

Notice of meeting and agenda

Regulatory Committee

9.00 am, Friday, 6 September 2013

Dean of Guild Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

Contact

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1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Deputations

- 3.1 If any.

4. Minutes

- 4.1 Regulatory Committee of 24 July 2013 (circulated – submitted for approval as a correct record).
- 4.2 Licensing Sub-Committees of 24 July, 14 and 16 August 2013 (circulated – submitted for approval as correct records).

5. Key decisions forward plan

- 5.1 None

6. Business bulletin

- 6.1 None

7. Executive decisions

- 7.1 Private Rented Sector Enforcement Policy – report by the Director of Services for Communities (circulated).
- 7.2 License Refund Policy: outcome of consultation - report by the Director of Services for Communities (circulated).
- 7.3 Delegation of authority to deal with certain licence applications – report by the Director of Services for Communities (circulated).

- 7.4 Fee Structure: Proposed Amendments– report by the Director of Services for Communities (circulated).
- 7.5 Anti-Violence Advert in Taxis and Private Hire Cars – report by the Director of Services for Communities (circulated).
- 7.6 Request for Approval of ‘WiFi’ technology within Licensed Taxis – report by the Director of Services for Communities (to follow).

8. Routine decisions

- 8.1 None

9. Motions

- 9.1 None

Carol Campbell

Head of Legal, Risk and Compliance

Committee Members

Councillors Barrie (Convener), Blacklock (Vice-Convener), Aitken, Burgess, Cairns, Gardner, Bill Henderson, Heslop and Redpath.

Information about the Regulatory Committee

The Regulatory Committee consists of 9 Councillors and is appointed by the City of Edinburgh Council. The Regulatory Committee usually meets every eight weeks.

The Regulatory Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Aileen McGregor, Committee Services, City of Edinburgh Council, City Chambers, High Street, Edinburgh EH1 1YJ, Tel 0131 529 4261, e-mail stephen.broughton@edinburgh.gov.uk

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

For remaining items of business likely to be considered in private, see separate agenda.

Regulatory Committee

9.00 am, Wednesday 24 July 2013

Present

Councillor Barrie (Convener), Aitken, Cairns, Bill Henderson, Heslop, Gardner, Keil (substituting for Councillor Blacklock), Main (substituting for Councillor Burgess) and Redpath.

1. Minutes

Decision

- 1) To approve the minute of the Regulatory Committee of 21 June 2013 as a correct record.
- 2) To approve the minutes of the Licensing Sub-Committees of 21 and 26 June 2013 as correct records.

2. Balfour Beatty – Fee Structure for Holyrood Road

The University of Edinburgh had commissioned a large development for student housing at Holyrood Road that had been in development since 2004. The development consisted of a variety of accommodation types from studio flats to shared rooms flats, as well as hotel style rooms with shared cooking and recreational facilities.

The land was owned by the University of Edinburgh, and had been leased to the Balfour Beatty group, who had carried out the construction of the project. Balfour Beatty would let the finished building back to the University of Edinburgh, while maintaining responsibility for the ongoing facilities management functions.

Balfour Beatty, in this context, regard themselves as the owner of the property as it was on a long lease which can be recorded on the Land Register as an interest in the property. Responsibility for submitting House in Multiple Occupation licence applications lies with Balfour Beatty. The University of Edinburgh would be named on the application as having responsibility for the day-to-day management of the properties.

It was anticipated by Balfour Beatty that HMO licences would be required for the 2014/2015 academic year.

The Regulatory Committee in October 2006 agreed a fee structure applicable solely to the University of Edinburgh, Edinburgh Napier University, Queen Margaret University, and Heriot-Watt University.

The Balfour Beatty group had requested clarification of the pricing structure that would apply to this project and, in particular if the discounted fees, that were agreed for university HMO applications, would apply to this scheme.

Decision

1. To apply the normal fee structure to any application submitted.
2. To instruct the Director of Services for Communities to review the university fee structure and report back to the committee within six months.

(Reference – Regulatory Committee 13 October 2006 (item 5); report by the Head of Housing and Regeneration, submitted.)

3. Civic Government (Scotland) Act 1982 – Notification of procession – Scottish Defence League

Details were provided of notification of a public procession in the city centre by the Scottish Defence League (SDL) to be held on Saturday 17 August 2013.

A representative of the organisation who had objected to the procession was heard

A representative of the Scottish Defence League was heard in support of the proposed procession.

The Chief Constable and the relevant Council Officers were heard in regard to proposals for controlling the event and conditions to be attached to any Order made for the procession. The Committee was further advised that the alternative of the SDL holding a static demonstration would be harder to control as no prior notification was required for this type of event.

Decision

1. To note that the Regulatory Committee recognised the right to peaceful assembly.
2. To note that the Regulatory Committee did not endorse the aims or objectives of the Scottish Defence League.

3. To note that the Regulatory Committee was of the opinion that in the interest of public safety it would be less disruptive to the life of the community for this procession to be under the control of Police Scotland.
4. To make an Order for the procession by the Scottish Defence League on Saturday 17 August 2013 for the agreed route attaching conditions recommended by the Chief Constable and Council.
5. To advise the applicant that this decision did not set a precedent for the consideration of any future notifications.

(Reference –report by the Director of Services for Communities, submitted.)

4. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

5. Police Scotland Requests for Suspension of Licence

The Community Safety Manager, advised the Committee of requests for suspension of six Public Entertainment Licences from the Chief Constable.

(Reference- report by the Community Safety Manager, submitted)

Premises A (Agenda Item B1.1(A))

Details were provided of a request from the Chief Constable for the suspension of a Public Entertainment Licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

The Regulatory Committee having carefully considered all the matters raised in the police report and the arguments put forward by the licence holders representative against these, agreed to suspend the licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 until its expiry and that the suspension would not come into effect for 28 days.

(Reference - report by the Chief Constable, submitted.)

Premises B (Agenda Item B1.1(B))

Details were provided of a request from the Chief Constable for the suspension of a Public Entertainment Licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982

Decision

The Regulatory Committee having carefully considered all the matters raised in the police report and the arguments put forward by the licence holders representative against these, agreed to suspend the licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 until its expiry and that the suspension would not come into effect for 28 days.

(Reference- report by the Chief Constable, submitted.)

Premises C (Agenda Item B1.1(C))

Details were provided of a request from the Chief Constable for the suspension of a Public Entertainment Licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

1. The Regulatory Committee having carefully considered the preliminary point raised by the licence holders representative that this matter should not be considered by the Committee at this meeting as the matter was sub judice and, having taken legal advice, the Committee was of the opinion that it had authority to make a decision on the matter brought before it at this meeting
2. The Regulatory Committee having carefully considered all the matters raised in the police report and the arguments put forward by the licence holders representative against these, agreed to suspend the licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 until its expiry and that the suspension would not come into effect for 28 days

(Reference- report by the Chief Constable, submitted.)

Premises D (Agenda Item B1.1(D))

Details were provided of a request from the Chief Constable for the suspension of a Public Entertainment Licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

1. The Regulatory Committee having carefully considered the preliminary point raised by the licence holders representative that this matter should not be considered by the Committee at this meeting as the matter was sub judice and, having taken legal advice, the Committee was of the opinion that it had authority to make a decision on the matter brought before it at this meeting
2. The Regulatory Committee having carefully considered all the matters raised in the police report and the arguments put forward by the licence holders representative against these, agreed to suspend the licence in terms of Paragraph 11 of

Schedule 1 of the Civic Government (Scotland) Act 1982 until its expiry and that the suspension would not come into effect for 28 days

(Reference- report by the Chief Constable, submitted)

Premises E (Agenda Item B1.1(E))

Details were provided of a request from the Chief Constable for the suspension of a Public Entertainment Licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

1. The Regulatory Committee having carefully considered the preliminary point raised by the licence holders representative that this matter should not be considered by the Committee at this meeting as the matter was sub judice and, having taken legal advice, the Committee was of the opinion that it had authority to make a decision on the matter brought before it at this meeting
2. The Regulatory Committee having carefully considered all the matters raised in the police report and the arguments put forward by the licence holders representative against these, agreed to suspend the licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 until its expiry and that the suspension would not come into effect for 28 days

(Reference- report by the Chief Constable, submitted)

Premises F (Agenda Item B1.1(F))

Details were provided of a request from the Chief Constable for the suspension of a Public Entertainment Licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

The Regulatory Committee having carefully considered all the matters raised in the police report and the arguments put forward by the licence holders representative against these, agreed to suspend the licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 until its expiry and that the suspension would not come into effect for 28 days.

(Reference- report by the Chief Constable, submitted.)

Licensing Sub-Committee of the Regulatory Committee

1.30 pm, Wednesday, 24 July 2013

Present

Councillor Barrie (Convener), Aitken, Cairns, Bill Henderson, Heslop, Gardner, Keil (substituting for Councillor Blacklock), Main (substituting for Councillor Burgess) and Redpath.

1. Request for Refund of Fees – Theatre Licence – Common Wealth Ltd

Details were provided of a request for a refund of the fee for a Theatre licence for an event regarding 'Domestic abuse training', to be held over two weeks in August 2013. The licence fee charged was £112.

The request was out with the Director of Services for Communities delegated powers and required to be referred to the Licensing Sub-Committee for a decision.

Decision

To refund the application fee of £112

(Reference – report by Community Safety Manager, submitted.)

2. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 9 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in Appendix 1 to this minute.

(Reference – list of applications, submitted.)

3. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

4. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 5 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – application details, submitted.)

4. Request for Suspension of Late Hours Catering Licence

The Community Safety Manager provided details of a request from the Chief Constable for the suspension of a Late Hours Catering Licence.

The Chief Constables and the Licence Holders representatives were heard.

Decision

That the request be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference - report by the Community Safety Manager, submitted)

5. Request for Suspension of Private Hire Car Driver's Licence

The Community Safety Manager provided details of a request from the Chief Constable for the suspension of a private Hire Car Driver's Licence.

The Chief Constables representative was heard.

