

# Notice of meeting and agenda

## Regulatory Committee

**10.00am Monday, 4th December 2023**

Dean of Guild Court Room - City Chambers

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

The law allows the Council to consider some issues in private. Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.

### Contacts

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Tel: 0131 529 4264

## **1. Order of Business**

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- 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**

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- 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**

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- 3.1 If any.

## **4. Minutes**

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- 4.1 Minute of the Regulatory Committee of 2 October 2023 – 9 - 14  
submitted for approval as a correct record.

## **5. Future Planning**

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- 5.1 Regulatory Committee Work Programme 15 - 18  
5.2 Regulatory Committee Rolling Actions Log 19 - 28

## **6. Business Bulletin**

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- 6.1 Regulatory Committee Business Bulletin 29 - 38

## **7. Executive Decisions**

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- 7.1 Short Term Let Licensing Policy – Temporary Exemptions – 39 - 42  
Report by the Head of Regulatory Services  
7.2 Appointments to Gala Day Working Group – Report by the 43 - 46  
Executive Director of Corporate Services

## **8. Routine Decisions**

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8.1	Licensing Enforcement - Taxis and Private Hire Cars – Report by the Head of Regulatory Services	47 - 54
8.2	Regulatory Committee Workplan: Objections to Licence Applications – Report by the Head of Regulatory Services	55 - 62

## 9. Motions

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### 9.1 By Councillor McKenzie - Landlord Registration

#### “Committee Notes

A temporary cap on rent increases during private tenancies is due to be lifted on 31 March 2024.

Anxiety among some tenants that this will be followed by unreasonable rent increases.

Many tenants do not possess contact details for their landlords and that this information is not always available on the Scottish Landlord Register.

Recent requests for information from [landlordregistration@edinburgh.gov.uk](mailto:landlordregistration@edinburgh.gov.uk) have elicited automated replies stating predicted response times of between 2 weeks and 1 month.

The absence of information on engaging with the Council offline in relation to landlord registration.

#### Committee Agrees:

- 1) The Council should strive to provide appropriate information to tenants timeously and accessibly.
- 2) A report to the next Regulatory Committee on landlord registration will provide:
  - 2.1) An update on current response times for information requests, with proposals to reduce these if required.
  - 2.2) A breakdown of the information that tenants can reasonably expect when making enquiries on landlord registration.

- 2.3). Proposals to improve accessibility for tenants seeking information relating to landlord registration.”

**9.2** By Councillor Ross - Market operator licence fees for the Meadows

“Committee notes:

1. The Council’s objective for full cost recovery across Licensing operations.
2. The decision of the 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. The Committee agreed to have higher fees for Ward 11 markets and lower fees for everywhere else for two reasons a) to cover the higher costs relative to a market in the city centre and b) to incentivise dispersal of markets away from Ward 11 as, at that time, there was an over concentration within Ward 11.
4. Boundaries Scotland changed the boundary of City Centre Ward 11 to include the Meadows west of Middle Meadow Walk with effect from May 2017.
5. The unintended negative consequences of the change at 4) above on community-led events.

Committee agrees:

6. Where a market licence is sought by a community group for operation within the Meadows area only, that the appropriate market operators fee will be that for a market out with the City Centre (Ward 11).”

**9.3** By Councillor Ross – Sexual Entertainment Venues Licensing Scheme

- “1) Committee notes that the consultation on the Sexual

Entertainment Venues Licensing Scheme has closed and a follow up report was due to be considered at this meeting.

- 2) The Committee further notes that there has been a large volume of consultation responses and that consideration of those responses has necessitated further legal advice being sought.
- 3) Additional time is therefore required to ensure that the terms of that advice are fully considered and therefore this has meant presentation of the report has been delayed to the next meeting.
- 4) Committee therefore agrees that the relevant date in the Sexual Entertainment Venue licence resolution be amended to 31 March 2024, therefore removing any uncertainty for the venues and performers whilst this further work takes place”

## **Nick Smith**

Service Director, Legal and Assurance

## **Committee Members**

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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**

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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 virtually by Microsoft Teams.

## **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Rachel Gentleman, Committee Services, City of Edinburgh Council, Business Centre

2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4264, email [rachel.gentleman@edinburgh.gov.uk](mailto:rachel.gentleman@edinburgh.gov.uk) / [carolanne.eyre@edinburgh.gov.uk](mailto:carolanne.eyre@edinburgh.gov.uk).

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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## **Webcasting of Council meetings**

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# Minutes

## Regulatory Committee

10.00am, Monday 2 October 2023

### Present

Councillors Ross (Convener), Caldwell, Graham, Mattos-Coelho, Meagher (Substituting for Walker), Mowat, and Work.

### 1. Deputations

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#### a) Sun Bed Association

In relation to item 7 – Public Entertainment Licensing Application Fees

The deputation provided detailed information on the licensing history of the sun bed industry. They highlighted the industry had evolved and professionalised since the introduction of fees, and because of this believed that fees should be re-assessed and a fee structure be introduced. The deputation also requested new sunbed sites should apply for a first year licence and be charged accordingly, existing licenses should be renewed every three years and fees should be charged per site and not per bed

#### b) Balerno Children's Gala

In relation to item 7 – Public Entertainment Licensing Application Fees

The deputation introduced themselves as a member of a not-for-profit volunteer run Gala Committee. They shared the benefits that Gala events had on the community and the difficulties they had with event funding. The deputation requested that fees were re-assessed to reduce the fees for volunteer and not for profit organisations hosting community events.

### 2. Minutes

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#### Decision

- 1) To amend Item 7 – Additional Report – Regulatory Committee Work Programme to include all actions and the decision in full.
- 2) To approve the minute of the Regulatory Committee of 7 August 2023 as a correct record.

(Reference – Minute of 7 August 2023, submitted.)

### 3. Work Programme

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The Work Programme for October 2023 was presented.

Regulatory Committee – 2 October 2023

Page 1

## Decision

To note the work programme.

(Reference – Work Programme, submitted.)

## 4. Rolling Actions Log

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The Rolling Actions Log for October 2023 was presented.

### Decision

- 1) To agree to close the following actions:
  - **Action 1** – Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Update
  - **Action 2(1)** – Houses of Multiple Occupation (HMO) – Raising Standards Motion Update
  - **Action 3** – Business Bulletin – Card Payments in Taxis
  - **Action 5(1)** – Licensing Policy Development – Street Trading Update
  - **Action 6** – Food Health and Safety Business Plan 2023-24
  - **Action 7(2)** – Motion by Councillor Ross – Hire Trade Age Policy
  - **Action 8(1)** – Business Bulletin
  - **Action 9(1, 2 & 3)** – Short-Term Lets Licensing Scheme – Update
  - **Action 11** – No Cold Calling Zones in Edinburgh
- 2) To otherwise note the remaining outstanding actions.

(Reference – Rolling Actions Log, submitted.)

## 5. Regulatory Committee Business Bulletin

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The Regulatory Committee Business Bulletin for August 2023 was presented.

### Decision

- 1) Short Term Lets - To request officers investigate why flat numbers for properties in tenements are not appearing on the short term lets licensing register
- 2) Short Term Lets - To circulate the current number of short-term let applications to Regulatory Committee members.
- 3) To otherwise note the business bulletin.

(Reference – Business Bulletin, submitted.)

