

Notice of meeting and agenda

Regulatory Committee

10.00am, Monday, 2nd October, 2023

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome to attend or watch the webcast live on the Council's website.

Contacts

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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 Minute of the Regulatory Committee of 7 August 2023 – submitted for approval as a correct record 7 - 12

5. Forward Planning

- 5.1 Regulatory Committee Work Programme 13 - 16
- 5.2 Regulatory Committee Rolling Actions Log 17 - 26

6. Business Bulletin

- 6.1 Regulatory Committee Business Bulletin 27 - 32

7. Executive Decisions

- 7.1 Short Term Let Enforcement in Edinburgh – Report by the Executive Director of Place 33 - 40
- 7.2 Public Entertainment Licensing: Application Fees – Report by the Executive Director of Place 41 - 46
- 7.3 Criminal Records Checks for Taxi and Private Hire Car Driver Licence Applicants Born or who have Resided Outwith the United Kingdom 47 - 58

Kingdom – Report by the Executive Director of Place

- 7.4 Houses in Multiple Occupation Best Practice Guide - Update After Consultation – Report by the Executive Director of Place 59 - 84

8. Routine Decisions

- 8.1 None.

9. Motions

9.1 By Councillor Ross - Definition of City Centre Ward 11 for Market Operator Licences

“Committee notes:

1. The Council’s objective for full cost recovery across Licensing operations.
2. The decision of the Regulatory Committee, following a review of all licence fees in 2015, to NOT include any part of the Meadows in its higher pricing regime for City Centre Ward 11.
3. Boundaries Scotland changed the boundary of City Centre Ward 11 to include the Meadows west of Middle Meadow Walk with effect from May 2017.
4. The unintended negative consequences of the change at 3) above on community-led events.

Committee agrees:

5. Where events are led and run by the local community, to remove the whole of the Meadows (East and West) from the Market Operator fee structure for City Centre Ward 11.”

Nick Smith

Service Director, Legal and Assurance

Committee Members

Councillor Neil Ross (Convener), Councillor Jack Caldwell, Councillor Denis Dixon, Councillor Margaret Arma Graham, Councillor Martha Mattos Coelho, Councillor Joanna Mowat, Councillor Susan Rae, Councillor Val Walker and Councillor Norman Work

Information about the Regulatory Committee

The Regulatory Committee consists of 9 Councillors and is appointed by the City of Edinburgh Council.

This meeting of the Regulatory Committee is being held in the City Chambers, High Street, Edinburgh and virtually by Microsoft Teams.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Taylor Ward, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email taylor.ward@edinburgh.gov.uk / carolanne.eyre@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 the Council's online [Committee Library](#).

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Minutes

Regulatory Committee

10.00am, Monday 7 August 2023

Present

Councillors Ross (Convener), Caldwell, Dixon, Graham (Items 1.1-7.2) Mattos-Coelho, Mowat, Rae and Walker.

1. Deputations

a) Living Rent

(In relation to Item 7.2 Short-term Lets Licensing Scheme – Update)

The deputation welcomed efforts to commit to a licensing scheme. There were concerns over the enforcement of the scheme and exemptions within the scheme. A review of the scheme by summer recess 2024 was welcomed.

The deputation believes a clear and proactive enforcement plan is required with a team in place to protect both guests and residents of the city.

2. Minutes

Decision

- 1) To approve the minute of the Regulatory Committee of 1 May 2023 as a correct record.

3. Rolling Actions Log

The Rolling Actions Log for August 2023 was presented.

Decision

- 1) To agree to close the following actions:
 - Action 1 – Licensing Service Update and Draft Regulatory Committee Work Programme
 - Action 3 – Response to Motion by Councillor Younie - Sexual Entertainment Venues
 - Action 4 – Motion by Councillor Neil Ross – Delay in Start Date for Short Term Lets Licensing
 - Action 9 – Changes to Legislation on the Sale and Use of Fireworks in Scotland – referral from the Culture and Communities Committee

2) To otherwise note the remaining outstanding actions.

(Reference – Rolling Actions Log, submitted.)

4. Regulatory Committee Business Bulletin

The Regulatory Committee Business Bulletin for August 2023 was presented.

Decision

- 1) To check with officers when the Licensing Hub telephone line would be operational and email this to members.
- 2) To arrange a visit to Mortonhall Crematorium and request discussions with staff to consider new processing innovations.
- 3) To otherwise note the Business Bulletin.

(Reference – Business Bulletin, submitted.)

5. Licence Income Fees from 2022/23

The report provided information on the income collected from licensing fees during the last full financial year. The report gave detail on income from the three main licence categories and provided a breakdown of the areas of expenditure against this.

Decision

To note the report by the Executive Director of Place.

(References - report by the Executive Director of Place, submitted)

6. Short Term Lets Licensing Scheme – Update -

The report provided an update on the outcome of a Judicial Review of the Council's Short-term Lets (STL) Licensing Policy and Conditions Framework in the Court of Session, following the issuing of the Court's opinion on 8 June 2023 and subsequent interlocutor setting out its decision on 22 June 2023.

Motion

- 1) To note the outcome of the Judicial Review of the Council's Short-Term Lets Licensing Policy and Conditions.
- 2) To note that the Council had decided not to appeal the judgement.
- 3) To note that the Short-Term Lets Licensing Policy and Conditions in Appendix 2 of the report by the Executive Director of Place had been amended to take the Court's decision into account.
- 4) To agree the Short-Term Lets Policy and Conditions would be reviewed commencing no later than June 2024 as set out in paragraphs 4.26 and 4.27.
- 5) To note that a separate legal advice paper was previously provided by the Council's Legal Service prior to agreement of the Policy and Conditions on 29 September 2022.

- 6) To discharge the actions arising from the motions agreed by the Council on 22 June 2023 and by this Committee on 6 February 2023 and agree to refer the report to the Planning Committee for noting.

- moved by Councillor Ross, seconded by Councillor Caldwell

Amendment

- 1) To note the outcome of the Judicial Review of the Council's Short-Term Lets Licensing Policy and Conditions.
- 2) To note that the Council had decided not to appeal the judgement.
- 3) To note that the Short-Term Lets Licensing Policy and Conditions in Appendix 2 of the report by the Executive Director of Place had been amended to take the Court's decision into account.
- 4) To agree the Short-Term Lets Policy and Conditions would be reviewed commencing no later than June 2024 as set out in paragraphs 4.26 and 4.27.
- 5) To note that a separate legal advice paper was previously provided by the Council's Legal Service prior to agreement of the Policy and Conditions on 29 September 2022.
- 6) To discharge the actions arising from the motions agreed by the Council on 22 June 2023 and by this Committee on 6 February 2023 and agree to refer the report to the Planning Committee for noting.
- 7) To note that paragraphs 4.25 to 4.41 of the amended policy and conditions dealt with compliance and enforcement, and to request a briefing to members setting out further detail about how compliance and enforcement would be managed, and in particular how members of the public may report suspected unlicensed Short Term-Lets and whether, and in what circumstances, the Council would consider proactive enforcement.
- 8) To note, as set out in paragraph 4.28 of the report by the Executive Director of Place, that a further report would be presented to Committee on points around the policy which were raised subsequent to the judicial review, and agree that this report should be presented to Committee within two cycles, and that the report should, in addition to those points, also set out further details on the Council's approach to compliance and enforcement.

- moved by Councillor Rae, seconded by Councillor Dixon

In accordance with Standing Order 22.12, the Amendment was accepted as an addendum to the motion.

Decision

To approve the following adjusted motion by Councillor Ross:

- 1) To note the outcome of the Judicial Review of the Council's Short-Term Lets Licensing Policy and Conditions.
- 2) To note that the Council has decided not to appeal the judgement.

- 3) To note that the Short-term Lets Licensing Policy and Conditions at Appendix 2 have been amended to take the Court's decision into account.
- 4) To agree the Short-Term Lets Policy and Conditions will be reviewed commencing no later than June 2024 as set out in paragraphs 4.26 and 4.27;
- 5) To note that a separate legal advice paper was previously provided by the Council's Legal Service prior to agreement of the Policy and Conditions on 29 September 2022; and
- 6) To discharge the actions arising from the motions agreed by the Council on 22 June 2023 and by this Committee on 6 February 2023 and agree to refer this report to the Planning Committee for noting.
- 7) To note that paragraphs 4.35 to 4.41 of the amended policy and conditions deal with compliance and enforcement, asks for a briefing to members setting out further detail about how compliance and enforcement will be managed, and in particular how members of the public may report suspected unlicensed STLs and whether, and in what circumstances, the council would consider proactive enforcement.
- 8) To note, as set out in paragraph 4.28 of the report, that a further report will be presented to committee on points around the policy which were raised subsequent to the judicial review, and agrees that this report should be presented to committee within two cycles, and that the report should, in addition to those points, also set out further details on the council's approach to compliance and enforcement.
- 9) To circulate a briefing note to all elected members summarising the current scheme with reference to this report.
- 10) To provide communication on temporary licences to residents in buildings which contain secondary lettings.
- 11) To provide communication to residents on temporary exemption requests.
- 12) To keep members updated on Enforcement report due at October Committee, and position on the correct interpretation of legislation dealing with temporary exemptions.

(References - report by the Executive Director of Place, submitted)

7. Additional Item - Regulatory Committee Work Programme

The Convener ruled that the following item, notice of which has been given at the start of the meeting, be considered as a matter of urgency to allow the Committee to give early consideration to this matter.

A report was presented to update Committee on its agreed work programme which included both existing work streams and additional issues which officers had identified.

Decision

- 1) To note the progress with the Committee work programme.

- 2) To note the variety of objections made to licence applications and agreed to receive a report within two cycles on the provision

(References - report by the Executive Director of Place, submitted)

8. Licensing Performance Targets

The report set out steps the Licensing Service had taken to resolve issues caused by the disruption experience during the COVID-19 pandemic period, and the progress which had been made since.

Decision

To note the update and the measures which would be used to benchmark performance moving forward.

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

9. Late Hours Catering Enforcement

The report provided an update on enforcement activity in relation to Late Hours Catering Licences across Edinburgh.

Decision

To note the proactive enforcement action taken by Licensing Enforcement Officers in relation to late hours catering.

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

10. No Cold Calling Zones in Edinburgh

An overview was provided of no Cold Calling Zones in Edinburgh, which could be formed when a majority of residents in a proposed area indicate their support for the proposal.

Decision

- 1) To note the ongoing preventative benefits of No Cold Calling Zones operating across Edinburgh.
- 2) To support the creation of further No Cold Calling Zones where residents or Community Councils raise issues related to cold callers or doorstep crime.
- 3) To circulate a briefing note to members on 'No Cold Calling Zones' being automatically applied to sheltered housing complexes and care homes.
- 4) To include findings on sheltered housing complexes being automatically enrolled as designated No Cold Calling Zones in a members briefing.

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

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Work Programme

Regulatory Committee

2 October 2023

Item	Key decisions	Frequency	Director and Lead Officer	Expected Date
1	Age Limitations and Emissions Standards for Taxis and Private Hire Cars – Report by the Executive Director of Place	Annual	Executive Director of Place Lead Officer: Andrew Mitchell andrew.mitchell@edinburgh.gov.uk	February 2024
2	Houses in Multiple Occupation – Raising HMO Standards – Report by the Executive Director of Place	Annual	Executive Director of Place Lead Officer: Andrew Mitchell andrew.mitchell@edinburgh.gov.uk	February 2024
3	Food health and safety business plan – Report by the Executive Director of Place	Annual	Executive Director of Place Lead Officer: Andrew Mitchell andrew.mitchell@edinburgh.gov.uk	May 2024
4	Trusted Trader Scheme – Report by the Executive Director	Annual	Executive Director of Place Lead Officer: Andrew Mitchell andrew.mitchell@edinburgh.gov.uk	May 2024

Item	Key decisions	Frequency	Director and Lead Officer	Expected Date
	of Place			
5	Licence Income from Fees – Report by the Executive Director of Place	Annual	Executive Director of Place Lead Officer: Andrew Mitchell andrew.mitchell@edinburgh.gov.uk	August 2024
6	Taxi Fares Review – Report by the Executive Director of Place	Every 18 months	Executive Director of Place Lead Officer: Andrew Mitchell andrew.mitchell@edinburgh.gov.uk	December 2024
7	Demand for Taxis – Report by the Executive Director of Place	Every three years	Executive Director of Place Lead Officer: Andrew Mitchell andrew.mitchell@edinburgh.gov.uk	Spring 2026

Regulatory Committee Upcoming Reports

Appendix 1

Report Title	Directorate	Lead Officer
December 2023		
Sexual Entertainment Venues (SEV's)	Place	Andrew Mitchell
Licensing Enforcement - Taxis and Private Hire Cars (PHCs)	Place	Andrew Mitchell
February 2024		
Age Limitations and Emissions Standards for Taxis and Private Hire Cars	Place	Andrew Mitchell
Houses in Multiple Occupation – Raising HMO Standards	Place	Andrew Mitchell