Decision

That the request be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference - report by the Community Safety Manager, submitted)

APPENDIX

Applications for Miscellaneous Licences

Agenda Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
House In Multiple Occupation Licences (Renewal)		
Item 4.1.1 – Application for House in Multiple Occupation Licence - 6 3f2 Mardale Crescent, Edinburgh – Edinburgh Letting Solutions	5 Occupants	To grant the licence subject to the Council's Standard Licensing Conditions.
Item 4.1.2 – Application for House in Multiple Occupation Licence - 6 3f2 Mardale Crescent, Edinburgh – Edinburgh Letting Solutions	4 Occupants	To refuse the application in terms of Paragraph 5(3) (c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982 as the managing agent was not considered fit and proper in regard to this property.
Street Trader Non Food Temporary Licence		
Item 4.1.3 – Application for a Street Trader Non Food Temporary Licence – Edinburgh Art Festival - Navida Galbraith	10.00am – 6.00pm 01.08.13 to 01.09.13 To sell Edinburgh Art Festival Bags	To grant the licence for the dates 01.08.13 to 28.08.13 subject to the Council's Standard Licensing Conditions and the applicant to confirm the location of the stance with the licensing section.
Late Hours Catering Exemption Order Temporary Licence		
Item 4.1.4 – Application for a Late Hours Catering Exemption Order Temporary Licence – ACGM Ltd - Aleksandra Chanas	Sunday to Saturday 11:00 pm – 4:00 am During the Edinburgh Festival	To grant the licence for the hours Sunday to Thursday: 23:00 – 02:00 hours; Friday and Saturday: 23:00 – 03:00 hours, subject to the Council's Standard Licensing Conditions.
Market Operator 50 to 300 Stalls Temp Licence		
Item 4.1.5 – Application for a Market Operator 50 to 300 Stalls Temporary Licence – Foodies Festival, Inverleith Park - Susan Elizabeth Hitchen	9 – 11th August 2013 10am to 9pm Food and Drink	<p>1) To grant the licence subject to the Council's Standard Licensing Conditions.</p> <p>2) To agree that the licensed area would be restricted within the northeast corner of Inverleith Park.</p>

Market Operators > 300 Stalls Temporary Licence		
Item 4.1.6 – Application for a Market Operators > 300 Stalls Temporary Licence – The Edinburgh Mela Ltd – Moulous Lang	Friday 30 August 2013 to Sunday 1 September 17:00 – 21:30 hours	<ol style="list-style-type: none"> 1) To grant the licence subject to the Council's Standard Licensing Conditions. 2) To agree that the hours in the Event Safety Management Plan were amended to reflect the hours recommended in the police report.
Public Entertainment Commercial Operation Licence		
Item 4.1.7 – Application for a Public Entertainment Commercial Operation Licence – The Edinburgh Mela Ltd - Moulous Lang	Friday 30 August 2013 to Sunday 1 September 17:00 – 21:30 hours	<ol style="list-style-type: none"> 1) To grant the licence subject to the Council's Standard Licensing Conditions. 2) To agree that the hours in the Event Safety Management Plan were amended to reflect the hours recommended in the police report.
Item 4.1.8 – Application for a Public Entertainment Commercial Operation Licence – Salt N Sauce Promotions - Mark Gareth Thompson	Sunday 28 July - Thursday 29 August 2013 07:00 hours – 02:00 hours	<ol style="list-style-type: none"> 1) To grant the licence for the dates 31.07.13 to 27.08.13 subject to the Council's Standard Licensing Conditions. 2) To agree that the Wellington Coffee shop trading hours would commence at 7am offering a takeaway service and at 9am offering a full table service with tables and chairs outside to accommodate customers. 3) Subject also to the conditions requested by the Director of Services for Communities and the Chief Constable.
Item 4.1.9 – Application for a Public Entertainment Commercial Operation Licence - Exchange Events Ltd – Neville Wilson	Saturday 3 August 2013 – Sunday 25 August 2013 17:45 hours to 23:00 hours Monday to Thursday 15:30 to 23:00 hours Friday to Saturday	To grant the licence subject to the Council's Standard Licensing Conditions and the additional conditions recommended by the Director of Services for Communities and the Chief Constable.

Licensing Sub-Committee of the Regulatory Committee

1.30 pm, Wednesday, 24 July 2013

Present

Councillor Barrie (Convener), Aitken, Cairns, Bill Henderson, Heslop, Gardner, Keil (substituting for Councillor Blacklock), Main (substituting for Councillor Burgess) and Redpath.

1. Request for Refund of Fees – Theatre Licence – Common Wealth Ltd

Details were provided of a request for a refund of the fee for a Theatre licence for an event regarding 'Domestic abuse training', to be held over two weeks in August 2013. The licence fee charged was £112.

The request was out with the Director of Services for Communities delegated powers and required to be referred to the Licensing Sub-Committee for a decision.

Decision

To refund the application fee of £112

(Reference – report by Community Safety Manager, submitted.)

2. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 9 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in Appendix 1 to this minute.

(Reference – list of applications, submitted.)

3. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

4. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 5 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – application details, submitted.)

4. Request for Suspension of Late Hours Catering Licence

The Community Safety Manager provided details of a request from the Chief Constable for the suspension of a Late Hours Catering Licence.

The Chief Constables and the Licence Holders representatives were heard.

Decision

That the request be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference - report by the Community Safety Manager, submitted)

5. Request for Suspension of Private Hire Car Driver's Licence

The Community Safety Manager provided details of a request from the Chief Constable for the suspension of a private Hire Car Driver's Licence.

The Chief Constables representative was heard.

Decision

That the request be determined as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference - report by the Community Safety Manager, submitted)

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Item 4.1.3 – Application for a Street Trader Non Food Temporary Licence – Edinburgh Art Festival - Navida Galbraith	10.00am – 6.00pm 01.08.13 to 01.09.13 To sell Edinburgh Art Festival Bags	To grant the licence for the dates 01.08.13 to 28.08.13 subject to the Council's Standard Licensing Conditions and the applicant to confirm the location of the stance with the licensing section.
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Item 4.1.4 – Application for a Late Hours Catering Exemption Order Temporary Licence – ACGM Ltd - Aleksandra Chanas	Sunday to Saturday 11:00 pm – 4:00 am During the Edinburgh Festival	To grant the licence for the hours Sunday to Thursday: 23:00 – 02:00 hours; Friday and Saturday: 23:00 – 03:00 hours, subject to the Council's Standard Licensing Conditions.
Market Operator 50 to 300 Stalls Temp Licence		
Item 4.1.5 – Application for a Market Operator 50 to 300 Stalls Temporary Licence – Foodies Festival, Inverleith Park - Susan Elizabeth Hitchen	9 – 11th August 2013 10am to 9pm Food and Drink	1) To grant the licence subject to the Council's Standard Licensing Conditions. 2) To agree that the licensed area would be restricted within the northeast corner of Inverleith Park.

Market Operators > 300 Stalls Temporary Licence		
Item 4.1.6 – Application for a Market Operators > 300 Stalls Temporary Licence – The Edinburgh Mela Ltd – Moulous Lang	Friday 30 August 2013 to Sunday 1 September 17:00 – 21:30 hours	<ol style="list-style-type: none"> 1) To grant the licence subject to the Council's Standard Licensing Conditions. 2) To agree that the hours in the Event Safety Management Plan were amended to reflect the hours recommended in the police report.
Public Entertainment Commercial Operation Licence		
Item 4.1.7 – Application for a Public Entertainment Commercial Operation Licence – The Edinburgh Mela Ltd - Moulous Lang	Friday 30 August 2013 to Sunday 1 September 17:00 – 21:30 hours	<ol style="list-style-type: none"> 1) To grant the licence subject to the Council's Standard Licensing Conditions. 2) To agree that the hours in the Event Safety Management Plan were amended to reflect the hours recommended in the police report.
Item 4.1.8 – Application for a Public Entertainment Commercial Operation Licence – Salt N Sauce Promotions - Mark Gareth Thompson	Sunday 28 July - Thursday 29 August 2013 07:00 hours – 02:00 hours	<ol style="list-style-type: none"> 1) To grant the licence for the dates 31.07.13 to 27.08.13 subject to the Council's Standard Licensing Conditions. 2) To agree that the Wellington Coffee shop trading hours would commence at 7am offering a takeaway service and at 9am offering a full table service with tables and chairs outside to accommodate customers. 3) Subject also to the conditions requested by the Director of Services for Communities and the Chief Constable.
Item 4.1.9 – Application for a Public Entertainment Commercial Operation Licence - Exchange Events Ltd – Neville Wilson	Saturday 3 August 2013 – Sunday 25 August 2013 17:45 hours to 23:00 hours Monday to Thursday 15:30 to 23:00 hours Friday to Saturday	To grant the licence subject to the Council's Standard Licensing Conditions and the additional conditions recommended by the Director of Services for Communities and the Chief Constable.

Licensing Sub-Committee of the Regulatory Committee

2.00 pm, Wednesday, 14 August 2013

Present

Councillor Barrie (Convener), Aitken, Booth (substituting for Councillor Burgess) Cairns, Gardner, Bill Henderson, Heslop and Redpath.

1. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

2. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982

Details were provided of 5 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – application details, submitted.)

3. Immediate Suspension of Private Hire Car Driver Licence

Details were provided of the action taken under Committee Terms of Reference and Delegated Functions 3.1 by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee to suspend a Private Hire Car Driver Licence with immediate effect.

The Sub-Committee was requested to consider whether or not to suspend the licence. The Chief Constables representative was heard.

Decision

1. To note the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee under Committee Terms of Reference and Delegated Functions 3.1 to suspend a Private Hire Car Driver Licence with immediate effect.
2. To suspend the Private Hire Car Driver's Licence with immediate effect until expiry.
(Reference - report by the Head of Service, Community Safety, submitted)

4. Request for Suspension of Private Hire Car Driver's Licence

Details were provided of a request from the Chief Constable for the suspension of a Private Hire Car Driver's Licence.

The Chief Constables representative was heard.

Decision

To continue consideration of the matter to the meeting of the Licensing Sub-Committee on 4 September 2013 to allow the applicant to attend.

(Reference - report by the Chief Constable, submitted)

5. Request for Suspension of Taxi Driver's Licence

Details were provided of a request from the Chief Constable for the suspension of a Taxi Driver's Licence.

The Chief Constables representative and the Licence Holder were heard.

Decision

- 1) To not suspend the licence.
- 2) To issue a warning on future conduct.

(Reference - report by the Chief Constable, submitted)

6. Police Comment on Private Hire Car Driver's Licence

Details were provided of a letter received from the Chief Constable in respect of a Private Hire Car Driver's Licence .

The Chief Constables representative was heard.

Decision

To continue consideration of the matter to the meeting of the Licensing Sub-Committee on 4 September 2013 to allow the applicant to attend.

(Reference - report by the Chief Constable, submitted)

Licensing Sub-Committee of the Regulatory Committee

10.00 am, Friday, 16 August 2013

Present

Councillor Barrie (Convener), Blacklock (Vice Convener), Aitken, Gardner, Bill Henderson, Heslop, Main (substituting for Councillor Burgess), and Redpath.

1. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 27 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in Appendix 1 to this minute.

(Reference – list of applications, submitted.)

Declarations of Interest

Councillor Main declared a non financial interest in agenda item 3.1.1 as an objector to the application and took no part in consideration of that item

2. Use of Emergency Powers to grant an application for a Temporary Market Operators Licence, 20 – 23 June 2013

Details were provided of the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in terms of paragraph 3.1 of Committee Terms of Reference and Delegated Functions to grant an application for a temporary Market Operators Licence for the period 20 – 23 June 2013.

Decision

To note the action taken by the Director of Services for Communities in consultation with the Convener of the Regulatory Committee in terms of paragraph 3.1 of Committee Terms of Reference and Delegated Functions to grant a temporary Market Operators Licence

3. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

4. Application for Miscellaneous Licence – Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006

Details were provided of 3 applications for miscellaneous licences under the Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – application details, submitted.)

