff	458,631	111,810	1,039,646	379,478	273,665	878,340
Legal Services	58,073	19,937	80,646	43,592	18,666	92,445
Administrative Support	28,242	9,696	151,977	21,710	9,296	169,673
Total	544,946	141,444	1,272,269	444,779	301,627	1,140,458
<u>Other Direct Costs</u>³						
ICT Equipment	6,273	4,385	192,145	35,247	13,545	22,617

Training	11,900	0	0	0	0	0
Postage	6,890	52	256	7,488	175	789
Printing/Stationery/Photocopying	13,139	101	99	1,764	3,277	123
Capital funded through revenue	0	0	0	0	0	0
Consultant Fees	38,593	0	0	13,468	-67	34
Medical Fees	0	0	0	0	0	0
Operational Materials	43,776	0	0	103,536	563	913
Recharges to other public bodies	0	0	0	0	0	0
Property Charges	57,537	0	0	48,685	1,227	162
Legal Fees	13,233	7,450	6,696	79,756	6,621	86,000
Transport	3,754	82	120	9,916	0	4
Other expenses	590,741	9,990	3,373	586,925	22,599	5,938
Internal Charges	0	160,876	933	0	141,170	0
Total	785,836	182,936	203,623	886,786	189,110	116,580
<u>Indirect Costs</u> ⁴						
ICT/Telecommunications	21,080	7,237	29,274	16,414	7,028	34,809
Business Support	16,635	5,711	23,101	12,140	5,198	25,745
Property	86,158	29,580	119,648	59,033	25,277	125,190
Corporate & Democratic Core	38,135	13,092	52,958	34,703	12,889	63,834

Other ⁵	153,132	52,573	360,308	44,133	18,898	222,824
Total	315,140	108,194	585,288	161,820	69,290	472,402
Net (Surplus)/Deficit⁶	-191,323	-91,507	-1,374,963	-453,698	-86,936	-473,266

Notes:

1. Denotes income from applications and annual fees received in 2021/22.
2. Denotes salary, superannuation, national insurance and pension costs associated with Legal Services/Depute Clerk, Licensing Officers, Licensing Standards Officers and other Council staff responsible for administrative support. HMO staffing costs include a share of Private Rental Sector enforcement officers. Where costs are not directly attributable to the Licensing Categories, costs have been allocated based on the proportional share of licensing applications.
3. Denotes direct budgetary costs associated with the exercise of the Licensing functions, such as travel and transport costs, stationery, supplies and services etc.
4. Denotes the portion of centralised administrative costs such as ICT, training, property costs etc. that are allocated to Licensing and PRS Enforcement. These allocations are derived from the Council's Central Support Cost model.
5. This represents a share of services such as Legal & Risk, HR, Finance, Strategy & Insight and Communications.
6. To note that surplus income from ringfenced accounts after covering expenses is transferred to reserves. If costs in ringfenced accounts exceed income recovery for the year i.e., a deficit, the equivalent shortfall will be drawn from reserves.

Appendix 3

Ringfenced Licencing - Reserves movement & balances

	Type	2019/20	Movement	2020/21	Movement	2021/22
HMO		-1,409,648	-473,266	-1,882,914	-1,376,648	-3,259,562
Cab		-1,100,786	-453,698	-1,554,484	-192,714	-1,747,198

This page is intentionally left blank