

Regulatory Committee

10.00am, Monday 6 February 2023

Present

Councillors Neil Ross (Convener), Caldwell, Dalglish, Fullerton, Mattos Coelho, Meagher (substituting for the Labour Group Vacancy), Mowat and Rae.

1. Minutes

Decision

To approve the minute of the Regulatory Committee of 21 November 2022 as a correct record.

2. Rolling Actions Log

The Rolling Actions Log for February 2023 was presented.

Decision

- 1) To agree to close the following actions:
 - Action 2(3) – Licensing Service Update and Draft Regulatory Committee Work Programme
 - Action 3 – Assessment of Overprovision of Private Hire Cars within the City of Edinburgh
 - Action 5 – Survey of Demand for Taxis within the City of Edinburgh
 - Action 6 – Response to Motion by Councillor Younie – Sexual Entertainment Venues
- 2) To note the remaining outstanding actions.
(Reference – Rolling Actions Log, submitted.)

3. Regulatory Committee Business Bulletin

The Regulatory Committee Business Bulletin for February 2023 was presented.

Decision

- 1) To note the Business Bulletin.
- 2) To hold a briefing session or workshop for members regarding the LEZ and options for taxis and PHC vehicles, including CVRAS retrofits.
(Reference – Business Bulletin, submitted.)

4. Response to Motion by Councillor Younie – Sexual Entertainment Venues

4.1 Deputation – United Sex Workers (United Voices of the World)

The deputation made the following key points:

- The nil cap had been a struggle for many of the United Sex Workers members.
- It was frustrating that a decision on the nil cap had taken so much time.
- It was extremely important to remind Committee that pushing sex work underground forced women into poverty and made them unsafe and that the nil cap was violence against women.
- That statistics showed that the nil cap did not protect women and that research showed that it did not push women out of the industry but pushed unemployment, poor working conditions and unsafe environments.
- That women had interests outside the strip club and it was important not to dehumanize sex workers.

4.2 Report by the Executive Director of Place

The report presented information on the issues raised in the adjusted motion by Councillor Younie, which was approved at full Council on the 27 October 2022. This included the risk of Sexual Entertainment being driven underground in the event that the four existing Sexual Entertainment Venues premises closed. The report acknowledged members debated the merits of the 'nil cap' at the Regulatory Committee meeting of the 31 March 2022. It also set out clear advice about the necessary steps in the events that the Committee decided to review the numbers limitation or any other aspect of policy.

Motion

- 1) To note the advice provided in the report by the Executive Director of Place.
- 2) To instruct officers to prepare for a statutory twelve week consultation to review the Licensing Policy on Sexual Entertainment Venues, in particular, the provision for a 'nil cap'. The consultation would be launched only after the court decision had been published and considered by elected members and officers at a subsequent meeting of the Regulatory Committee.
 - Moved by Councillor Caldwell, seconded by Councillor Ross

Amendment

- 1) To note the advice provided in the report.
- 2) To agree to take no further action until the outcome of the Judicial Review was known.
- 3) To discharge the motion from the Council meeting on 27 October 2022.
 - Moved by Councillor Mowat, seconded by Councillor Meagher

Voting

The voting was as follows:

For the motion - 6 votes

For the amendment - 3 votes

(For the Motion: Councillors Caldwell, Dixon, Fullerton, Mattos Coelho, Rae and Ross.

For the Amendment: Councillors Dalglish, Meagher and Mowat.)

Decision

To approve the motion by Councillor Caldwell.

(References – Act of Council No 15 of 27 October 2022; Regulatory Committee of 13 March 2022 (item 2); report by the Executive Director of Place, submitted.)

5. Taxi and Private Hire Car (PHC) Training Update

An update was provided on the Taxi and Private Hire Car Driver Training Foundation Course and the proposals to commence the three-day course for existing drivers.

Decision

- 1) To note the report by the Executive Director of Place.
- 2) To agree that the next stage of driver training would commence as set out in the revised timeline in paragraph 4.15 of the report.

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

6. Taxi Fares Review 2023

The report presented the outcome of the statutory review of fares which had been undertaken.

Decision

- 1) To note the attached report from Jacobs at Appendix 2 of the report by the Executive Director of Place, and, in particular, the recommendations following consultation with representatives of the taxi trade.
- 2) To note that feedback was sought from the representatives of the taxi trade on the recommendations of initial Jacob's report and, where possible, this had been incorporated in that report.
- 3) To note that officers were recommending that Committee agreed to consult on an updated fare scale reflecting the following amendments to the current fare scale:
 - 3.1) Apply a 20% increase to Tariffs 1 and 2.
 - 3.2) Apply a 15% increase to Tariffs 3 and 4.
- 4) To approve the advertisement of a proposed fare scale with the above changed, for reasons set out in the report, as required in terms of section 17 of the Civic

Government (Scotland) Act 1982 ('the Act'). This would be published in local newspaper publications within 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. Any representation(s) received as a result of the consultation would be reported back to Committee.