5. Request for Suspension of Late Hours Catering Licence

The Community Safety Manager provided details of a request from the Chief Constable for the suspension of a Late Hours Catering Licence.

The Sub-Committee had continued this matter from their meeting on 24 July 2013 for further information.

The Chief Constables and the Licence Holder's representative were heard.

Decision

1. Not to suspend the licence.
2. To issue a warning regarding future conduct.

(Reference- Licensing Sub-Committees of 24 July 2013 (item 4) report by the Community Safety Manager, submitted)

APPENDIX

Applications for Miscellaneous Licences

Agenda Item No/Type of Licence/Applicant/Premises	Conditions applied for	Decision
Item 3.1.1 - Application for House In Multiple Occupation Licence - Jan Mackinnon - 44 (2f2) Thirlestane Road	4 Occupants	<ol style="list-style-type: none"> 1) To grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. 2) To note the objections from Ms McKinney and Councillor Main had been withdrawn and repel the remaining objections.
Item 3.1.2 - Application for House In Multiple Occupation Licence - Paul O'Brien - 82 (2f2) Morningside Road	5 Occupants	<ol style="list-style-type: none"> 1) To repel the objection and grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2) The Director of Services for Communities to discuss with the applicant's agent proposals for amendments to the layout of the property.
Item 3.1.3 - Application for House In Multiple Occupation Licence - David A Fitzgerald - 49 (2f2) Spottiswoode Road	4 Occupants	To repel the objection and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.1.4 - Application for House in Multiple Occupation Licence - David Waterland - 15 (2f1) Hope Park Terrace	5 Occupants	<ol style="list-style-type: none"> 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2) To note the objection had been withdrawn
Item 3.1.5 - Application for House In Multiple Occupation Licence - Neoholm Ltd - 15(3f2) - Hope Park Terrace	4 Occupants	<ol style="list-style-type: none"> 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2) To note the objection had been withdrawn
Item 3.1.6 - Application for House In Multiple Occupation Licence - Baytree Properties Edinburgh Ltd - 15(2f2) Hope Park Terrace	4 Occupants	<ol style="list-style-type: none"> 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2) To note the objection had been withdrawn

Item 3.1.7 - Application for House in Multiple Occupation Licence - Ilean Alexander - 15(3f1) Hope Park Terrace	4 Occupants	<ol style="list-style-type: none"> 1) To grant the renewal of licence subject to the Council's Standard Conditions for this category of licence. 2) To note the objection had been withdrawn
Item 3.1.8 - Application for House In Multiple Occupation Licence - Michael Delahuntly - 164(1f2) Brunton Gardens	3 Occupants	<ol style="list-style-type: none"> 1) To repel the objection and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. 2) The Director of Services for Communities to undertake monitoring for the duration of the licence
Item 3.1.9 - Application for House In Multiple Occupation Licence - Dorethea Mcareavey - 28(2f2) London Street	4 Occupants	<ol style="list-style-type: none"> 1) To continue consideration of the application to the meeting of 15 November 2013 to allow the applicant and the objector to have further discussions to attempt to resolve outstanding issues, and to allow the Director of Services for Communities to undertake monitoring of the new tenancy 2) The contact details for the Private Rented Sector Team to be passed to the objector
Item 3.1.10 - Application for House in Multiple Occupation Licence - Peter and Margaret Cleat - 3(flat 4) West Saville Gardens	3 Occupants	To repel the objection and grant the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.1.11 - Application for House In Multiple Occupation Licence - Idris Khan 11(PF2) - Marchmont Road	3 Occupants	<ol style="list-style-type: none"> 1) To repel the objection and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence. 2) The Director of Service for Communities to report on the tenancy management arrangements for all the applicant's properties to the meeting of the Sub-Committee in December 2013.
Item 3.1.12 - Application for House In Multiple Occupation Licence - Martin Wise - 37(3f1) Montgomery Street	5 Occupants	To repel the objection and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence.

Item 3.1.13 - Application for House in Multiple Occupation Licence - Stuart Jones - 5(1f2) Royal Crescent	4 Occupants	To repel the objections and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.1.14 - Application for House in Multiple Occupation Licence - George Dosoo - 3(3f1) Warrender Park Terrace	3 Occupants	To repel the objections and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.1.15 - Application for House in Multiple Occupation Licence - Kwai Heung Siu - 4(1f2) Rosebank Grove	4 Occupants	<ol style="list-style-type: none"> 1) To continue consideration of the application to the meeting in December 2013 to allow 2) The Director of Services for Communities to undertake monitoring for three months from the beginning of the new tenancy. 3) The applicant to notify the Director of Services for Communities when a new tenancy commences. 4) To note the applicants undertaking to only let the property to mature/ post grad students or a family as advertised on their website.
Item 3.1.16 - Application for House In Multiple Occupation Licence - Diana Rankine - 82(Flat 6) Logie Green Road	3 Occupants	To repel the objection and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.1.17 - Application for House In Multiple Occupation Licence - David McOmish - 82(Flat 4) Logie Green Road	3 Occupants	To repel the objection and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.1.18 - Application for House In Multiple Occupation Licence - Diana Rankine - 82(Flat 8) Logie Green Road	3 Occupants	To repel the objection and grant the renewal of the licence subject to the Council's Standard Conditions for this category of licence.
Item 3.1.19 - Application for Late Hours Catering Licence - Andrew Watson - 137 Princes Street	<p>Sun – Thurs 2300 – 0200</p> <p>Fri – Sat 2300 - 0300</p>	To grant the licence subject to the Council's Standard Conditions and for this category of licence and also subject to the additional condition in respect of door stewards recommended by the Chief Constable

<p>Item 3.1.20 - Application for Late Hours Catering Licence and exemption - Mcdonalds Restaurants - 3 - 5 St Andrew Square</p>	<p>Sun – Thurs 2300 – 0200 Fri – Sat 2300 – 0300 Festival Exemption till 0500</p>	<p>1) To grant the licence subject to the Council's Standard Conditions for this category of licence and also subject to the additional condition in respect of door stewards recommended by the Chief Constable.</p> <p>2) To grant the festival exemption subject to the Council's Standard Conditions for this category of licence and also subject to the additional condition in respect of door stewards recommended by the Chief Constable.</p>
<p>Item 3.1.21 - Application for Late Hours Catering Licence - On The Roll - George Square - Corner of Charles Street</p>	<p>20 July 2013 To 31 August 2013 2300 – 0300 Daily</p>	<p>1) To grant the licence for the hours Sunday to Thursday 2300 -0100 and Friday – Saturday 2300 – 0200 until 31 August 2013 subject to the Council's Standard Conditions for this category of licence.</p> <p>2) To note that the Sub-Committee was of the opinion that due to the specific nature of this application there was sufficient reason to deviate from policy and that this did not set a precedent for the determination of any future applications</p> <p>(On a division)</p>
<p>Item 3.1.22 - Application for Second Hand Dealer Licence - Carolyn Liddiard</p>	<p>N/A</p>	<p>To grant the licence subject to the Council's Standard Conditions for this category of licence also to the condition recommended by the Chief Constable.</p>
<p>Item 3.1.23 - Application for Second Hand Dealer Licence - Jennifer Strafford</p>	<p>N/A</p>	<p>To grant the licence subject to the Council's Standard Conditions for this category of licence also to the condition recommended by the Chief Constable.</p>
<p>Item 3.1.24 - Application for Meta Dealer Licence - The Money Shop - 645 Ferry Road</p>	<p>N/A</p>	<p>To grant the licence subject to the Council's Standard Conditions for this category of licence also to the condition recommended by the Chief Constable.</p>

Item 3.1.25 - Application for Street Trader Licence - Reyaz Wangnoo - Register House Princes Street	N/A	To refuse the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.
Item 3.1.26 - Application for Market Operator Licence - Merlin - Morningside Road	Saturdays 0900 - 1700	To grant the licence for one market on a Saturday per month subject to the Council's Standard Conditions for this category of licence and final clearances by the council departments and the fire authority.
Item 3.1.27 - Application for Late Hours Catering Licence Variation - Aldo Andreucci - 148 High Street	2 am – 3 am daily	To refuse the application for a variation of licence.

Note: Agenda Item 3.1.21

Motion

1. To grant the licence for the hours Sunday to Thursday 2300 -0100 and Friday – Saturday 2300 – 0200 until 31 August 2013 subject to the Council's Standard Conditions for this category of licence.
2. To note that the Sub-Committee was of the opinion that due to the specific nature of this application there was sufficient reason to deviate from policy and that this did not set a precedent for the determination of any future applications

- Moved by Councillor Heslop, Seconded by Councillor Aitken

Amendment

To refuse the application in terms of Paragraphs 5(3)(c)(iii) and (d) of Schedule 1 of the Civic Government (Scotland) Act 1982 as the Sub-Committee was of the opinion that:

1. There was the possibility of undue public nuisance as it may attract and retain individuals within the area with a potential for noise nuisance and disturbance to local residents.; and
2. It was contrary to the Council's adopted policy on Street Trading.

- Moved by Councillor Main, Seconded by Councillor Gardner.

Voting

For the Motion 5 Votes

For the Amendment 2 votes

Decision

1. To grant the licence for the hours Sunday to Thursday 2300 -0100 and Friday – Saturday 2300 – 0200 until 31 August 2013 subject to the Council's Standard Conditions for this category of licence.

2. To note that the Sub-Committee was of the opinion that due to the specific nature of this application there was sufficient reason to deviate from policy and that this did not set a precedent for the determination of any future applications

Regulatory Committee

09:00am, Friday, 6 September 2013

Private Rented Services Enforcement Policy

Item number	7.1
Report number	
Wards	City Wide

Links

Coalition pledges	P8
Council outcomes	CO10
Single Outcome Agreement	SO4

Mark Turley

Director of Services for Communities

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Executive summary

Private Rented Services Enforcement Policy

Summary

There have been significant changes to the legislative framework that regulates the private rented sector. The Housing (Scotland) Act 2006 and the Private Rented Housing (Scotland) Act 2011, in particular, have given Local Authorities new and revised powers in addition to increasing the maximum fine level for some offences to £50,000.

The Council has adopted the Convention of Scottish Local Authorities' (COSLA's) Enforcement Concordat which promotes good practice in enforcement to deliver an approach that is proportionate, open and consistent. A formal enforcement policy that outlines the approach taken to enforcement, the decision making process and the matters to be considered in making a decision is an important method in delivering good practice.

This report asks Committee to approve a proposed Private Rented Services (PRS) Enforcement Policy in light of these changes that detail:

- How decisions relating to enforcement are made.
- The role of informal action as an alternative to enforcement.
- The enforcement powers and options available.
- The matters that will be considered before formal enforcement action will be taken.

Recommendations

It is recommended that the Regulatory Committee:

1. Approves the proposed PRS Enforcement Policy.
2. The Director of Services for Communities reports annually to Committee the details and statistics on the enforcement action taken by PRS.

Measures of success

Although there is no direct measure, the adoption of a PRS Enforcement Policy will assist in promoting good practice in enforcement to deliver an approach that is proportionate, open and consistent. This will help to raise confidence that let property in Edinburgh will be of a high standard, well managed and maintained.

