

# Regulatory Committee

10.00am, Monday, 4 December 2023

## Licensing Enforcement: Taxis and Private Hire Cars

Executive/routine  
Wards

All

### 1. Recommendations

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- 1.1 Regulatory Committee is asked to:
  - 1.1.1 Note the contents of this report, which provides an update to a previous report to Committee in January 2020;
  - 1.1.2 Agree to receive an annual performance report covering taxi and private hire car enforcement; and
  - 1.1.3 Note that further work will be required to identify and to secure the funding for the Enforcement Officers beyond the current financial year.

**Paul Lawrence**

Executive Director of Place

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## Licensing Enforcement: Taxis and Private Hire Cars

### 2. Executive Summary

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- 2.1 This report provides an update on taxi and Private Hire Car (PHC) enforcement, and clarifies complaint categories which are outwith the Council's remit. The report also provides an update on the work of the Enforcement Officers which were financed by £160,000 of additional Council funding for 2022/23 with a focus on engaging with licensed activities outwith normal business hours.

### 3. Background

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- 3.1 The [Civic Government \(Scotland\) Act 1982](#) ('the 1982 Act') created a two-tier licensing regime, whereby a taxi may pick up passengers in a public place without a prior booking, and a PHC must be pre-booked. In general terms, whilst the fare paying passenger will see differences in method of hire, vehicle design, livery and booking conditions across the two services, each is fundamentally a contractual agreement between the customer and a suitably trained and regulated driver.
- 3.2 The role of the Licensing Authority is primarily to regulate licensable activity in the city of Edinburgh, and to administer a legally compliant service whilst providing excellent service to its customers. For many years the Council has operated an effective enforcement and complaints strategy in partnership with Police Scotland.

### 4. Main report

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#### Complaints Process

- 4.1 The Council administers a robust complaints process. All complaints received against taxi or PHC drivers or operators are recorded individually, investigated, and appropriate action is taken in respect of the relevant licence holders. This can take many forms depending on the outcome of the complaint. In more serious cases, more than one outcome may be sought, and a range of options are available (including informal action, issuing corrective advice and guidance, written warning /Compliance Notice or referral to Police Scotland for criminal investigation).

- 4.2 In more serious cases, a report will be submitted for Licensing Sub Committee's consideration. This may seek suspension or revocation of the licence where the Council has concerns that:
- 4.2.1 The ongoing operation of the licence is likely to cause undue public nuisance; or
  - 4.2.2 The ongoing operation of the licence may be a threat to public order or public safety; or
  - 4.2.3 The licence holder is no longer fit and proper; or
  - 4.2.4 A condition of licence has been contravened.
- 4.3 In the most serious cases, a report will be submitted to the Crown Office and Procurator Fiscal Service for consideration of prosecution, which could result in a fine of up to £2,500. Where appropriate, a report will also be submitted to Licensing Sub-Committee.
- 4.4 Issues between passengers and licensed drivers or operators may be addressed and resolved through their own internal complaint processes. However, it is expected that operators will escalate complaints to the Council where appropriate. There are no current concerns about the complaints handling/escalation procedures of any licensed operator.
- 4.5 The Council also receives complaints or allegations against licensed taxi and PHC drivers and operators for matters which are not within the remit of licensing (for example, in relation to road traffic offences or areas governed by bylaws such as the Airport or Network Rail). As the Council does not have any relevant enforcement powers in these cases, any such complaints are passed to the relevant body (e.g. Police Scotland) for any action deemed appropriate. These complaints can be brought back to Committee by the relevant enforcement authority if required, by means of an objection or request for suspension or revocation of the relevant licence.

### **Complaint Data**

- 4.6 The table in Appendix 1 provides a summary of the total complaints received over the past six years, with further detail provided in terms of complaint categories and service demand.
- 4.7 The data shows a significant drop in complaints received over the course of the pandemic, which was to be expected due to the reduction in corresponding licensed activity. Figures in 2023 are returning to pre-pandemic levels, with a similar total figure projected.
- 4.8 Complaint categories are currently being reviewed. This will allow the 'miscellaneous' category to be refined to provide more information about the nature of complaints.