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Rolling Actions Log

Regulatory Committee

02 October 2023

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	21.11.2022	Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Update	To request officers review whether changes may be required in the wording of taxi conditions, and elsewhere, to accommodate the conversion of the engines of taxi and Private Hire Cars to electric.	Executive Director of Place	May 2023	1 May 2023	Recommended for Closure Policy has been updated and is published on the website, update provided in the Business Bulletin.
2	06.02.23	Houses of Multiple Occupation (HMO) – Raising Standards Motion Update	1) To agree to consult on the terms of a proposed Best Practice Guide for HMP licence holders and agents as at Appendix 4 of the report by the Executive Director of Place.	Executive Director of Place	October 2023	2 October 2023	Recommended for Closure Consultation closed on 10 August 2023. A report “Houses of Multiple Occupation – Best Practice

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
							Guide – Update After Consultation” is included on the agenda.
			<p>2) The consultation on the Best Practice Guide should include provisions designed to encourage:</p> <p>i) Improved neighbour notification of HMO licence applications, whether new or renewals.</p> <p>ii) Enhanced contact details being provided to neighbouring residents on an annual basis by including the names of both the landlord and the agent, if there is one, and the telephone number and email</p>				

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			iii) address of a named individual. Better compliance with Council Waste policies by subcontractors acting on behalf of a landlord or agent to make appropriate arrangements with the Council or other collecting contractor for the disposal and/or uplift of any building materials, bulky items or other refuse which are inappropriate for residential waste streams.				
3	01.05.23	Business Bulletin – Card Payments in Taxis	To note that Legal Services would revisit the advice provided to Committee on making acceptance of card payments in taxis mandatory and report back	Executive Director of Place	May 2023	May 2023	Recommended for Closure Update in Businesses Bulletin May 2023.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			on the outcome of this reconsideration				
4	01.05.23	Sexual Entertainment Venues (SEVs): Update Following Judicial Review	<p>To agree to carry out a statutory consultation process to seek community and business views on:</p> <ul style="list-style-type: none"> i) what the appropriate number of Sexual Entertainment Venues (SEVs) for Edinburgh should be. ii) what the appropriate number of SEVs for each relevant locality within the city should be. iii) the existing SEV policy statement and conditions framework. 	Executive Director of Place	December 2023		<p><u>Update October 2023</u></p> <p>Consultation closes on 3 October 2023, a report will be submitted to December meeting.</p> <p><u>Update August 2023</u></p> <p>Consultation launched on 10 July 2023.</p>
5	01.05.23	Licensing Policy Development - Street Trading Update	1) To agree to consult on the current trading policy with emphasis on the issues identified in paragraph 4.2 of the report by the Executive Director of Place.	Executive Director of Place	December 2023		<p>Recommended for Closure</p> <p>Consultation now live.</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			2) To note that a further report would be submitted to Committee.		April 2024		
6	01.05.2023	Food Health and Safety Business Plan 2023-24	To request an update in the Business Bulletin in two cycles outlining the steps being taken to train and recruit more students.	Executive Director of Place	October 2023	2 October 2023	Recommended for Closure Update provided in the Business Bulletin.
7	01.05.2023	Motion by Councillor Ross – Hire Trade Age Policy	1) To ask officers to engage with the hire car trade to discuss these issues along with possible solutions and any possible licensing responses and to bring a report to committee in four cycles.	Executive Director of Place	Feb 2024		
			2) To ask the Convener to write to the Scottish Government to seek engagement on vehicle age and emission issues as		July 2024	July 2024	Recommended for Closure Letter to the Scottish Government sent July 2023.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			they apply to the hire car trade.				
8	07.08.2023	Business Bulletin	1) To check with officers when the Licensing Hub telephone line would be operational and email this to members.	Executive Director of Place	October 2023	October 2023	Recommended for Closure Emailed to members September 2023.
			2) To arrange a visit to Mortonhall Crematorium and request discussions with staff to consider new processing innovations				
9	07.08.2023	Short-term Lets Licensing Scheme – Update	1) To discharge the actions arising from the motions agreed by the Council on 22 June 2023 and by this Committee on 6 February 2023 and agree to refer this report to the Planning Committee for noting.	Executive Director of Place	August 2023	September 2023	Recommended for Closure Report referred to Planning Committee.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			2) To circulate a briefing to members setting out further detail about how compliance and enforcement will be managed, and in particular how members of the public may report suspected unlicensed STLs and whether, and in what circumstances, the council would consider proactive enforcement.		October 2023	October 2023	Recommended for Closure Report "Short Term Let Enforcement" on agenda.
			3) To circulate a briefing note to all elected members summarising the current scheme with reference to the report by the Executive Director of Place.		December 2023		
			4) To provide communication on temporary licences to residents in buildings which contain secondary lettings,		December 2023		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			5) To provide communication to residents on temporary exemption requests.		December 2023		
10	07.08.2023	Additional Item – Regulatory Committee Work Programme	1) To agree to receive a report within two cycles on the provision of clear guidance on objections to licence applications and renewals, covering what grounds might be considered as valid and not valid, a straightforward way to make complaints and estimated response timescales.	Executive Director of Place	December 2023		
			2) To provide members with an update on the progression of the delivery of the CX contract following discussions with Civica.		December 2023		
			3) To include an update in the future Work Programme on the		April 2024		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			progression of the Taxi Stance consultation.				
11	07.08.2023	No Cold Calling Zones in Edinburgh	To circulate a briefing note to members on 'No Cold Calling Zones' being automatic for sheltered housing complexes and care homes	Executive Director of Place	October 2023	September 2023	Recommended for Closure Briefing note circulated to members on 07.09.23.

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Business Bulletin


Regulatory Committee

10.00am, Monday, 2 October 2023

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



Regulatory Committee

Convener:	Members:	Contact:
<p data-bbox="156 342 448 421">Convener Councillor Neil Ross</p> 	<p data-bbox="635 342 1107 703">Councillor Jack Caldwell Councillor Denis Dixon Councillor Margaret Graham Councillor Martha Mattos-Coelho Councillor Joanna Mowat Councillor Susan Rae Councillor Val Walker Councillor Norman Work</p>	<p data-bbox="1187 342 1477 421">Taylor Ward Committee Services</p> <p data-bbox="1187 501 1477 636">Andrew Mitchell Head of Regulatory Services</p>

Recent News	Background	Contact						
LICENSING								
<p>Short-Term Lets</p> <p>As at 18 September 2023:</p> <table border="1" data-bbox="148 436 802 539"> <tr> <td>Total no. applications</td> <td>703</td> </tr> </table> <p>Of the 703 total:</p> <table border="1" data-bbox="148 640 802 813"> <tr> <td>No. applications processed</td> <td>369 (106 home letting, 80 secondary letting, 83 home sharing, 100 home letting and sharing)</td> </tr> <tr> <td>No. applications granted</td> <td>206</td> </tr> </table>	Total no. applications	703	No. applications processed	369 (106 home letting, 80 secondary letting, 83 home sharing, 100 home letting and sharing)	No. applications granted	206	<p>The Council has previously expressed strong concerns about the impact of the short term letting industry on the city called for additional regulation of the sector. On 1 October 2022 the licensing scheme for short term lets opened in Edinburgh. The Regulatory Committee approved a Short Term Lets Licensing Policy on 29 September 2022</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>
Total no. applications	703							
No. applications processed	369 (106 home letting, 80 secondary letting, 83 home sharing, 100 home letting and sharing)							
No. applications granted	206							
<p>Taxi licences</p> <p>There are currently 1,227 taxi licences in operation in the city, with 89 further licences available.</p>	<p>The Council licenses taxis and Private Hire Cars under the Civic Government (Scotland) Act 1982.</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>						
<p>HMRC Checks - Taxi and Private Hire Car Drivers and Booking Offices</p> <p>In March 2023 Committee were advised that HMRC were introducing compulsory checks for Taxi and Private Hire Car drivers and Booking Office licence holders on their tax status. This check will now take effect for all renewal applications lodged from 2 October 2023.</p> <p>Licensing bodies will need to obtain confirmation that an applicant has completed</p>	<p>Tax conditionality is an additional tax check that needs to be carried-out when a licence holder applies to renew a licence. This check is carried-out by licence holders online via their HMRC account. They are then</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>						

<p>a tax check before making a decision on their renewal application.</p> <p>Details of the legislative changes can be found in Part 7, paragraph 342 of the Finance (No. 2) Act 2023 (legislation.gov.uk)</p> <p>Guidance has been updated to reflect the changes that will apply in Scotland and can be found here.</p>	<p>provided with a code to give to their licensing authority when applying for licence renewals. The Council will not be able to grant a licence without that being completed.</p>	
<p>Licensing workload/backlog</p> <p>The workload position continues to improve – outstanding work has now reduced to 4,400 applications.</p> <p>Only 129 of these are part of the backlog, having taken longer than 12 weeks for initial consideration.</p>	<p>Committee requested an update on progress in dealing with the operational backlog</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>
<p>Licensing Forum</p> <p>The Forum’s next meeting is scheduled for 6 October 2023, at which it is anticipated that the Forum’s response to the Licensing Board’s review of its policy will be discussed.</p>	<p>Licensing (Scotland) Act 2005 requires a local Licensing Authority to establish a Licensing Forum.</p>	<p>Isla Burton Trading Standards Officer 0131 529 4208</p>
<p>TRADING STANDARDS</p>		
<p>Vapes</p> <p>Supported by Police Scotland, between May and July 2023, the Trading Standards Team undertook 55 targeted enforcement visits to check stock on retail premises and seize non-compliant items.</p> <p>Officers seized 4,689 illegal vaping devices. with an estimated retail value of over £85,000.</p> <p>The Trading Standards team is following up these seizures to establish importation and supply routes, and are continuing retail visits throughout the city. Targeted visits will also continue.</p>	<p>Vaping devices and liquids must be formally registered with the Medicines Healthcare Regulatory Authority. Although widely available, non-registered vapes are not permitted on the UK market. Many non-registered vaping devices contain harmful chemicals or have a larger ‘tank size’</p>	<p>Tom Veitch Trading Standards and Licensing Enforcement Manager 0131 469 3871</p>

	than the permitted 2ml.	
<p>Smarter regulation: UK product safety review</p> <p>The Office for Product Safety and Standards has launched a consultation on proposals to develop a new product safety framework. Further details are available here.</p> <p>The Council does not intend to respond to the consultation directly but will support the national response being prepared by the Society of Chief Officers of Trading Standards in Scotland.</p>	<p>The Office for Product Safety and Standards (OPSS) is part of the Department for Business and Trade.</p> <p>The Trading Standards team currently undertakes Local Market Surveillance.</p>	<p>Tom Veitch</p> <p>Trading Standards and Licensing Enforcement Manager</p> <p>0131 469 3871</p>
<p>Animal Welfare licensing consultation</p> <p>The Scottish Government is seeking views on proposals to extend licensing to currently unlicensed animal-related services and also update the licensing framework for other existing licensed animal-related services.</p> <p>The new licensable activities which are being considered include:</p> <ul style="list-style-type: none"> • dog walking, • dog grooming, • providing livery services, • offering canine fertility services, • Greyhound racing. <p>The second part of the consultation seeks views on replacing existing legislation covering animal boarding (including day care) and riding establishments.</p> <p>Officers are currently preparing a draft response. Full consultation details are available here.</p>	<p>The Council is already responsible for animal boarding and riding establishments under legislation dating back to the 1960's, and is responsible for Animal welfare in relation to the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021.</p> <p>A report to Committee on 31 March 2022 set out the implementation of the new animal welfare licensing regime.</p>	<p>Tom Veitch</p> <p>Trading Standards and Licensing Enforcement Manager</p> <p>0131 469 3871</p>

ENVIRONMENTAL HEALTH		
<p>A business case has been prepared for the recruitment of three Trainee posts. Initially the posts will support students already on a University of the West of Scotland (UWS) course with the future aim to encourage and support school leavers to take-up a career in Environmental Health. The business case now has provisional approval from HR and awaits approval from Finance.</p> <p>Environmental Health has recruited one new Environmental Health Officer and one student from UWS, has been interviewed and offered a post subject to passing their professional exams in September 2023.</p>	<p>At its meeting on 1 May 2023, Committee requested an update on the recruitment of Environmental Health Officers (EHO) and Food Safety Officers (FSO) and efforts to train and recruit more students.</p>	<p>Stephen Williamson Environmental Health Manager 0131 529 4934</p>

Regulatory Committee

10.00am, Monday, 2 October 2023

Short-Term Let Enforcement in Edinburgh

Executive/routine Wards	All
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1. Recommendations

- 1.1 Regulatory Committee is asked to:
 - 1.1.1 Note the approach to Short-Term Let ('STL') enforcement outlined within this report;
 - 1.1.2 Agree the additional enforcement inspection fee structure set out at Appendix 1;
 - 1.1.3 Agree to receive an annual enforcement report in 12 months outlining the number of complaints and related enforcement activity in relation to STL in Edinburgh;
 - 1.1.4 Agree to review the approach to STLs in Edinburgh in 12 months, including the inspection fee structure;
 - 1.1.5 Discharge the motion raised at the Regulatory Committee on 7 August 2023;
 - 1.1.6 Note that paragraphs 4.35 to 4.41 of the amended policy and conditions deal with compliance and enforcement, ask for a briefing to members setting out further detail about how compliance and enforcement will be managed, and in particular how members of the public may report suspected unlicensed STLs and whether, and in what circumstances, the council would consider proactive enforcement; and
 - 1.1.7 Note that a further report will be presented within two cycles on points around the policy which were raised subsequent to the Judicial Review, and that the report will set out further details on the Council's approach to compliance and enforcement.