Financial impact

There will be no financial impact as the PRS Enforcement Policy relates to current operational practice.

Equalities impact

An Equality and Human Rights Impact Assessment, applicable to the content of this report and associated legislation, was carried out prior to the enactment of the Private Rented Housing (Scotland) Act 2011.

<http://www.scotland.gov.uk/Topics/People/Equality/18507/EQIASearch/PrivRentedHsg>

Sustainability impact

The PRS Enforcement Policy will help achieve a sustainable Edinburgh through promoting good practice in enforcement in the private rented sector that is proportionate, open and consistent. This will help to raise confidence that let property in Edinburgh will be of a high standard, well managed, maintained and is a viable and sustainable housing option.

Consultation and engagement

It is anticipated that on approval this information will be made readily available to applicants, tenants, landlords, letting agents and other key stakeholders on the Council and service area web pages.

Background reading / external references

Appendix 1 – Proposed Private Rented Services Enforcement Policy

Private Rented Services Enforcement Policy

1. Background

- 1.1 There have been significant changes to the legislative framework that regulates the private rented sector. The Housing (Scotland) Act 2006 and the Private Rented Housing (Scotland) Act 2011, in particular, have given Local Authorities new and revised powers in addition to increasing the maximum fine level for some offences to £50,000.
- 1.2 The Council has adopted the Convention of Scottish Local Authorities' (COSLA's) Enforcement Concordat which promotes good practice in enforcement to deliver an approach that is proportionate, open and consistent. A formal enforcement policy that outlines the approach taken to enforcement, the decision making process and the matters to be considered in making a decision is an important method in delivering good practice.
- 1.3 The private rented sector has a vital role to play in meeting the housing needs in Edinburgh, currently providing 51,000 registered homes; the largest private rented sector in Scotland. With the private rented sector's share of the housing stock predicted to rise to over 30% by 2018, it vital that the sector inspires confidence that let property in Edinburgh will be of a high standard, well managed and maintained.

2. Main report

- 2.1 There has been significant focus on the private rented sector in recent years with significant new statutes including The Housing (Scotland) Act 2006 and the Private Rented Housing (Scotland) Act 2011.
- 2.2 These statutes have added new powers such as:
 - Power to suspend payment of rent in certain circumstances.
 - Power to take action where there has been a breach of Houses in Multiple Occupation (HMO) licence conditions.
 - Power to obtain information from tenants, agents and landlords in certain circumstances.
- 2.2 In addition existing penalties for certain offences in relation to HMOs, and acting as unregistered landlord have been increased to £50,000.
- 2.3 The Council has adopted the COSLA Enforcement Concordat which promotes good practice in enforcement to deliver an approach that is proportionate, open and consistent.

- 2.4 Regulation of the private rented sector is carried out by Private Rented Services (PRS). PRS was formed in November 2012 following an organisational review of the existing provision of private rented advice and enforcement services.
- 2.5 In light of the new service structure, the creation of new powers and increased fine levels it would be best practice to adopt a formal PRS Enforcement Policy. This policy would detail the approach taken to enforcement, the decision making process and the matters to be considered in making a decision.
- 2.6 The draft PRS Enforcement Policy is attached at appendix 1.

3. Recommendations

- 3.1 It is recommended that the Regulatory Committee:
 - 1. Approves the proposed PRS Enforcement Policy.
 - 2. The Director of Services for Communities reports annually to Committee the details and statistics on the enforcement action taken by PRS.

Mark Turley

Director of Services for Communities

Links

Coalition pledges	P8 Make sure the city’s people are well-housed, including encouraging developers to build residential communities, starting with brownfield sites
Council outcomes	CO10 Improved health and reduced inequalities
Single Outcome Agreement	SO4 Edinburgh’s communities are safer and have improved physical and social fabric
Appendices	Appendix 1 – Proposed Private Rented Services Enforcement Policy

Private Rented Services Enforcement Policy

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Introduction

The policy meets the “Principles of Good Enforcement” contained in the Enforcement Concordat developed by the Better Regulation Unit of the Cabinet Office and guidance and advice produced by the Scottish Government the Local Authorities Co-ordinators of Regulatory Services (LACORS) and the Crown Office.

The key factors of this policy are:

- The City of Edinburgh Council, as regulator of Private Rented Sector properties has adopted this documented enforcement policy,
- has decided that enforcement activity will be based on the risk/impact to tenants and the impact to neighbours,
- is committed to having regard to statutory Codes of Practice and the Enforcement Concordat,
- supports the Scottish Houses in Multiple Occupation Networking Group and the National Landlord Registration Networking Group in their roles in improving consistency of enforcement and sharing best practice amongst private rented sector regulators,
- has identified, by designation, the various enforcement decision makers and the limits of their authorisation,
- has defined informal action and will clearly demonstrate distinctions between legal requirements and advice on good practice,
- has identified circumstances appropriate to taking formal action including the issuing of notices under private rented sector legislation,
- has identified the circumstances for submitting reports to the Procurator Fiscal.

Policy Objective

It is the City of Edinburgh Council's policy to strive to ensure that the Private Rented Sector provides good quality homes and inspires consumer confidence. This enforcement policy aims to help and assist good landlords to comply with their legal obligations and tackles the problem of poor practice amongst landlords through good practice advice, allowing them to sustain their let. However, this policy recognises that it is appropriate that the very worst landlords are prosecuted and/or potentially excluded from the sector.

Compliance

All authorised officers, when making enforcement decisions, should abide by this policy. Any departure from this policy must be for exceptional reasons only and be capable of justification to the Private Rented Services (PRS) Team Manager and the PRS Manager

before the decision is taken, unless it is considered that there is a significant risk to the public in delaying the decision.

Enforcement Action

Enforcement action, be it verbal warnings, written warnings, notices under private rented sector law or report to the Procurator Fiscal, will primarily be based upon an assessment of risk/impact to tenants and the impact to neighbours, or failure to meet approval/licence conditions. In this context, risk is the probability of harm to tenants, their lack of amenity or being disadvantaged by the action, or lack of action, taken by their landlord.

Training

All authorised officers will be acquainted with the requirements of this policy and relevant procedures. All officers will be appropriately trained to enforce Private Rented Sector legislation, will be mentored when joining PRS and will receive ongoing training as necessary. Authorised officers will receive a minimum ongoing training of 10 hours per year based on the principles of continuing professional development.

General Principles and Communication

Verbal and written communications with property owners will differentiate between legal requirements and recommendations of good practice and will detail remedial action required, while recognising that alternative means of compliance are available.

The service will make use of translation, interpreter and signing services as required.

When dealing with multi-site businesses, letters and other correspondence will be sent to the business's head office, registered office or other address as well as, where appropriate, to the local branch. Notices will be sent recorded delivery (or hand delivered where appropriate) to the company's registered or principal office. More detailed specific procedures and guidance on notices is provided to officers.

Landlords and agents will always be advised in writing of their statutory right of appeal against notices served under PRS legislation. Any formal action and its outcome may be notified to other bodies such as other local authorities, the Scottish Government, and networking and liaison groups.

Landlords and agents will be given the opportunity to provide a response to any informal action and have that response recorded and taken into account when we consider their history of compliance.

Revisits to check compliance will be carried out as necessary; in an appropriate timescale; and in accordance with any PRS procedure or guidance on revisits.

Complaints about contravention of private sector law will be investigated in a proportionate and timely manner and in accordance with Council policy, i.e. all complaints to have initial response within five days, maintain the confidentiality of complainant, etc. Serious

complaints will be actioned within 1 working day. Complaints will be actioned and followed up by out-of-hours staff if necessary.

Complaints on how the Council applies the Private Rented Service Enforcement Policy will be dealt with using the Council's two stage complaints process. For more information please see our website www.edinburgh.gov.uk/complaints.

Equipment

Appropriate equipment (such as sound measurement equipment and protimeters), properly calibrated where necessary, will be made available to authorised officers.

Decision Making and Authorisation

For the purposes of this policy the PRS Manager will make the final decision on whether a report should be sent to the Procurator Fiscal.

The decision to initiate formal enforcement action may be made by an authorised officer who meets the following criteria:

1. They are a Senior PRS Officer and they have a minimum of six months experience in the private rented sector.
2. They are a PRS Officer and they have a minimum of six months experience in the private rented sector and are working under the guidance of a Senior PRS Officer.

For the purposes of this policy, where proposed action would exceed the limits of the criteria of an officer's authority under the preceding paragraph, the decision should be referred to a Senior Officer, PRS Team Manager or PRS Manager who will make the final decision on action to be taken at that time.

Advice and Education

PRS will give advice in response to approaches from landlords, tenants, and agents with regard to private rented sector issues and will undertake an educational role in relation to stakeholders in whatever form deemed appropriate according to changing circumstances.

It will be the aim of the advice and education provided by PRS to give stakeholders the tools they need to resolve any conflict themselves, at the lowest possible level, without the need to have recourse to external third parties or legal action.

Enforcement Options

It is a purpose of this policy, in relation to enforcement options, to recognise the importance of achieving consistent, balanced and fair enforcement. To achieve and maintain consistency, the contents of the following documents will always be considered and adopted where appropriate:

- Statutory Guidance

Appendix 1

- Industry Guides
- Landlord Registration National Networking Group Guidance
- Scottish Houses in Multiple Occupation Networking Group Guidance
- Crown Office Guidance
- Scottish Government Guidance

Authorised officers will also have access to the following references:

- Computers with Internet Access
- APP Database
- UNIFORM Database
- PRS Procedures and Guidance
- Relevant Legislation, Code of Practice and Practice Guidance

Where this Authority is considering taking enforcement action which we believe, or are informed, is inconsistent with that adopted by other local authorities or contrary to any advice issued by LACORS or the Scottish Government we will review that action to ensure that it complies with this policy.

Having considered all relevant information and evidence, the choices for enforcement action will be:

- Take no action
- Provide best practice advice
- Take informal action (verbal or written)
- Send a written warning (letter)
- Revoke or refuse an Houses in Multiple Occupation (HMO) licence
- Refuse or remove an entry from the Landlord Register
- Use notices under private rented sector law
- Send a report to the Procurator Fiscal

The latter four options above will be considered formal enforcement action.

Any serious breaches of Private Rented Sector law or matters requiring formal action will be brought to the attention of the Head of Service, appropriate Director and the Chief Executive.

Properties Operated by the Council, the Police and the Crown

Enforcement within HMO properties and relevant Private Rented Sector properties operated or owned by the Council, contractors on behalf of the Council, the Police and the Crown including the Ministry of Defence are subject to the same enforcement policy and inspection procedures as other HMO and Private Rented Sector properties except where such properties are specifically exempt by law.

Informal Action

Informal action to secure compliance with legislation includes offering advice, verbal warnings and requests for action, voluntary surrender of licences and registration, use of letters and the issuing of inspection reports including hand-written reports generated on site at the time of inspection.