### **Source of complaints**

- 4.9 Complaints against taxis and PHCs are typically received from members of the public, but a high proportion of complaints come from within the trade itself (e.g. a taxi driver raising a concern about a PHC driver, or vice versa).
- 4.10 Of the 2,608 complaints received since 2020, analysis shows that just 22 individuals generated a total of 600 (23%) of those complaints. Of those 22 individuals, 20 are known or believed to be members of the taxi or PHC trade (with one individual alone making a total of 119 complaints). Many of these complaints are of a repeat nature, and while every complaint is considered on its own merits, these complaints are often time consuming.
- 4.11 213 complaints were officer initiated in response to witnessed incidents, and 63 complaints came from an anonymous source.

### **Additional Enforcement Officers**

- 4.12 In 2022/23, the Council approved £160,000 additional funding for licensing enforcement including taxis and PHCs. This funding was carried forward to 2023/24 due to a delay in recruitment. Five Enforcement Officers on fixed term contracts have now been recruited to form part of a new out-of-hours Licensing Enforcement team.
- 4.13 This team specifically engages with businesses carrying out licensed activity in the nighttime economy, including taxi and PHC enforcement. 303 compliance checks have been completed and the officers have dealt with 1,043 complaints within the sector to date. The team works closely with other colleagues and seeks to identify emerging issues for compliance checks which are being identified at the Licensing Hub (previously known as the Taxi Examination Centre (TEC)).
- 4.14 They are also responsible for activity recently reported to Committee in relation to Late Hours Catering enforcement, and in other Civic workstreams (e.g. street trading, public entertainment; and market operator licensing enforcement). The intention is to continue to develop the role of these officers and to explore further regulatory opportunities with respect to licensed activities outside normal office hours.
- 4.15 Funding for these posts is only in place till the end of the current financial year.

## **5. Next Steps**

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- 5.1 Committee is asked to note that a business case will be submitted, as part of the Council's budget setting process for 2024/25, to mainstream the role of the Enforcement Officers to maintain the current increase in regulatory capacity.

## **6. Financial impact**

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- 6.1 The cost of permanently mainstreaming the role of five Enforcement Officers would be £181,078 per annum, comprising an appropriate graded salary, associated on-costs and projected working time payments for the intended shift pattern.

## **7. Equality and Poverty Impact**

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- 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.

## **8. Climate and Nature Emergency Implications**

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- 8.1 No environmental impact arises from the contents of this report.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 The Council's regulatory approach to taxi and PHC enforcement contributes to the Council's strategic priority to create good places to live and work in Edinburgh.

## **10. Background reading/external references**

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- 10.1 [Taxi and Private Hire Car Enforcement and Complaints Update – January 2020.](#)