## 6. Short Term Let Enforcement in Edinburgh

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An overview was provided 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'). The report and enforcement approach did not cover Planning enforcement, which was separately regulated.



## Decision

- 1) To note the approach to Short-Term Let ('STL') enforcement outlined within the report by the Executive Director of Place.
- 2) To agree the additional enforcement inspection fee structure set out at Appendix 1 of the report.
- 3) To 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
- 4) To agree to review the approach to STLs in Edinburgh in 12 months, including the inspection fee structure.
- 5) To discharge the motion raised at the Regulatory Committee on 7 August 2023.
- 6) To note that paragraphs 4.35 to 4.41 of the amended policy and conditions dealt with compliance and enforcement, and asked for 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 STLs and whether, and in what circumstances, the council would consider proactive enforcement.
- 7) To note that a further report would be presented within two cycles on points around the policy which were raised subsequent to the Judicial Review, and that the report would set out further details on the Council's approach to compliance and enforcement.
- 8) To recognise the value to visitors and residents of the importance of short term lets being regulated and instructed officers to work with advertising platforms, such as Air BnB and Booking.com, to ensure that valid licence numbers or licence application reference numbers were displayed on each of their Edinburgh short term let advertisements.
- 9) To request information on the number and types of posts being recruited for was circulated to Committee Members.

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

## 7. Public Entertainment Licensing: Application Fees

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Information was provided on recent issues with respect to certain Public Entertainment Licence ('PEL') application fees which had recently been challenged, and it was requested that Committee instructed public consultation in advance of a full review of the fees.

### Decision

- 1) To note concerns about certain public entertainment fees.
- 2) To note issues raised with respect to the licensing of 'gala days' and "SunTan Centres".

- 3) To agree a stakeholder consultation on these issues should be progressed, in advance of making any adjustment to the relevant application fees. .
  - 3.1) In relation to gala days, the form of consultation should be a short-term working group consisting of Council Licensing officers, Regulatory Committee spokespeople and representatives of community gala day committees
- 4) To circulate a list of what is included in amusement device licenses.
- 5) To request dialogue with colleagues in Public Safety around reintroducing in-person inspections was continued

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

## **8. Criminal Records Checks for Taxi and private Hire Car Driver Licence Applicants Born or who have Resided Outwith the United Kingdom**

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An update was provided on the procedure adopted by the Licensing Service when implementing the Council's policy in respect of criminal record checks for applicants who wished to be licensed as taxi or Private Hire Car (PHC) drivers. It related to drivers who were born, or who had resided, outwith the United Kingdom or had left the UK for six months or more at any one time.

### **Decision**

- 1) To recommend that the Regulatory Committee noted the contents of the report by the Executive Director of Place and approved 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 had resided outwith the United Kingdom.
- 2) To request engagement with organisations such as the Scottish Refugee Council to make citizens who have resided outwith the United Kingdom aware of Apostille certificates.

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

## **9. Houses in Multiple Occupation Best Practice Guide – Update After Consultation**

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The report provided a further update on the work carried out in response to a motion by Councillor Ross on Raising Houses of Multiple Occupation (HMO) Standards. The report set 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.

### **Decision**

- 1) To note the contents of the report by the Executive Director of Place and the responses to public consultation on the draft Best Practice Guide for Houses in Multiple Occupation.

- 2) To agree to introduce the Best Practice Guide for House in Multiple Occupation licence holders in Edinburgh.
- 3) To agree to the proposed changes to the Best Practice Guide following the public consultation exercise.

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

## **10. Motion by Councillor Ross – Definition of City Centre Ward 11 for Market Operator Licences The report provided an update on enforcement activity in relation to Late Hours Catering Licences across Edinburgh.**

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The following motion by Councillor Ross was submitted in terms of Standing Order 17:

### **Motion**

“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.”

### **Decision**

To continue consideration of the motion to a future meeting.

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# Work Programme

## Regulatory Committee

4 December 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 <a href="mailto:andrew.mitchell@edinburgh.gov.uk">andrew.mitchell@edinburgh.gov.uk</a>	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 <a href="mailto:andrew.mitchell@edinburgh.gov.uk">andrew.mitchell@edinburgh.gov.uk</a>	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 <a href="mailto:andrew.mitchell@edinburgh.gov.uk">andrew.mitchell@edinburgh.gov.uk</a>	May 2024
4	Trusted Trader Scheme – Report by the Executive Director	Annual	Executive Director of Place Lead Officer: Andrew Mitchell <a href="mailto:andrew.mitchell@edinburgh.gov.uk">andrew.mitchell@edinburgh.gov.uk</a>	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 <a href="mailto:andrew.mitchell@edinburgh.gov.uk">andrew.mitchell@edinburgh.gov.uk</a>	August 2024
6	STL Licensing: Review after 12 months of operation of policy		Executive Director of Place Lead Officer: Andrew Mitchell <a href="mailto:andrew.mitchell@edinburgh.gov.uk">andrew.mitchell@edinburgh.gov.uk</a>	October 2024
8	Taxi Fares Review – Report by the Executive Director of Place	Every 18 months	Executive Director of Place Lead Officer: Andrew Mitchell <a href="mailto:andrew.mitchell@edinburgh.gov.uk">andrew.mitchell@edinburgh.gov.uk</a>	December 2024
9	Short Term Let Enforcement in Edinburgh – Report by the Executive Director of Place	Annual	Executive Director of Place Lead Officer: Andrew Mitchell <a href="mailto:andrew.mitchell@edinburgh.gov.uk">andrew.mitchell@edinburgh.gov.uk</a>	October 2024
10	Demand for Taxis – Report by the Executive Director of Place	Every three years	Executive Director of Place Lead Officer: Andrew Mitchell <a href="mailto:andrew.mitchell@edinburgh.gov.uk">andrew.mitchell@edinburgh.gov.uk</a>	Spring 2026

**Regulatory Committee Upcoming Reports****Appendix 1**

<b>Report Title</b>	<b>Directorate</b>	<b>Lead Officer</b>
<b>February 2024</b>		
Age Limitations and Emissions Standards for Taxis and Private Hire Cars	Place	Andrew Mitchell
Public Entertainment Licensing – Review of Fees	Place	Andrew Mitchell
Street Trading and Markets	Place	Andrew Mitchell

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# Rolling Actions Log

## Regulatory Committee

04 December 2023

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	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"> <li>i) what the appropriate number of Sexual Entertainment Venues (SEVs) for Edinburgh should be.</li> <li>ii) what the appropriate number of SEVs for each relevant locality within the city should be.</li> <li>iii) the existing SEV policy statement and conditions framework.</li> </ul>	Executive Director of Place	December 2023		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments	
2	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		<b>Closed October 2023</b> Consultation now live.
			2)	To note that a further report would be submitted to Committee.		April 2024		Consultation closes on 13 December 2023
3	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		<b>Update December 2023</b> First meeting of the Working party met at end of November 2023
			2)	To ask the Convener to write to the Scottish Government to seek engagement on vehicle age and emission issues as		July 2023	July 2023	<b>Closed October 2023</b> Letter to the Scottish

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			they apply to the hire car trade.				Government sent July 2023.
4	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	<b>Closed October 2023</b> Email sent to members September 2023.
			2) To arrange a visit to Mortonhall Crematorium and request discussions with staff to consider new processing innovations		October 2023	October 2023	<b>Recommended for Closure</b> Visit took place 18 September 2023.
5	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	<b>Closed October 2023</b> Report referred to Planning Committee on 13 September 2023.