Circumstances in which it will be appropriate to use informal action may include where:

- The act or omission is not serious enough to warrant formal action.
- From the past history of the business or proprietor it can be reasonably expected that informal action will achieve compliance.
- Confidence that the organisation's standards of management are high.
- The consequences of non-compliance will not pose a significant risk.
- The circumstances, though serious and / or posing a risk in the judgement of the authorised officer the risk can be adequately controlled through the immediate voluntary action of the landlord.

Inspection Reports and Advisory Notices

Inspection reports (which may include hand-written notes on self carbonised forms) will be issued following all programmed inspections even where conditions at the time of inspection are satisfactory.

Where an informal approach is used to secure compliance with Private Rented Sector law then any written documentation issued or sent to proprietors will:

- Contain all the information necessary to understand what work is required and why it is necessary.
- Indicate the legislation contravened, measures required to ensure compliance and that other means of achieving the same effect may be chosen.
- Make a distinction between statutory requirements and recommendations of good practice.
- Where an officer accepts voluntary action by a landlord or agent, the officer will ensure a written undertaking is obtained confirming the terms of the action that will be taken.

- More detailed specific procedures and guidance on voluntary actions is provided to officers.
- Verbal advice will also differentiate between legal requirements and recommendations of good practice.

Reports to the Procurator Fiscal

Any decision to initiate a report to the Procurator Fiscal shall be discussed by the authorised officer and PRS Team Manager at the earliest opportunity. A proportionate approach to enforcement will be followed. Before deciding whether to prepare a report for the Procurator Fiscal it will be considered whether other action (e.g. informal action or formal action) would be more appropriate.

Circumstances relevant to a decision to submit a report to the Procurator Fiscal include:

- Serious breach of housing law leading to risk to the tenant or actual harm to a tenant.
- Poor history of compliance.
- Failure to comply with notice under private rented housing law.
- Attempts or contrivance to avoid regulation, registration, or licensing requirements.

PRS Officers preparing reports to the Procurator Fiscal will consider guidance from the Crown Office and from other relevant agencies. Factors to be considered include:

- the sufficiency of the evidence;
- the likely reliability of any important witness and their willingness to cooperate;
- the alleged person or persons have been identified;
- any explanation offered by the landlord or agent;
- the likelihood of the landlord or agent being able to establish a defence, in particular a due diligence defence;
- the seriousness of the offence;
- the landlord's or agent's previous convictions;
- whether the offence was committed as a result of a genuine mistake or misunderstanding (though this must be balanced against the seriousness of the offence).

Where it has been found that a tenant of a property may have committed an offence by virtue of acting as an agent for the landlord, there will be presumption against a report to the Procurator Fiscal.

Exceptional circumstances that may justify reporting a tenant to the Procurator Fiscal may include cases where a tenant shares in the profit from acting illegally. Merely having a reduced rent or other minor benefit would not be considered justification for a report to be made.

More detailed specific procedures and guidance on reports to the Procurator Fiscal is provided to officers.

Action Areas

PRS may at times designate areas within the city as Action Areas. An Action Area would be created for a short period of time where there are demonstrable problems with poor landlord practice or non-compliance with private rented sector law affecting a local community to help address the problems that community is facing.

In assessing how a complaint should be handled, account will be taken of any current Action Areas in determining the impact to tenants and neighbours. This would result in the complaint being given a higher priority.

Development and Review

This policy has been developed to meet legislative requirements; incorporate specific guidance contained in statutory codes of practice and practice guidance issued under the Housing (Scotland) Act 2006; following the principles of the Enforcement Concordat; and support guidance issued by the Scottish Government.

The policy will be subject to regular review. It will be reviewed annually or earlier in the light of circumstances (e.g. changes in legislation or Scottish Government guidance).

Regulatory Committee

9:00am, Friday, 6 September, 2013

Licensing Refund Policy: outcome of consultation

Item number	7.2
Report number	
Wards	Citywide

Links

Coalition pledges	P28
Council outcomes	CO8
Single Outcome Agreement	SO1

Mark Turley

Director of Services for Communities

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Executive summary

Licensing Refund Policy: outcome of consultation

Summary

The report provides feedback on the consultation regarding the proposed policy on refund of licence application fees in line with Regulatory Committee's instruction on 3 May 2013.

Recommendations

- 1 It is recommended that Committee
 - a) notes the contents of this report
 - b) agrees the policy attached at appendix 1
 - c) reviews the policy after 12 months
 - d) that an annual report on refunds be submitted to the Regulatory Committee

Measures of success

Customers of the Licensing service are able to refer to a clear policy about how refund requests will be dealt with.

The number of complaints about refunds is reduced.

Financial impact

The Council's scale of fees for licensing applications was approved with effect from 1 April 2013. Where any refund is given this is required to be absorbed by the Civic Government (Scotland) Act 1982 licensing budget.

Equalities impact

There is no equalities impact arising from the contents of this report.

Sustainability impact

There is no environmental impact arising from the contents of this report.

Consultation and engagement

This report advises Committee on the outcome of the consultation on refund of licence application fees.

Background reading / external references

- [City of Edinburgh Council licence application fees list](#)
- [Report to Regulatory Committee: 'Refund of Licence Application Fees – proposed policy' Item 7.3, 3 May 2013](#)

Licensing Refund Policy: outcome of consultation

1. Background

- 1.1 The Council acts as Licensing Authority for a range of legislation including Housing (Scotland) Act 2006 and the Civic Government (Scotland) Act 1982. There is an agreed structure of fees which is designed to cover the costs of operating the licensing functions of the Council.
- 1.2 The Licensing Section routinely receives requests for reductions in the licence application fees applicable, typically where circumstances of the applicant have changed - for example, an offer of employment has fallen through or a HMO property is being sold.
- 1.3 The council had received complaints from customers raising concerns about lack of consistency in the manner in which these cases were dealt with.
- 1.4 In order to improve customer service, a draft policy, attached at appendix 1, was developed outlining the Council's approach to dealing with requests for refund of licence applications fees.

The draft policy was presented to Regulatory Committee on 3 May 2013 where it was agreed on an interim basis pending a consultation exercise.

- 1.5 Consultation was carried out between 10 and 30 June 2013. This took the form of an online survey which was promoted on the Council website, as a link on all out-going emails to licensing customers, and at the Licensing customer services desk.

2. Main report

- 2.1 The Council deals with on average 25,000 licence applications, renewals or variation requests each year. The scale of fees ranges up to several thousand pounds and is agreed by Council.
- 2.2 The licensing service routinely receives requests for reductions or refunds of the licence application fees applicable. The Licensing Sub-Committee has absolute discretion and can reduce or refund any fee where cases are referred to Committee for a decision.
- 2.3 Standing Orders provide Council Officers with delegated powers if a licence is granted or withdrawn, but not if a licence is refused. There is, however, no guidance to Council Officers as to when this discretion may be exercised.

- 2.4 Experience has shown that, where a request has been considered and dealt with by Council Officers under delegated powers, there is often a subsequent request for an appeal or appeals.
- 2.5 The policy, attached at appendix 1, is intended to assist applicants setting out the circumstances in which a refund request will be considered, the criteria used for making that request, and the decision making process.
- 2.6 Despite highlighting the survey at all main customer access routes responses to the consultation were limited. 12 responses were received. Details of these responses are attached at Appendix 2. Respondents had sought a refund in 41% of cases. Of the 12 responses less than 50% completed the full survey. On balance they express concern about the clarity of the policy and whether the policy covers all appropriate circumstances.

In summary the consultation indicated mixed views and regrettably no respondent used the open text boxes to provide comment which would better explained their concerns. As the Licensing review continues there will be other opportunities to engage with licence holders and officers will revisit this issue at the earliest opportunity.

- 2.7 Given the low level of response to this consultation exercise further work is ongoing to develop alternative engagement methods which can be used in any future consultation process.
- 2.8 Taking account of the limited response and the absence of any serious concerns it is recommended that the policy be agreed and reviewed after 12 months.

3. Recommendations

- 3.1 It is recommended that Committee
 - a) notes the contents of this report
 - b) agrees the policy attached at appendix 1
 - c) reviews the policy after 12 months
 - d) that an annual report on refunds be submitted to the Regulatory Committee

Mark Turley

Director for Services for Communities

Links

Coalition pledges	Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
Council outcomes	Edinburgh's economy creates and sustains job opportunities
Single Outcome Agreement	Edinburgh's Economy delivers increased investment, jobs and opportunities for all
Appendices	Appendix 1 : Draft policy 2013 Appendix 2 : summary of responses

Appendix 1

REQUESTS FOR REFUND OF LICENCE APPLICATION FEES

The purpose of this policy is to guide applicants and officers of the City of Edinburgh Council ('the Council') in relation to requests for the refund or reduction of licence application fees.

Applicants should note that the fee is paid to cover the cost of the application process, not for the licence itself.

The policy will apply to all requests for refunds or reduction of licence application fees.

The Council acts as a Licensing Authority as required by a number of statutes, and this currently involves processing and issuing approximately 25,000 licence applications or renewals each year. This policy seeks to ensure fairness and consistency for all applicants.

The Council's Licensing Authority functions are funded directly by the income collected from fees. The Council's charging structure is considered and approved by the Council or Regulatory Committee.

A considerable amount of work is required to lodge, process, administer and consider an application, including engaging with relevant consultees. The cost for this work is reflected in the application fee.

Legislation requires that the total fees payable for any period are equivalent to the expenses incurred by the Council in administering the licensing function during that period.

Prior to making an application, applicants should consider seeking independent legal advice.

An applicant must be ready, willing and able to complete the process before lodging an application. If this is not the case the applicant is recommended to delay applying.

ALL FEES ARE PAYABLE AT THE TIME OF LODGING THE APPLICATION AND ARE NON-REFUNDABLE EXCEPT AS OUTLINED BELOW.

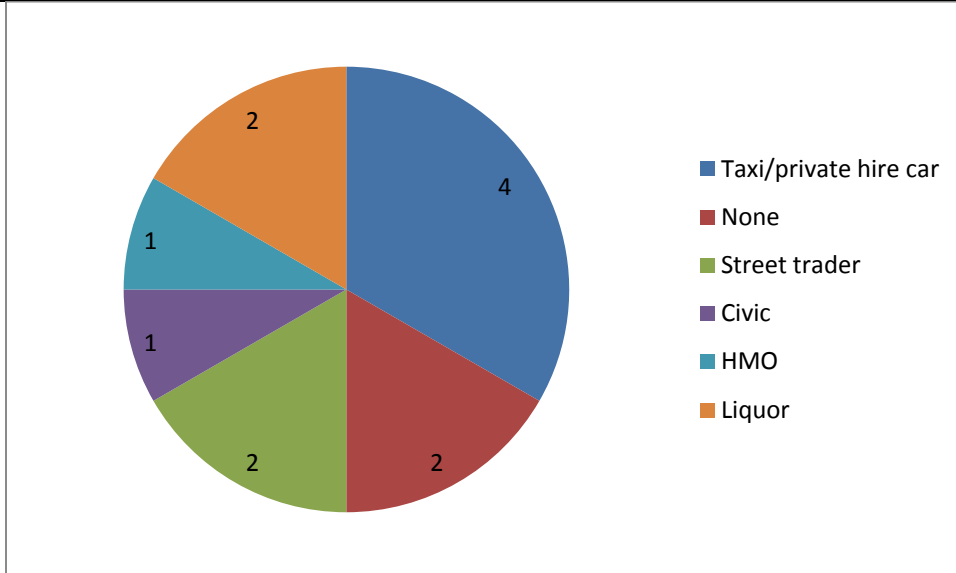
- I. All fees are payable at the time of lodging and are non-refundable except in exceptional circumstances.
- II. While exceptional circumstances are not defined, they would include events such as a bereavement or serious illness etc. which has an impact upon the application.
- III. The applicant may be called upon to provide documents or other information in support of their request.
- IV. 'Exceptional circumstances' will not be taken to include withdrawal by the applicant due to a change of business plan or circumstances, nor an applicant's inability to secure or obtain any relevant or essential permissions, consents, leases or vehicles etc. Nor will it include circumstances where an application has been refused or conditions have been attached to a licence granted.