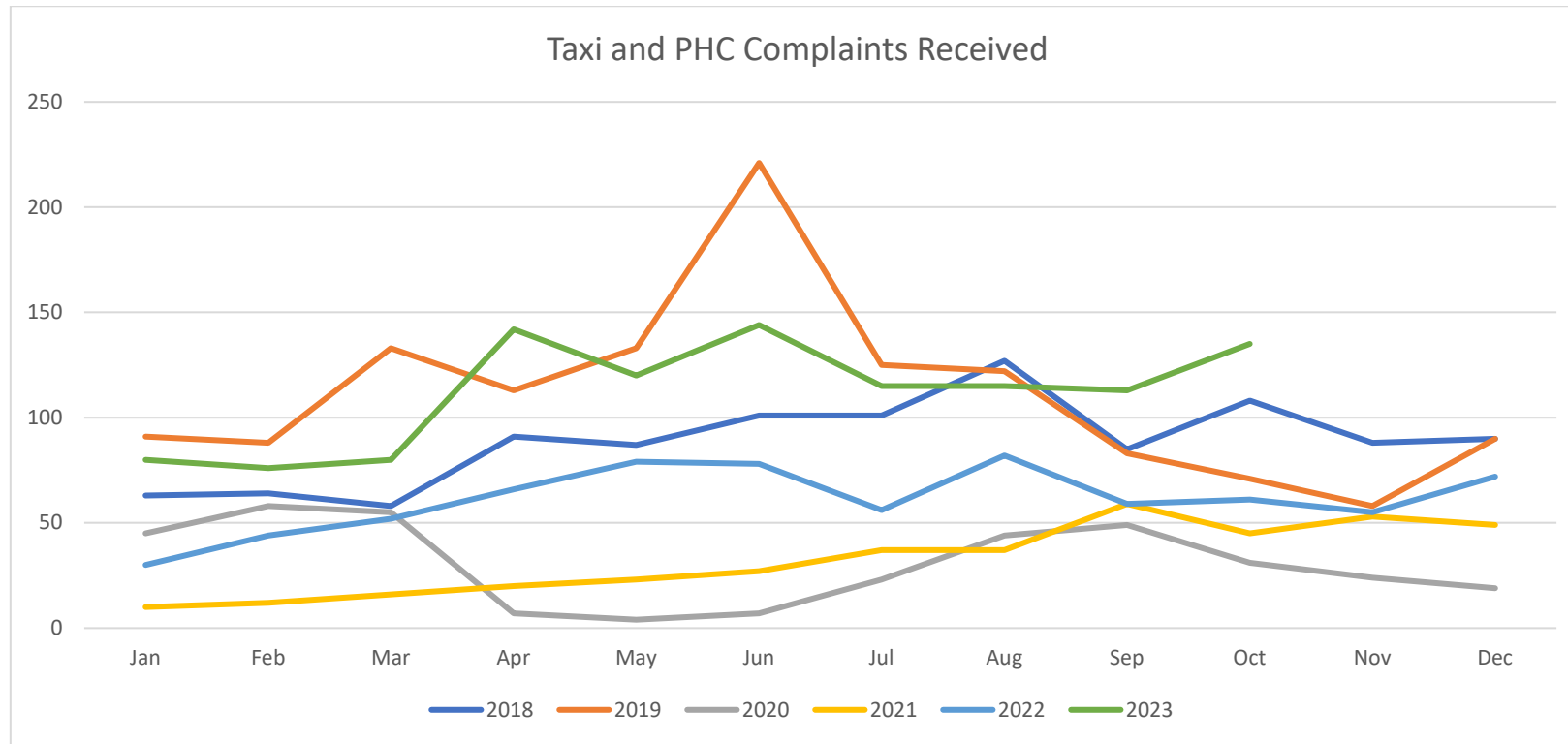
## **11. Appendices**

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- 11.1 Appendix 1 – Complaint data to 31 August 2023.

Appendix 1 – Complaint Data to 31 August 2023

<b>Calendar Year</b>	<b>Taxi and PHC complaints received</b>
2018	1,063
2019	1,328
2020	366
2021	388
2022	734
2023 (to 31 October)	1,120



This graph shows the complaints received by month since 2018, highlighting the peaks in demand during the summer months, festival and festive periods.

## Complaint categories by year

<b>Complaint Category</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023 (to 31 October)</b>
Driving Manner	268	295	65	59	150	183
Aggressive Behaviour	172	191	43	47	91	63
Illegal plying for hire	45	163	49	41	25	118
Sexual behaviour	2	12	1	5	14	1
Wheelchair accessibility	7	10	1	10	5	0
Overcharging	54	46	13	17	48	63
Complaint from a Cyclist	36	14	3	1	4	4
Greenway complaint	30	20	0	0	2	2
Miscellaneous	167	287	64	99	209	346
Covid related complaints	0	0	24	10	1	0
Smoking complaint	9	15	4	4	10	31
Licensed vehicle involved in accident	11	17	2	3	4	7
Bad customer service	38	41	6	8	33	40
Vehicle used when not of required standard	32	21	21	18	11	81
Inappropriate parking	148	166	60	62	118	160
Unaware of route / destination	8	11	3	0	0	0
Mobile phone use	23	12	2	0	4	8
Fare refused	13	7	5	4	5	13
<b>Total</b>	<b>1,063</b>	<b>1,328</b>	<b>366</b>	<b>388</b>	<b>734</b>	<b>1,120</b>

This table shows the figures for each complaint category, showing a notable drop in complaints categories involving aggressive behaviour, greenways, complaints from cyclists and vehicle standards. There is a significant increase in miscellaneous complaints, and work is ongoing to refine these to provide more information about the nature of these complaints.