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	<b>Closed October 2023</b> A report was included on the agenda for committee on 2 October 2023.
			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	October 2023	<b>Closed October 2023</b> Date needed for circulation to members
			4) To provide communication on temporary licences to residents in buildings which contain secondary lettings,		December 2023		<b>Update needed</b>

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		<b><u>Update needed</u></b>
6	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	December 2023	<b>Recommended for Closure</b> Report on agenda for this committee.
			2) To provide members with an update on the progression of the delivery of the CX contract following discussions with Civica.		December 2023		<b><u>Update needed</u></b>
			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.				
7	02.10.23	Business Bulletin	1) To request officers investigate why flat numbers for properties in tenements are not appearing on the short term lets licensing register.	Executive Director of Place	December 2023		<b><u>Update needed</u></b>
			2) To circulate the current number of short-term let applications to Regulatory Committee members.		December 2023		<b><u>Update needed</u></b>
8	02.10.23	Short Term Let Enforcement in Edinburgh	1) To 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	Executive Director of Place	October 2024		
			2) To agree to review the approach to STLs in Edinburgh in 12 months,		October 2024		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			including the inspection fee structure.				
			3) To request a briefing to members is given 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.		December 2023	October 2023	<b>Closed October 2023</b>  A report was included on the agenda at the 02.10.23 meeting.
			4) To 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		February 2024		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			compliance and enforcement.				
			5) To request information on the number and types of posts being recruited for is circulated to Committee Members.		February 2024		
9	02.10.23	Public Entertainment Licensing: Application Fees	1) To agree a stakeholder consultation on these issues should be progressed, in advance of making any adjustment to the relevant application fees.	Executive Director of Place	April 2024		
			2) In relation to gala days, the form of consultation should be a short-term working group consisting of Council Licensing officers, Regulatory Committee spokespeople and representatives of community gala day committees.		December 2023		<b>Update December 2023</b> Consultation meeting took place on 13 November 2023.



No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			3) To circulate a list of what is included in amusement device licences.		December 2023		<b>Update needed</b>
			4) To request dialogue with colleagues in Public Safety around reintroducing in-person inspections is continued.		December 2023		<b>Update needed</b>
10	02.10.23	Criminal Records Checks for Taxi and private Hire Car Driver Licence Applicants Born or who have Resided Outwith the United Kingdom	To request engagement with organisations such as the Scottish Refugee Council to make citizens who have resided outwith the United Kingdom aware of Apostille certificates.	Executive Director of Place	December 2023		<b>Update needed</b>
11	02.10.23	Houses in Multiple Occupation Best Practice Guide - Update After Consultation	To agree to introduce the Best Practice Guide for HMO licence holders in Edinburgh.	Executive Director of Place	2 October 2023		<b>Recommend for Closure</b> Best Practice Guide introduced after October Committee

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# Business Bulletin


## Regulatory Committee

10.00a.m., Monday, 4 December 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 1043 745">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="1145 342 1437 421"><a href="#">Taylor Ward</a> Committee Services</p>

Recent News	Background	Contact				
<b>LICENSING</b>						
<p><b>Short term lets (STL) applications</b></p> <table border="1" data-bbox="188 383 788 533"> <tr> <td data-bbox="188 383 636 459">Total no. applications</td> <td data-bbox="636 383 788 459">3,607*</td> </tr> <tr> <td data-bbox="188 459 636 533">No. applications refused</td> <td data-bbox="636 459 788 533">-</td> </tr> </table> <p>* As of 27 October 2023</p> <p>The Licensing Service has provided all existing operators of STL accommodation with a provisional licence number, in accordance with legislative requirements. This will allow existing hosts (those who were operating prior to 1 October 2022) to list their property for bookings and to trade using online platforms whilst their application is considered.</p>	Total no. applications	3,607*	No. applications refused	-	<p>The Regulatory Committee approved a Short Term Lets Licensing Policy on <a href="#">29 September 2023</a>.</p> <p>On 1 October 2022, a licensing scheme for short term lets opened in Edinburgh. Existing operators had until 1 October 2023 to apply for a STL licence if they wished to continue to operate.</p>	<p><a href="#">Andrew Mitchell</a> Head of Regulatory Services 0131 529 4208</p>
Total no. applications	3,607*					
No. applications refused	-					
<p><b>Licensing performance</b></p> <p>Workload pressure has significantly increased due to the statutory deadline of 1 October 2023, for Short Term Let Licence applications, with well over 3,000 applications received in a six-week period.</p> <p>This will have an impact on the delivery of the rest of the service, and it is anticipated that it may take longer than normal to issue licences. However, the service is prioritising supporting all applicants by enabling them to continue operating wherever possible.</p> <p>The volume of temporary licence applications has increased this year, which also has an impact on the rest of the service. The service is currently working on over 400 applications every week, and the resulting tight turnaround timescales increases pressure to deliver.</p> <p>A recent recruitment drive has been</p>	<p>Committee has requested an update on progress in dealing with the operational backlog</p>	<p><a href="#">Catherine Scanlin</a> Licensing Manager 0131 529 4208</p>				

<p>positive with 10 new members of staff, at various stages of recruitment, soon to join the organisation.</p>		
<p><b>Driver Skills Development Programme: Foundation and Intermediate Courses</b></p> <p>To date, 35 Foundation training courses have been delivered to over 1,376 new taxi and private hire car drivers.</p> <p>The courses have been well received and, due to the significant demand, additional courses have been added this year. The Foundation course has proved invaluable in supporting new drivers entering the trade.</p> <p>The first Intermediate course for existing licensed drivers started in November 2023. This course is designed to improve customer relations and standards within the trade.</p> <p>The course is run over three days, and can be completed over a week or once a week over a three week period.</p> <p>After a break for the festive period, the Intermediate training programme will recommence in January 2024 and will be linked to driver renewal applications.</p> <p>Further information is attached at Appendix 1.</p>	<p>The Foundation Course for new taxi and private hire car drivers was approved by the Regulatory Committee on <a href="#">2 November 2020</a>.</p> <p>The online training is delivered in real time and allows participants to learn in a safe and convenient setting. The course provides opportunities for all to participate in group tasks and discussions.</p>	<p><a href="#">Catherine Scanlin</a> Licensing Manager 0131 529 4208</p>
<p><b>Applications granted using delegated powers</b></p> <p>Following consultation with the Convener of the Licensing Sub Committee and feedback from members, officers have used delegated powers to grant the applications listed at Appendix 2. These are being reported to Committee for information purposes only.</p>	<p>Historically these applications would be sent to Committee for determination. However, in the absence of objections, representations or being contentious, the current scheme of delegation allows officers to grant.</p>	<p><a href="#">Catherine Scanlin</a> Licensing Manager 0131 529 4208</p>

