

# Minutes

## Regulatory Committee

10.00am, Thursday 9 January 2020

### Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Doran (substituting for Councillor Arthur) Mitchell, Mowat (substituting for Councillor Rose), Rae, Neil Ross and Wilson.

### 1. Deputations

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#### (a) Deputation – Central Taxis (in relation to items 2, 3 and 4)

The deputation highlighted the increases to expenditure to the taxi trade that had been caused by the emission and age restriction policy implemented by the City of Edinburgh Council (CEC). They were keen to see further increases to the fare scale to reflect these extra costs as well as to reflect inflationary increases. It was felt that there was a lack of analysis that led to the recommendations by Jacobs in the Taxi Fares Review 2019/20 report.

The increased drop off and pick up charges implemented by Edinburgh Airport were stressed as a significant issue as they could not fully be reclaimed by the trade. The deputation expressed a desire to be able to recover the full costs of these charges.

The deputation also expressed concerns regarding the resourcing of the enforcement officers as it was felt that more could be done to deter private hire car drivers from illegally taking jobs that were not pre-booked. They also highlighted the difference in the price of fees between taxi licences and private hire licences and felt that enforcement should reflect those costs.

#### (b) Deputation – Unite the Union Edinburgh Cab Branch (in relation to items 2 and 3)

The deputation highlighted the strain put upon the taxi trade due to the number of licensed private hire vehicles and that the current enforcement strategy required to be improved to reflect this. Concerns were raised regarding private hire car drivers failing to adhere to regulations. The deputation requested that the surplus for taxi licence fees be put towards prioritising and funding a 24-hour enforcement service.

It was also raised that the festive tariff provided no incentive for taxi drivers to work during Christmas. When surveyed 65% of members of the Unite the Union Edinburgh Cab Branch said it would not be financially viable to work this period if there was no increase to the tariff.

The deputation also requested the ability to fully reimburse the cost of charges by Edinburgh Airport.

**(c) Deputation – Edinburgh City Private Hire Ltd (in relation to item 3)**

The deputation commended officers for the work done on the report. It was felt, however, that there had been a misinterpretation of the work ethic and attitude of private hire car drivers reflected in the statistics of the report and that this misinformation needed to be addressed. The deputation requested that the discussion around private hires was rooted in the factual evidence provided by the report and not on what they saw as conjecture that had been perpetuated in public forums.

The deputation stressed that both taxi and private hire drivers needed to work to improve the relations between the trades.

## **2. Taxi Fares Review 2019/2020**

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Information was provided on the outcome of the statutory review of taxi fares carried out on behalf of the Council by Jacobs consultants. Consultation with the taxi trade had also been undertaken.

The consultants' report set out recommendations on the remaining steps necessary to complete the review and fix taxi fares.

Liz Richardson from Jacobs gave a presentation to the Committee on the results from the consultation report.

### **Motion**

- 1) To note the report from Jacobs set out in Appendix 2 of the report by the Executive Director of Place and in particular the recommendations following consultation with representatives of the taxi trade set out at paragraph 3.7 of the report.
- 2) To note that feedback was sought from the representatives of the taxi trade on the initial Jacobs report and where received had been incorporated in the report at Appendix 2.
- 3) To agree that the Executive Director of Place advertise a proposed fare scale with the following changes to the current fare scale for the reasons set out in the report as required in terms of section 17 of the Civic Government (Scotland) Act 1982:
  - i) That Fare Tariffs 1 and 2 increase, with an increase on the flag drop of 40p;
  - ii) That Fare Tariffs 3 and 4 increase, with an increase on the flag drop of 40p;

- iii) Additionally, increases Tariffs 1 and 2 by 3.3% on increments thereafter;
  - iv) That the additional passenger charge increases to 30p;
  - v) That the wording of the definition of the 'soiling' charge shall be amended to that set out in paragraph 4.7.5;
  - vi) To make no change to any other tolls, charges and fees at this time.
- 4) To instruct the Executive Director of Place to publish these proposed fare scales in a newspaper circulating in the Council area in the manner required under section 17(4A) (c) of the Act including the date on which the fare scale was planned to take effect and to report back on any representation(s) received as a result of the consultation.
- moved by Councillor Fullerton, seconded by Councillor Dixon