Paul Lawrence

Executive Director of Place

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Short-Term Let Enforcement in Edinburgh

2. Executive Summary

- 2.1 This report provides an overview of the Council's approach to the enforcement of the [Civic Government \(Scotland\) Act 1982 Licensing of Short-Term Lets \(Order 2022\)](#) ('the 2022 Order'). This report and enforcement approach does not cover Planning enforcement, which is separately regulated. More information on the planning approach is available [here](#).

3. Background

- 3.1 The Council has previously called for additional regulation of the Short Term Lets (STL) sector through changes to planning classifications and the introduction of a licensing system. The relevant factors are set out more fully in previous Committee reports. There remains significant public interest about the operation and enforcement of the sector.
- 3.2 The commencement of the 2022 Order, which brought STL within the scope of activities covered by the licensing provisions of the Civic Government (Scotland) Act 1982 ('the 1982 Act'). On 29 September 2022, the Council adopted a licensing policy and additional conditions for STLs which were subsequently amended on 7 August 2023 to take account of the outcome of a Judicial Review.
- 3.3 The STL licensing scheme opened for applications on 1 October 2022. Operators who are already operating a STL at that date can continue to operate the STL until the application is finally determined. The majority of STL applications are expected in September 2023. As at 18 September 2023, 703 applications had been received.

4. Main report

General Enforcement Approach

- 4.1 The Council will seek to work with operators, residents and other interested parties to ensure compliance with legislative requirements and to be satisfied that STL accommodation is safe and appropriate for use. The Council's approach is to

engage, educate, encourage and take appropriate enforcement action where required.

- 4.2 All decisions about appropriate enforcement action will reflect current legal guidance, codes of practice, Crown Office guidance and the Scottish Regulators' Strategic Code of Practice.

Customer Contact and Complaints

- 4.3 Where a complaint is received in relation to the operation of licensed STL accommodation, in the first instance the Council will seek to resolve it through engagement with the host or operator. Information on how to make a complaint about a STL licence holder or the operation of a licensed STL can be found on the [Licensing Service webpages](#).
- 4.4 Where initial advice and guidance has not been successful or the complaint is of a more serious nature, the complaint will be passed to the Licensing Enforcement and Trading Standards teams to investigate.

Unlicensed Short-term Lets

- 4.5 Where a complaint about an unlicensed STL is received or proactively identified, in the first instance a letter will be sent advising of the legal requirement to be appropriately licensed for STL accommodation and the consequences of non-compliance, including specifying the relevant offence(s). The operator will be further advised to apply for a relevant licence within 14 days or face further enforcement action.
- 4.6 Further non-compliance will result in a formal written warning, and officers will then liaise with Police Scotland should any further enforcement action be required. This may include a report to the Crown Office and Procurator Fiscal Service.
- 4.7 Complaints in relation to unlicensed trading will be prioritised based on risk, which may include an assessment of, for example, a neighbour complaining about ongoing detrimental impact on their lives, or an identified concern about the safety of the property. Where an application is received and there are no ongoing issues, the Council would not normally pursue the enforcement action (set out in paragraph 4.6) pending the determination of the licence. If an application is refused, and any appeal is determined, should an unlicensed trader continue to operate then this would be a priority for a report to the Crown Office and Procurator Fiscal Service with a view to prosecution.
- 4.8 Committee is asked to note that there are no powers to serve notice to require an unlicensed premises to cease trading, or to serve the equivalent of a rent penalty or rent suspension notice. Therefore, while it is anticipated that such cases will be rare, the position remains that persistent non-compliance will be dealt with by reporting to the Procurator Fiscal. This will inevitably require evidence to be gathered and submitted as part of the report, and the Court process and associated timescales thereafter are outwith the control of the Council. During this period further issues will continue to be recorded and may be subject to further reporting to the Procurator Fiscal.

- 4.9 The Council will closely monitor the implementation and enforcement outcomes in relation to unlicensed STLs. Where issues are identified around any persistent problems or a lack of enforcement powers, the Council will seek to bring these to the attention of the Scottish Government's review of the STL licensing regime in the summer of 2024. This will include suggestions regarding where the existing legislation could be strengthened.

Enforcement Options and Outcomes

- 4.10 The Council's aim is to address any identified issues or complaints effectively, and to ensure compliance with applicable legislation and conditions of licence.
- 4.11 Where enforcement action is required, this will be taken using a graduated approach based on the history, nature and scale of the issue which has been identified. This may include informal action, referral to another agency, a written warning or an Enforcement Notice specifying the breach and required remedial action.
- 4.12 In more serious cases, a report will be submitted for the Licensing-Sub Committee's consideration which may seek variation, suspension, or revocation of the licence where the Council has concerns that:
- 4.12.1 The ongoing operation of the licence is likely to cause undue public nuisance; or
 - 4.12.2 The ongoing operation of the licence may be a threat to public order or public safety; or
 - 4.12.3 The licence holder is no longer fit and proper; or
 - 4.12.4 A condition of licence has been contravened.
- 4.13 In the most serious cases a report will be submitted to the Crown Office and Procurator Fiscal Service for consideration of prosecution, which could result in a fine of up to £2,500. Where appropriate a report will also be submitted to the Licensing Sub Committee as set out at 4.12 above.

Inspections and Additional Enforcement Fees

- 4.14 General enforcement costs covering unlicensed STLs and initial advice and guidance are included in the fees for new and renewal STL licence applications which were agreed by Committee on 7 August 2023. The legislation also allows the Council to charge additional fees for an inspection of a licensed premises where an operator has breached a condition of licence, or is the subject of a valid complaint ('additional enforcement inspections'). The Council notes the Scottish Government guidance with respect to frivolous or vexatious complaints, and in such cases no fee will be charged.
- 4.15 The fee structure at Appendix 1 is proposed for additional enforcement inspections reflecting the additional workload associated with complaint handling, including investigation, gathering evidence and visiting and inspecting properties. This fee structure will be reviewed in 12 months to ensure that it remains proportionate.

- 4.16 Where a STL has been subject to a visit and additional enforcement inspection, within five days of the visit the licence holder will receive a copy of the inspection report outlining the reasons for the visit, the outcome, any identified issues and any remedial action required.
- 4.17 Where multiple visits to one or more properties operated by one STL operator are required over a short period of time, other than for the first inspection, a minimum of three days will pass before costs are escalated to the next stage of the proposed enforcement inspection fee structure (Appendix 1).

Enforcement Resources

- 4.18 The Licensing Enforcement and Trading Standards teams within Regulatory Services will be primarily responsible for STL enforcement. These teams are already responsible for HMO and Landlord Registration enforcement activity.
- 4.19 Support from staff from other areas of Regulatory Services may be required to meet service demand, covering the day and nighttime economies where calls may be received about issues such as Antisocial Behaviour.
- 4.20 A review of service and resource demand will be included in the annual report presented to Committee in 12 months.

5. Next Steps

- 5.1 A review of the STL enforcement approach will be undertaken in 12 months, after the review of the STL Policy is conducted in 2024. This review will consider any necessary changes or improvements to the enforcement approach, including the enforcement inspection fee structure.

6. Financial impact

- 6.1 The new STL licensing regime will produce an increase in licensing income, which is expected to be balanced by increased administration and enforcement costs of this new licensing regime.

7. Equality and Poverty Impact

- 7.1 Matters described in this report have no relationship to the public sector general equality duty, thus there is no direct equalities impact arising from this report.

8. Climate and Nature Emergency Implications

- 8.1 No climate or nature emergency implications arise from the contents of this report.
- 8.2 There is no environmental impact arising from the contents of this report.

9. Risk, policy, compliance, governance and community impact

- 9.1 The new STL licensing regime contributes to the Council's strategic priority to create good places to live and work in Edinburgh.

10. Background reading/external references

- 10.1 [City of Edinburgh Council Short Term Let Policy.](#)
- 10.2 [Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms.](#)

11. Appendices

- 11.1 Appendix 1 - Proposed fee structure.

Appendix 1 – Proposed fee structure

Description	Inspection Fee
<p>Frivolous or Vexatious complaint visits or inspections</p> <p>No fee will be applicable where any visits or inspections are in relation to complaints or allegations that are found to be unfounded, unsubstantiated, frivolous or vexatious, or otherwise not connected to the licensable activities of the premises.</p>	£0
<p>First Inspection</p> <p>No fee will be applicable for a first visit or inspection to a property which has not been previously visited in relation to any enforcement activity or in relation to any complaints received.</p>	£0
<p>Second and Third Inspections</p> <p>Subsequent inspection(s) following the first inspection, where a valid complaint has been substantiated or a breach of condition has been found.</p>	£100 (reduced to £60 if paid within 14 days)
<p>Premises requiring four or more Additional Enforcement Inspections</p> <p>It is expected that any licensed premises subject to four or more enforcement inspections will be referred to the Licensing Sub-Committee for consideration of suspension, variation or revocation of the STL Licence.</p>	£250

Regulatory Committee

10.00am, Monday, 2 October 2023

Public Entertainment Licensing: Application Fees

Executive/routine
Wards

All

1. Recommendations

- 1.1 The Regulatory Committee is asked to:
 - 1.1.1 Note concerns about certain public entertainment fees;
 - 1.1.2 Note the issues raised in this report with respect to the licensing of 'gala days' and "Sun Tan Centres"; and
 - 1.1.3 Agree a stakeholder consultation on these issues should be progressed, in advance of making any adjustment to the relevant application fees.

Paul Lawrence

Executive Director of Place

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Public Entertainment Licensing: Application Fees

2. Executive Summary

- 2.1 This report provides information on recent issues with respect to certain Public Entertainment Licence ('PEL') application fees which have recently been challenged, and requests that Committee instructs public consultation in advance of a full review of these fees.

3. Background

- 3.1 The Council is a licensing authority under the Civic Government (Scotland) Act 1982 ('the 1982 Act'). The 1982 Act allows the Council to set fees for licences. The key underlying principle is set out in Paragraph 15 of Schedule 1 to the Act, and provides that the licensing authority shall seek to ensure that the total amount of fees received by the authority is reviewed from time to time and is sufficient to meet the expenses of the authority in exercising their functions under the Act. In other words, licensing fees must be set on a cost recovery basis.
- 3.2 The Council's current practice is that licence fees are introduced following a report to the Regulatory Committee, typically when dealing with the introduction of a new licence type or carrying out a review of fees. The last full review of fees under the 1982 Act was carried out in 2015. Some minor changes have been made as a result of Committee decisions, most recently when the fee structure for PELs was amended to take account of the inclusion of theatres in the Public Entertainment Resolution. Thereafter, fees are normally increased to take account of inflation or other cost rises as part of the Council's budget setting process. In March 2023, with the exception of House in Multiple Occupation (HMO) licence applications, fees were increased by 11% as part of the budget setting process.
- 3.3 Annual reports are presented to Regulatory Committee with details of income collected and spend for all licence types. The last such [report](#) was presented in August 2023, covering the financial year 2022/2023 income/expenditure of the Licensing Service.
- 3.4 The Council has previously reviewed the fee structure for the licensing of events such as galas and fairs under the Public Entertainment Resolution. Historically these events did not require a licence as they were free to enter and thus exempt

from the licence requirements of the Act. In 2012, the 1982 Act was amended and that exemption for free to enter events was removed, and since that time these events have required a licence. The Council has put significant discounts in place for community events, but there remains a tension with respect to the additional fees charged for commercial operators of funfairs which typically form part of the event.

- 3.5 It is worth noting that gala days are usually organised by volunteers, who have limited knowledge of the Health and Safety requirements applicable to funfairs and that the licence holder is the 'responsible person' regarding the safety of the equipment, in conjunction with the operator.

4. Main report

- 4.1 Concerns have been raised with respect to the application fees for PELs which would apply for events, and in particular community events such as gala days. Separately, a legal query has been raised about the fees charged to sunbed and tanning premises under the PEL system.

Sun Tan Centre licensing

- 4.2 In common with many other local authorities, for several decades Sun Tan Centres in Edinburgh have been required to have a PEL.
- 4.3 The Council recently received a challenge to the fee charged for a PEL application with respect to a Sun Tan Centre. When the licensing of such premises was introduced, the fee structure was based on a fee per sunbed within the property, reflecting how the industry operated at that time with relatively small premises. Tracing the report which set out the rationale supporting this has not been possible within the Council's records. Therefore, it would be prudent to review this aspect of the fee structure to ensure compliance with the Council's statutory duties.
- 4.4 Licence holders and representatives of the relevant trade body have pointed out that the industry has changed significantly in recent years, with some operators having fewer but larger premises. It has been suggested that the present historic fee structure penalises such larger venues. In-person inspections were halted for health and safety reasons over the pandemic period, and it is not anticipated that existing resources will allow a return to the pre pandemic inspection regime. Given the developments within the industry and type of premises available, it is likely that a risk-based approach to inspections may now be more appropriate for the sector and the feasibility of such an approach will be considered.
- 4.5 It is therefore proposed to engage with stakeholders to offer an opportunity for licence holders and their representatives to set out their views on how the sector has developed and how the fee structure might be reformed, taking into account the Council's requirements that all fees achieve cost recovery (as set out above).

Community events such as ‘gala days’

- 4.6 The fees which have applied to community events have been contentious since the 1982 Act was modified to remove the ‘free to enter’ exemption with the fee structure modified several times until its current form was agreed in 2015. The fees for community events have often not been increased in line with other licence fees, as the Council has at various times in the past chosen to prioritise keeping fees low for community groups. The fee for a free to enter event run by a community group is nil for events with a capacity up to 500 persons. Thereafter the fee increases in steps up to 2,500 persons but is still heavily discounted (Appendix 1).
- 4.7 In parallel, for many decades the Council has charged a separate fee for the licensing of amusement devices of the type used at funfairs. This has always been considered as separate from the licence required for community events, and there has been no change in that fee structure since 2015. An issue often arises where a community group or organisers of a gala day invite a commercial funfair organiser to provide funfair rides at the gala. The Council’s longstanding position is that these funfair rides should not be included under the licence granted to the community group, as the reduced fee was never intended to cover what is commercial activity. In addition, a community group would not normally have the skills or experience to safely manage funfair rides. The Council’s position is therefore that a commercial operator should obtain its own PEL.
- 4.8 In addition, some event organisers register as a charity and seek reduced fees on this basis. Charitable status for the purposes of Licensing is defined as all proceeds from the event being donated to charity.
- 4.9 During the period 2020/2021, there were no significant galas in Edinburgh due to the public health restrictions that were in place. In 2022, there was a small scale return, but it was only in 2023 that gala and funfair numbers returned to the pre-pandemic levels. No changes to the fee structure have been made in the intervening period apart from increases to deal with inflation, however it has recently become clear that a perception exists that fees for amusement devices are a new requirement.
- 4.10 Members will be aware of a number of queries about how fees have been applied in the current year. On checking Licensing records, there have been a number of inconsistencies regarding the application fees charged, in part due to information provided by applicants, and also due to the service’s interpretation of the information provided. Due to these inconsistencies, a refund of two thirds of the fee paid was made to all affected organisers in order to ensure fairness and transparency.
- 4.11 Separately, in-person inspection of these events has not recommenced following the pandemic. Responsibility for health and safety of equipment set-up and operation belongs with the PEL holder. Public Safety colleagues previously carried out site inspections which included checking certification and a general site visit but this did not include safety assessments of individual pieces of equipment. There

are no plans to recommence site visits, thereby highlighting the need for the licence holder to understand and carry out their Health and Safety obligations. This responsibility has always been that of the licence holder, and Council officers are happy to support where appropriate.

- 4.12 Approval is sought to consult with stakeholders on PEL fees for 2024 onwards, and particularly how community events with amusement devices are charged and where liability sits regarding health and safety of equipment.

5. Next Steps

- 5.1 With respect to both areas of licensing, it would be intended to engage with stakeholders during the remainder of 2023 and to bring forward proposals for amending the fee structures to Committee in February 2024. This would allow business and community groups to plan for fees which would be chargeable after 1 April 2024.

6. Financial impact

- 6.1 Any reduction on licence fee income must be contained within the Licensing budget, as fees must be on a full cost-recovery basis. Any discount on licensing fees will be offset by fees charged for other Civic licence holders. Therefore, there is no impact on the Council budget.

7. Equality and Poverty Impact

- 7.1 Where required, an integrated impact assessment will be conducted as part of any proposed changes to the PEL fee structure.

8. Climate and Nature Emergency Implications

- 8.1 There are no foreseen climate or nature emergency impacts as a result of this report.

9. Risk, policy, compliance, governance and community impact

- 9.1 Engagement will take place with relevant stakeholders, including community and trade representatives, in relation to any proposed fee changes for PEL before bringing proposals back to Committee.

10. Background reading/external references

- 10.1 [Review of Fee Structures – report to Regulatory Committee 2 February 2015](#)

- 10.2 [Public Entertainment Licensing – Interim Fee Proposals – report to Regulatory Committee 9 March 2012](#)
- 10.3 [Public Entertainment Licensing – Public Consultation on Amendments to the Resolution – report to Regulatory Committee 20 April 2012](#)

11. Appendices

- 11.1 Appendix 1 – Licence application fees 2023/2024.

Regulatory Committee

10.00am, Monday, 2 October 2023

Criminal Records Checks for Taxi and Private Hire Car Driver Licence Applicants Born or who have Resided Outwith the United Kingdom

Executive/routine
Wards

All

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee notes the contents of this report and approves the revised procedure in relation to the provision of criminal record checks by applicants for taxi and private hire car driver licences born or who have resided outwith the United Kingdom.

Paul Lawrence

Executive Director of Place

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Criminal Records Checks for Taxi and Private Hire Car Driver Licence Applicants Born or who have Resided Outwith the United Kingdom

2. Executive Summary

- 2.1 This report provides an update on the procedure adopted by the Licensing Service when implementing the Council's policy in respect of criminal record checks for applicants who wish to be licensed as taxi or Private Hire Car (PHC) drivers. It relates to drivers who were born, or who have resided, outwith the United Kingdom or have left the UK for six months or more at any one time.

3. Background

- 3.1 In terms of Section 9 of the Civic Government (Scotland) Act 1982 ('the 1982 Act') the City of Edinburgh Council, as licensing authority, previously resolved to require taxis and PHCs, and taxi and PHC drivers, to be licensed under the provisions of Sections 10 and 13 of the 1982 Act.
- 3.2 The Council has a duty to ensure that no licence is granted to any person who is not 'fit and proper', and thus provide members of the public with confidence in the suitability of licensed drivers.
- 3.3 Police Scotland, as a statutory consultee under the 1982 Act, provides responses to the Council detailing an applicant's criminal history, including previous convictions. Police Scotland has access to criminal records held within the UK but typically has no access to criminal records from outwith the UK. Consequently, Police Scotland may be unable to provide relevant information regarding criminal convictions checks for licence applications from persons who have recently immigrated to the UK, or those who have previously resided in other countries.
- 3.4 Therefore, it may appear that applicants who are born in the UK and have lived their whole life here are subject to more stringent checks and held to a higher standard than applicants born outwith the UK.

Policy development

- 3.5 In 2016, Committee agreed to introduce a policy to address the concerns regarding lack of information on any criminal records of applicants which could not be

provided by Police Scotland in their statutory consultation responses. This policy was subject to minor amendments by Committee on [24 October 2017](#), [6 February 2018](#) and [2 December 2021](#) (Appendix 1).

- 3.6 Since the introduction of the policy the UK has left the European Union and, as a result, it is necessary to amend the existing policy to address issues with verification and certification.

Declaration of Previous Convictions

- 3.7 Applicants for both taxi driver and PHC driver licences are required, by law, to provide details of any previous convictions (subject to Rehabilitation of Offenders legislation (Appendix 4).

Analysis of suspension requests

- 3.8 When the policy was originally introduced in 2016, Council officers analysed available data (dating back to April 2012) on requests for suspension of licensed drivers based on the most serious grounds. As reported to Committee, over half of these requests related to sexual or other violent crimes. The information available showed that at least 50% of the suspension requests were for drivers not born in the UK. The exercise was repeated for the period between April 2021 and August 2023, and results showed that twenty-five of the thirty-five drivers (71%) subject to suspension requests concerned licence holders who were not born in or who had spent time outwith the UK. This analysis reinforced a previously identified concern regarding the Council's limited capacity to check such an applicant's offending history prior to grant of a licence.

4. Main report

- 4.1 Where an applicant for a new taxi or PHC driver licence has been unable to produce the relevant Criminal Record Check, the application is considered as incomplete and returned to the applicant. Consequently, a small number of applications are unable to be progressed. This issue has to be balanced against the needs of the public using licensed vehicles and, in particular, the fundamental duty of the licensing authority to protect public safety. Passengers have an expectation that drivers will have been suitably assessed by the Council as licensing authority, and it is essential that there is public confidence in the robustness of the licensing process.
- 4.2 The current policy was originally approved by Regulatory Committee, due to safeguarding requirements and the Council's duty to ensure that all drivers are fully checked prior to being granted a licence.
- 4.3 Since the introduction of the policy, a small number of drivers have been unable to obtain criminal conviction documentation from their country of origin. As a result, the Licensing Service receives regular complaints regarding the perception that the current policy is unfair and discriminates against applicants who are unable to

obtain relevant documentation due to circumstances outwith their control such as civil unrest, refugee status etc.,.

- 4.4 There has also been a recent increase in the volume of enquiries regarding applicants who cannot obtain a Criminal Record Check or who have been unable to get such documentation certified (as required by current policy) from particular countries including Iran, Sudan, Somalia, Syria and Afghanistan. In such cases, the UK Government guidance does not provide a recognised route for certificates to be obtained from these countries. Despite the lack of recognised route, Licensing officers have recently identified a trend in the submission of documentation and ‘certification’ for these countries, which raises concerns over authenticity. These documents purport to be genuine, but in the absence of the country having an Embassy located in the UK it is not possible for officers to check the authenticity of such documents.
- 4.5 The current policy requires that, in all cases, Criminal Record Checks documentation provided must be obtained within six months immediately prior to submission of an application, translated into English and verified by the relevant UK-based Embassy or High Commission.
- 4.6 It is proposed that the Council should amend the process on Criminal Records Checks (‘CRC’) to reflect the most recent UK Government Guidance, as follows:

Applicant nationality	CRC verification requirement	Other
EU CRC (where applicant is a national of the EU State issuing the CRC)	If CRC is not in English, it must be accompanied by a Multilingual Standard Form or a certified translation carried out by a person qualified to do so under the law of a Member State. <i>(A multilingual standard form is a translation aid designed to help the receiving authority to understand a public document which is in a language not accepted b the receiving EU country. An MSF must always be issued and signed by an authority of the EU country where the public document is issued).</i>	-
All other CRCs	The CRC provided must be translated into English and verified by the relevant UK-	Alternatively, the document can be verified by way of an

	based Embassy, Consulate or High Commission	Apostille Certificate ¹ (Appendix 2)
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- 4.7 Where an applicant for a new licence has been unable to produce the relevant CRC in line with the revised procedure, the application will be considered incomplete and returned to the applicant. Appendix 3 sets out the recommended changes to the current procedure and Committee is asked to agree these changes in respect of the Criminal Records checks policy.

5. Next Steps

- 5.1 If approved, the taxi and Private Hire trade will be notified. Application forms and the Council website will also be updated.

6. Financial impact

- 6.1 There is no direct financial impact on the Council. All costs will be contained within existing budgets.

7. Equality and Poverty Impact

- 7.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.

8. Climate and Nature Emergency Implications

- 8.1 There are no identified duties relating to climate emissions and biodiversity or environmental impacts created by this policy.

9. Risk, policy, compliance, governance and community impact

- 9.1 A Licensing Authority has a duty to ensure that a licence is not granted to a person who is not 'fit and proper', and that they have a right to work and remain in the UK.
- 9.2 There is a risk that an applicant may challenge this policy in the courts. It is believed that the need to protect the overall public safety mitigates that risk.

¹ if the document was issued by a designated authority in a country where the Hague Convention of 1961 Abolishing the Requirement for Legalisation of Foreign Public Documents ('the Apostille Convention') is in force (Appendix 2).

An apostille is a certificate that authenticates the origin of a public document. The aim of an apostille is to prevent the need to get documents authenticated by the embassy or consulate of the country where they will be used.

10. Background reading/external references

- 10.1 [Production of Criminal Records and Evidence of Right to Work in the UK by Taxi & PHC Driver's Licence Applicants](#) – Regulatory Committee on 19 September 2016
- 10.2 [Production of Criminal Records Checks for Taxi and Private Hire Car Driver's Licence Applicants Born Outwith the UK](#) – Regulatory Committee on 24 October 2017
- 10.3 [Criminal Records Checks for Taxi and Private Hire Car Driver's Licence Applicants Born outwith the United Kingdom](#) – Regulatory Committee on 6 February 2018
- 10.4 [Criminal Records Checks for Taxi and Private Hire Car Driver's Licence Applicants Born outwith the United Kingdom](#) – Regulatory Committee 2 December 2021

11. Appendices

- 11.1 Appendix 1 – Policy on Criminal Records Checks
- 11.2 Appendix 2 – The Apostille Convention
- 11.3 Appendix 3 – Updated Procedure for Criminal Records Checks
- 11.4 Appendix 4 – Rehabilitation of Offenders

Existing Policy on Criminal Records Checks

1. Subject to the Rehabilitation of Offenders Act 1974, as amended by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015. All convictions must be declared on the application form, even if they are otherwise “spent” for the purposes of the Rehabilitation of Offenders Act 1974, unless they are “protected” convictions.
2. In addition, anyone applying for the grant of a taxi or PHC driver’s licence is required to provide evidence of the following:
 - 2.1 If they were born in the UK but have lived in any other country for six months or more, they must provide a Criminal Record Check from that country; or
 - 2.2 If they were born outwith the UK they must provide a Criminal Record Check from their country of origin. They must also provide a Criminal Record Check from any other country in which they have resided for six months or more; or
 - 2.3 If they were born outwith the UK, immigrated to the UK with their parents and have resided in the UK since childhood and are able to demonstrate this, but are unable to provide criminal record documentation relating to the period when they were a child under the age considered to be below the age of criminal responsibility in Scotland (i.e. 12), that this is accepted as the equivalent of offending history of UK nationals and would not normally be considered by the authority.
3. In all cases, the Criminal Record Checks provided must have been obtained within the six months immediately prior to submitting an application, translated into English and verified by the relevant UK based Embassy or High Commission.

Information on how to obtain criminal record checks overseas can be found on the GOV.UK web site:
www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants
4. Where an applicant for a renewal of a taxi or PHC driver’s licence has been outwith the UK for a period of six months or more since the last renewal criminal records certificates shall be provided. If an applicant is unable to do so then their application will be accepted, processed and referred to the committee to determine whether the application should be considered an exception to the policy.
5. Where an applicant for a new licence has been unable to produce the relevant Criminal Record Check, the application will be treated as incomplete, and therefore will not be processed. In addition, following the statutory amendments introduced by the Immigration Act 2016, applications will not be accepted from an applicant who cannot demonstrate the right to work in the UK.

6. Where a previous licence holder has failed to renew their licence and allowed it to lapse they shall be treated as a new applicant and paragraph 4 above shall not apply.

The Apostille Convention

The [Apostille Convention](#) was adopted in 1961 and currently has 115 member countries.

An apostille is a certificate that authenticates the origin of a public document. It is issued by a country that is party to the Apostille Convention to be used in another country which is also a party to the Convention.

The aim of an apostille is to prevent the need to get documents authenticated by the embassy or consulate of the country where they will be used. The UK is party to the Convention and has a system where if you have an Apostille certificate that has been issued in the UK you can verify the document online:

<https://www.gov.uk/verify-apostille>

The process in the UK to get an apostille certificate is submitting the document to the Legalisation Office online either electronically or in paper form. The Legalisation Office will check the document and see if any signatures, stamps or seals match their own records. If they do match, they'll legalise the document by attaching an 'apostille' (stamped official certificate).

By way of example

Spain is a subscriber to the Apostille Convention.

Their apostille document is issued in 3 languages, Spanish, English, and French and directs you to the Spanish Government website.

You enter the date and the unique codes on the certificate and the site will verify the codes and show you an electronic version of the document so you can verify the apostille document.

All that the apostille document will do is confirm the reference number of the document that has been checked and verified.

Independent of the apostille document there is a separate process where you can verify that the CCC is valid by supplying the document number and a secure code that is printed on the document.

The CCC will be in Spanish so it will still need a translation for the CCC.

Updated Policy on Criminal Records Checks

1. Subject to the Rehabilitation of Offenders Act 1974, as amended by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015. All convictions must be declared on the application form, even if they are otherwise “spent” for the purposes of the Rehabilitation of Offenders Act 1974, unless they are “protected” convictions.
2. In addition, anyone applying for the grant of a taxi or PHC driver’s licence is required to provide evidence of the following:
 - 2.1 If they were born in the UK but have lived in any other country for six months or more, they must provide a Criminal Record Check from that country; or
 - 2.2 If they were born outwith the UK they must provide a Criminal Record Check from their country of origin. They must also provide a Criminal Record Check from any other country in which they have resided for six months or more; or
 - 2.3 If they were born outwith the UK, immigrated to the UK with their parents and have resided in the UK since childhood and are able to demonstrate this, but are unable to provide criminal record documentation relating to the period when they were a child under the age considered to be below the age of criminal responsibility in Scotland (i.e. 12), that this is accepted as the equivalent of offending history of UK nationals and would not normally be considered by the authority.
3. In all cases, the Criminal Record Checks provided must have been obtained within the six months immediately prior to submitting an application:
 - 3.1 **For EU Criminal Record Check (only where you are a national of the EU State issuing the Criminal Record Check):**

Where the Criminal Record Check is not in English, it must be accompanied by a Multilingual Standard Form, or a certified translation carried out by a person qualified to do so under the law of a Member State.
 - 3.2 **For all other Criminal Record Checks:**

The Criminal Record Check provided must be translated into English and verified by the relevant UK based Embassy, Consulate or High Commission. Alternatively, the document can be verified by way of an Apostille Certificate if the document was issued by a designated authority in a country where the Hague Convention of 1961 Abolishing the Requirement for Legalisation of Foreign Public Documents (the Apostille Convention) is in force.

Information on how to obtain criminal record checks overseas can be found on the GOV.UK web site:

www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

4. Where an applicant for a renewal of a taxi or PHC driver's licence has been outwith the UK for a period of six months or more since the last renewal then criminal records certificates as detailed above for new applicants shall be provided. If an applicant is unable to do so then their application will be accepted, processed and referred to the committee to determine whether the application should be considered an exception to the policy.
5. Where an applicant for a new licence has been unable to produce the relevant Criminal Record Check, the application will be treated as incomplete, and therefore will not be processed. In addition, following the statutory amendments introduced by the Immigration Act 2016, applications will not be accepted from an applicant who cannot demonstrate the right to work in the UK.
6. Where a previous licence holder has failed to renew their licence and allowed it to lapse they shall be treated as a new applicant and paragraph 4 above shall not apply.

Applicants for both taxi driver and PHC driver licences are required by law to provide details of any previous convictions.

The Rehabilitation of Offenders Act 1974 makes certain provisions relating to convictions that are considered 'spent'. However, the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 excludes these provisions in respect of proceedings relating to the grant, renewal or cancellation of a taxi driver's licence or PHC driver's licence, and this means that spent convictions which are not protected convictions may be considered alongside unspent convictions in such licence applications.

Regulatory Committee

10.00am, Monday, 2 October 2023

Houses in Multiple Occupation Best Practice Guide - Update After Consultation

Executive/routine
Wards

All

1. Recommendations

- 1.1 The Regulatory Committee is asked to:
 - 1.1.1 Note the contents of this report and the responses to public consultation on the draft Best Practice Guide for Houses in Multiple Occupation (HMO);
 - 1.1.2 Agree to introduce the Best Practice Guide for HMO licence holders in Edinburgh; and
 - 1.1.3 Agree to the proposed changes to the Best Practice Guide following the public consultation exercise.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Houses in Multiple Occupation Best Practice Guide - Update After Consultation

2. Executive Summary

- 2.1 This report provides a further update on the work carried out in response to a motion by Councillor Ross on Raising Houses of Multiple Occupation (HMO) Standards.
- 2.2 The report sets out the responses to a public consultation on a proposed Best Practice Guide for HMO licence holders and recommends that Committee approves the introduction and publication of the guide.

3. Background

- 3.1 In terms of the Housing (Scotland) Act 2006 ('the 2006 Act'), the Council is required to license HMOs where three or more individuals or families both live in a property and share specified facilities therein.
- 3.2 On 28 October 2021, the Council agreed a motion by Councillor Ross on Raising HMO Standards. The motion (Appendix 1) related to specific areas of HMO licensing in the city. In particular, the motion referred to three areas:
 - 3.2.1 The issue of application notices to residents;
 - 3.2.2 The issue of emergency contact details to residents; and
 - 3.2.3 The problem of fly-tipping and/or abuse of residential waste facilities by contractors employed by landlords or agents.
- 3.3 On 8 February 2023, Committee [agreed](#) that a consultation should take place on the terms of a Best Practice Guide in order to receive feedback on its practicality and to raise any issues or concerns that may be foreseen with its implementation.

4. Main report

Responses to the Consultation

- 4.1 The public consultation on the terms of the draft Best Practice Guide was launched on 18 May and closed on 10 August 2023. 88 responses were received. Respondents identified across a wide range of backgrounds, with a roughly equal number identifying as ‘resident’ and ‘HMO owner’ (the largest respondent groups). A consultation summary report is attached at Appendix 2, and the full written responses are attached at Appendix 3 for Committee’s consideration.
- 4.2 The HMO Best Practice Guide has been developed as an additional tool to help improve standards in the sector and to minimise any impact that their operation could have on residents. It is clear from the responses to the consultation that there is support for its introduction among residents and neighbours of HMO properties, as a way of promoting responsible management of HMOs.
- 4.3 A number of responses from HMO licence holders and agents stated that the measures set out in the proposed Guide were already covered by other areas of regulation and were therefore not required or appropriate.
- 4.4 After careful consideration of the consultation responses, it is recommended that Committee agrees to introduce the Best Practice Guide for HMO licence holders. By setting out the licensing authority’s expectations, the guide will provide a more effective and robust approach to dealing with licence holders who do not act responsibly in the management of their property, and in dealings with other owners/residents in relation to the common issues affecting HMO licensed properties.
- 4.5 There is no statutory requirement to adopt a Best Practice Guide for HMO licence holders. The proposed guide forms part of the Council’s policy on HMO licensing, with licence holders being encouraged but not legally obliged to follow it. The introduction of the guide does not alter or add to any of the existing standard HMO licence conditions.

Amendments to Best Practice Guide

- 4.6 In formally introducing the Best Practice Guide, some amendments are proposed based on the feedback received during the consultation.
- 4.7 The first proposed change relates to best practice in the area of maintenance and repairs of common areas at paragraph 3.3 of the Guide. The first draft stated the following:
- “The Licence Holder should act reasonably to ensure that all common areas are regularly inspected and any defects in common areas are brought to the attention of the other owners and relevant factor”.*
- 4.8 Some respondents to the consultation stated that this would create the expectation that it was the sole responsibility of the HMO licence holder to inspect and report any defects in common areas. Given that this was not the intention, it is proposed to amend the guide to read:

“The Licence Holder should act reasonably to ensure that any defects they find in common areas are brought to the attention of the other owners and any relevant factor.

The Licence Holder should cooperate with neighbours in resolving any repairs wherever possible”.

- 4.9 The second proposed change is in relation to the area of bulk refuse collection at paragraph 4.1 of the guide. The draft best practice guide which was consulted on stated:

“The licence holder should ensure that tenants are advised likewise to make arrangements for uplift of such items from the licensed property prior to the tenants presenting items for collection.”

- 4.10 Some respondents to the consultation thought that it would be disproportionate for licence holders to be held responsible for the actions of their tenants in cases where the tenants had not dealt with bulk refuse appropriately, despite being provided with the relevant information. Having considered the responses and taking into account what may be reasonable to require of licence holders, it is proposed that paragraph 4.1 of the guide be amended to read:

“The licence holder should take reasonable steps to ensure that tenants are advised likewise to make arrangements for uplift of such items from the licensed property prior to the tenants presenting items for collection.”

- 4.11 The final proposed change is a minor amendment to paragraph 2.1 of the Guide, which removes the reference to a leaflet being the only way in which information on the collection of refuse is provided to tenants. This will allow licence holders to give tenants information online or by other means.

5 Next Steps

- 5.1 Should Committee agree to introduce the Best Practice Guide, the Licensing Service will communicate the decision to all HMO licence holders and agents. Furthermore, relevant information will be displayed on the Licensing Service webpage and highlighted on its social media channels.

6 Financial impact

- 6.1 There is no financial impact on the Council as a result of this report.

7 Equality and Poverty Impact

- 7.1 There are no foreseen equality and poverty impacts as a result of the report.

8 Climate and Nature Emergency Implications

- 8.1 There are no foreseen nature emergency implications as a result of this report.
- 8.2 Should Committee agree to introduce the Best Practice Guide, it may have a positive impact on amenity for residents through its guidance on the most appropriate ways to dispose of general and bulk refuse from HMO properties.

9 Risk, policy, compliance, governance and community impact

- 9.1 Key stakeholders which could be affected by a change were written to and advised of the consultation process for proposed changes to HMO licence conditions. This included HMO licence holders, agents and community councils.

10 Background reading/external references

- 10.1 [City of Edinburgh Council 28 October 2021](#) – Motion by Councillor Ross

11 Appendices

- 11.1 Appendix 1 – Motion by Councillor Neil Ross – Raising HMO Standards.
- 11.2 Appendix 2 – Consultation Summary Report.
- 11.3 Appendix 3 – Full consultation responses.
- 11.4 Appendix 4 – Proposed Best Practice Guide for HMO Licence Holders and Agents.

Appendix 1

Raising HMO Standards – Motion by Councillor Neil Ross

...

c) **Motion by Councillor Neil Ross**

The following motion by Councillor Neil Ross was submitted in terms of Standing Order 17, and verbally altered in terms of Standing Order 22.5:

“Council:

Notes there are a number of elements of HMO licensing where standards applying to landlords could be raised and best practice amongst letting agents could be encouraged, for example,

1) The issue of application notices to residents -

The regularity of complaints by neighbouring residents that the site notice relating to an HMO application is often not easily seen during the required period of 21 days suggests that residents would be better informed of HMO licence applications if they were given a copy of the site notice, either paper or electronic.