## TRADING STANDARDS AND LICENSING ENFORCEMENT

<p><b>Second hand dealers</b></p> <p>The Licensing Enforcement Team has been focusing on a range of businesses which have failed to renew licences which were in place prior to the Covid-19 pandemic.</p> <p>In some cases, these businesses had ceased to operate or changed their business model, however a significant number had resumed carrying out licensed activity without reapplying for the relevant second hand dealers' licence.</p> <p>22 applications for second hand dealer licences have been submitted to date as a direct result of enforcement action.</p>	<p>Any person in Edinburgh carrying on a business as a dealer in second hand goods or articles is required to be licensed under the Civic Government (Scotland) Act 1982.</p>	<p><a href="#">Tom Veitch</a></p> <p>Licensing and Enforcement Manager 0131 469 3871</p>
<p><b>Fireworks inspections</b></p> <p>In Edinburgh there are 18 premises selling fireworks, and each has been inspected by the Licensing Enforcement team. These inspections ensure that the storage arrangements are safe and compliant, and officers have also provided advice and guidance relating to sales restrictions.</p> <p>12 Test Purchases have been carried out to ensure compliance with the limits of times of sale and net quantity of explosive restrictions. There were no failures relating to these attempts. No reports have been received relating to the purchase of fireworks by those under the age of 18, but this remains an area of close attention.</p> <p>Other proactive work continues on illicit sales and the illicit importation of fireworks with the Citywide Bonfire Community Improvement Partnership (CIP), and working on opportunities with Police Scotland and other agencies.</p>	<p>The Trading Standards and Licensing Enforcement teams enforce controls on fireworks in terms of their safe storage, sale, and construction.</p> <p>New legislation in 2019 brought in additional controls relating to time limits for sales (6pm-7am), and net explosive content purchase limits (5kg Net).</p>	<p><a href="#">Tom Veitch</a></p> <p>Licensing and Enforcement Manager 0131 469 3871</p>

<p><b>UK Government Consultation: Creating a Smoke Free Generation and Tackling Youth Vaping</b></p> <p>The Scottish Government Tobacco Strategy has been paused to align with a broader UK approach. The UK Government <a href="#">Consultation</a> on Creating a Smoke Free Generation and Tackling Youth Vaping is now open and will conclude on 6 December 2023.</p> <p>The Society of Chief Officer for Trading Standards in Scotland (SCOTSS) will be submitting a collated response on behalf of the 32 Chief Officers in Scotland. The SCOTSS response to the original Scottish Government consultation is available <a href="#">here</a>.</p>	<p>Both consultations largely focus on areas covered by City of Edinburgh Council's Trading Standards team, in terms of availability and display of tobacco and vaping devices, primarily to young people. This also links to work carried out by the Trading Standards team on illicit (duty evaded) tobacco, in partnership with HMRC.</p>	<p><a href="#">Tom Veitch</a> Licensing and Enforcement Manager 0131 469 3871</p>
<p><b>Traffic Orders – Licensing Sub-Committee</b></p> <p>On 15 December 2022, in response to a review of political management arrangements, the Council <a href="#">agreed</a> to transfer the statutory element of Traffic Regulation Orders to Regulatory Committee. The change recognised that Orders are quasi-judicial and that Licensing Sub-Committee would be able to deal with these effectively. The change came into effect after the Easter recess 2023, with the first report considered by Licensing Sub-Committee in June 2023. To date, only two reports have been submitted for consideration.</p> <p>Transport and Environment Committee have requested a report to their Committee in March 2024 on the options for dealing with Traffic Orders in future which continues to respect the role of Licensing Sub-Committee but allows Transport and Environment Committee to continue to be involved and to take a view on key transport changes being delivered through statutory order processes.</p>		<p><a href="#">Alison Coburn</a> <b>Wards Affected:</b> All</p>



Appendix 1

Driver Skills Development Programme: Foundation Course						
	Courses	Participants	First time passes	Resits	Resit passes	Total passes
2020	1	7	7	0	0	7
2021	8	134	116	5	2	118
2022	12	510	453	47	28	481
2023*	14	676	605	93	50	655
<b>Total</b>	<b>35</b>	<b>1376</b>	<b>1224</b>	<b>154</b>	<b>85</b>	<b>1309</b>

\*From August 2023 all training continued **online** but assessments are now conducted in person at the Licensing Hub training suite, Murrayburn Depot

Appendix 2

APP ref.	Type	Event	Location	Dates/times	Capacity	Consultees	Info.
508407	PEL	Unique Assembly	West Princes Street Gardens	18 November - 15 December 2023; 10:00-22:00 daily	1,000	no adverse comments, has been through EPOG	annual event
508405	MOL	Unique Assembly	West Princes Street Gardens	18 November - 15 December 2023; 10:00-22:00 daily	10 units	no adverse comments, has been through EPOG	annual event
508406	PEL Amusement Devices	Unique Assembly	West Princes Street Gardens	18 November - 15 December 2023; 10:00-22:00 daily	14 devices	no adverse comments, has been through EPOG	annual event
508394	PEL	Unique Assembly	East Princes Street Gardens	17 November - 14 December 2023; 10:00-22:00 daily	5,000	no adverse comments, has been through EPOG	annual event

508398	MOL	Unique Assembly	East Princes Street Gardens	17 November - 14 December 2023; 10:00-22:00 daily	75 units	no adverse comments, has been through EPOG	annual event
508399	PEL Amusement Devices	Unique Assembly	East Princes Street Gardens	17 November - 14 December 2023; 10:00-22:00 daily	5 devices	no adverse comments, has been through EPOG	annual event
508410	PEL	Unique Assembly	George Street Ice Rink B1	17 November - 14 December 2023; 10:00-22:00 daily	600	no adverse comments, has been through EPOG	annual event
508409	MOL	Unique Assembly	George Street Ice Rink B1	17 November - 14 December 2023; 10:00-22:00 daily	3 units	no adverse comments, has been through EPOG	annual event
508412	PEL	Unique Assembly	St Andrew Square	18 November - 15 December 2023; 10:00-22:00 daily	300	no adverse comments, has been through EPOG	annual event
508413	MOL	Unique Assembly	George Street Block 2 and Castle Street North End	17 November - 14 December 2023; 10:00-22:00 daily	23 units	no adverse comments, has been through EPOG	annual event
508414	PEL Amusement Devices	Unique Assembly	George Street Block 2	17 November - 14 December 2023; 10:00-22:00 daily	2 devices	no adverse comments, has been through EPOG	annual event
514513	PEL	Diwali	Ross Bandstand, Princes St Gardens	19 November 2023; 1230-1900	2,500	no adverse comments, has been through EPOG	Includes: music, dance, fireworks, submitted late on 30 Oct; conditions sent to applicant on 14, chased and accepted

513297	PEL	Castle of Light	Edinburgh Castle	22 November – 19 December-2023; 1630-2100	5,000	no adverse comments, has been through EPOG	Includes: light trail, annual event
511242	PEL	Scottish Indian Arts Forum	Calton Hill	27 October – 29 October 2023; 1400-200	2,400		Includes: music, dance, food, submitted 1 October 2023; not made complete until 26 October 2023
506089	PEL	Terminal V Halloween Trilogy	Royal Highland Centre	27-29 October 2023; Friday 1900-0300; Saturday 1400-0000; Sunday 1400-0000	6,000	no adverse comments, has been through EPOG	
505605	MOL	Terminal V Halloween Trilogy	Royal Highland Centre	27-29 October 2023; Fri day 1900-0300; Saturday 1400-0000; Sunday 1400-0000	18 vendors	no adverse comments, has been through EPOG	
512489	PEL	Beltane	Holyrood Park	1800-2300	5,000	has been through EPOG; all consultees have responded with no adverse comments	usual fire dancing, drumming etc
508942 511504 511508	ST	Business Incentives Group Limited	Mound Precinct, outside National Galleries	27 October – 11 November 2023; 0900-1800		no adverse comments from consultees	selling Poppy Scotland merchandise. Has been in this location for a number of years at this time of year; has previously been granted at Committee

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# Regulatory Committee

10.00am, Monday, 4 December 2023

## Short Term Let Licensing Policy – Temporary Exemptions

Executive/routine  
Wards

All

### 1. Recommendations

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- 1.1 Regulatory Committee is asked to:
  - 1.1.1 Note the content of this report; and
  - 1.1.2 Agree the minor amendments to the policy, set out at paragraph 4.6.

