

Regulatory Committee

9.30am, Monday, 23 August 2021

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

Regulatory Committee

Convenor:	Members:	Contact:
<p>Councillor Catherine Fullerton</p>  <p>Vice-Convenor Councillor Denis Dixon</p> 	<p>Councillor Scott Arthur Councillor Susan Rae Councillor Cameron Rose Councillor Donald Wilson Councillor Max Mitchell Councillor Neil Ross Councillor Joanna Mowat</p>	<p>Lesley Birrell Committee Services 0131 529 4240</p> <p>Andrew Mitchell Regulatory Services Manager 0131 529 4208</p>

Recent News	Background
<p>Taxi and PHC SORNeD Vehicles</p> <p>At the Regulatory Committee meeting of 8 March 2021 members heard from council officers that measures should be taken to prevent annually recurring periods of peak demand at the Taxi Examination Centre (TEC) between August and January. The committee agreed to offer a limited deferral of fees for vehicle operators who would otherwise be required to make two payments for renewal of their licences in a period of less than 12 months. To achieve this, in 2021 vehicle testing dates would revert to their original schedule, but payments would be staggered with a payment due later in 2021 and a return to the original payment schedule in line with their renewal application in 2022.</p> <p>From 1 September 2021 the practice of SORNeDing vehicles will still be available to vehicle owners. However, in line with the committee’s decision on 8 March 2021, vehicles’ compliance checks will revert to their original schedule in line with the renewal application date. Owners will be required to apply to renew their licence and to present their vehicle for test prior to the expiry of their licence. This falls in line with legislative requirements. From this point, any licence holder who does not have a vehicle that has been tested will have 28 days to comply, failing which the licence would normally be refused.</p> <p>Licence holders who SORN their vehicle will still be required to:</p> <ol style="list-style-type: none"> 1. Provide proof of SORNeD status to CEC; and 2. Return to TEC the physical plates from the internal and external parts of the vehicle, to ensure that the vehicle did not display any signage suggesting that it was licensed to operate as a vehicle for hire by CEC during its period of SORN. 	<p>During the COVID Lockdown Period, to assist the trade, taxi and PHC owners were given an opportunity to SORN their vehicle/s while retaining their vehicle licence/s. The protocol adopted required licence holders to:</p> <ol style="list-style-type: none"> 3. Apply (and pay for) for renewal of licence before its expiry date in the year in which test deferral is sought; 4. Provide proof of SORNeD status to CEC; and 5. Return to TEC the physical plates from the internal and external parts of the vehicle, to ensure that the vehicle did not display any signage suggesting that it was licensed to operate as a vehicle for hire by CEC during its period of SORN. 6. Defer their Compliance check for a period of up to 9 months
<p>Taxi and PHC grant fund</p> <p>Grants of £1,500 were available to all Edinburgh licensed taxi and PHC drivers who:</p> <ul style="list-style-type: none"> • Had been working or available to work as a taxi/PHC driver from 9 October to at least 31 January 2021; and • Had experienced loss of income up to 31 December 2020 (50% of turnover, compared with 2019) 	<p>The First Minister announced in November that the Scottish Government would introduce measures to help taxi and private hire car drivers financially affected by the impact of coronavirus. A discretionary fund</p>

The fund closed on 25 March 2021. 4,405 drivers received a £1,500 grant, meaning that a total of £6,607, 500 was paid out.

Additional taxi and PHC grant fund from the Edinburgh Discretionary Business Support Fund

On 20 April 2021, those drivers who had benefitted from the initial grant of £1,500 received a further £1,000 top-up grant from the discretionary funding available to the Council. This additional award from the discretionary grant fund totalled £4,406,000.

Taxi and Private Hire Driver and Owner or Operator Support Fund 2021/22

The fund was in two parts - on 14 June 2021, 4,405 drivers who had benefitted from the initial grant of £1,500 in March 2021 received a further £1,500 top-up grant, meaning that a further £6,607, 500 was paid out.

The second part of the fund was for owner operators and applications for this fund opened on 18 June 2020. To date over 2112 applications have been processed paying out a total of £2,349,000.

The Taxi and Private Hire Driver and Owner or Operator Support Fund 2021/22 closed on 23 June and the final payments are being processed.

would enable local authorities to provide additional support for taxi/PHC drivers who are suffering a severe but indirect effect of the pandemic.

On 2 June 2021 the Scottish Government announced a £62M fund to assist eligible taxi or private hire drivers and private hire and taxi licence holders in Scotland with fixed costs.