2) The issue of emergency contact details to residents –

Changes in the residents neighbouring HMO licenced properties over the three year period of a licence mean that the current requirement for landlords and agents to provide contact details, including 24/7 emergency contact details, to every occupier in the same building as the licence applicant's premises and any adjoining premises could be improved by making this an annual requirement.

3) The problem of fly tipping and/or abuse of residential waste facilities by contractors employed by landlords or agents –

The increasing use by the Council of enforcement action and the issue of fixed penalties to businesses and landlords found to have illegally dumped waste in the street or abused residential waste facilities suggests that a new HMO condition requiring adherence to acceptable waste disposal practices by landlords, and agents and sub-contractors acting on their behalf, might discourage this behaviour by contractors employed by landlords or agents. Therefore, requests a report to the Regulatory Committee in two cycles on ways to raise standards amongst landlords to improve the conditions of tenants, to provide clarity for neighbours and to encourage best practice amongst letting agents, in particular, to address the matters highlighted above but also other areas where improvements can be made either via changes to HMO conditions or the HMO application process or by other means, both compulsory and voluntary. The report should also outline how HMO conditions, standards and guidance might be updated to reflect legislative changes and should reference the current HMO Licensing context, where relevant.

Motion

To approve the motion by Councillor Neil Ross

Moved by Councillor Neil Ross, seconded by Councillor Osler

Amendment

To retain the opening sentence of the motion by Councillor Neil Ross up to “encouraged” and replace remainder as follows:

“And:

- 1) To note that the HMO licensing conditions displayed on the council website date from 2012, reflecting the last issue of statutory guidance from the Scottish Government, and that there had been significant change in legislation since then.
- 2) To recognise the breach of HMO conditions may give rise to criminal offence so conditions were framed in that light.
- 3) To recognise that raising standards among landlords and letting agents should have, as its primary purpose, the improvement of conditions for tenants; as well as better information for neighbours on matters such as notification of licence applications; regular communication of landlord and agent details; and mis-use of domestic waste by landlords, agents and contractors.
- 4) To therefore agree a report be submitted to Regulatory Committee in two cycles outlining how HMO conditions, standards and guidance might be updated to reflect legislative and good practice change; improvements for tenants; and greater clarity for neighbours.

Moved by Councillor Staniforth, seconded by Councillor Booth

In accordance with Standing Order 21(12), the amendment was adjusted and accepted as an amendment to the motion.

Decision

To approve the following adjusted motion by Councillor Neil Ross:

To note there were a number of elements of HMO licensing where standards applying to landlords could be raised and best practice amongst letting agents could be encouraged, for example,

- 1) The issue of application notices to residents -
The regularity of complaints by neighbouring residents that the site notice relating to an HMO application was often not easily seen during the required period of 21 days suggested that residents would be better informed of HMO licence applications if they were given a copy of the site notice, either paper or electronic.
- 2) The issue of emergency contact details to residents -
Changes in the residents neighbouring HMO licenced properties over the three year period of a licence meant that the current requirement for landlords and agents to

provide contact details, including 24/7 emergency contact details, to every occupier in the same building as the licence applicant's premises and any adjoining premises could be improved by making this an annual requirement.

- 3) To recognise that raising standards among landlords and letting agents should have, as its primary purpose, the improvement of conditions for tenants; as well as better information for neighbours on matters such as notification of licence applications; regular communication of landlord and agent details; and mis-use of domestic waste by landlords, agents and contractors
- 4) The problem of fly tipping and/or abuse of residential waste facilities by contractors employed by landlords or agents –

The increasing use by the Council of enforcement action and the issue of fixed penalties to businesses and landlords found to have illegally dumped waste in the street or abused residential waste facilities suggested that a new HMO condition requiring adherence to acceptable waste disposal practices by landlords, and agents and sub-contractors acting on their behalf, might discourage this behaviour by contractors employed by landlords or agents. Therefore, to request a report to the Regulatory Committee in two cycles on ways to raise standards amongst landlords to improve the conditions of tenants, to provide clarity for neighbours and to encourage best practice amongst letting agents, in particular, to address the matters highlighted above but also other areas where improvements could be made either via changes to HMO conditions or the HMO application process or by other means, both compulsory and voluntary. The report should also outline how HMO conditions, standards and guidance might be updated to reflect legislative changes

Appendix 2

Houses in Multiple Occupation (HMO) Best Practice Guide 2023

<https://consultationhub.edinburgh.gov.uk/sfc/hmo-best-practice-guide-2023>

This report was created on Monday 04 September 2023 at 10:43

The activity ran from 18/05/2023 to 10/08/2023

Responses to this survey: **88**

1: What is your name?

Name

There were 85 responses to this part of the question.

2: What is your email address?

Email

There were 84 responses to this part of the question.

3: What is your organisation (if relevant)?

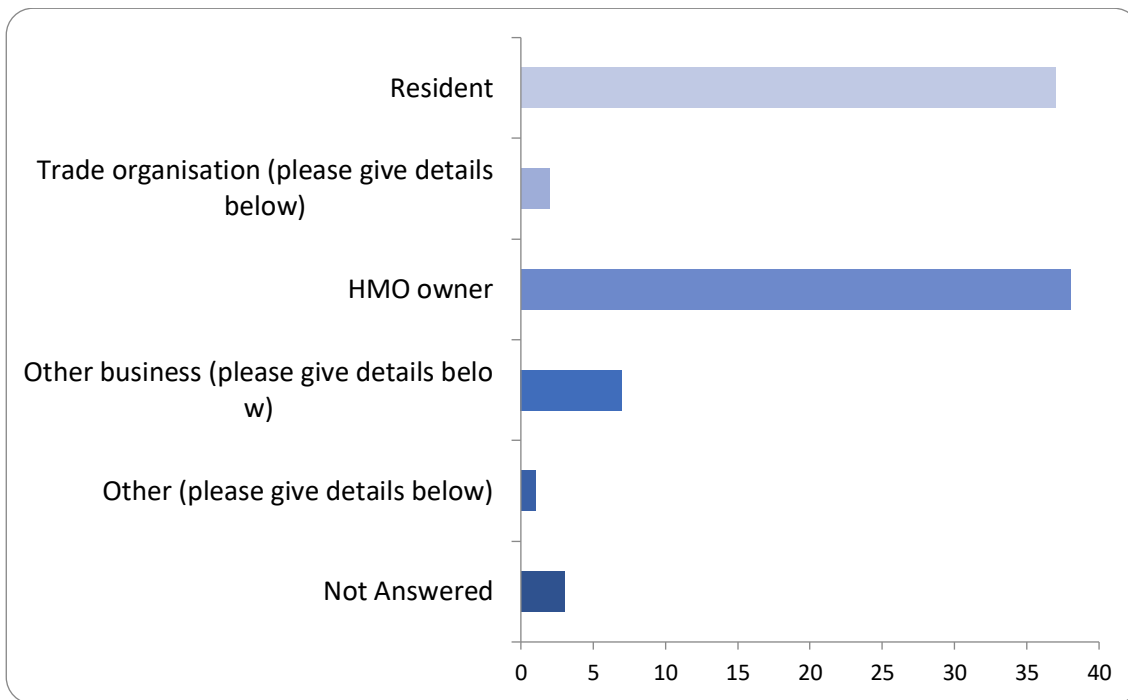
organisation

There were 23 responses to this part of the question.

4: Please choose which of the following applies to you.

Respondent organisation

There were 85 responses to this part of the question.



Option	Total	Percent
Resident	37	42.05%
Community Council representative	0	0.00%
Trade organisation (please give details below)	2	2.27%
HMO owner	38	43.18%
HMO tenant	0	0.00%
Other business (please give details below)	7	7.95%
Other (please give details below)	1	1.14%
Not Answered	3	3.41%

Further details

There were 16 responses to this part of the question.

5: Are there any issues which should be added to the proposed Best Practice Guide?

policy commentspolicy comments

There were 62 responses to this part of the question.

6: Is there anything which should be removed from the proposed Best Practice Guide?

conditions comments

There were 40 responses to this part of the question.

7: Do you have any further comments on the proposed Best Practice Guide?

Further comments

There were 58 responses to this part of the question.

8: Would you like to make any further comments on these proposals?

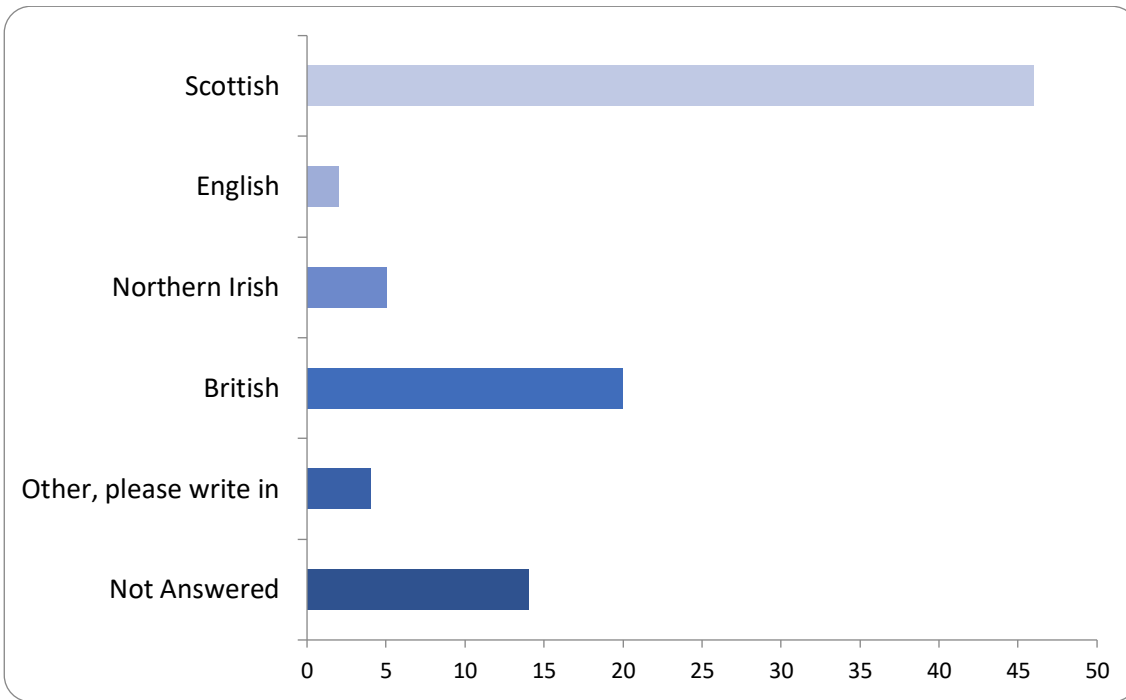
further comments?

There were 37 responses to this part of the question.

9: How would you describe your national identity? (Please tick all that apply)

National Identity

There were 74 responses to this part of the question.



Option	Total	Percent
Scottish	46	52.27%
English	2	2.27%
Welsh	0	0.00%
Northern Irish	5	5.68%
British	20	22.73%
Other, please write in	4	4.55%
Not Answered	14	15.91%

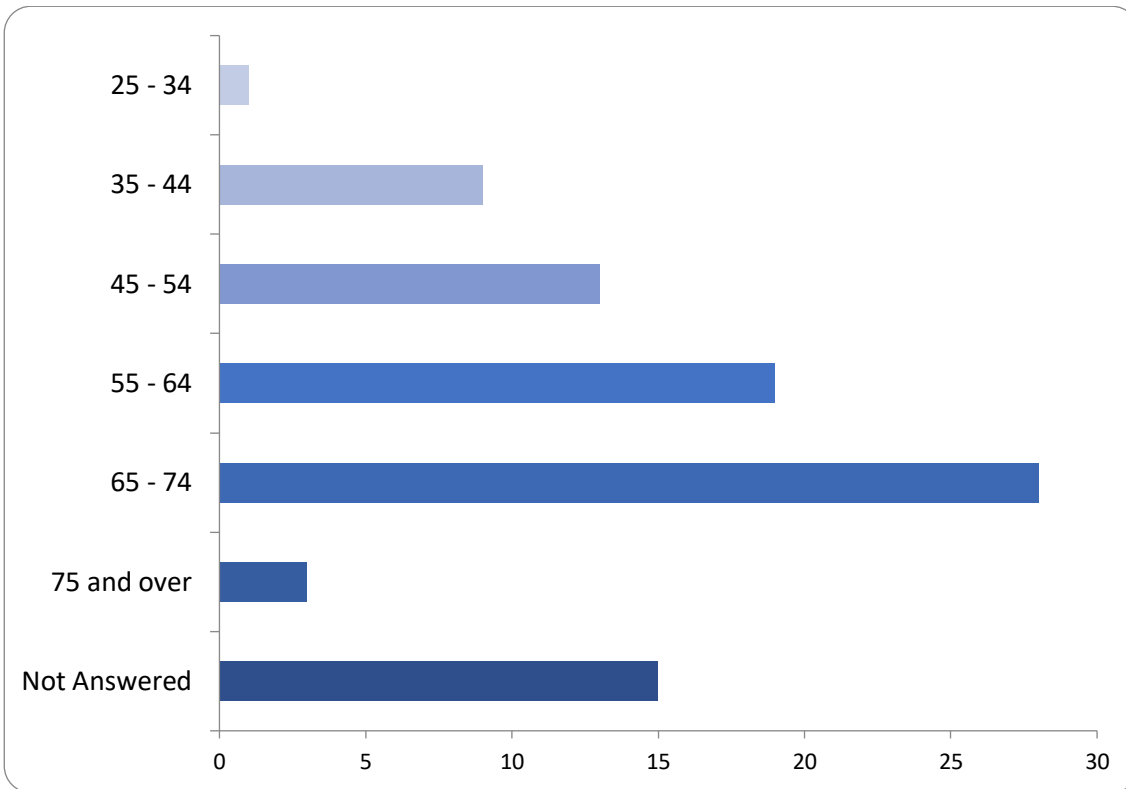
Other, please write in

There were 5 responses to this part of the question.