**Paul Lawrence**

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 529 4208

## Short Term Let Licensing Policy – Temporary Exemptions

### 2. Executive Summary

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- 2.1 Following representations received for applicants and subsequent receipt of Counsel's legal advice, the purpose of this report is to further amend the Short Term Lets Licensing Policy approved by the Regulatory Committee on [29 September 2022](#). It will clarify the Council's approach to temporary exemptions from licensing requirements.

### 3. Background

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- 3.1 Under the [Civic Government \(Scotland\) Act 1982 \(Licensing of Short Term Lets Order 2022\)](#) ('the 2022 Order'), which brought short term lets ('STL') within the scope of licensable activities covered by the statutory provisions of the 1982 Act, new powers were given to local authorities to regulate STL by means of a licensing scheme.
- 3.2 On 29 September 2022, Committee agreed a [policy and conditions](#) with respect to STLs in the City of Edinburgh. [Amendments](#) to that policy were agreed on 1 May 2023 following a Judicial Review.

### 4. Main report

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- 4.1 The Council has received enquiries and concerns about an aspect of the STL policy as it relates to applications for temporary exemptions. Paragraph 4.17 of the current policy follows the Scottish Government guidance which states that only one exemption for a period of no more than six weeks in any 12-month period is permissible. The concern raised is that the legislation does not restrict the availability of exemptions to a singular period in any 12-month period, and that the Council should therefore allow more than one temporary exemption in a 12-month period, provided that cumulatively these periods do not exceed six weeks in any 12-month period, in line with STL legislation.
- 4.2 The Council sought legal advice from Counsel with respect to the legislation regarding temporary exemptions and in particular regarding whether the six week

period allowed for temporary exemptions could lawfully be split into multiple shorter periods or if the legislation allows only one exemption for a continuous period not exceeding six weeks.

- 4.3 Counsel's interpretation of the relevant provision is that a licensing authority may not restrict the grant of a temporary exemption to a singular period and that more than one period is permissible, so long as when added together the dates of such exemptions do not exceed six weeks in any period of 12-months. For instance, an application for exemption might be made for 'August' and during the winter festive period provided the total period does not exceed six weeks.
- 4.4 Therefore, Committee is asked to agree that the policy should be updated to reflect that any such application which lists days, which may fall within multiple periods, not exceeding a total of six weeks, will be accepted as a competent application.
- 4.5 Any further individual applications for a temporary exemption within the same 12-month period will be considered as a separate application and the appropriate fee will be applied to each application.
- 4.6 The recommended revised text for paragraph 4.17 is '*As per paragraph 1A of Schedule 1 of the 1982 Act, the Council can grant a temporary exemption to the requirement to have a STL licence. Under the terms of the 1982 Act, temporary exemptions can be issued for a period or periods not exceeding 6 weeks in any period of 12 months. The 6 weeks limit on a licence is a maximum, and not a default. Where more than one period is sought during the 12-month period, the fee set out at paragraph 4.23 below will be submitted with each application made.*'

## **5. Next Steps**

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- 5.1 If Committee approve this change, the policy will be updated.
- 5.2 Committee has already agreed that the STL policy will be subject to a review in summer 2024.

## **6. Financial impact**

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- 6.1 There is no direct financial impact on the Council. If requests for temporary exemptions are made in multiple applications, these will each attract a fee.

## **7. Equality and Poverty Impact**

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- 7.1 Not applicable.

## **8. Climate and Nature Emergency Implications**

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- 8.1 Not applicable.

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

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9.1 This report addresses a concern raised by the short term lets sector.

## **10. Background reading/external references**

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- 10.1 Report to Regulatory Committee (29 September 2022) – [Short Term Lets Policy – Update After Consultation](#)
- 10.2 Report to Regulatory Committee (1 May 2023) – [Short Term Lets Policy – Minor Updates](#)

## **11. Appendices**

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10.1 None



# Regulatory Committee

10.00am, Monday 4 December 2023

## Appointments to Gala Day Working Group

Executive/routine Wards Council Commitments	Executive All
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### 1. Recommendations

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- 1.1 To appoint the membership of the Gala Day Working Group as set out at Appendix 1.
- 1.2 To appoint the Convener of the Gala Day Working Group.

**Dr Deborah Smart**

Executive Director of Corporate Services

Contact: Taylor Ward, Committee Officer

Email: [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@edinburgh.gov.uk)

## Appointments to Gala Day Working Group

### 2. Executive Summary

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- 2.1 The Regulatory Committee is invited to appoint the membership of the Gala Day Working Group.

### 3. Background

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- 3.1 The appointment of committees, joint committees and joint boards is a reserved matter for full Council.
- 3.2 At its meetings of 16 March 2023, the Council appointed the membership and Convener of the Regulatory Committee.

### 4. Main report

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- 4.1 The Committee is required to appoint the membership of the Gala Day Working Group.
- 4.2 While there is no requirement for the membership of working groups to be proportionate to that of the Council, it is suggested that this is good practice. The proposed membership therefore reflects the overall political balance on the Council. It is, however, open to the Committee to alter the membership where it feels this is warranted.
- 4.4 The membership structure and remit of the Gala Day Working Group is set out in Appendix 1.

### 5. Next Steps

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- 5.1 Not applicable.

### 6. Financial impact

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- 6.1 Any costs for administrating working groups are contained within the relevant directorates budget.

### 7. Equality and Poverty Impact

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- 7.1 Not applicable.

## **8. Climate and Nature Emergency Implications**

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8.1 Not applicable.

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

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9.1 The Working Group membership and remit is required to be appointed and approved by the parent Committee.

## **10. Background reading/external references**

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10.1 Not applicable.

## **11. Appendices**

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Appendix 1 – Gala Day Working Group Membership and Remit

### Gala Day Working Group

#### Membership – 5 members

1 SNP, 1 SLD, 1 Labour, 1 Green, 1 Conservative

#### Other Members

Representatives appointed by the Regulatory Team as follows:

- Council Licensing Officers
- Representatives of Community Gala Day Committees

#### Remit

To provide a forum for consultation between the City of Edinburgh Council and stakeholders on Public Entertainment Licence fees for 2024 onwards, and particularly how community events with amusement devices are charged and where liability sits regarding health and safety of equipment. Outcomes from the working group will be reported to the Regulatory Committee.

## Regulatory Committee

10.00am, Monday, 4 December 2023

### Licensing Enforcement: Taxis and Private Hire Cars

Executive/routine  
Wards

All

#### 1. Recommendations

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- 1.1 Regulatory Committee is asked to:
  - 1.1.1 Note the contents of this report, which provides an update to a previous report to Committee in January 2020;
  - 1.1.2 Agree to receive an annual performance report covering taxi and private hire car enforcement; and
  - 1.1.3 Note that further work will be required to identify and to secure the funding for the Enforcement Officers beyond the current financial year.

