

# Minutes

## Regulatory Committee

10.00am, Monday 30 September 2024

### Present

Councillors Ross (Convener), Burgess (Substituting for Councillor Rae), Caldwell, Dixon, Graham, Mattos-Coelho, Mowat, Walker and Work

### 1. Minutes

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#### Decision

- 1) To approve the minute of the Regulatory Committee of 21 June 2024 as a correct record.

(References – Minutes of Regulatory Committee of 21 June 2024, submitted.)

### 3. Work Programme

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The Work Programme for September 2024 was presented.

#### Decision

- 1) To note the Work Programme; and
- 2) To note the addition of a special meeting in November in relation to the Taxi Fare Review.

(Reference – Work Programme, submitted.)

### 4. Rolling Actions Log

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The Rolling Actions Log for June 2024 was presented.

#### Decision

- 1) To agree to close the following actions:
  - 1.2 - Licensing Policy Development – Street Trading Update
  - 2.1 – Short-term Lets Licensing Scheme – Update
  - 2.2 - Short-term Lets Licensing Scheme – Update
  - 3.1 - Additional Item – Regulatory Committee Work Programme

- 6 - Motion by Councillor Rae – Short Term Lets Register - Publication of Applicants' Names
  - 8 – Short-term Lets – referral from Planning Committee
  
  - 10– Emergency Motion by Councillor Day - Fire in Breadalbane Street
  - 11 – Motion by Councillor Mumford - Landlord Registration Fees
- 2) To note to the completion date of action 14 is December 2024; and
  - 3) To otherwise note the remaining outstanding actions.

(Reference – Rolling Actions Log, submitted.)

## **5. Business Bulletin**

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The Regulatory Committee Business Bulletin for June 2024 was presented.

### **Decision**

- 1) To note the business bulletin.

(Reference – Business Bulletin, submitted.)

## **6. Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Amendment Order 2024: Fees**

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Committee was informed that the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Amendment Order 2024 had been approved at the end of June 2024 and is expected to come in to force later in 2024. Committee was advised of certain amendments to existing legislation, including the addition of certain types of licence connected with Short-Term Lets. Details in relation to the introduction of relevant licence fees is required were presented and officers confirmed that either the City of Edinburgh Council or Regulatory Committee can approve additions or amendments to the existing licensing fees.

### **Decision**

- 1) To note that the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Amendment Order 2024 has been passed by the Scottish Parliament;
- 2) To agree to approve the proposed additional fees in relation to the new categories of applications for Short-Term Lets licences; and
- 3) To note that additional mandatory conditions will be added to the grant of any licence after the date on which the Order comes into effect.

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

## **7. Taxi Fares Review 2024**

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Information pertaining to the outcome of the statutory review of fares was presented along with recommendations on the remaining steps necessary to complete the review and fix taxi fares.

## Decision

- 1) To note the attached report from Jacobs (Appendix 2), and, in particular, the recommendations following the first stage of the statutory consultation with representatives of the taxi trade;
- 2) To note that feedback was sought from the representatives of the taxi trade on the initial Jacobs report and, where possible, this has been incorporated into the Jacobs report;
- 3) To agree to approve the second stage of the statutory consultation by advertising of a proposed fare scale with the following changes to the current fare scale, for reasons set out in this report, as required in terms of section 17 of the Civic Government (Scotland) Act 1982:
  - Increase all tariffs by 9.5%; and
  - Amend the airport pick-up and drop off charge to allow up to £6 providing that this is no more than the actual amount charged.
- 4) To agree that the text in Appendix 3 is revised to reflect the adjusted agreement on the Airport Pick up and Drop off and to include reference to note 4.

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

## 8. Water of Leith Water Quality-Response to adjusted Motion raised by Cllr Nols-McVey to City of Edinburgh Council on 8 February 2024

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The report presented details of actions carried out by officers in response to the motion agreed by the Council on 8 February 2024.

## Decision

- 1) To note this report and discharge the motion agreed by the Council on 8 February 2024;
- 2) To note the Committee's regret that the Water of Leith Basin and the River Almond do not receive bacterial testing and notes that Regulatory schemes can be, and have been introduced in other areas of regulation, to protect both nearby residents and nature;
- 3) To agree that the Regulatory Convenor will write to the relevant Environment minister, Environmental Standards Scotland and the Scottish Environmental Protection Agency setting out these concerns, specifically with regard to Edinburgh's waterways, and seeking ways to address these issues using the 2011 Water Environment (Controlled Activity) Regulations and the Environmental Protection Act 1990. This will be reported back in a Business Bulletin update and forwarded on to appropriate Council committees;
- 4) To agree that an update via a report or business bulletin update be brought to committee following the meeting with officers, Scottish Water and the Scottish Environmental Protection Agency referenced in section 4.21 of the report; and
- 5) To refer this report to the Transport and Environment Committee for noting.

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

## **9. Fire in Breadalbane Street: Licensing of Agents and Factors**

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The response to the third action from the emergency motion by Councillor Day, approved by the City of Edinburgh Council on 21 March 2024 was presented.

### **Decision**

- 1) To note the report and discharge point 3 from the motion from the meeting of the City of Edinburgh Council on 21 March 2024;
- 2) To note that officers will engage with landlords to encourage good practice in these, and similar, circumstances;
- 3) To agree that a business bulletin update will be provided in relation to type of engagement officers will undertake with landlords to encourage good practice;
- 4) To note the above findings, particularly at 4.6 of the report which outlines there is no explicit legal or enforceable duty to support tenants displaced by fire or other emergencies, and notes Point 87 of the Scottish government's 'Letting Agents Code of Practice'; "If emergency arrangements are part of your service, you must have in place procedures for dealing with emergencies (including dealing with out-of-hours incidents, if that is part of the service) and for giving contractors access to properties for emergency repairs." which is not a material factor for consideration within the wider registration process as outlined in 4.2 of the report; and
- 5) To agree that the Regulatory Convenor writes to both the relevant constituency MSP and the Scottish Government's Housing minister notifying them of this report, the conditionality of Point 87 of the 'Code of Practice', and the concerns raised in the initial motion for their consideration within future Landlord 'best practice' guidance and 'statutory guidance for local authorities'.

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

## **10. Motion by Councillor Bandel – Tables and Chairs Permit – minimum clear zones - referral from the Transport and Environment Committee**

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The Transport and Environment Committee had referred a motion by Councillor Bandel regarding the implementation of tables and chairs permits to the Regulatory Committee for information and asked that members consider the terms of the Motion during its determination of respective applications.

### **Decision**

To note the motion by Councillor Bandel

(Reference – Transport and Environment Committee, 20 June 2024 (item 13); referral from the Transport and Environment Committee, submitted.)

## 11. Draft Climate Ready Edinburgh Plan – referral from the Policy and Sustainability Committee

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The Policy and Sustainability Committee had referred a report on the Draft Climate Ready Edinburgh Plan to the Regulatory Committee for information.

### **Decision**

To note the contents of the report.

(References – Policy and Sustainability Committee 22 August 2024 (item 10); Referral from the Policy and Sustainability Committee, submitted.)