Sexual Entertainment Venues update

The second round of public consultation on a draft policy and licence conditions for SEV licensing closed on 2 July 2021 after 12 weeks. The consultation sought views from members of the public and any other interested parties on the location and number of SEV premises within the city, in addition to asking for comments on the draft policy and conditions framework. Officers will analyse the responses and bring forward a report on the results of the consultation later in the year.

On 21 March 2019 a commencement order was laid before the Scottish Parliament which provides local authorities with the powers to introduce a discretionary licensing regime for Sexual Entertainment Venues (SEVs).

A SEV is defined as a premises where sexual entertainment is performed live, for the direct or indirect financial benefit of the organiser and for the sole purpose of sexual stimulation of members of the audience.

Taxi fares

Research for the second of these surveys is underway, with two meetings with the trade having taken place as part of the research. The research will allow the

The Council, as Licensing Authority for taxis, is required to review and fix the scale of fares

Regulatory Committee to agree a new fare tariff in September 2021.

This research is being carried out in tandem with research on demand for taxis and Private Hire Cars, which will ensure that the processes are joined up where appropriate.

or any other charges which may be used by taxis licensed within the city. This review must take place at intervals not greater than 18 months.

In June 2019 Jacobs was commissioned to undertake the next three surveys of taxi fares.

The Council has no powers to regulate fares charged by Private Hire Cars.

Booking offices

During the lockdown period, applications for the grant of new Booking Office Licences were received with respect to two premises.

Each premises is part of a serviced office building and the stated intention is to operate an 'app'-based booking system for Private Hire Cars in both cases. Applicants were vetted by Police Scotland and interviewed by Council officers. The applicants for both premises agreed local booking office conditions, and the licences have been granted in line with the Council's Scheme of Delegation as no objections were received.

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.

Booking Office Licences are subject to mandatory conditions set down in the Paragraph 3(c) of Schedule 1 to the said 2009 Order and local Licensing conditions as deemed appropriate

Vehicle approval

Applications for approval as vehicles suitable for licensing as a taxi by the Council were received from:

- Allied Vehicles Ltd, which manufactures and sells vehicles for approval of the Ford Procab EV Plug in Hybrid model; and
- Dynamo Motor Company, which manufactures and sells vehicles adapted to be taxis for approval of the Dynamo 100% Electric Taxi.

Prior to allowing new vehicles to be licensed as taxis by the City of Edinburgh they must be approved as suitable and conform to the City of Edinburgh Council's Licensing Conditions for Taxis.

This requires that all vehicles must be 'type approved' for sale,

The Council's Senior Vehicle Examiner and Regulatory Officers have reviewed the information supplied by the applicants and inspected the vehicles in each case. Both vehicles were found to be suitable for licensing, although the vehicle supplied by the Dynamo Motor company will require after market parts to be installed prior to licensing.

registration or entry into service in the UK.

Short Term lets

On 25 June 2021 the Scottish Government opened a further public consultation on the regulation of short term lets. The consultation seeks views on the draft Licensing Order and the Business and Regulatory Impact Assessment in order to identify any potential issues and solutions with both documents.

Additionally, as part of the Scottish Government Working Group on short term lets, the Council provided feedback on published draft guidance. Officers provided a response to help ensure that the legislation and guidance deliver a licensing and planning framework that is proportionate and effective. The Scottish Government intends to introduce draft legislation to the Scottish Parliament in September 2021. If approved by parliament, the legislation will come in to force on 1 January 2022 and local authorities will have until 1 October 2022 to implement a licensing scheme to receive applications.

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

Licensing Service performance

The Licensing Service continues to deliver core services despite significant challenges - demand for licences continues to increase to near normal levels as the Scottish Government eases Coronavirus restrictions. Compared to 2019 (the last year in which Edinburgh Festival and Fringe events took place), the Service processed and issued a significant number of temporary licence applications whilst continuing to deliver frontline services, issue annual licences and implement significant policy changes. Additionally, the Service processed a number of Premises Licences and occasional licence applications in respect of the new St James Quarter development, in order that the Licensing Board could ensure that businesses were able to begin operating from their intended start date. Officers will continue to process applications as quickly as possible to help support the economic recovery of the city.

Each year the Licensing Service plays a vital role in the Council's ability to provide a world-class festival experience for residents in and visitors to the city. In addition to providing a successful summer for 'temporary customers' and continuing to deliver services for existing licence holders, the service has also managed a significant extra workload as part of the Council's response to the Coronavirus pandemic.

Forthcoming activities:
