

Regulatory Committee

9.30am, Monday 9 March 2020

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Arthur (items 1 to 8), Cameron (substituting for Councillor Rose, items 2(e) to 8), Howie, Mitchell, Rae, Rose and Neil Ross.

1. Minutes

Decision

To approve the minute of the Regulatory Committee of 9 January 2020 as a correct record.

2. Deputations

(a) Deputation – Unite the Union Edinburgh Cab Branch (in relation to items 3, 4 and 5)

The deputation highlighted the following issues:

- That they were disappointed by the length of time it had taken to produce the report on Private Hire Car Overprovision and that no independent survey had been commissioned.
- That there was an oversaturation of private hire cars in the city, leading to pollution and congestion.
- That the numbers of private hire cars were limiting the ability for taxi drivers to engage in market competition.
- That there was no dedicated enforcement of private hire car drivers which the deputation felt was required.
- That taxi drivers were losing money due to being unable to reclaim the full costs of pick-up and drop-off charges at Edinburgh Airport.

The deputation requested that the Committee considered:

- Providing a 24 hour enforcement service.
- An independent overprovision study to be undertaken.
- Appointing the taxi rank at St Andrew Square.
- Re-examining the road markings at taxi ranks.

(b) Deputation – Central Taxis (in relation to items 3 and 4)

The deputation highlighted the following issues:

- That the figures in the report did not match the figures experienced by the trade.
- That the proportion of private hire cars in relation to taxis was lower than many of the comparative cities
- That many individuals relied on access provided by taxis and that the overprovision of private hire cars was endangering this service.
- That the taxi and private hire car licence fees could pay for an independent overprovision study to be carried out.

The deputation requested that the Committee considered undertaking an independent overprovision study.

(c) Deputation – City Cabs (in relation to item 3)

The deputation highlighted the following issues:

- That they were disappointed that an overprovision survey had not yet been carried out.
- That there were too many private hire cars operating in the city resulting in difficulties during peak times.
- That the majority of the taxi trade were not part of the decrement card scheme for airport pick-ups and drop-offs as this required signing up to stringent conditions enforced by Edinburgh Airport.

The deputation requested that the Committee considered undertaking an independent overprovision study and allowing taxi and private hire car drivers to be able to reclaim the full minimum cost of the airport pick-up and drop-off fees.

(d) Deputation – Edinburgh Private Hire Drivers (in relation to item 3)

The deputation highlighted the following issues:

- That there were concerns regarding taxi drivers being consulted on private hire overprovision when private hire car drivers were not consulted when the consultation on capping taxi numbers took place.
- That the claim there were too many private hire cars was unsubstantiated.
- That the number of private hire cars in Edinburgh has grown because the demand for them had grown.
- That the private hire trade provided a reliable, affordable and prompt service.
- That restricting the number of private hire licences would interfere with market competition and restrict growth.

The deputation requested that the Committee considered that any overprovision survey should be fair and fact based.

(e) Deputation – Private Hire Car Association (in relation to item 3)

The deputation highlighted the following issues:

- That the perception of overprovision had resulted from a portion the taxi trade having concerns regarding competition in the market.
- That the focus of previous discussions around overprovision had been on illegal pick-ups but that the report on Taxi and Private Hire Car Enforcement and Complaints Update considered in January evidenced this was more of a problem of public perception.
- That the number of private hire vehicles in Edinburgh was a result of demand.
- That the private hire car trade would continue to react to consumer demand.
- That part time drivers should not be viewed as detrimental to the trade.

The deputation requested that the Committee considered undertaking an independent overprovision study.

(f) Deputation – Uber Scotland (in relation to item 3)

The deputation highlighted the following issues:

- That the ease of booking private hire cars through online applications had increased demand for the service.
- That the affordability of the private hire car service in conjunction with Edinburgh's public transport system provided a viable alternative to the need to own a car.
- That restricting the number of private hire cars would affect market competition and limit residents and tourists.
- That private hire cars served the most deprived areas of the city where there was limited public transport.

The deputation requested that the Committee considered:

- Not restricting the number of private hire cars in Edinburgh.
- That any restriction on numbers would need to account for the demand of private hires at peak times.
- Seeking the views of other key stakeholders outwith the taxi and private hire car trade.

3. Private Hire Car Overprovision

In response to a motion by Councillor Rae, the necessary steps required to consider, develop and implement an overprovision policy for Private Hire Cars (PHCs) were outlined. Detail on the proposed framework in which such a policy should be agreed was also provided.

Decision

- 1) To note the content of the motion passed by full Council on 24 October 2019 in relation to capping Private Hire Car Licences and to discharge the outstanding remit.
- 2) To instruct officers to undertake the actions as detailed in section 5 of the report:
 - Officers would undertake necessary actions to appoint an appropriately experienced and skilled external consultant to undertake the required research and analysis work on taxi demand and assessment of PHC overprovision. A full equalities impact assessment would be required with regard to any recommendations that the consultant submitted to the Council.
 - In addition, officers would continue to engage directly with relevant stakeholders.
 - Upon conclusion of any research and analysis completed by an appointed contractor, officers would present the collected data and any supporting information to the committee.
 - It was intended to undertake consultation with a wider group, including making the results of the research and any recommendations brought forward by officers, available for public consultation.

(References – Act of Council No .1 of 24 October 2019; report by the Executive Director of Place, submitted)

4. Review of Taxi Fare Structure – Outcome of Consultation

Jacobs was engaged to carry out initial work on the review of the current taxi fare scales and the Jacobs report, together with details of further consultation undertaken with the taxi trade, was presented to the Regulatory Committee on 9 January 2020. The committee agreed on proposed revised taxi fare scales for public consultation.

In line with statutory requirements the proposed taxi fare scales had been advertised and representations had been received.

Motion

- 1) To note the content of the report and that the Council's further statutory duties had been met in relation to consultation.
 - 2) To consider the representations received during the statutory public consultation period, as attached at Appendix 3 of the report.
 - 3) To agree to fix the taxi fare scales as set out at Appendix 2 of the report with an effective date of 7 April 2020.
 - 4) To instruct the Executive Director of Place to carry out the statutory notification procedures in relation to the revised taxi fare scales as fixed by the committee.
- moved by Councillor Fullerton, seconded by Councillor Dixon

Amendment 1

- 1) To note the content of the report and that the Council's further statutory duties had been met in relation to consultation.
 - 2) To consider the representations received during the statutory public consultation period, as attached at Appendix 3 of the report.
 - 3) To note that the Airport Pickup fee was to be increased to £3.90 in line with the decrement card 2020 rate and the Pickup Zone charge was currently a minimum of £5.00. Therefore to amend the Airport Pickup fee on the proposed taxi fare card to the actual amount charged at the exit gate subject to a maximum of £5.00.
 - 4) To agree to fix the taxi fare scales as set out at Appendix 2 of the report as amended with an effective date of 7 April 2020.
 - 5) To instruct the Executive Director of Place to carry out the statutory notification procedures in relation to the revised taxi fare scales as fixed by the committee.
- moved by Councillor Neil Ross, seconded by Councillor Rae

Voting

For the motion	-	3
For the amendment	-	6

(For the motion – Councillors Dixon, Howie and Fullerton.

For the amendment – Councillors Arthur, Cameron, Mitchell, Rae, Rose and Neil Ross.)

Decision

To approve the amendment by Councillor Neil Ross.

(References – Regulatory Committee 9 January 2020 (item 2); report by the Executive Director of Place, submitted)

5. Taxi Stance Appointment – St Andrew Square

The committee was asked to appoint a taxi stance on St Andrew Square. In order to satisfy the first of a two-part process of appointing a taxi stance (Appendix 2 of the report), 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 (Appendix 1 of the report).

In order to satisfy the second part of this two-stage appointment process, the Directorate had carried out the statutory consultation required by the Civic Government (Scotland) Act 1982 prior to formally appointing the taxi stance.

Decision

- 1) To note the report.
- 2) To note that the statutory consultation on the proposed taxi stance had been completed.

- 3) To note the responses to the consultation.
- 4) To appoint the taxi stance at St Andrew Square under Section 19 of The Civic Government (Scotland) Act 1982 ('the 1982 Act').

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

6. Rolling Actions Log

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

Decision

- 1) To agree to close the following actions:
 - Action 1 – Licence Income
 - Action 4 – Air Weapons and Licensing (Scotland) Act 2015 – Repeal of Theatres Act 1968 – Update After Initial Consultation
 - Action 6 – Taxi Stance Appointment – East Market Street
 - Action 7(5) - Air Weapons and Licensing (Scotland) Act 2015 – Sexual Entertainment Venues – Update After Initial Consultation
- 2) To note the remaining outstanding actions.

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

7. Business Bulletin

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

Decision

To note the Business Bulletin.

(Reference – Business Bulletin 9 March 2020, submitted)

8. Strategic Work Programme for Licensing

The Committee had executive responsibility for all licensing functions of the Council. The legislative framework in which the licensing functions were delivered was in the process of changing, with two further licensing schemes to be introduced by Summer 2021. Additionally, to reflect the priorities of the Council there were developments in licensing policies to be delivered.

The priorities for the Licensing Service in the year 2020/21 were set out.

Decision

- 1) To note the significant work programme in relation to all licensing activity, parts of which were currently being delivered by the Directorate and the remainder of which were expected to be delivered within the next 12 months.
- 2) To agree the priorities within that programme as set out in section 4 and Appendix 1 of the report.

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

9. Houses in Multiple Occupation – Three Year Review

An update was provided on the outcome of the work undertaken by the Licensing Service, following changes to the Houses in Multiple Occupation (HMO) regime which were agreed in April 2017.

The new three year licensing system and fee structure, introduced in April 2017, reflected the growth in the number of larger shared accommodation properties and allowed officers to grant three year HMO licences to suitable properties. An update was provided on the operation of those changes to date.

Decision

To note the report.

(References – Regulatory Committee 21 April 2017 (item 6); report by the Executive Director of Place, submitted)

10. Beauty Salons - Consultation Response

Decision

To note that the report had been withdrawn by the Executive Director of Place.