#### **Amendment**

- 1) To note the report from Jacobs set out in Appendix 2 of the report by the Executive Director of Place and in particular the recommendations following consultation with representatives of the taxi trade set out at paragraph 3.7 of the report.
- 2) To note that feedback was sought from the representatives of the taxi trade on the initial Jacobs report and where received had been incorporated in the report at Appendix 2.
- 3) To agree that the Executive Director of Place advertise a proposed fare scale with the following changes to the current fare scale for the reasons set out in the report as required in terms of section 17 of the Civic Government (Scotland) Act 1982:
  - i) That Fare Tariffs 1 and 2 increase, with an increase on the flag drop of 40p;
  - ii) That Fare Tariffs 3 and 4 increase, with an increase on the flag drop of 40p;
  - iii) Additionally, increases Tariffs 1 and 2 by 3.3% on increments thereafter;
  - iv) That the additional passenger charge increases to 30p;
  - v) That the wording of the definition of the 'soiling' charge shall be amended to that set out in paragraph 4.7.5;
  - vi) To ask officers to draw up amended wording to the Fare Card to allow taxi drivers to recover charges incurred in dropping off and picking up at the airport up to a maximum of the current charges.

- 4) To instruct the Executive Director of Place to publish these proposed fare scales in a newspaper circulating in the Council area in the manner required under section 17(4A) (c) of the Act including the date on which the fare scale was planned to take effect and to report back on any representation(s) received as a result of the consultation.

- moved by Councillor Neil Ross, seconded by Councillor Mowat

### **Voting**

For the motion	-	2
For the amendment	-	6

(For the motion – Councillors Dixon and Fullerton.

For the amendment – Councillors Doran, Mitchell, Mowat, Rae, Neil Ross and Wilson.)

### **Decision**

- 1) To note the report from Jacobs set out in Appendix 2 of the report by the Executive Director of Place and in particular the recommendations following consultation with representatives of the taxi trade set out at paragraph 3.7 of the report.
- 2) To note that feedback was sought from the representatives of the taxi trade on the initial Jacobs report and where received had been incorporated in the report at Appendix 2.
- 3) To agree that the Executive Director of Place advertise a proposed fare scale with the following changes to the current fare scale for the reasons set out in the report as required in terms of section 17 of the Civic Government (Scotland) Act 1982:
  - i) That Fare Tariffs 1 and 2 increase, with an increase on the flag drop of 40p;
  - ii) That Fare Tariffs 3 and 4 increase, with an increase on the flag drop of 40p;
  - iii) Additionally, increases Tariffs 1 and 2 by 3.3% on increments thereafter;
  - iv) That the additional passenger charge increases to 30p;
  - v) That the wording of the definition of the ‘soiling’ charge shall be amended to that set out in paragraph 4.7.5;
  - vi) To ask officers to draw up amended wording to the Fare Card to allow taxi drivers to recover charges incurred in dropping off and picking up at the airport up to a maximum of the current charges
- 4) To instruct the Executive Director of Place to publish these proposed fare scales in a newspaper circulating in the Council area in the manner required under section 17(4A) (c) of the Act including the date on which the fare scale was planned to take effect and to report back on any representation(s) received as a result of the consultation.

(References – Regulatory Committee 19 August 2019 (item 5); report by the Executive Director of Place, submitted)

### **3. Taxi and Private Hire Car Enforcement and Complaints Update**

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Information was provided on the number and nature of complaints received by the Licensing Service in relation to both taxi and private hire drivers and operators together with details of current enforcement strategies.

#### **Decision**

To note the report.

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

### **4. Licence Income from Fees 2018/2019**

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High level information was submitted on the income collected from licensing fees during the last full financial year 2018/19. Details were also provided on income from the three main licence categories together with a breakdown of the main expenditure against this.

#### **Decision**

- 1) To note the report.
- 2) To note that there would be an update on the Taxi Examination Centre included in a future Business Bulletin.

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

### **5. Minutes**

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#### **Decision**

To approve the minute of the Regulatory Committee of 21 October 2019 as a correct record.

### **6. Rolling Actions Log**

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The Regulatory Committee Rolling Actions Log for 9 January 2020 was submitted.

