

## Licensing Sub-Committee of the Regulatory Committee

9:30am, Tuesday 21 May 2024

### Present

Councillors Mowat (Convener), Caldwell (except item 2 (3.3) and 11), Dixon (except item 2 (3.3)), Graham (except item 11), Jenkinson (substituting for Councillor Walker) (from item 3 (4.2) to 10), Osler (substituting for Councillor Ross), Rae (from item 2) and Work (except items 2 and 6).

### 1. Order of Business

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An additional report – House in Multiple Occupation Licence Application - Flat 5, 38 Barony Street – Report by the Head of Regulatory Services was ruled urgent by the Convener in order for it to be considered as part of the agenda for this meeting.

### 2. Brunstane Road and Coillesdene Area Traffic Regulation Order and Redetermination Order

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Details were provided of objections received during the formal advertising of a Traffic Regulation Order (TRO/23/14) and committee was asked to determine whether or not to proceed to make the order since more than six objections were received.

### Decision

- 1) To note the decision of Transport and Environment Committee on 8 December 2022 to progress a Traffic Regulation Order (TRO) for Brunstane Road and the Coillesdene area.
- 2) To note that a Redetermination Order (RSO) was promoted to support the TRO.
- 3) To note the information provided in the report by the Executive Director of Place, including the responses received to the advertising of TRO/23/14 and RSO/23/15.
- 4) To set aside the objections received to TRO/23/14.
- 5) To approve the making of TRO/23/14, as advertised.
- 6) To note that RSO/23/15 would be sent, as advertised, to Scottish Ministers for their consideration, as per legislative requirements.

### Declaration of interests

Councillor Work declared a non-financial interest in the above item as he had taken part in the earlier decision by the Transport and Environment Committee on this case.

(Reference – report by the Service Director for Operational Services, submitted.)

### 3. Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – Applications for Miscellaneous Licences

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Details were provided of 5 applications for miscellaneous licences. The applicants and their agents were heard.

#### Decision

To determine the applications as detailed in the Appendix 1 to this minute.

(Reference – Appendix 1, submitted.)

### 4. Application for Private Hire Driver's Licence

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The Sub-Committee considered an application for a Private Hire Driver's Licence. The Head of Regulatory Services and the licence holder were heard.

#### Decision

1) To **AGREE** the applicant should be exempt from the requirement to obtain a criminal history certificate.

2) To **GRANT** the licence subject to the standard conditions for this category of licence.

(Reference – report by the Head of Regulatory Services, submitted.)

### 5. Request for Suspension of Taxi Driver's Licence

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The Sub-Committee considered a request for suspension of a Private Hire Driver's Licence. The Head of Regulatory Services and the licence holder were heard.

#### Motion

1) To **ISSUE** a warning with regard to future conduct.

2) To agree that a refresher course must be undertaken by the applicant.

- moved by Councillor Mowat, seconded by Councillor Osler

#### Amendment

To **ISSUE** a warning with regard to future conduct.

- moved by Councillor Fullerton, seconded by Councillor Work

#### Voting

For the motion - 7 votes

For the amendment - 2 votes

(For the motion – Councillors Caldwell, Dixon, Graham, Osler, Jenkinson, Mowat and Rae.

For the amendment – Councillors Fullerton and Work.)

#### Decision

To approve the motion by Councillor Mowat.

(Reference – report by the Head of Regulatory Services, submitted.)

## 6. Request for Suspension of Taxi Driver's Licence

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The Sub-Committee considered a request for suspension of a Private Hire Driver's Licence. The Head of Regulatory Services was heard.

### Motion

To **SUSPEND** the licence for the unexpired portion of the duration of the licence in terms of paragraph 11(2) (a) of schedule 1 to the Civic Government (Scotland) Act 1982. The suspension is to come into effect immediately.

- moved by Councillor Mowat, seconded by Councillor Rae

### Amendment

To **SUSPEND** the licence for a period of 6 months in terms of paragraph 11(2) (a) of schedule 1 to the Civic Government (Scotland) Act 1982. The suspension is to come into effect immediately.

- moved by Councillor Osler, seconded by Councillor Dixon

### Voting

For the motion - 5 votes

For the amendment - 3 votes

(For the motion – Councillors Dixon, Jenkinson and Osler.

For the amendment – Councillors Caldwell, Fullerton, Graham, Mowat and Rae.)

### Decision

To approve the motion by Councillor Mowat.

(Reference – report by the Head of Regulatory Services, submitted.)

## 7. Police Requests for Suspension or Revocation of Licence

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Police Scotland had made comments and requested that Committee considered suspending certain licences. The Sub-Committee considered 2 police requests for suspension or revocation of Private Hire Driver's Licences. The Head of Regulatory Services, Police Scotland, the licence holders, applicants and agents were heard.