**Paul Lawrence**

Executive Director of Place

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail: [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 529 4208

## Licensing Enforcement: Taxis and Private Hire Cars

### 2. Executive Summary

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- 2.1 This report provides an update on taxi and Private Hire Car (PHC) enforcement, and clarifies complaint categories which are outwith the Council's remit. The report also provides an update on the work of the Enforcement Officers which were financed by £160,000 of additional Council funding for 2022/23 with a focus on engaging with licensed activities outwith normal business hours.

### 3. Background

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- 3.1 The [Civic Government \(Scotland\) Act 1982](#) ('the 1982 Act') created a two-tier licensing regime, whereby a taxi may pick up passengers in a public place without a prior booking, and a PHC must be pre-booked. In general terms, whilst the fare paying passenger will see differences in method of hire, vehicle design, livery and booking conditions across the two services, each is fundamentally a contractual agreement between the customer and a suitably trained and regulated driver.
- 3.2 The role of the Licensing Authority is primarily to regulate licensable activity in the city of Edinburgh, and to administer a legally compliant service whilst providing excellent service to its customers. For many years the Council has operated an effective enforcement and complaints strategy in partnership with Police Scotland.

### 4. Main report

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#### Complaints Process

- 4.1 The Council administers a robust complaints process. All complaints received against taxi or PHC drivers or operators are recorded individually, investigated, and appropriate action is taken in respect of the relevant licence holders. This can take many forms depending on the outcome of the complaint. In more serious cases, more than one outcome may be sought, and a range of options are available (including informal action, issuing corrective advice and guidance, written warning /Compliance Notice or referral to Police Scotland for criminal investigation).

- 4.2 In more serious cases, a report will be submitted for Licensing Sub Committee's consideration. This may seek suspension or revocation of the licence where the Council has concerns that:
- 4.2.1 The ongoing operation of the licence is likely to cause undue public nuisance; or
  - 4.2.2 The ongoing operation of the licence may be a threat to public order or public safety; or
  - 4.2.3 The licence holder is no longer fit and proper; or
  - 4.2.4 A condition of licence has been contravened.
- 4.3 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 Licensing Sub-Committee.
- 4.4 Issues between passengers and licensed drivers or operators may be addressed and resolved through their own internal complaint processes. However, it is expected that operators will escalate complaints to the Council where appropriate. There are no current concerns about the complaints handling/escalation procedures of any licensed operator.
- 4.5 The Council also receives complaints or allegations against licensed taxi and PHC drivers and operators for matters which are not within the remit of licensing (for example, in relation to road traffic offences or areas governed by bylaws such as the Airport or Network Rail). As the Council does not have any relevant enforcement powers in these cases, any such complaints are passed to the relevant body (e.g. Police Scotland) for any action deemed appropriate. These complaints can be brought back to Committee by the relevant enforcement authority if required, by means of an objection or request for suspension or revocation of the relevant licence.

### **Complaint Data**

- 4.6 The table in Appendix 1 provides a summary of the total complaints received over the past six years, with further detail provided in terms of complaint categories and service demand.
- 4.7 The data shows a significant drop in complaints received over the course of the pandemic, which was to be expected due to the reduction in corresponding licensed activity. Figures in 2023 are returning to pre-pandemic levels, with a similar total figure projected.
- 4.8 Complaint categories are currently being reviewed. This will allow the 'miscellaneous' category to be refined to provide more information about the nature of complaints.

### **Source of complaints**

- 4.9 Complaints against taxis and PHCs are typically received from members of the public, but a high proportion of complaints come from within the trade itself (e.g. a taxi driver raising a concern about a PHC driver, or vice versa).
- 4.10 Of the 2,608 complaints received since 2020, analysis shows that just 22 individuals generated a total of 600 (23%) of those complaints. Of those 22 individuals, 20 are known or believed to be members of the taxi or PHC trade (with one individual alone making a total of 119 complaints). Many of these complaints are of a repeat nature, and while every complaint is considered on its own merits, these complaints are often time consuming.
- 4.11 213 complaints were officer initiated in response to witnessed incidents, and 63 complaints came from an anonymous source.

### **Additional Enforcement Officers**

- 4.12 In 2022/23, the Council approved £160,000 additional funding for licensing enforcement including taxis and PHCs. This funding was carried forward to 2023/24 due to a delay in recruitment. Five Enforcement Officers on fixed term contracts have now been recruited to form part of a new out-of-hours Licensing Enforcement team.
- 4.13 This team specifically engages with businesses carrying out licensed activity in the nighttime economy, including taxi and PHC enforcement. 303 compliance checks have been completed and the officers have dealt with 1,043 complaints within the sector to date. The team works closely with other colleagues and seeks to identify emerging issues for compliance checks which are being identified at the Licensing Hub (previously known as the Taxi Examination Centre (TEC)).
- 4.14 They are also responsible for activity recently reported to Committee in relation to Late Hours Catering enforcement, and in other Civic workstreams (e.g. street trading, public entertainment; and market operator licensing enforcement). The intention is to continue to develop the role of these officers and to explore further regulatory opportunities with respect to licensed activities outside normal office hours.
- 4.15 Funding for these posts is only in place till the end of the current financial year.

## **5. Next Steps**

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- 5.1 Committee is asked to note that a business case will be submitted, as part of the Council's budget setting process for 2024/25, to mainstream the role of the Enforcement Officers to maintain the current increase in regulatory capacity.



## **6. Financial impact**

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- 6.1 The cost of permanently mainstreaming the role of five Enforcement Officers would be £181,078 per annum, comprising an appropriate graded salary, associated on-costs and projected working time payments for the intended shift pattern.

## **7. Equality and Poverty Impact**

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- 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**

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- 8.1 No environmental impact arises from the contents of this report.

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

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- 9.1 The Council's regulatory approach to taxi and PHC enforcement contributes to the Council's strategic priority to create good places to live and work in Edinburgh.

## **10. Background reading/external references**

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- 10.1 [Taxi and Private Hire Car Enforcement and Complaints Update – January 2020.](#)