#### **Decision**

- 1) To agree to close the following actions:
  - Action 1 – Street Trading – High Street and Hunter Square Update
  - Action 2 – Private Rented Sector Enforcement Activities
  - Action 7(2) - Request for Variation: Taxi Vehicle Licence Conditions (Advertising)
- 2) To update the Rolling Actions Log to reflect decisions taken at this meeting.
- 3) To note the remaining outstanding actions.

(Reference – Rolling Actions Log 9 January 2020, submitted)

## **7. Business Bulletin**

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The Regulatory Committee Business Bulletin for 9 January 2020 was submitted.

### **Decision**

To note the Business Bulletin.

(Reference – Business Bulletin 9 January 2020, submitted)

## **8. Taxi Stance Appointment – St Andrew Square**

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The City of Edinburgh Council, as Licensing Authority, was required to appoint taxi stances in line with the provisions of S19 (1) of the Civic Government (Scotland) Act 1982 (“the 1982 Act”).

The Roads Authority had implemented a Traffic Regulation Order to facilitate the appointment of an authorised taxi stance on the south side of St. Andrew Square as set out in Appendix 1 of the report by the Executive Director of Place.

In order to satisfy the second part of the two-stage appointment process, approval was now sought to carry out the statutory consultation required prior to formally appointing the taxi stance.

### **Decision**

- 1) To note the report.
- 2) To agree that officers would carry out a statutory consultation on the proposed taxi stance at St Andrew Square.
- 3) To note that a report would be brought back for a decision after the conclusion of the statutory consultation.

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

## **9. Taxi Stance Appointment – East Market Street**

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As a result of planned construction works on Market Street for the Fruitmarket Gallery due to commence in January 2020 and other public safety considerations, the current location of the temporary taxi stance in Market Street was no longer suitable. It was now necessary to relocate the taxi stance whilst maintaining suitable and proportionate taxi provision for Waverley Station and surrounding areas.

Approval was sought to appoint a taxi rank on East Market Street for a temporary period as shown in Appendix 2 of the report by the Executive Director of Place.

The Executive Director of Place reassured Members that options would be considered to relocate the taxi stance at such time when a more suitable location for the taxi stance had been identified as part of the overall Waverley Station Masterplan.

### **Decision**

- 1) To note the report.

- 2) To note that various construction projects, safety concerns around vehicle movements, the existing road layout, loading requirements for existing businesses and passenger drop offs to Waverley Station, all limited the available options for the placement of a taxi rank.
- 3) To note that this proposal was for a temporary relocation.
- 4) To note that further planning was required and would be taken forward by the City Centre Transformation projects and the Waverley Station Masterplan.
- 5) To appoint the taxi rank at East Market Street under Section 19 of The Civic Government (Scotland) Act 1982 ('the 1982 Act').

(References – Regulatory Committee 19 August 2019 (item 6) and 21 October 2019 (item 6); report by the Executive Director of Place, submitted)

## **10. Air Weapons and Licensing (Scotland) Act 2015 – Repeal of Theatres Act 1968 - Update After Statutory Consultation**

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An update was provided on the implementation and changes to the licensing regime as a result of the Air Weapons and Licensing (Scotland) Act 2015.

The Theatres Act 1968 would be repealed on 27 January 2021 and the current exemption within the Civic Government (Scotland) Act 1982 would also be removed, thereby enabling a local authority to resolve under section 9 of the 1982 Act to license theatres under its public entertainment licensing regime.

The outcome of the statutory consultation on the proposed change was submitted and approval was sought to vary the Council's Public Entertainment Resolution to include any theatrical performances including plays, ballet, comedy and musical productions within the Resolution.

### **Decision**

- 1) To note the report and the outcome of the statutory consultation.
- 2) To vary the City of Edinburgh Council's Public Entertainment Resolution as set out in Appendix 2 of the report to bring theatres into the Public Entertainment Resolution to take effect on 27 January 2021.
- 3) To agree the revised fee structure by removing the Theatres category and to include this within the Public Entertainment Fees criteria, effective 28 days after the Resolution took effect for any application received after that date.

(References – Regulatory Committee 19 August 2019 (item 4); report by the Executive Director of Place, submitted)