### Licence – Christopher Kelly MacDiarmid

#### Motion

To **SUSPEND** the licence for the unexpired portion of the duration of the licence in terms of paragraph 11(2) (a) of schedule 1 to the Civic Government (Scotland) Act 1982.

- moved by Councillor Fullerton, seconded by Councillor Mowat

#### Amendment

To **SUSPEND** the licence for a period of 2 weeks in terms of paragraph 11(2) (a) of schedule 1 to the Civic Government (Scotland) Act 1982.

- moved by Councillor Caldwell, seconded by Councillor Osler

#### Voting

For the motion - 6 votes

For the amendment - 2 votes

(For the motion – Councillors Dixon, Fullerton, Graham, Jenkinson, Mowat and Work.

For the amendment – Councillors Caldwell and Osler.)

### Decision

To approve the motion by Councillor Fullerton.

### Licence – Mukhtar Ahmad

#### Decision

- 1) To **SUSPEND** the licence until 30 June 2024 in terms of paragraph 11(2) (a) of schedule 1 to the Civic Government (Scotland) Act.
- 2) To note a training course must be undertaken in Edinburgh prior to the end of the suspension.

(Reference – report by the Head of Regulatory Services, submitted.)

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

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The Regulatory Committee had agreed to amend its policy and licensing conditions regarding the age and emissions standards of licenced vehicles in Edinburgh’s Taxi and Private Hire Car fleet at its meeting on 16 March 2018.

5 requests had been received for exemptions to this policy. The licence holders, agents and relevant Council officers were heard.

#### Decision

1	<b>959</b> <b>Cronin Taxi LTD</b> <b>Mr Michael Timothy Cronin</b>	To <b>VARY</b> the licence conditions to allow an exemption to policy until 31 May 2024.
2	<b>532</b> <b>532 Taxis LTD</b> <b>Mr Brian Moffat</b>	To <b>VARY</b> the licence conditions to allow an exemption to policy until 2 June 2025.
3	<b>545</b> <b>JJC Taxis Ltd</b> <b>Mr Eric James Gough</b>	To <b>VARY</b> the licence conditions to allow an exemption to policy until 23 October 2025.
4	<b>585</b> <b>Somercabs</b> <b>Mr Kamel Mansouri</b>	To <b>VARY</b> the licence conditions to allow an exemption to policy until 3 October 2025.

<b>5</b>	<b>679</b>  <b>Barton Taxi Ltd</b>  <b>Mr Eric Milroy Barton</b>	<b>WITHDRAWN</b>
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(Reference – Regulatory Committee 16 March 2018 (item 1); report by the Head of Regulatory Services, submitted.)

## **9. Resolution to Consider in Private**

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The Sub-Committee agreed, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting for the following items 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.

## **10. Police Requests for Suspension or Revocation of Licence**

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The Sub-Committee considered 3 requests for suspension of Taxi and Private Hire Driver’s Licences. The Head of Regulatory Services, Police Scotland, the licence holders, applicants and agents were heard.

### **Decision**

To determine the requests as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Head of Regulatory Services, submitted.)

## **11. Civic Government (Scotland) Act 1982 – Application for Miscellaneous Licences**

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Details were provided of an application to grant or renew a Taxi Driver Licence. The Head of Regulatory Services, Police Scotland, the licence holder, applicant and agent were heard.

### **Decision**

To determine the application as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

## APPENDIX 1

### Applications for Miscellaneous Licences

Short Term Lets and HMO Licences		
<b>4.1</b>	<b>Short Term Lets Licence (New) – Flat 5, 38 Barony Street</b>	To <b>GRANT</b> the licence for a period of three years subject to the Council’s standard conditions for this category of licence.
<b>Additional Item</b>	<b>House in Multiple Occupation Licence Application - Flat 5, 38 Barony Street</b>	<ol style="list-style-type: none"> <li>1) To accept the late objection for consideration.</li> <li>2) To repel the public objections and <b>GRANT</b> the licence subject to the Council’s standard conditions for this category of licence.</li> </ol>
<b>4.2</b>	<b>Short Term Lets Licence (New) – 2f2, 1 Eyre Place</b>	<ol style="list-style-type: none"> <li>1) To accept the late objection for consideration.</li> <li>2) To <b>GRANT</b> the licence, for home sharing only, for a period of three years subject to the Council’s standard conditions for this category of licence.</li> </ol>
<b>4.3</b>	<b>Short Term Lets Licence (New) – 2f2, 25 St James Square</b>	To <b>CONTINUE</b> the application to the June committee date.
<b>4.4</b>	<b>Short Term Lets Licence (New) – 2f2, 6 Leopold Place</b>	To <b>CONTINUE</b> the application to the June committee date.
<b>End of Business</b>		