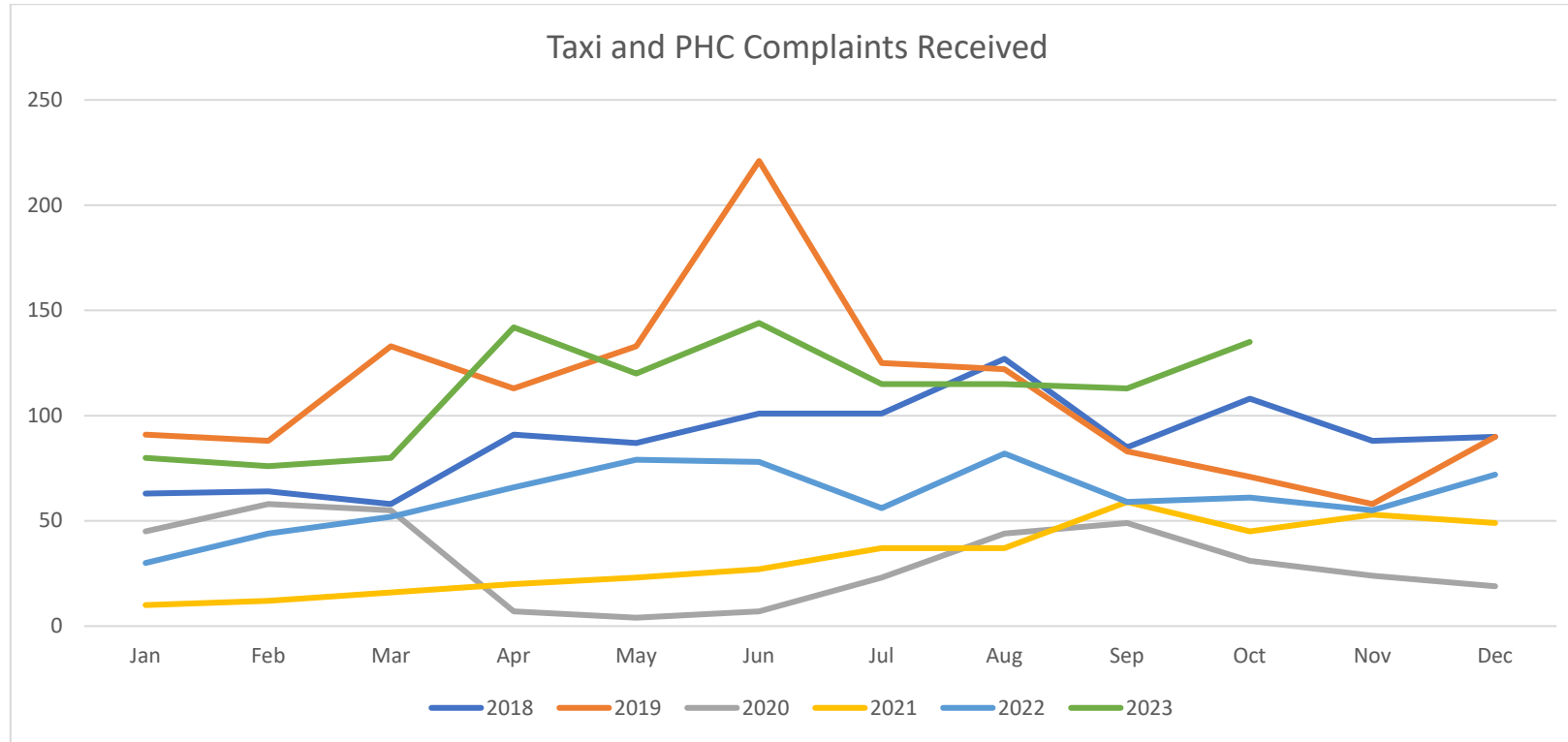
## **11. Appendices**

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- 11.1 Appendix 1 – Complaint data to 31 August 2023.

Appendix 1 – Complaint Data to 31 August 2023

<b>Calendar Year</b>	<b>Taxi and PHC complaints received</b>
2018	1,063
2019	1,328
2020	366
2021	388
2022	734
2023 (to 31 October)	1,120



This graph shows the complaints received by month since 2018, highlighting the peaks in demand during the summer months, festival and festive periods.

Complaint categories by year

<b>Complaint Category</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023 (to 31 October)</b>
Driving Manner	268	295	65	59	150	183
Aggressive Behaviour	172	191	43	47	91	63
Illegal plying for hire	45	163	49	41	25	118
Sexual behaviour	2	12	1	5	14	1
Wheelchair accessibility	7	10	1	10	5	0
Overcharging	54	46	13	17	48	63
Complaint from a Cyclist	36	14	3	1	4	4
Greenway complaint	30	20	0	0	2	2
Miscellaneous	167	287	64	99	209	346
Covid related complaints	0	0	24	10	1	0
Smoking complaint	9	15	4	4	10	31
Licensed vehicle involved in accident	11	17	2	3	4	7
Bad customer service	38	41	6	8	33	40
Vehicle used when not of required standard	32	21	21	18	11	81
Inappropriate parking	148	166	60	62	118	160
Unaware of route / destination	8	11	3	0	0	0
Mobile phone use	23	12	2	0	4	8
Fare refused	13	7	5	4	5	13
<b>Total</b>	<b>1,063</b>	<b>1,328</b>	<b>366</b>	<b>388</b>	<b>734</b>	<b>1,120</b>

This table shows the figures for each complaint category, showing a notable drop in complaints categories involving aggressive behaviour, greenways, complaints from cyclists and vehicle standards. There is a significant increase in miscellaneous complaints, and work is ongoing to refine these to provide more information about the nature of these complaints.

# Regulatory Committee

10.00am, Monday, 4 December 2023

## Regulatory Committee Workplan: Objections to Licence Applications

Executive/routine  
Wards

All

### 1. Recommendations

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- 1.1 Regulatory Committee is asked to:
  - 1.1.1 Note the content of this report and the draft guide;
  - 1.1.2 Agree to publish the guide on the Council website; and
  - 1.1.3 Discharge this item from the Work Programme agreed by the Regulatory Committee on 7 August 2023.

**Paul Lawrence**

Executive Director of Place

Contact: Isla Burton, Trading Standards Officer

E-mail: [isla.burton@edinburgh.gov.uk](mailto:isla.burton@edinburgh.gov.uk) | Tel: 0131 529 4208

## Regulatory Committee Workplan: Objections to Licence Applications

### 2. Executive Summary

---

- 2.1 As included in the workplan agreed by the Regulatory Committee on [7 August 2023](#), this report presents Committee with a draft guidance note to assist those who wish to object to, or make representations about, applications for licences under the [Housing \(Scotland\) Act 2006](#), or the [Civic Government \(Scotland\) Act 1982](#).

### 3. Background

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- 3.1 As Licensing Authority under the 2006 Housing Act for Houses in Multiple Occupation and under the 1982 Civic Government Act, for a variety of licensable activities (including Short Term Lets), the Council is required to consider objections to applications for licences under those Acts. The Council may also consider representations about such applications.

### 4. Main report

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#### **Purpose of guidance document**

- 4.1 On 7 August 2023, Committee [agreed](#) to bring forward a guide which would make information available to members of the public who might wish to make a representation about, or object to, applications for annual licences.
- 4.2 The Council acknowledges that members of the public will not necessarily be familiar with what would constitute a valid objection under the terms of the legislation. Additionally, individuals may not be aware of the limits on the matters that the Committee is able to consider. This can lead to complaints when a decision to grant a licence is made despite objections having been submitted. Objectors may be dissatisfied with the outcome, however, in many cases they are unaware that their objection may have referred to matters outside of the Committee's areas of responsibility.
- 4.3 Guidance for those applying for licences is already available on the Council website and application forms. The additional guide (Appendix 1) has been prepared to

provide information on making objections or representations and will be useful to those who are unfamiliar with licensing matters.

- 4.4 The guide is designed to offer advice only, and does not constitute legal advice. It will not be a factor for the Committee in deciding whether or not a licence should be granted.

