

Regulatory Committee

9.30am, Thursday 2 December 2021

Present

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

1. Air Weapons and Licensing (Scotland) Act 2015 – Sexual Entertainment Venues – Proposed Resolution, Policy and Conditions

1.1 Deputation – Equally Safe (Edinburgh) Committee

Committee agreed to hear a deputation from Equally Safe (Edinburgh) Committee, who made the following key points:

- the potential for a decision to be made based on the views of a small minority of women who were engaged in commercial sexual exploitation and attended a focus group during the initial consultation period;
- that a majority of women who engaged in the consultation noted their main concern was their employment rights, however the legislation did not provide councils with authority over employment, especially given the majority of women were self-employed;
- whether there was an ability to regulate Sexual Entertainment Venues (SEVs) in any meaningful way, for example, in relation to health and safety (including by environmental health officers);
- that a decision to grant licences to venues could provide a licensed avenue for violence against women and the Council should not be an enabler of ‘selling sex’ which was a recognised link with sexual exploitation in SEVs;
- concerns that SEVs contributed to male sexual entitlement which – if licensed – could undermine the good work the Council was doing in other areas to address gender-based violence.

1.2 Report by the Executive Director of Place

The Committee considered a report on a proposed sexual entertainment venue (SEV) licensing resolution, policy and standard licensing conditions. The principle of licensing SEVs was agreed by Committee in October 2019, and in March 2021 it was agreed to

consult on the draft conditions and policy. The outcome of the consultation were included within the report.

Motion

- 1) To agree to determine a numbers limitation on the number of Sexual Entertainment Venues within the City of Edinburgh but to have a further report detailing the legal position to committee fixing a number “at the earliest in one cycle and latest by summer 2022” 6 months in advance of licensing application in the autumn.
- 2) To delete from the draft policy those paragraphs specifying a number of sexual entertainment venues (until this is set by committee) but otherwise approves the amended policy and conditions of licence.

- moved by Councillor Fullerton, seconded by Councillor Dixon

Amendment 1

- 1) To note the contents of the report and the responses to the second round of public consultation on the licensing of sexual entertainment venues.
- 2) To agree to adopt a scheme to license SEVs and adopt the resolution set out at Appendix 11.
- 3) To agree to determine a number limitation on the number of Sexual Entertainment Venues within the City of Edinburgh and fix that number at zero.

- moved by Councillor Rose, seconded by Councillor Mowat

Amendment 2

To continue the consideration of the report to the next committee cycle to allow legal advice to be sought where necessary.

- moved by Councillor Day, seconded by Councillor Doran

In terms of Standing Order 22.12, amendment 2 was accepted in place of the motion.

Voting

The voting was as follows:

For the motion	-	6 votes
For the amendment	-	3 votes

(For the motion: Councillors Day, Dixon, Doran, Fullerton, Main and Neil Ross.)

(For the amendment: Councillors Mitchell, Mowat and Rose.)

Decision

To approve the motion by Councillor Fullerton (as adjusted) as follows:

To continue the consideration of the report to the next committee cycle to allow legal advice to be sought where necessary.

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

2. Minutes

Decision

To approve the minute of the Regulatory Committee of 26 October 2021 as a correct record.

3. Rolling Actions Log

The Regulatory Committee Rolling Actions Log for December 2021 was submitted.

Decision

- 1) To agree to close the following actions:
 - Action 3 – Air Weapons and Licensing (Scotland) Act 2015 – Sexual Entertainment Venues – Proposed Resolution, Policy and Conditions
 - Action 5 – Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Annual Update
 - Action 6 – Motion by Councillor Barrie – Street Occupation, Trading, Licences and Permits
- 2) To otherwise note the remaining outstanding actions.
(Reference – Rolling Actions Log, submitted.)

4. Business Bulletin

The Regulatory Committee Business Bulletin for December 2021 was submitted.

Decision

To note the Business Bulletin.

(Reference – Business Bulletin, submitted.)

5. Review of Taxi Fare Structure – Outcome of Consultation

Proposed changes to the taxi fare scale were presented to the Committee which reflected feedback received through a public consultation.

The proposed changes included an increase to all tariffs by 2.9%, an increase to the 'additional passenger charge' from 30p to 40p when there were more than three passengers, and an amendment to the festive tariff, where Tariff 4 should be applied to Christmas Day and New Year's Day irrespective of the day of the week.

Decision

- 1) To note the content of the report and that the Council's 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 to the report.
- 3) To agree the fare changes, as set out in paragraphs 4.2 and 4.8, to fix the taxi fare scales (shown in Appendix 4 to the report) with an effective date of 30 December 2021.

- 4) To note that officers would carry out the statutory notification procedures in relation to the revised taxi fare scales as fixed by the Committee.

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

6. Criminal Records Checks for Taxi and Private Hire Driver License Applicants Born Outwith the United Kingdom

An update was provided on the process for checking the previous convictions of taxi and private hire driver applicants who were born or had previously resided outwith the United Kingdom. It was proposed to amend the policy to clarify its application in respect of renewal applications.

Decision

To note the contents of the report and the revised process for considering fitness of taxi and Private Hire drivers.

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

7. Response to Motion on Street Occupation, Trading, Licensing and Permits

An update on the measures taken to help the hospitality sector through the Covid-19 pandemic was presented. The report also set out the practical difficulties of introducing further short-term measures for other types of licence holders.

Decision

- 1) To note the report.
- 2) To discharge the outstanding remit from Committee on 17 May 2021 on Street Occupation, Trading, Licensing and Permits.

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