- V. No policy can be fully comprehensive or inclusive, and it is recognised that rules should be enforced in a fair and consistent manner. It is essential, however, that each case is treated on its merits and that decisions are reasonable in the circumstances.
- VI. It is the intention of the Council that, in applying this policy, due consideration will be given to an applicant's personal and domestic circumstances etc.
- VII. Where a request for a refund or reduction of fees is made it will be considered by the Director of Services for Communities or their nominated officer, who will determine the response to the request based on the facts and circumstances.
- VIII. Where a request for a refund or reduction is refused the applicant will be given written reasons for the decision.
- IX. The decision will be final and there is no right of appeal or review of that decision.
- X. This policy does not affect any right to raise a complaint under the Council's Complaints procedure. Any request for a refund based on dissatisfaction with the service will be dealt with using the Council's Complaints Procedure.

Appendix 2

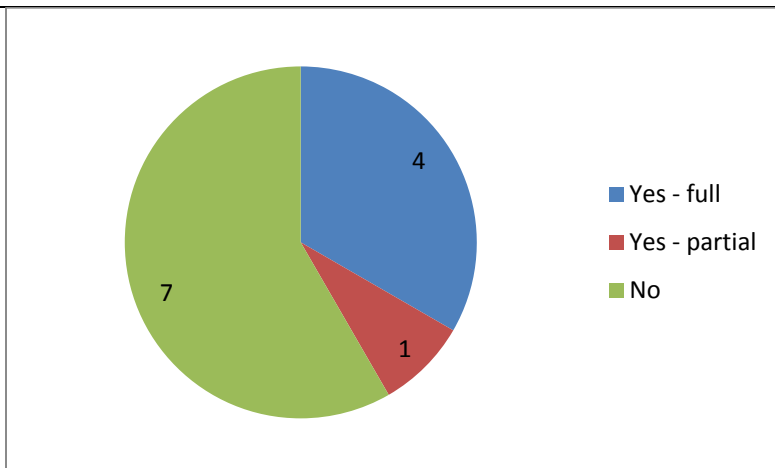
Q1: What type of licence do you hold? (if you have more than one type of licence, please answer for only one type of licence)

Taxi/private hire car	4
None	2
Street trader	2
Civic	1
HMO	1
Liquor	2



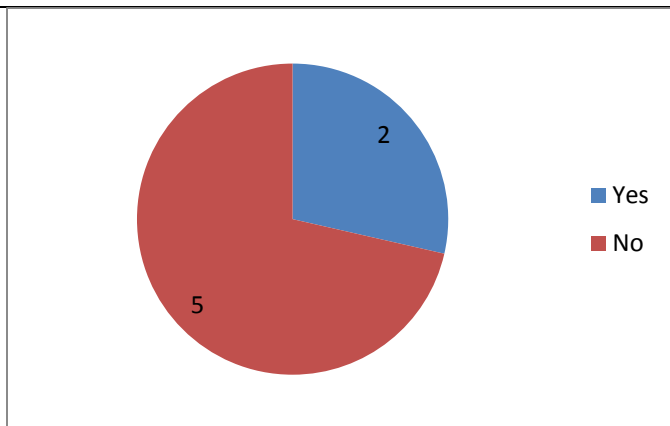
Q2: Have you ever asked for a refund on a licence application fee?

Yes, a full refund:	4
Yes, a partial refund	1
No	7



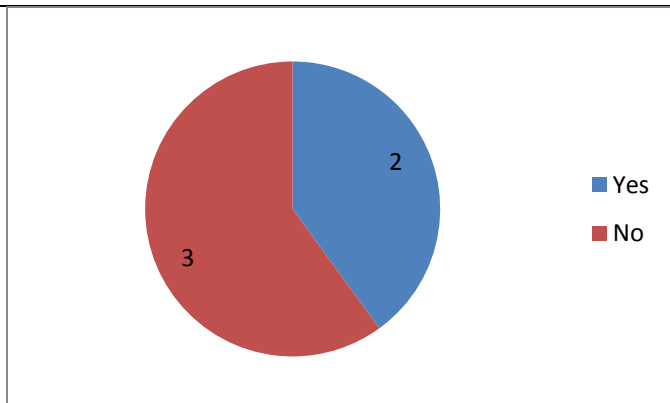
Q3: Do you think that the proposed policy is clear and easily understood?

Yes	2
No	5



Q4: Do the 'grounds for refund' cover everything that they need to?

Yes	2
No	3

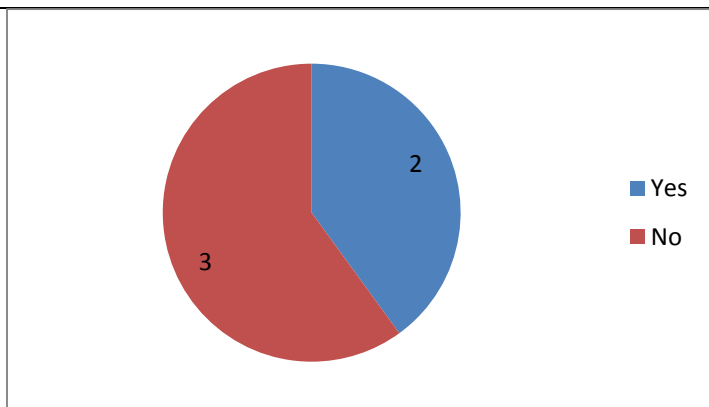


Q5: What else should be covered in the 'grounds for refund'?

No responses

Q6: Do you agree with the policy overall?

Yes	2
No	3



Regulatory Committee

9:00am, Friday, 6 September 2013

Delegation of authority to deal with certain licence applications

Item number 7.3
Report number
Wards: All

Links

Coalition pledges [P28](#)
Council outcomes [CO8](#)
Single Outcome Agreement [SO1](#)

Mark Turley

Director Services for Communities

Contact: Andrew Mitchell, Community Safety Manager

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

Executive Summary

Delegation of authority to deal with certain licence applications

Summary

The Regulatory Committee has a remit to deal with all matters relating to the Council's Licensing functions. The Licensing Sub-Committee of the Regulatory Committee has the remit to deal with licence applications which have attracted an objection, a representation from Police Scotland, or which may be considered controversial.

In all other cases Council Officers have been delegated authority to grant or refuse licence applications under the Council's Scheme of Delegation.

This report proposes further delegation of authority to deal with specific circumstances where the applicant has agreed to additional conditions requested by Police Scotland.

Recommendations

It is recommended that the Committee:

1. Endorses the additional delegation to the Director of Service for Communities authority to
 - a) grant a licence
 - b) renew any licence
 - c) vary any licence,

where Police Scotland has made a representation about conditions to be attached to the licence and where the applicant has indicated in writing that they agree to the conditions.

2. Instructs the Director of Corporate Governance to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.

Measures of success

Where parties are in agreement, licence applications are not delayed by the need to refer them to the Licensing Sub-Committee.

Financial impact

The costs of the licensing system are contained within the income from licensing fees. Actions recommended by this report may marginally reduce the costs of meetings of the Licensing Sub-Committee, in particular costs associated with applications which will no longer need to go to Committee.

Equalities impact

There is no equalities impact arising from the contents of this report.

Sustainability impact

There is no environmental impact arising from the contents of this report.

Consultation and engagement

This report is submitted as a result of feedback from members of the Regulatory Committee and customers who have requested this change.

Background reading / external references

[CITY OF EDINBURGH COUNCIL SCHEME OF DELEGATION TO OFFICERS, Paragraph 10 and Appendix 6](#)

Delegation of authority to deal with certain licence applications

1. Background

1.1 The Council has the statutory duty to act as Licensing Authority. The Regulatory Committee has the remit to discharge these duties. The Council annually receives approximately 20,000 applications for:

- new licences;
- renewal of an existing licence, or
- variation of an existing licence.

Under the Scheme of Delegation for Council Officers, authority to grant or refuse the majority of these is delegated to the Director of Services for Communities.

1.3 The Licensing Sub-Committee of the Regulatory Committee has been delegated powers to conduct hearings into certain applications. These usually occur where there has been an objection from the public, Police Scotland, or an elected member.

1.4 Paragraph 10 and Appendix 6 of the Scheme of Delegation provide that the following functions are delegated to the Director of Services for Communities:

176. granting, attaching conditions to, or refusing applications for licences etc. under the Civic Government (Scotland) Act 1982 and the legislation listed in Part A of Appendix 10 subject to:

(a) consultation with two of the members of the Regulatory Committee on a weekly duty rota (after consideration of reports by the appropriate officials); and

(b) there being no objection or representation from a member of the public or the Chief Constable to the application;

2. Main Report

2.1 This report is a result of feedback from members of the Committee and customers. In the last six months there have been a number of cases where Police Scotland have requested that additional conditions be attached to second-hand dealer licences. In these cases the normal practice is to circulate the Police letter to the applicant and to call the case to Committee for a hearing. This is required because, under the current Scheme of Delegation, receipt of a 'representation' from the Chief Constable automatically means that Council Officers do not have delegated powers to grant or refuse any licence in these circumstances.

- 2.2 Even when an applicant has indicated that they agree that the Police request is reasonable, and agrees to the suggested conditions, current arrangements mean that the case still has to call at Committee, which causes delay and frustration.
- 2.3 It is proposed that, in such circumstances described in paragraph 2.2, where the applicant clearly indicates that they agree to additional conditions, the power to grant or refuse such applications is delegated to the Director of Services for Communities. If the applicant has any concerns, or does not indicate a view, then these applications will continue to be referred to Committee for a decision.
- 2.4 It is hoped that this additional delegation of authority will reduce the time it takes to deal with these applications, and will reduce instances where applicants are called to Committee for a short pro-forma hearing to deal with matters already agreed.

3 Recommendations

It is recommended that the Committee:

- 3.1 Endorses the additional delegation to the Director of Service for Communities authority to

- grant a licence
- renew any licence
- vary any licence,

where Police Scotland has made a representation about conditions to be attached to the licence and where the applicant has indicated in writing that they agree to the conditions.

