

Notice of meeting and agenda

Licensing Sub-Committee

9.30 am Friday, 10th February, 2023

Hybrid Meeting - Dean of Guild Court Room / Microsoft Teams

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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

Contacts

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1. Order of Business

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

2. Declaration of Interests

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

3. Booking Office Licence

- 3.1 Application for Grant of Booking Office Licence - Intercity Management Ltd – Report by the Head of Regulatory Services 5 - 18

4. Resolution to Consider in Private

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

5. Reports

- 5.1 Police Request for Suspension or Revocation of a Private Hire Driver Licence – report by the Head of Regulatory Services 19 - 26

Note: This request was part-heard by the Licensing Sub-Committee on 9 January 2023 and continued to this meeting for consideration.

- 5.2 Police Request for Suspension or Revocation of a Private Hire Driver Licence – report by the Head of Regulatory Services 27 - 36

Note: This request was part-heard by the Licensing Sub-Committee on 9 January 2023 and continued to this meeting for consideration.

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| 5.3 | Police Request for Suspension or Revocation of a Private Hire Driver Licence – report by the Head of Regulatory Services | 37 - 46 |
| | Note: This request was part-heard by the Licensing Sub-Committee on 9 January 2023 and continued to this meeting for consideration. | |
| 5.4 | Request for Immediate Suspension of a Taxi Driver Licence – Report by the Head of Regulatory Services | 47 - 54 |
| 5.5 | Request for Immediate Suspension of a Taxi Driver Licence – Report by the Head of Regulatory Services | 55 - 76 |

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

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| 6.1 | Civic Government (Scotland) Act 1982 – list of applications | 77 - 78 |
| 6.2 | Private Hire Driver Licence (Renewal) - Robiul Islam | 79 - 88 |
| | Note: This application was part-heard by the Licensing Sub-Committee on 9 January 2023 and continued to this meeting for consideration. | |
| 6.3 | Taxi Driver Licence (Renewal) - Bryan Robinson | 89 - 98 |

7. Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemption to Policy

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| 7.1 | Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemption to Policy – Report by the Head of Regulatory Services | 99 - 132 |
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Nick Smith

Service Director – Legal and Assurance

Committee Members

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

Information about the Licensing Sub-Committee

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

This meeting of the Licensing Sub-Committee is being held on a hybrid basis in the Dean of Guild Court Room, 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 Lesley Birrell or Emily Traynor, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email lesley.birrell@edinburgh.gov.uk / emily.traynor@edinburgh.gov.uk.

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

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

Licensing Sub-Committee of the Regulatory Committee

9.30am, Friday, 10 February 2023

Application for Grant of Booking Office Licence – Intercity Management Ltd

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

1. Recommendations

- 1.1 It is recommended that the Committee:
- 1.1.1 notes the contents of this report and notes that no objections have been received; and
 - 1.1.2 grants the application, attaching the conditions set out in Appendix 3

Andrew Mitchell

Head of Regulatory Services

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Application for Grant of Booking Office Licence – Intercity Management Ltd

2. Executive Summary

- 2.1 A temporary Booking Office Licence was granted on 28 June 2022.
- 2.2 A new application for the grant of a Booking Office Licence by Intercity Management Ltd has been received and this means that the temporary licence remains in effect until the Council determines the application.
- 2.3 This report sets out relevant sections of the legislative background which should be considered in making a determination of this application.

3. Background

- 3.1 The requirement to hold a Booking Office Licence was introduced by the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009. This requires a licence to be held for premises which are used for the taking of bookings from members of the public for hire of licensed taxis or private hire cars ('PHCs'), where more than three vehicles are involved. The procedures for processing such applications and considering objections etc. are set out in the Civic Government (Scotland) Act 1982 ('the Act') itself.

Legal framework

- 3.2 Applications for the grant of licences under the Civic Government (Scotland) Act 1982 must be granted, unless the Committee considers that any of the grounds of refusal set out in Paragraph 5 (3) of Schedule 1 to the Act have been made out, namely a licensing authority shall refuse an application to grant or renew a licence if, in their opinion:
 - (a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either:
 - (i) for the time being disqualified under section 7(6) of this Act, or
 - (ii) not a fit and proper person to be the holder of the licence;
 - (b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
 - (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may

be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to:

- (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
- (ii) the nature and extent of the proposed activity;
- (iii) the kind of persons likely to be in the premises, vehicle or vessel;
- (iv) the possibility of undue public nuisance; or
- (v) public order or public safety; or

(d) there is other good reason for refusing the application.

3.3 Booking office licences if granted, are subject to mandatory conditions set down in the Paragraph 3(c) of Schedule 1 to the said 2009 Order, namely:

(a) that a record be kept of every booking for the hire of a relevant vehicle taken at the relevant premises;

(b) that a record be kept of:

- (i) the registration number of the vehicle which was hired as the result of a booking taken at the relevant premises;
- (ii) the name of its driver at the time of that hire; and

(c) that the holder of the licence shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a relevant vehicle results in the hire of a vehicle which is:

- (i) a relevant vehicle; and
- (ii) being driven by a person who holds a licence granted under section 13 of the Act and that licence is in effect.

3.4 The Committee can add such other reasonable conditions as it sees fit, if the Committee is minded to grant the licence.

Additional information is provided in Appendix 3 to assist the Committee in respect of what PHCs and their drivers are permitted to do compared to taxis.

4. Main report

- 4.1 A new application for the grant of a Booking office licence at New Street car park, Edinburgh has been submitted by Intercity Management Ltd, with Kevin Woodburn named as the nominated day to day manager (Appendix 1).
- 4.2 The applicants have provided details of a proposed 'pick-up' zone (Appendix 2).
- 4.3 Council Officers have met with the applicant and discussed the application and the proposal to add local conditions to the licence.
- 4.4 In addition to mandatory booking office conditions the following additional conditions are recommended to be attached to the licence. These have been

attached to other booking office operations in the city in particular those taking bookings via an app;

4.4.1 The booking office shall not operate any public waiting area on the premises

4.4.2 Only City of Edinburgh Council licensed PHCs or taxis and drivers will be used for any booking accepted.

4.4.3 No sharing or multiple bookings shall be accepted for any one vehicle unless agreed by passengers in advance

4.4.4 The licence holder shall not operate or advertise any taxi for booking which allows a fare to be charged for a journey within the Council's boundaries in excess of the maximum fares prescribed by the Licensing Authority.
(Members will recall that the Council has no power to regulate PHC fares)

4.5 There are no objections to the application. A representative of the applicant has been invited to address the Committee.

5. Next Steps

5.1 Decisions on individual licences have to be considered on their own merits.

5.2 The process outlined takes account of the relevant statutory provisions.

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

6. Financial impact

6.1 Each Booking Office application attracts a fee which is designed to cover the Council's cost of processing the application.

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

7. Stakeholder/Community impact

7.1 None.

8. Background reading/external references

None.

9. Appendices

9.1 Application for licence for booking office at New Street car park

- 9.2 Proposed pick-up zone
- 9.3 Licence Conditions
- 9.4 Operations of Private Hire cars

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