### **Legal background**

- 4.5 The [Housing \(Scotland\) Act 2006](#) ('the 2006 Act') and the [Civic Government \(Scotland\) Act 1982](#) ('the 1982 Act') set out the legal requirements for an objection to be valid and capable of being considered by Committee. The legislation does not, however, set out any guidance as to the content of an objection, or to the likely weight that Committee would give to information set out in an objection. It is ultimately a matter for the Licensing Sub-Committee to decide what weight to attach to any objection on its own merits.
- 4.6 The following areas are indicative of the type of information which, in general, Committee would be unlikely to give great weight to, on the basis that it falls out with the purpose of the licensing legislation and/or is regulated by another statutory regime:
- 4.6.1 Any concern about loss of housing, as this is regulated in terms of planning legislation;
  - 4.6.2 Granting of the licence would have a negative financial or economic impact on other businesses;
  - 4.6.3 The granting of a licence may breach any conditions that form part of the title deeds and use of property;
  - 4.6.4 Generic concerns about the impact on a sector or that there are already too many of these types of businesses; and
  - 4.6.5 Perceived potential negative impacts as a result of a licence being granted, such as loss of parking, additional waste, potential for noise based on experience of the impact of another similar licence at another business/property.

## **5. Next Steps**

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- 5.1 If approved, the guide will be published on the Council's website.

## **6. Financial impact**

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- 6.1 There is no direct financial impact on the Council.

## **7. Equality and Poverty Impact**

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7.1 Not applicable.

## **8. Climate and Nature Emergency Implications**

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8.1 Not applicable.

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

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9.1 The guide is intended to clarify the process for those wishing to object to or make representations about applications for licences under the [Housing \(Scotland\) Act 2006](#) or the [Civic Government \(Scotland\) Act 1982](#).

## **10. Background reading/external references**

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10.1 Regulatory Committee – 7 August 2023 – Regulatory Committee Work Programme.

10.2 City of Edinburgh Council guidance on [How to Comment on Planning Proposals and Applications](#).

## **11. Appendices**

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11.1 Appendix 1 – Guidance Note



## Appendix 1 – Guidance Note

### Making an objection to or representation about a licence application

Any member of the public can submit an objection or representation in relation to an application made under the Civic Government (Scotland) Act 1982 or the Housing (Scotland) Act 2006 if they disagree with an application, wish to bring some relevant information to the Council's attention or wish to support an application for licence.

There is no statutory right to object to a temporary licence and this guide does not therefore deal with temporary licences.

The Housing (Scotland) Act 2006 and the Civic Government (Scotland) Act 1982 set out the legal requirements for an objection to be valid and capable of being considered by the Committee.

An objection or representation should:

- Be made in writing (including by email)
- Be clear about what the objection or the representation is about
- Include the name and address of the person objecting/making the representation
- Be signed by that person or on their behalf (this can be done electronically)

#### *What can an objection/representation be about?*

An objection should set out any problems or difficulties that have been experienced relating to the activity covered by the licence that has been applied for. It should set out the reasons why a person thinks that a licence should not be granted, and these should be related to the grounds on which an application must be refused (see Appendix 1 of this Guide). A representation can contain any information a person thinks is relevant to an application and may also set out support for the grant of a licence.

When considering the information in an objection or representation the Committee will decide whether or not it thinks that this shows that one of the grounds of refusal may exist. The Committee cannot refuse an application based on information about matters outside of the terms of the legislation or information about something which is regulated by another statutory regime, for example:

- Loss of housing
- That the granting of the licence would have a negative financial impact on other businesses
- Any conditions that form part of the title deeds and use of property
- General concerns about the impact on a particular business sector or that there are already too many of these types of businesses
- Perceived potential negative impacts as a result of a licence being granted, such as loss of parking, additional waste, potential for noise, experience of the impact of another similar licence at another business/property.

*What are the time limits for making an objection/representation?*

- *Civic Government (Scotland) Act 1982*  
Objection/representation must be received by the Council within **28 days** of the application being made<sup>1</sup>.
- *Housing (Scotland) Act 2006*  
Objection/representation must be received by the Council within **21 days** of the application being made, or by any date specified in the notice of application<sup>2</sup>.

*What if I miss the deadline?*

- The Committee may consider late objections or representations if you include an explanation why the objection or representation has been made after the deadline and the Committee is satisfied that this sets out sufficient reason why it was not made in time.

*What happens after I submit an objection/representation?*

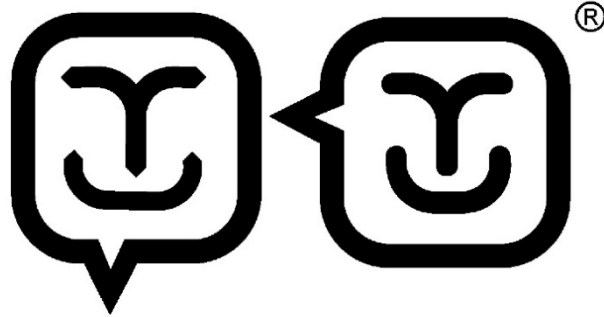
- You will be invited to attend a meeting of the Licensing Sub Committee and 'speak to' (explain) your letter of objection/representation. If you decide not to attend the meeting this may have a negative impact on your rights to appeal if the Committee makes a decision that you do not agree with.
- At the Committee meeting, a Council officer will introduce the application and highlight any relevant information to the Committee. You or your representative will be given the opportunity to speak to your letter of objection/representation. You should be aware that at this point an objector is not allowed to add anything that was not included in the original letter of objection.
- The applicant or their representative will then be given the opportunity to respond to objections/representations and talk about why they think that the application should be granted. Members of the Committee may then ask questions. The Committee will then decide whether to grant or refuse the application, or they may decide to continue the decision until a later Committee meeting to allow for additional information/inspection to be undertaken. The decision and any voting will take place in public.
- Following the Committee meeting you will receive a letter confirming the decision that was made and explaining your right to appeal if you are not happy with the decision.

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<sup>1</sup> Where the application relates to premises the applicant must display a notice at the premises giving details of the type of application.

<sup>2</sup> The applicant must display a notice on or near the relevant premises so it can be conveniently read by the public, stating that an application for a House in Multiple Occupation has been made for the living accommodation and giving the address of the property and the name and address of the applicant

If you want any further information about making an objection or representation, please contact the Licensing Service on 0131 529 4208 or at [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk).



**HAPPY TO TRANSLATE**

ترجمے کے لئے حاضر آনন্দের সঙ্গে অনুবাদ করব

يسعدنا توفير الترجمة MOŻEMY PRZETŁUMACZYĆ 很樂意翻譯

## Appendix 1 (to the Guide)

### When can the Licensing Authority (the Council) refuse an application?

The legislation sets out the grounds on which an application must be refused, and these are summarised below.

#### ***Civic Government (Scotland) Act 1982:***

- If it considers the applicant or anyone else on the application not to be a fit and proper person to hold a licence
- If it considers that the activity would actually be carried out by a person who is not the applicant, and if that person had applied he would have been refused
- Where the application relates to premises, a vehicle or a vessel that are not suitable for the activity, because of:
  - The **location, character or condition** of the premises or the character and condition of the vehicle or vessel
  - The **nature and extent** of the proposed activity
  - The **kind of persons** likely to be in the premises, vehicle or vessel
  - The possibility of undue **public nuisance, public order or public safety**
- Where there is other good reason – usually meaning that it is at odds with a licensing policy agreed by the council.

#### ***Housing (Scotland) Act 2006:***

- If it considers that the applicant or anyone else on the application is not a fit and proper person to operate a House in Multiple Occupation.
- If the applicant or agent is disqualified from holding a licence or acting as agent for a licence holder.
- If it considers that the property is unsuitable for use as a House in Multiple Occupation or could not be made suitable by including conditions in the licence