

Regulatory Committee

9am, Friday 16 March 2018

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

Regulatory Committee

Convener:	Members:	Contact:
<p>Councillor Catherine Fullerton</p> 	<p>Councillor Scott Arthur Councillor Gavin Barrie Councillor Steve Burgess Councillor Denis Dixon Councillor Cameron Rose Councillor Stephanie Smith Councillor Donald Wilson</p>	<p>Stephen Broughton Committee Services 0131 529 4261</p>

Private Rented Sector

The Housing (Scotland) Act 2004 brought in Enhanced Enforcement Areas (EEA). If granted the local authority has additional enforcement powers to tackle problems in the Private Rented Sector in that area. As the powers include the right of entry, enforceable by warrant, the Scottish Ministers have set a high bar of evidence such that only the most exceptional cases will be designated as an Enhanced Enforcement Area.

The Scottish Government has issued guidance to local authorities on the types of evidence which may be suitable. These powers will be considered in a fuller report on PRS Enforcement activity later this year.

Immigration Checks

Increased checks on operators of booking offices have been brought in under the latest provisions of The Immigration Act 2016. Checks will be made to ensure those applying for such a licence have demonstrated they have the right to work in the UK before a licence can be issued. It is expected that the requirements of the Immigration Act will be extended to applicants for Late Hours Catering Licences later this year.

Taxi Examination Centre

Following the last committee meeting work has continued to bring into use two new ramps at the centre to increase capacity. ICT works have now been completed and the ramps are in use pending final clearance from VOSA, who regulate MOTs.

Engagement with stakeholders

As part of the Licensing Service's commitment to improving feedback from customers, two meetings have been held recently with agents. In the first meeting, HMO agents met with managers of the service and discussed a range of issues such as the move to three year licences for HMOs, revised standards for fire safety and doors and improvements to inspection processes.

In the second meeting, managers of the Service met legal agents who act for clients seeking a licence from the Council. In that meeting recent policy changes and customer service improvements were discussed. Similar meetings have taken place with the taxi and PHC trade.

When the Landlord Registration scheme commenced in 2006 there were no powers for local authorities to require more information from the applicant and there was no power to enter property to carry out inspections. Therefore, enforcement staff are reliant on the willing cooperation of tenants and others in gathering evidence. Currently only two EEAs have been designated, both of which cover the Govanhill area of Glasgow.

The Immigration Act 2016 requires licensing authorities to verify that applicants for certain licences prove prior to the grant of a licence that they have the right to work in the work. Previously the Council relied on Police Scotland to identify if there was an issue with an applicant's status. Taxi and Private Hire Car drivers have been subject to these checks since 1 Dec 2016.

The ramps were purchased to increase the testing capacity of the centre following a significant increase in the number of vehicles licensed and therefore requiring test.

A large number of licence holders use an agent to apply on their behalf for a licence. Often these agents are specialists in their field.

Private Hire Car Overprovision

Following consideration of reports on taxi demand, the Convenor wrote to the Cabinet Secretary for Justice seeking clarification on when the guidance promised by Scottish Government on calculating over-provision of Private Hire Cars would be available. Scottish Government has replied that they are now working on the guidance and intend to engage with local authorities regarding a draft in early 2018.

The Civic Government (Scotland) Act 1982 has for many years allowed the number of taxis to be limited. On 1 May 2017 amendments to the Act giving a power to limit Private Hire Cars came into force. These new powers require an assessment of over provision and guidance is awaited on how to assess this.