

Regulatory Committee

10.00am, Thursday 21 November 2022

Present

Councillors Neil Ross (Convener), Caldwell, Dalglish, Fullerton, Mattos Coelho, Mowat and Rae.

1. Minutes

Decision

To approve the minute of the Regulatory Committee of 29 September 2022 as a correct record.

2. Rolling Actions Log

The Rolling Actions Log for November 2022 was presented.

Decision

- 1) To agree to close the following actions:
 - Action 1 – Private Hire Car Overprovision
 - Action 3 – House in Multiple Occupation – Service Update

- 2) To note the remaining outstanding actions.

(Reference – Rolling Actions Log, submitted.)

3. Regulatory Committee Business Bulletin

The Regulatory Committee Business Bulletin updated for November 2022 was presented.

Decision

To note the Business Bulletin.

(Reference – Business Bulletin, submitted.)

4. Assessment of Overprovision of Private Hire Cars within the City of Edinburgh

a) Deputation – Edinburgh City Private Hire and Sevens Cars

The deputation addressed Committee to reflect on points within the report, and made suggestions for future reports and the recommendations for the ongoing survey by Jacobs.

The deputation also advised that when looking at data from the pre-booked hire sector, data must be obtained from all pre-booked hire operators, regardless of licensed vehicle types. The deputation also advised that more relevant factors could be obtained from Booking Office Licence Holder's data, and this could be beneficial in determining increases or decreases overall and therefore could help determine supply and demand. The deputation advised Committee that in respect of cost effectiveness, they felt that there were so many similarities between the pre-booked status of both sectors that one report covering both sectors of the trade would be more beneficial, and that a further report be brought to Committee in 3 years time rather than in 12 months time.

b) Report by the Executive Director of Place

At its meeting on 8 March 2021, the Regulatory Committee's Business Bulletin updated Committee that consultants had been appointed to review the provision of Private Hire Cars ('PHCs') within the city, and to identify the impact of recent policy changes on the licensed fleet as a whole.

A report was presented to Committee which summarised the findings of an assessment on Private Hire Car Overprovision. The report also included a report by Jacobs.

Decision

- 1) To note the survey results and the Jacobs report in Appendix 1 of the report.
- 2) To note that licensed hire trade had been subject to unprecedented challenges since Committee decided to assess whether there was overprovision in the Private Hire Car market.
- 3) To note the Jacobs conclusion that there was lack of evidence of overprovision of Private Hire Cars and their recommendation that this was reviewed in 12 months.
- 4) To agree to circulate the Jacobs report to stakeholders and invite feedback on the survey and its recommendations.
- 5) To agree to receive a further report after that engagement had completed.

(References – Regulatory Committee 8 March 2021 (item 3); Report by the Executive Director of Place, submitted)

5. Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Update

a) Deputation – Nisbets Solicitors Limited

The deputation advised that he felt that well maintained and mechanically sound vehicles should still be able to operate even with the age and emissions zone coming into effect. The deputation argued that the harm being done by the age condition vastly outweighed what good one could discern from the limited data and explanation would. He argued that there was a major problem with the supply of appropriate and affordable wheelchair accessible vehicles in the City, and the age condition was exacerbating this. The deputation advised Committee

that the removal of the age condition would serve to give the trade the options for compliance which were not presently available.

b) Report by the Executive Director of Place

An update was provided on the implementation of the Age and Emissions Policy.

Decision

- 1) To note the report.
- 2) To circulate a briefing note containing information on whether retrofits to Euro 5 vehicles allowed entry into the Low Emission Zone, and the age limitations of vehicles in other local authorities in Scotland, to members.
- 3) To provide information to a future Regulatory Committee on routes available to approve vehicles for admission into the Low Emission Zone.
- 4) To request officers review whether changes may be required in the wording of taxi conditions, and elsewhere, to accommodate the conversion of the engines of taxi and Private Hire Car's to electric.

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

6. Survey of Demand for Taxis within the City of Edinburgh

Council policy limited the number of taxi licences issued within the city, using the powers available to it under Section 10(3) of the Civic Government (Scotland) Act 1982. This power could only be used if the Council was satisfied that there was no 'significant demand' for taxis which was unmet. The Council was required to keep this position under regular review.

At its meeting on 8 March 2021, the Regulatory Committee's Business Bulletin informed the Committee that consultants had been appointed to review the provision of taxis within the city, and specifically to identify whether there was any 'significant unmet demand' for taxis. The last major survey of this type took place in 2017.

Demand had been regularly reviewed since that date, with the results of interim surveys being reported to the Regulatory Committee on 8 March 2021, 'Demand for Taxis: Six Monthly Update'. However, during lockdown this work had ceased other than retrospective reporting.

Decision

- 1) To note that licensed hire trade had been subject to unprecedented challenges since the Committee last assessed whether there was significant unmet demand.
- 2) To note the survey results and the Jacobs report.
- 3) To note Jacob's conclusion that no significant unmet demand exists.
- 4) To agree to circulate the Jacobs report to stakeholders and invite feedback on the survey and its recommendations.
- 5) To agree to receive a further report after that engagement had completed.

(References – Regulatory Committee 8 March 2021 (item 3); Report by the Executive Director of Place, submitted)

7. Motion by Councillor McFarlane – Prevention of Drug Deaths

On 30 June 2022, the City of Edinburgh Council approved a motion by Councillor McFarlane on the Prevention of Drug Deaths, which included an action to “request a report in two cycles to the Regulatory Committee to explore opportunities within licensing provision to increase requirements for training in administering Naloxone for licensed premises, door staff and personal licence holders”.

A report was presented summarising the work carried out to date in this respect.

Decision

- 1) To note that the report was in response to the motion from Councillor McFarlane at Full Council on 30 June 2022 on Prevention of Drug Deaths.
- 2) To note that the Licensing Standards team would continue to liaise with Edinburgh Alcohol and Drugs Partnership (EADP) and the NHS Harm Reduction Team to explore options for a pilot scheme with respect to the provision of Naloxone within liquor licensed premises
- 3) To refer the report to the Licensing Board for the Board’s information.
- 4) To discharge the outstanding remit relating to the Regulatory Committee.

(References – Act of Council 2 of 30 June 2022; report by the Executive Director of Place, submitted.)