- 5) To request an update in the Business Bulletin on the Council's powers in relation to card readers for payments in taxis.

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

7. Taxi Stance Appointment – Haymarket Station

Committee was asked to note that, in order to satisfy the first part of the two part process of appointing a taxi stance, the Roads Authority had implemented a Traffic Regulation Order to facilitate the appointment of two authorised taxi stance at Haymarket Station and Morrison Street (Feeder Rank for Haymarket Station) as shown on Appendix 1 of the report by the Executive Director of Place.

Approval was also sought to carry out the statutory consultation required prior to formally appoint the taxi stance, as required by the Civic Government (Scotland) Act 1982 (the 1982 'Act') to satisfy the second part of the process.

Decision

- 1) To note the contents of the report by the Executive Director of Place.
- 2) To agree that officers would carry out the second stage of the statutory consultation on the proposed taxi stance.
- 3) To note that a report would be brought back for a decision if representations or objections were received.

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

8. Consultation Conclusion: Demand for Taxis within the City of Edinburgh

At its meeting on 21 November 2022, the Regulatory Committee considered a report on the provision of Private Hire Cares (PHCs) within the city, and to identify the impact of recent policy changes on the licensed fleet as a whole. Committee agreed that officers would invite final comments from interested parties on the survey and its conclusions; and to report results back to Committee.

Decision

- 1) To note the survey results and the Jacobs report at Appendix 1 of the report by the Executive Director of Place.
- 2) To note that the licensed hire trade had been subject to unprecedented challenges since Committee decided to assess whether there was overprovision in the Private Hire Car (PHC) market.

- 3) To note the Jacobs' conclusion that there was a lack of evidence of overprovision of PHC and the recommendation that this was reviewed in 12 months.
- 4) To note the feedback from stakeholder consultation following the November 2022 Committee.
- 5) To agree not to introduce an overprovision policy for PHC's at this time.

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

9. Houses in Multiple Occupation (HMO) – Raising Standards Motion Update

An update was presented on work carried out in response to a motion by Councillor Neil Ross (item 11.3) on Raising Houses of Multiple Occupation (HMO) Standards.

The report provided Committee with the results of a public consultation on whether conditions 011 and 012 of the HMO standard licence conditions should be amended, and a draft Best Practice Guide for HMO licence holders and agents was presented for consideration and subsequent public consultation.

Decision

- 1) To note the results of the consultation on Houses of Multiple Occupation (HMO) licence conditions 011 and 012.
- 2) To agree to amend HMO condition 011 to state that: “An emergency contact telephone number for the licence holder and/or management shall be available and notified to the Council, on an annual basis, for 24-hour contact purposes for emergencies or antisocial behaviour from the property”.
- 3) To amend HMO condition 012 to state that: “The licence holder shall give a neighbour notification to every occupier in the same building as the licence holder's premises, and any adjoining premises within 28 days of the licence holder's receipt of the licence document, and thereafter on an annual basis. This will advise of the name of the licence holder or managing agent, a contact address, daytime telephone number and an emergency contact number”.
- 4) To agree to consult on the terms of a proposed Best Practice Guide (Appendix 4 of the report by the Executive Director of Place) for HMO licence holders and agents.
- 5) To agree that the consultation on the Best Practice Guide should include provisions designed to encourage:
 - 5.1) improved neighbour notification of HMO licence applications, whether new or renewals.
 - 5.2) enhanced contact details being provided to neighbouring residents on an annual basis by including the names of both the landlord and the agent, if there is one, and the telephone number and email address of a named individual.

- 5.3) better compliance with Council Waste policies by subcontractors acting on behalf of a landlord or agent to make appropriate arrangements with the Council or other collecting contractor for the disposal and/or uplift of any building materials, bulky items or other refuse which are inappropriate for residential waste streams.

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

10. Licence Income from Fees 2019/20, 2020/21, 2021/22

High level information was presented on the income collected from licensing fees during the last three financial years. Details were provided of income from the three main licence categories and a breakdown of the main expenditure.

Decision

To note the report.

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

11. Motion by Councillor Ross – Delay in Start Date for Short Term Lets Licensing

The following motion by Councillor Ross was submitted in terms of Standing Order 17.1:

“Committee:

- 1) Welcomes the improvements to accommodation safety standards for visitors and the better control of noise and anti-social behaviour for residents which arise from the licensing of short term lets (STL) by the Council in line with residents’ feedback to STL consultations.
- 2) Regrets the Scottish Government’s intention to impose a six-month delay to the start date for STL licensing for existing landlords from 1st April to 1st October 2023.

Requests a report to the meeting of this Committee prior to the summer recess in 2023 to consider the implications of the intended delay in the start date for the licensing of existing hosts being imposed on the Council by the Scottish Government.”

Decision

To approve the motion by Councillor Ross.