- 3.2 To instruct the Director of Corporate Governance to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.

Mark Turley

Director Services for Communities

Links

Coalition pledges	Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
Council outcomes	Edinburgh's economy creates and sustains job opportunities
Single Outcome Agreement	Edinburgh's Economy delivers increased investment, jobs and opportunities for all
Appendices	

Regulatory Committee

9:00am, Friday, 6 September, 2013

Fee Structure: Proposed Amendments

Item number	7.4
Report number	
Wards:	All

Links

Coalition pledges	
Council outcomes	CO21
Single Outcome Agreement	SO1

Mark Turley

Director Services for Communities

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Executive summary

Fee Structure: Proposed Amendments

Summary

The Council carries out functions as a licensing authority under the Civic Government (Scotland) Act 1982. The Council is entitled to recover costs related to this from appropriate fees.

A number of anomalies have been identified within the fee structure currently agreed by Council and this report proposes alterations to the fee structure to address these.

Recommendations

1. It is recommended Committee alters the fee structure for
 - Skin Piercing and Tattooists
 - Temporary Indoor Sports Licences
 - Health and fitness premises (non-commercial)as described in paragraphs 2.3, 2.7 and 2.11.
2. It is recommended that the Committee discharges the outstanding remits relating to Skin Piercing and Tattooists and Indoor Sports Entertainment from the Licensing Sub-Committee on 8 March and 26 April 2013.

Measures of success

The fee structure covers the costs of licensing activity and does not impose undue burdens on those seeking a licence.

Financial impact

The costs of administering the licensing system should be contained within the income generated from licence fees. It is anticipated that these changes will have a marginal impact on the revenue from each type of licence.

The revised fee structure reflects the costs incurred by the Council.

There is no financial impact on the Council's revenue fund.

Equalities impact

These changes do not relate to the Council's equalities duties. There is no adverse impact on any vulnerable group.

Sustainability impact

Not applicable.

Consultation and engagement

The revisions are as a result of feedback from customers.

Background reading / external references

None

Fee Structure: Proposed Amendments

1. Background

- 1.1 The Council is required to recover the costs of administering the Licensing System by charging fees to licence applicants. The fee structure was last agreed by Council in February 2013, and is attached at Appendix 1.
- 1.2 The Regulatory Committee has power within its remit to introduce new fees, or amend the licensing fee structure. It last did so by amending the fees applied to certain categories of public entertainment licence in May 2013.
- 1.3 This report seeks to address a number of issues with fees which have been brought to the Council's attention. These issues have resulted in complaints or have required referral of the matter for a Committee hearing.

2. Main Report

Skin Piercing and Tattooing

- 2.1 The city has hosted the Scottish Tattoo Exhibition for a number of years. At present each self employed Tattooist attending is required to obtain a one year licence to operate at the exhibition. The cost of this licence is £225.
- 2.2 The Licensing Sub-Committee has previously agreed to reduce the fee for Tattooists who only operate at the Exhibition for this limited period. The previously agreed discount has been applied for at least the last three years, and the fee charged is equivalent to that of an employee of a Skin Piercer or Tattooist at £58.
- 2.3 It is proposed that for the purpose of attending an exhibition or arts event, a temporary licence for not more than seven days should be made available for applications, at a reduced fee of £58.
- 2.4 This report discharges the outstanding remit from the Licensing Sub-Committee on 26 April 2013.

Indoor Sports Entertainment Licences

- 2.5 This category of licence is distinct from the more common public entertainment licences. There are a small number of venues to which this applies across the city, e.g. Meadowbank Stadium.

- 2.6 At the Licensing Sub-Committee on 8 March 2013 a hearing was held in relation to temporary use of a venue as an indoor sports entertainment premises. In this case a club was being used to host a boxing match on an infrequent basis. The issue is similar to the case above, in that the fee structure only provides for either a one year licence at the cost of £843 or a temporary licence for six weeks at a reduced cost of £588.
- 2.7 Where an event is being put on by a community group or for a charitable purpose, either on a one off basis or infrequently throughout the year, it is proposed that they be treated in a similar manner to Public Entertainment Licence applications. For community or charitable events running for up to six weeks, a reduced fee of £112 be introduced for the category of Indoor Sports Entertainment. This reduced fee will not be available for any commercial activity.
- 2.8 This report discharges the outstanding remit from the Licensing Sub-Committee on 8 May 2013.

Health and Fitness

- 2.9 The Council has received complaints that a small number of Health and Beauty treatment premises, typically where the operator is self employed or employs one or two staff, have to meet the same level of fees set for larger public entertainment premises.
- 2.10 This matter came to Council's attention after a complaint. These smaller premises provide therapeutic services within the scope of the existing public entertainment resolution, and had not obtained licences. Approximately 10-15 of these premises have been identified. They are typically operated by accredited health or beauty professionals, with capacity to deal with one or two customers at a time.
- 2.11 The existing fee structure is based on a minimum capacity of up to 200 people in any one premises. It is therefore proposed to use a similar fee structure for this category as is currently used for Sun-bed facilities. An application fee of £170 per treatment area would be available, up to a maximum of three such areas. To qualify for this reduced fee, an applicant would be required to be an accredited or registered health or beauty professional or member of a similar trade association. This fee would relate to Health or Fitness premises falling within the scope of the existing City of Edinburgh Council Public Entertainment Resolution.

3. Recommendations

- 3.1 It is recommended Committee alters the fee structure for
- Skin Piercing and Tattooing
 - Temporary Indoor Sports Licences
 - Health and fitness premises (non-commercial)
- as described in paragraphs 2.3, 2.7 and 2.11 above.

3.2 It is recommended that the Committee discharges the outstanding remits relating to Skin Piercing and Tattooists and Indoor Sports Entertainment, from the Licensing Sub-Committee on 8 March and 26 April 2013.

Mark Turley

Director of Services for Communities

Links

Coalition pledges

Council outcomes Safe – Residents, visitors and businesses feel that Edinburgh is a safe city

Single Outcome Agreement Edinburgh's Economy Delivers increased investment, jobs and opportunities for all

Appendices Appendix 1: Council Fee Structure

APPLICATION TYPES, CATEGORIES & FEES

The following table details all licences, permits, and registrations that can be applied for at the Licensing Department, City of Edinburgh Council. This information is correct as of the date printed on the footer of each page. If you have any queries regarding which application type applies to you, please do not hesitate to contact us at:

The Licensing Section, City of Edinburgh Council, 249 High Street, Edinburgh, EH1 1YJ.

T: 0131 529 4208, F: 0131 529 4207, E: licensing@edinburgh.gov.uk, www.edinburgh.gov.uk/licensing

Office Hours: Mon, Wed, Thu 08:30 – 16:30, Tue 10:00 – 16:30 and Fri 08:30 – 15:00

	TYPE	SUB TYPE	DURATION	FEE £	NOTES
	CIVIC GOVERNMENT (SCOTLAND) ACT 1982				
1.	BOAT HIRE	new	1 year	505	
2.		temporary	6 weeks	170	
3.	CHANGE OF MANAGER	for all civic except taxis		73	
4.	HOUSE IN MULTIPLE OCCUPATION	5 or 5+ persons (new)	1 year	585	
5.		5 or 5+ persons (renewal)	1 year	410	
6.		4 persons (new)	1 year	545	
7.		4 persons (renewal)	1 year	370	
8.		3 persons (new)	1 year	505	
9.		3 persons (renewal)	1 year	330	
10.		identical footprint / mirror image (new/renewal)	1 year	50	
11.	INDOOR SPORTS	new/renewal	1 year	843	
12.		temporary	6 weeks	588	
13.	KNIFE DEALERS	new	1 year	157	
14.		renewal	1 year	110	
15.	LATE HOURS CATERING	exemption	2 months	88	
16.		new	1 year	492	
17.		renewal	1 year	359	
18.	MARKET OPERATORS	50-300 stalls - temporary	6 weeks	279	
19.		50-300 stalls	1 year	1034	
20.		over 300 stalls - temporary	6 weeks	385	
21.		over 300 stalls	1 year	1527	
22.		under 50 stalls - temporary	6 weeks	173	
23.		under 50 stalls	1 year	524	
24.		Charitable/community/voluntary org. - 10 stalls max	1 year	111	
25.		temp - outdoor city centre	6 weeks	67	per pitch
26.	METAL DEALERS	new / renewal	1 year	504	
27.		exemption	3 years	1514	
28.	PUBLIC ENTERTAINMENT	Commercial operation capacity > 10,000	new / temporary	9005	
29.		Commercial operation capacity 5,001 - 10,000	new / temporary	5403	
30.		Commercial operation capacity 1,001 - 5,000	new / temporary	2702	

31.		Commercial operation capacity 201 - 1,000	new / temporary	1350	
32.		Commercial operation capacity 1 - 200	new / temporary	900	
33.		Commercial operation capacity > 10,000	Renewal (1 year)	6754	
34.		Commercial operation capacity 5,001 - 10,000	Renewal (1 year)	3602	
35.		Commercial operation capacity 1,001 - 5,000	Renewal (1 year)	1801	
36.		Commercial operation capacity 201 - 1,000	Renewal (1 year)	900	
37.		Commercial operation capacity 1 - 200	Renewal (1 year)	732	
38.		Charitable Organisation (< 200) / Community Events	6 weeks	112	
39.		Amusement Devices > 20		3602	
40.		Amusement Devices 6 - 20		1801	
41.		Amusement Devices 1 - 5		732	
42.		Amusement Device 1 only		160	(note 1)
43.		Sunbeds		170	(per bed)
44.		Hypnotism permission		112	
45.		Live animal supplement		170	
46.	PUBLIC ENTERTAINMENT VARIATION	Capacity increase			(note 2)
47.		Change of use capacity > 10,000		8987	
48.		Change of use capacity 5,001 - 10,000		5403	
49.		Change of use capacity 1,001 - 5,000		2702	
50.		Change of use capacity 201 - 1,000		1350	
51.		Change of use capacity 1 - 200		900	
52.		Other		112	
53.	SECOND-HAND DEALER	new	3 years	486	
54.		renewal	3 years	344	
55.		new	1 year	164	
56.		renewal	1 year	115	
57.		exemption		87	
58.		temporary	6 weeks	87	
59.		antique fairs dealers	1 year	44	
60.		stamp & book fairs dealers	1 year	24	
61.		record/transaction books		8	
62.	SEX SHOP	new/renewal	1 year	1329	