10: What is your age?

How old are you?

There were 73 responses to this part of the question.



Option	Total	Percent
Under 16	0	0.00%
16 – 24	0	0.00%
25 – 34	1	1.14%
35 – 44	9	10.23%
45 – 54	13	14.77%
55 – 64	19	21.59%
65 – 74	28	31.82%
75 and over	3	3.41%
Not Answered	15	17.05%

11: What is your sex?

Sex

There were 75 responses to this part of the question.

Appendix 3

Question 5: Are there any issues which should be added to the proposed Best Practice Guide?

Bad landlords make many lives a misery. The Council should take many more steps to support those affected, and prevent bad landlords.
If there are any housing tribunal cases which find against the landlord, this should automatically cause the landlord's suitability to be reviewed by the licensing sub-committee.
It would help more if there were an opening statement expressing local/real peoples' concerns and hope to improve issues, relayed in the language of the proposal. This is after-all, many peoples pride and joy and we have a real sense of community and want visiting tenants, students etc to respect this and feel part of it too.
No
Sledgehammer to crack a walnut?
Provide a clear way for neighbours to make comments/complaints about properties in their immediate vicinity.
see above
None
I'm not sure they go far enough but it's a start, as long as there's a real mechanism in place to address any issues.
<p>In general all practices are normal behaviour for a responsible owner. However there are far more rented 1 and 2 bed flats than HMO so maybe these rules should be applied to them also ?</p> <p>Dumping of mattresses etc beside street bins in Edinburgh is NOT a HMO problem but a general problem of tenants moving out and having no access to the dump.</p> <p>Non payment and hard to find owners for repairs ARE NOT at HMO only issue. (many 1 and 2 bed flats are rented and owners are hard to contact)</p>
I support the latest proposals.
No
These proposals combined with the new licensing for holiday lets will destroy the letting market through out Scotland. Our poor quality over paid MSPs are fully responsible for driving up rents as landlords throw the towel in and move their money else where. There is no longer a fair playing field. My international masters students can't believe how regulated our rental market is. Most of it is fear based paranoia. You buy a new kettle then you have to get it PAT tested. It's an absolute joke
Go for it!

<p>It is not clear whether the purpose is to set out how duties are to be performed or whether this documentation is mainly in response to bad behaviour that has been encountered.</p>
<p>It does not give any indication as to what statistics there are for good or bad behaviour in relation to the overall HMO community.</p>
<p>The Council strongly appears to be "going for" an easy scapegoat and target. Is that correct ? It is certainly the impression given by the content and its wording.</p>
<p>No sense of good community comes out of the documentation and so what the norms and expectations generally are.</p>
<p>Clear advice on what to do if communal tenement maintenance is not adequate or dangerous.</p>
<p>I think they go too far and are unnecessary</p>
<p>One finalised a hard copy should be available for tenants/landlords that want a copy.</p>
<p>The bit of notification on trash, recycling & uplift disposals as the council does not enact such measures on itself in terms of educating people who visit, move, purchase property or live in the city beyond the common available information that is already present. People have a social obligation to learn how the world works as being part of society, so to ask landlords to do more than estate agents, the councils and everyone else associated with occupying a dwelling is unfair. Landlords cannot be held fully responsible for another's action - this is prejudice policies .</p>

Question 6: Is there anything which should be removed from the proposed Best Practice Guide?

<p>No.</p>
<p>No</p>
<p>In various sections within the document, the phrases 'reasonable' and 'unreasonable' are used when setting expectations around roles and involvement in processes. These phrases are vague and create a loophole for which landlords can utilise to their benefit, putting tenants at a disadvantage. These words should be removed and replaced with clear criteria/instruction on the requirements of the work that should be carried out.</p>
<p>No</p>
<p>The last section on property inspections is unfair since the law states clearly that if a tenant refuses access to Landlord or Agent, there is nothing they can legally do to gain access. It is possible to apply to the FTT for an access order, but these are granted only in case of safety, so not guaranteed, and take several months to obtain.</p>
<p>I don't really care for the onus being put upon HMO landlords to take responsibility for inspections of the common areas of the tenement. This would seem to reduce the responsibilities of the other owners, when it should be a joint endeavour by all the owners. In my experience, sometimes the owner occupiers rely on the landlords to initiate and organise common repairs to keep a building in good order, and it's the other owners who stay back.</p>
<p>No</p>
<p>No</p>
<p>No, but why do you allow more than one HMO in a stair. We need to encourage owner occupiers to reside in these properties as they'll actually look after the building.</p>
<p>No</p>

Yes.
Bulk refuse; the Tenant can contact the council themselves to arrange to remove bulk rubbish, Why should the landlord be responsible for advising the Tenant how to remove their rubbish?
Behaviour ; why is the Landlord responsible for the behaviour of the Tenant? This is ridiculous, we are not carers nor police
No.
See above
NO
Dumping of mattresses etc beside street bins in Edinburgh is NOT a HMO problem but a general problem of tenants moving out and having no access to the dump.
Non payment and hard to find owners for repairs ARE NOT at HMO only issue. (many 1 and 2 bed flats are rented and owners are hard to contact)
No
Yes
Yes - all of it. This guide should apply to all owners and residents, not just HMOs.
The suggestion that it falls to an HMO owner to deal with shared repairs. All owners have a responsibility. The current process for arranging shared repairs is time consuming, complex and frustrating and there should be no suggestion that this falls to the HMO owner to take forward (but I do agree that an HMO owner must pay their share & if they do not then they should not be granted a licence).
All of it
I find that attaching a separate document about refuse collection in the area and advise tenants on how to dispose of their refuse is unnecessary. As a letting agency we only sign up adult tenants and as such would expect them to be mature enough to deal with their refuse accordingly. The council previously sent out a leaflet on which refuse was collected and on which dates together with council tax notices. Is this no longer the case? The PRT and Model Tenancy Agreement already mentions that tenants are required to dispose of rubbish and recycling appropriately. Perhaps recently encountered issues are a fall back to when bin strikes occurred? Or perhaps the number communal bins in the city centre need to be increased?

"The Licence Holder should ensure that all common areas are regularly inspected and any defects brought to the attention of the other owners and any relevant factor." This is the responsibility of all owners - not only the HMO owner. They should not be tasked with being solely responsible for building maintenance inspection - which is what this essentially requires. And what happens if they are falsely accused of "neglect" in this area? Entirely unreasonable. No owner is obligated to be expert in building maintenance. What about where an agent looks after a property for an absentee owner? Would this duty fall upon them? Would they then offer what is essentially free surveys to all other owners who are not clients?

Many aspects of the Best Practice Guide are currently in place. All owners are subject to the same Tenement Act regardless of whether they are HMO owners or owner/occupiers. They also have access to the same "Shared repair tool kit".

Bulk Refuse. There is evidence of fly-tipping all over Edinburgh and the outskirts. There is no evidence that this is down to HMO landlords. This is evident in any building - even those with no HMO flats (small Gorgi flats). It is also impossible to prove who left items. This gives rise to blaming HMO landlords for all problems in a stair - with NO EVIDENCE.

"The Licence Holder should take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of the Licence Holder's tenants or their visitors, at or in the immediate vicinity of the licensed living accommodation." This is already part of HMO obligation. Further - "within the vicinity". Anyone passing can cause a disturbance. There needs to be evidence, not just conjecture.

Statutory Notices - this obligation already exists. How is "timely" defined? Stat notices relate to all owners in a shared repair. The HMO owner cannot have responsibility that differs from other owners. They are property owners the same as any other owner with equal responsibilities.

"The Licence Holder should ensure that the property is available for inspection at the time an application is made. In circumstances where the licence holder has failed to make the property available for inspection on two separate occasions, officers will refer the application to the Licensing Sub-Committee for consideration. This will lead to a shorter licence period of 6 months being recommended by officers to the Committee for their determination." There is already this facility in place. The determination is at the discretion of the Licensing Subcommittee. Due to current and historic delays in processing application forms, landlords may submit applications while properties are being completed. Or they may wish to discuss possible alterations with Licensing. Licensing do not discuss properties until an application is submitted. This makes this discourse impossible. Originally, part of the role of the Licensing department was to advise landlords on meeting the correct criteria.

In short, the entire Best Practice Guide is either already covered by existing legislation and guidance or is unworkable due to exposing landlords to false accusations and unprovable claims. Or, worse, subjecting landlords to unreasonable expectations of expertise and responsibility, which extends beyond that of non-HMO landlords and any other property owner, including any other second home property owner.

The ongoing shortage of HMO properties is affecting groups such as Junior Doctors, student teachers, post grads, young professionals and others - all examples of tenants who generally reside in my properties. We have top class HMO properties but are just as subject to false accusations. There is no recourse for landlords when false accusations are made and proven to be such. You can contact me for an evidenced example.

No!

This section is outwith reason, because a) the Council should directly provide this information to tenants or provide it to License holders or agents, and b) how can anyone "ensure" that tenants are aware ?

Question;- "no later than two days" what is this all about ? Is it likely to be useful ? Will a sufficient information leaflet be a piece of old envelope with a line drawn on it pointing to a bucket ? The Council needs to input something more definite here ?

"General Refuse Disposal

The Licence Holder should provide tenants, no later than two days from the commencement date of the Tenancy Management Agreement, with an information leaflet on how to dispose of refuse and bulk items (including general and recyclable refuse and any furniture) properly and appropriately from the licensed property.

The Licence Holder should ensure that tenants are aware how to use the refuse facilities at the property and in the communal surrounding areas of the property appropriately. "

General Refuse Disposal is an important issue that needs far better treatment by the Council. Using the Licensing department / office to alleviate work for the Cleansing department / office by bureaucracy alone is doomed to failure. The HMO services are already heavily burdened and now calling them into the equation is a further stress that could be majorly alleviated by having superior refuse and recycling facilities and above all Council staff attitude.

If the local authority fails to collect a bulky item whether that be because of error strike or other reasons there should not be a duty upon a tenant or landlord to remove the bulky item unless prior notification is given that the item will be uplifted at a fixed future date.

Refuse guidance, we provide a link to the refuse information on the Council website, that should be sufficient for the tenants to arrange their collections.

Bulk item removal, should be the same for all residents, follow instructions from the Council website. All owners should be responsible for reporting issues within the common areas, not just the licence holder.

The bit of notification on trash, recycling & uplift disposals as the council does not enact such measures on itself in terms of educating people who visit, move, purchase property or live in the city beyond the common available information that is already present. People have a social obligation to learn how the world works as being part of society, so to ask landlords to do more than estate agents, the councils and everyone else associated with occupying a dwelling is unfair. Landlords cannot be held fully responsible for another's action - this is prejudice policies .

Question 7: Do you have any further comments on the proposed Best Practice Guide?

This should be extended to cover all landlords. Bad landlords are not restricted to HMO.

It should be emphasised that HMO properties are often in the midst of a tenement community. We live at close quarters with our neighbours. Consideration of people and the environment we share is key to happy neighbourhoods. No harm in emphasising this point.

no

This is a useful document and sets out the expectations of landlords in relations to running their HMOs. However, we frequently see students and members of the public being taken advantage of by landlords. This is in part due to the lack of knowledge and information available to tenants about their rights and what they can expect of landlords. It would be beneficial for a similar, tenant-facing document to be issued to tenants so they can fully understand what they are entitled to.

Tenants, particularly when they are students who may have just entered the rental market for the first time, can often feel intimidated by landlords and various processes, which can prevent them from using their rights and pushing for support and services they have access to. More tenant-facing guidance would be valuable, particularly on how to raise issues with their landlord to the individual but also to the Licencing Sub-Committee, if they aren't being effective in their role.

I feel it will be in the speed of the HMO Licence holder, following up of any infringes and/or issues caused by the tenants, that will improve this concern. Accountability and response time to any issues needs to be improved.

Edinburgh residents in some areas are being driven out by noisy and badly managed HMO license properties. Edinburgh Council should be taking firm action to prevent the actions of HMO tenants and landlords from behaving in a way that causes real and significant distress to permanent residents.

Fairness and equal application of the BPG to all those living in communal buildings, not just finger pointing and wagging at license holders.

The issue of disposal of bulky items is new to me, I was unaware that this was an issue for landlords. The responsibility for this needs to be put in the hands of the tenants, although they can certainly be given information about correct disposal of waste, the landlord must not have to carry the responsibility (or penalty) for everything that tenants do. I have a student flat, but I am not their mother. I am aware that Marchmont is littered with old mattresses in September, but this is the actions of tenants, not landlords, who are likely unaware. Really, tenants have to take responsibility for their own behaviour,

Landlords in Edinburgh are already being treated abominably with so many restrictions especially on rent and evictions, some are selling up, reducing availability of rented homes. Making landlords responsible for antisocial behaviour is total nonsense when evictions are so difficult. You need to make it easier to evict bad tenants, not add yet more rules.

New legislation should not be an excuse for the Council to go through another phase of continually moving the goalposts with regard to licensing conditions (eg absurd requirements such as fireproof cupboard doors, and (ineffective) fireproof letterboxes.

Joint responsibility for common repairs (especially when dealing with absentee landlords in tenements) can be simplified by employing a company such as Edinburgh Block Management. They seem able to apply a system where repairs are carried out with the agreement of a majority of owners.

I understand a similar system operates in Glasgow, but run by the Council.
Certainly tenants need to do their fair share and not leave it to owners.

<p>Probably unsurprisingly, the draft guidance seems to be driven by administrative streamlining rather than situation improvement. There is nothing about:</p> <p>Limiting the number of HMO's to one (1) per pair to limit the impact of over proliferation on the nature and character of a conservation zone (a criteria actually used by ECC for short-term-lets).</p> <p>How the council proposes to beef up monitoring, compliance and enforcement.</p> <p>Out of hours environmental protection for noise nuisance (instead of simply directing complainants to the police!)</p> <p>License holders (as opposed to tenants) fly-tipping unwanted furniture etc. in the streets at the end of each academic year.</p> <p>The redesignation or recategorisation of HMO's to be either 'student' (commercial) as opposed to 'domestic' (residential) for long-term housing needs - despite the massive increase and proliferation of student housing in areas where HMO's are already in high usage.</p>
<p>Unfortunate that you have the need to issue this guide due to possible problems arising from some landlords or tenants. All are common sense in respect of the property, neighbours and the council.</p>
<p>Unless you have the staff in place to deal with the complaints I'm not confident these changes will have any effect on the landlords. We don't seem to have any environmental officers anymore so I'm not holding my breath that these changes will be actionable. As for the furniture that's dumped regularly in the street, I fail to see how that's going to change even with the new rules.</p>
<p>No.</p>
<p>You need to provide evidence that fly tipping is a serious issue by Landlords or Contractors which would justify these additional responsibilities placed on Landlords. Looking around Edinburgh fly tipping is everywhere yet I do not read that you are targeting these people, you seem to be targeting soft targets, again!!</p>
<p>No.</p>
<p>It should be made mandatory on HMO owners</p>
<p>In general all practices are normal behaviour for a responsible owner. However there are far more rented 1 and 2 bed flats than HMO so maybe these rules should be applied to them also ?</p> <p>Dumping of mattresses etc beside street bins in Edinburgh is NOT a HMO problem but a general problem of tenants moving out and having no access to the dump.</p> <p>Non payment and hard to find owners for repairs ARE NOT at HMO only issue. (many 1 and 2 bed flats are rented and owners are hard to contact)</p>
<p>I agree with them.</p>
<p>I think you are chasing decent landlords out of the market with introduction of so many new pieces of legislation. A new tenant of mine asked me if I wanted him to sign anything. His last landlord had made him sign a letter saying that he was in a gay relationship with one of the other tenants do that they would be considered as one unit to save the landlord beefing as HMO. these are the ones you should be chasing if</p>
<p>Bin it.</p>
<p>No</p>

<p>MANY residents would like to see a CAP on the percentage of HMO properties in any given area. I live in Marchmont where around 70% of properties have HMO. It makes for an antisocial neighbourhood to live in (problems with noise, waste, dumping etc), and properties and generally VERY RUNDOWN and not maintained by landlords. These are listed buildings in a conservation area and the fabric of these buildings is eroding due to the neglect that comes with HMO. This was built as a middle class tenement neighbourhood with high quality tenement buildings and fascinating architecture for families -- and everyone agrees the area has become very scruffy and neglected due to the high number of HMOs.</p>
<p>If each stair was capped at say 2 HMOs (leaving 8 non-HMO homes) Marchmont would be a vibrant community as it once was with families, and older people, and young couples. At the moment it is basically a student village with families and older people being driven out to other areas because of the antisocial behaviour and buildings neglect that's inevitable with this high rate of HMO.</p>
<p>Fly tipping by tenants or tradesmen/ building contractors is already covered by our present laws.</p>
<p>I would like to refer you to Repairing Standard which is being updated in March 2024. This already has quite extensive requirements about the management of communal areas. So the section mentioned in the Best Practice Guide about the management of communal areas is superfluous.</p>
<p>In short, the entire Best Practice Guide is either already covered by existing legislation and guidance or is unworkable due to exposing landlords to false accusations and unprovable claims. Moreover it subject landlords to unreasonable expectations of expertise and responsibility, which extends beyond that of non-HMO landlords and any other property owner, including any other second home property owner.</p>
<p>The ongoing shortage of HMO properties is affecting groups such as Junior Doctors, student teachers, post grads, young professionals and others - all examples of tenants who generally reside in my properties. Even top class HMO property owners are subject to false accusations by neighbours. There is no recourse for landlords when false accusations are made, even when proven to be such. You can contact me for an evidenced example.</p>
<p>This is an excellent initiative and will help to control a growing problem of mis behaviour by the Landlords and Tenants</p>
<p>A best practice guide is a good thing, but this draft version seems to be more about shifting responsibility of "ensuring" correct behaviour onto license holders. License holders under the regime of the current Scottish Lease have no right to ensure any behaviour of a tenant. For example, the section ;- The Licence Holder should take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of the Licence Holder's tenants or their visitors, at or in the immediate vicinity of the licensed living accommodation.</p> <p>What is "reasonable steps" ? License holders and agents have no lawful control over tenants and no right to interfere. Again, the "Scottish Lease" ensures that bad behaviour has no recourse to control or limitation of any kind.</p>
<p>How is the best practice advice to be displayed in properties containing HMOs?</p>
<p>it appears to me that the local authority has statutory powers to collect unpaid invoice payments for action taken in relation to communal repairs if there is a danger to the public. it should be for the local authority to follow up unpaid invoices by statutory action rather than putting the onus on residents especially where a resident may have reasonable cause not to make payment</p>
<p>I'm not aware of issues of fly tipping or refuse disposal problems that are specifically HMO related. Surely the council have a policy to inform all residents of how to dispose of their rubbish.</p>

The bit of notification on trash, recycling & uplift disposals as the council does not enact such measures on itself in terms of educating people who visit, move, purchase property or live in the city beyond the common available information that is already present. People have a social obligation to learn how the world works as being part of society, so to ask landlords to do more than estate agents, the councils and everyone else associated with occupying a dwelling is unfair. Landlords cannot be held fully responsible for another's action - this is prejudice policies .

Despite living directly below an HMO property, I have never had a letter regarding renewal of license, I have to try to spot notifications posted in the vicinity. It should be a legal requirement that I should be informed when the license is due for renewal.

We have frequently had repairs delayed by months waiting for agreement from the HMO property owner through his management company. The owner refuses to deal with us directly, this is something which should also be looked at. It is not good enough that owners can refuse to deal directly with the owner occupiers of the shared property.

I think all aspects of the impact on neighbours is very important as we are the ones affected by antisocial tenants with no investment in the property or neighbourhood.

Question 8: Would you like to make any further comments on these proposals?

Bad landlords make many lives a misery. The Council should take many more steps to support those affected, and prevent bad landlords.

If there are any housing tribunal cases which find against the landlord, this should automatically cause the landlord's suitability to be reviewed by the licensing sub-committee.

It would help more if there were an opening statement expressing local/real peoples' concerns and hope to improve issues, relayed in the language of the proposal. This is after-all, many peoples pride and joy and we have a real sense of community and want visiting tenants, students etc to respect this and feel part of it too.

No

Sledgehammer to crack a walnut?

Provide a clear way for neighbours to make comments/complaints about properties in their immediate vicinity.

see above

None

I'm not sure they go far enough but it's a start, as long as there's a real mechanism in place to address any issues.

In general all practices are normal behaviour for a responsible owner.
However there are far more rented 1 and 2 bed flats than HMO so maybe these rules should be applied to them also ?

Dumping of mattresses etc beside street bins in Edinburgh is NOT a HMO problem but a general problem of tenants moving out and having no access to the dump.

Non payment and hard to find owners for repairs ARE NOT at HMO only issue.
(many 1 and 2 bed flats are rented and owners are hard to contact)

I support the latest proposals.

No

<p>These proposals combined with the new licensing for holiday lets will destroy the letting market through out Scotland. Our poor quality over paid MSPs are fully responsible for driving up rents as landlords throw the towel in and move their money else where. There is no longer a fair playing field. My international masters students can't believe how regulated our rental market is. Most of it is fear based paranoia. You buy a new kettle then you have to get it PAT tested. It's an absolute joke</p>
<p>Go for it!</p>
<p>It is not clear whether the purpose is to set out how duties are to be performed or whether this documentation is mainly in response to bad behaviour that has been encountered.</p> <p>It does not give any indication as to what statistics there are for good or bad behaviour in relation to the overall HMO community.</p> <p>The Council strongly appears to be "going for" an easy scapegoat and target. Is that correct ? It is certainly the impression given by the content and its wording.</p> <p>No sense of good community comes out of the documentation and so what the norms and expectations generally are.</p>
<p>Clear advice on what to do if communal tenement maintenance is not adequate or dangerous.</p>
<p>I think they go too far and are unnecessary</p>
<p>One finalised a hard copy should be available for tenants/landlords that want a copy.</p>
<p>The bit of notification on trash, recycling & uplift disposals as the council does not enact such measures on itself in terms of educating people who visit, move, purchase property or live in the city beyond the common available information that is already present. People have a social obligation to learn how the world works as being part of society, so to ask landlords to do more than estate agents, the councils and everyone else associated with occupying a dwelling is unfair. Landlords cannot be held fully responsible for another's action - this is prejudice policies .</p>
<p>I am in full support of the proposals and hope my comments will be considered and adopted.</p>

Appendix 4

Proposed Houses in Multiple Occupancy (HMO) Best Practice Guide for HMO licence holders and Agents in Edinburgh

- 1.1. The following guide for the holders of HMO licences in Edinburgh was approved by the City of Edinburgh Council's ("the Council) Regulatory Committee at its meeting on 6 February 2023.
- 1.2. Failure to follow this best practice guide may be relevant to the Licensing Sub-Committee's consideration of whether a landlord or agent is, or continues to be, a fit and proper person to be authorised to permit persons to occupy any living accommodation as an HMO in terms of section 130 and/or section 139 of the Housing (Scotland) Act 2006.

The following requirements set out the practices that the Council considers to demonstrate best practice by HMO licence holders and their agents:

General Refuse Disposal

- 2.1. The Licence Holder should provide tenants, no later than two days from the commencement date of the Tenancy Management Agreement, with information on how to dispose of refuse and bulk items (including general and recyclable refuse and any furniture) properly and appropriately from the licensed property.
- 2.2. The Licence Holder should ensure that tenants are aware how to use the refuse facilities at the property and in the communal surrounding areas of the property appropriately.

Maintenance, Insurance and Repairs of Common Areas

- 3.1. The Licence Holder should act reasonably in relation to the payment of their share of all maintenance costs, insurance costs and repair costs of areas in common **use** relative to the property and in all dealings with other co-owners and any relevant factor.
- 3.2. The Licence Holder should ensure that any undisputed invoice or notification of their share of maintenance costs, insurance costs and repair costs received in respect of common areas relative to the property is paid in full without unreasonable delay and in adherence to the payment terms stipulated.
- 3.3. The Licence Holder should act reasonably to ensure that any defects they find in common areas are brought to the attention of the other owners and any relevant factor.

3.4. Those who have HMO licences for tenement property should give due regard to the Shared Repairs Tenement Toolkit – found [here](#).

Bulk Refuse

- 4.1. The Licence Holder must make arrangements with the Council or another collecting contractor for the uplift of any bulk items and/or refuse, including furniture, from the licensed property, prior to the Licence Holder presenting the items for collection. The licence holder should take reasonable steps to ensure that tenants are advised likewise to make arrangements for uplift of such items from the licensed property prior to the tenants presenting items for collection.
- 4.2. Bulk refuse should only be presented immediately outside the property on the date for collection specified by the Council or other collecting contractor. Due regard should be given to the information on bulk uplifts [here](#).

Neighbouring Residents

- 5.1. The Licence Holder must act reasonably in relation to the management of the licensed property in respect of any dealings with neighbouring residents of the property.
- 5.2. The Licence Holder should take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of the Licence Holder's tenants or their visitors, at or in the immediate vicinity of the licensed living accommodation.

Statutory Notices

- 6.1. The Licence Holder should respond appropriately and timeously to any statutory notices served on them under the Housing (Scotland) Act 2006 and any other relevant legislation, including the Environmental Protection Act 1990, in relation to the licensed property and the communal areas surrounding the property.

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