63.	SKIN PIERCING/TATTOOING - Where activity carried out mainly from premises	Principal Operator with employees - New	1 year	225	
64.		Renewal	3 Year	225	
65.		Each additional employee		58	
66.		Self Employed Operator - New	1 Year	225	
67.		Renewal	3 Year	225	
68.	SKIN PIERCING/TATTOOING - Where activity <u>not</u> carried out mainly from premises	Peripatetic (mobile) Operators	1 Year	225	
69.		Renewal	3 Year	225	
70.		One Off Events		225	
71.	STREET TRADERS	food - allowing named employees	1 year	334	
72.		food - no employees	1 year	250	
73.		non food - allowing named employees	1 year	210	
74.		non food - no employees	1 year	170	
75.		Charitable Organisation	6 months	71	
76.		food – change of vehicle		73	
77.		non food, change of vehicle		52	
78.		food - temporary	1 day	21	per person
79.		non food - temporary	1 day	12	per person
80.	VARIATION - CIVIC	variation of any civic licence except public ent.		43	
81.	VENISON DEALER		3 Years	339	
82.	WINDOW CLEANERS		3 years	147	
83.			1 year	49	
84.	OTHER LICENCE TYPES				
85.	ANIMAL BOARDING		1 year	282	
86.	CINEMAS	multi-screen	1 year	618	
87.		single screen	1 year	309	
88.		temp	1 month	206	
89.		transfer		124	
90.		up to 4 screens	1 year	618	
91.		variation		0	
92.	DANGEROUS WILD ANIMALS		1 year	282	
93.	DOG BREEDING		1 year	282	
94.	PERFORMING ANIMALS		1 year	504	
95.	PET SHOPS		1 year	332	
96.	PUBLIC CHARITABLE COLLECTION			0	

97.	RIDING ESTABLISHMENTS		1 year	504	
98.	THEATRE	Commercial operation - capacity > 1,000	new / temporary	2702	
99.		Commercial operation - capacity 201 - 1,000	new / temporary	1350	
100.		Commercial operation - capacity 1 – 200	new / temporary	900	
101.					
102.		Commercial operation - capacity > 1,000	Renewal (1 year)	1801	
103.		Commercial operation - capacity 201 - 1,000	Renewal (1 year)	900	
104.		Commercial operation - capacity 1 - 200	Renewal (1 year)	732	
105.					
106.		Charitable/ Community Organisation (<200)	max 4 p.a.	112	
107.		Street Theatre	per day	44	Per event / per day
108.	THEATRE VARIATION	Capacity increase			(note 3)
109.		Change of use capacity > 1,000		2702	
110.		Change of use capacity 201 - 1,000		1350	
111.		Change of use capacity 1 - 200		900	
112.		Other		112	
113.	ZOO		6 years	850	
114.	TAXI & PRIVATE HIRE				
115.	ADVERTISEMENT APPROVAL	interior (tip up seats)		7	
116.		Screen advertising system (subject to approval)		7	
117.		exterior doors (include interior)		18	
118.		superside (include interior)		32	
119.		full livery (include interior)		91	
120.	TAXI/PHC BOOKING OFFICE	New	1 year	500	
121.		Renewal	1 year	500	
122.	CANCELLATION OF INSPECTION			91	
123.	CHANGE OF MANAGER			91	
124.	CHANGE OF VEHICLE			137	
125.	CONDITIONS BOOK			13	
126.	DUPLICATE CERTIFICATE OF COMPLIANCE			20	
127.	DUPLICATE ID BADGE			13	

128.	DUPLICATE LICENCE			39	
129.	MEDICAL EXAMINATION NOT ATTENDED (without notice)			91	
130.	BUPA FURTHER ASSESSMENT NOT ATTENDED (without notice)			176	
131.	PRIVATE HIRE CAR	new vehicle	1 year	1567	
132.		renewal vehicle	1 year	267	
133.		new driver	1 year	72	
134.		renewal driver	3 years	156	
135.	PARTNERSHIP			1567	
136.	REPLACEMENT PLATE (INCLUDING DISABLED)			26	
137.	REPLACEMENT PRE-BOOKED DOOR SIGN	per sticker		10	
138.	TAXI	new vehicle	1 year	1567	
139.	TAXI	renewal vehicle	1 year	267	
140.	TAXI	new driver	1 year	91	
141.	TAXI	renewal driver		156	
142.	BRACKETS			26	
143.	TAXI TEST RE-SIT	(if within 6 months of original application)		0	
144.	VARIATION TO INCORPORATE INSPECTION ON CHANGE OF VEHICLE			48	
145.	VEHICLE RE-TEST (first)			0	
146.	VEHICLE RETEST (second and thereafter)	Second and thereafter		46	
147.	WHEELCHAIR EXEMPTION CERTIFICATE			0	
148.	MISCELLANEOUS FEES				
149.	AGENDA	Monthly		10	
150.	CERTIFIED COPY LICENCE	civic		34	
151.	DECISION LIST			50	
152.	DUPLICATE ID BADGE			13	
153.	RESEARCH FEE			33	

NOTES/....

Note 1: Public Entertainment - Amusement Devices Single Device Discount

The amount payable is £160.00 if the entertainment is a single device only.

Note 2: Public Entertainment Variation - Capacity Increase

Where an application to vary a licence is made, the effect of which will be to increase the capacity of the premises, the fee will comprise a base fee of £112 plus a supplement being the difference between the fee for a licence for the premises calculated on the original occupant capacity and the fee for a licence for premises with the increased capacity. For the avoidance of doubt, if the change in capacity does not lead to a change in fee band only the base fee of £112 will be payable.

Note 3: Theatre Variation - Capacity Increase

Where an application to vary a licence is made, the effect of which will be to increase the capacity of the premises, the fee will comprise a base fee of £112 plus a supplement being the difference between the fee for a licence for the premises calculated on the original occupant capacity and the fee for a licence for premises with the increased capacity. For the avoidance of doubt, if the change in capacity does not lead to a change in fee band only the base fee of £112 will be payable.

Regulatory Committee

9:00am, Friday, 6 September, 2013

Anti-Violence Advert in Taxis and Private Hire Cars

Item number	7.5
Report number	
Wards	All

Links

Coalition pledges	P32
Council outcomes	CO21
Single Outcome Agreement	SO4

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Executive summary

Anti-Violence Advert in Taxis and Private Hire Cars

Summary

Police Scotland seeks the support of the Council and the taxi and private hire car trades for an anti-hate national publicity campaign. A sticker has been designed that can be displayed in taxis and private hire cars to make the public aware that violence, such as physical and verbal abuse, towards taxi and private hire car drivers, will not be tolerated. The sticker is in effect an advertisement, and operators therefore require permission from the Council to display the stickers. This report recommends changes to the approval procedures and the waiving of application fees to encourage operators to carry these adverts.

Recommendations

- 1 It is recommended that Committee agree:
 - (a) To grant approval to allow this advert to be displayed in taxis subject to the conditions outlined below:-
 - that the requirement for individual taxi licence holders to apply to vary their licence to allow the display of this advertisement in their taxis be waived and that the fee of £7 not be charged;
 - private hire car licence holders are not required to obtain approval to place these adverts in their vehicles;
 - that the advert is located on either the partition between the driver and the passenger or on the underside of the flip-up seats, or
 - where the vehicle does not have a partition or flip up seats, the advert is required to be located on the back of the front seats, and
 - that the advert is not placed on any of the vehicle's windows.

Measures of success

The aim of the Police Scotland National campaign is to reduce violence, such as physical and verbal abuse, experienced by people during the course of their employment. For example, door staff, taxi and private hire car drivers, and Police officers.

Financial impact

It is considered that if the standard procedures and fee requirements were maintained, few if any, taxi licence holders would apply to carry the stickers. The revised procedures would result in little loss of income and no increase in administration costs. Police Scotland will supply and distribute stickers.

Equalities impact

The anti violence sticker will assist in the reduction of discrimination, harassment and victimisation.

Sustainability impact

None.

Consultation and engagement

None.

Background reading / external references

None.

Anti-Violence Advert in Taxis and Private Hire Cars

1. Background

- 1.1 Lothian and Borders Police launched an anti-hate crime campaign in April 2012. As part of the campaign the police created a sticker which states that physical and verbal abuse will not be tolerated. This is part of a national campaign.

2. Main report

- 2.1 The police have requested that the sticker is displayed in taxis and private hire cars. It is hoped that this will ensure that the public are aware that violence such as physical and verbal abuse is unacceptable and will not be tolerated. The police have requested that taxis and private hire cars display the sticker due to the number of violent and abusive incidents nationally which have been reported by taxi and private hire car drivers.
- 2.2 The proposed sticker is attached at [Appendix 1](#). The sticker is 20cm x 10cm in size. Although the sticker currently states “Lothian and Borders Police”, the stickers will be amended to “Police Scotland” to reflect the recent reorganisation of the police service.
- 2.3 The sticker is, in effect, an advertisement by the police in respect of their anti-hate crime campaign. The current licence conditions for taxis and private hire cars contain restrictions on advertisements being displayed in both types of vehicle.
- 2.4 Taxis – The conditions in relation to taxis are more detailed than in relation to private hire cars. There is an approval process which has to be used in order for an advert to be displayed within a taxi. The conditions state that an application for provisional approval of advertisements must be made. If officers are satisfied (after consultation with the Cab Inspector) as to the non-contentious nature of the advertisement, provisional approval will be given. Individual licenceholders who wish to display that advert must then submit an application for variation of the licensing conditions, together with a fee of £7 for internal adverts. A licenceholder can seek exemption from the fee if the advertising campaign is non-commercial.
- Private hire cars – The conditions simply state that a private hire car licenceholder shall not display in or on their private hire car any signs for any purpose of advertising other than those approved by the Council.
- 2.5 It is recommended that the Committee grants Approval for this advert subject to the conditions outlined in paragraph 2.8.

- 2.6 To encourage taxi and private hire car licenceholders to place these adverts in their vehicles, it is recommended that the usual procedures (which require individual taxi licenceholders to apply to vary their licence to allow the display of an advertisement in their taxis) be waived. This would mean that an application is not required and the application fee of £7 would not be payable. It is also recommended that private hire car licenceholders would not be required to obtain permission to carry these adverts.
- 2.7 It is recommended that these approvals and relaxations would only apply –
- (a) If the advert is located on either the partition between the driver and the passenger or on the underside of the flip-up seats, or
 - (b) If the vehicle does not have a partition or flip up seats, the advert would be required to be located on the back of the front seats, and
 - (c) The advert is not placed on any of the vehicle’s windows.

3. Recommendations

- 3.1 It is recommended that Committee agree:
- (a) To grant approval to allow this advert to be displayed in taxis subject to the conditions outlined below:-
 - that the requirement for individual taxi licence holders to apply to vary their licence to allow the display of this advertisement in their taxis be waived and that the fee of £7 not be charged;
 - Private hire car licence holders are not required to obtain approval to place these adverts in their vehicles;
 - that the advert is located on either the partition between the driver and the passenger or on the underside of the flip-up seats, or
 - where the vehicle does not have a partition or flip up seats, the advert is required to be located on the back of the front seats, and
 - that the advert is not placed on any of the vehicle’s windows.

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Links

Coalition pledges	Develop and strengthen local community links with the Police
Council outcomes	Safe – Residents, visitors and businesses feel that Edinburgh is a safe city
Single Outcome Agreement	Edinburgh’s communities are safer and have improved physical and social fabric
Appendices	Appendix 1 Copy of Lothian and Borders Police Advert

**Verbal and physical
abuse are crimes.
Don't make your next stop jail.**

