

Regulatory Committee

10.00am, Thursday, 9 January 2020

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

Regulatory Committee

Convener:	Members:	Contact:
<p>Councillor Catherine Fullerton</p>  <p>Vice-Convenor Councillor Denis Dixon</p> 	<p>Councillor Denis Dixon Councillor Scott Arthur Councillor Susan Rae Councillor Cameron Rose Councillor Donald Wilson Councillor Max Mitchell Councillor Neil Ross Councillor Derek Howie</p>	<p>Lesley Birrell Committee Services 0131 529 4240</p> <p>Andrew Mitchell Regulatory Services Manager 0131 529 4208</p>

Recent News	Background
<p>Private Hire Car overprovision</p> <p>On 24 October 2019 the City of Edinburgh Council passed a motion asking for a policy on Private Hire Car ('PHC') overprovision. to be brought to the Regulatory Committee within two cycles. This report is due to be presented to the Regulatory Committee in March 2020.</p> <p>On 24 October 2019 the Scottish Government released its guidance for Local Authorities on how PHC overprovision could be calculated. Officers are currently considering the terms of this guidance. The guidance and relevant material can be viewed in full at the links below:</p> <p>Scottish Government – Private Hire Car licensing: guidance on power to refuse on grounds of overprovision</p> <p>Scottish Government – Private Hire Car overprovision: independent assessment tool for local authorities</p>	<p>The Air Weapons and Licensing (Scotland) Act 2015 introduced a new discretionary power to allow licensing authorities to limit the number of PHCs provided 'overprovision' could be shown. This section of the Act came into force in May 2017.</p> <p>Ministers agreed to provide guidance to licensing authorities on how to assess 'overprovision'.</p>
<p>Feedback on Scottish Government Consultation: Taxi and Private Hire – Impact of Modern Technology</p> <p>During implementations of the Air Weapons and Licensing (Scotland) Act 2015, concerns were raised about the impact of modern technology on the licensing regime for taxis and private hire cars.</p> <p>In March 2016 the Scottish Government consulted on these changes, and specifically how technology had affected the way taxis and Private Hire Cars operated with regard to taking of bookings, booking offices and fares. Views were sought from various organisations including Local Authorities, trade bodies and the public.</p> <p>The responses have now been published by the Scottish Government and can be found here.</p>	<p>A copy of the Council's response to that consultation can be found in the committee papers for September 2016 and accessed via this link.</p>

Licensing Forum recruitment

Edinburgh Licensing Forum is an advisory body set up by the Council as required by the Licensing (Scotland) Act 2005. Members keep the liquor licensing system in Edinburgh under regular review and stimulate debate on relevant issues.

Recruitment of new members of Edinburgh Licensing Forum took place earlier this year. As previously advised the recruitment period had to be extended due to a slower than anticipated response rates. Additional responses have been received, and interviews are currently being organised. The Forum is expected to be appointed early in 2020.

The Regulatory Committee now has responsibility for oversight of the Council role in supporting the Forum, following a decision of Full Council earlier this year.

The Forum should maintain a balance wherever possible between community representatives and trade representatives.

Sexual Entertainment Venues

On 21 October 2019 the committee agreed in principle to adopt a framework to license Sexual Entertainment Venues (SEVs). As a result, Council officers have arranged a series of evidence sessions with key stakeholders in February 2020. These evidence sessions will provide members with a detailed and robust evidence base which will allow informed decisions to be made in respect of a SEVs policy and licensing scheme. A further report will be brought forward for the committee to consider a draft SEVs policy, resolution and licence conditions ahead of a period of statutory consultation.

In March 2019 a commencement order was laid before the Scottish Parliament which provides a discretionary licensing regime for Sexual Entertainment Venues (SEVs). A SEV is defined as premises where sexual entertainment is performed live, for the direct or indirect financial benefit of the organiser and for the sole purpose of sexual stimulation of members of the audience.

Short term lets

On 28 October 2019 the Scottish Government published an independent analysis of the responses to its consultation on the potential regulation of short term lets. More than 1,000 responses were received which demonstrated wide support for regulation of the sector. Respondents included landlords, communities and businesses. A number of concerns were highlighted about the effects of short term lets, including antisocial behaviour, safety fears, and the impact on the housing market. The research also highlighted the economic benefits brought by the short term lets industry. The Scottish Government is considering the analysis of the

The Council has previously expressed strong concern about the impact of certain aspects of the short term letting industry on the city. The Council has previously agreed a position calling for additional regulation of the sector, through the introduction of a licensing system. The Scottish Government would be required to take action to introduce

<p>responses in order to inform policy proposals to be brought forward later this year.</p>	<p>legislation to achieve the objective of additional regulation.</p>
<p>Houses in Multiple Occupation</p> <p>On 28 November 2019 the Licensing Service met with over 30 House in Multiple Occupation (HMO) agents operating in Edinburgh to provide an update on areas which may affect the operation of HMOs over the next year. Regulatory Services Manager Andrew Mitchell, and Licensing Manager Catherine Scanlin gave updates on short term lets, new rules on landlord registration and the operation of three year HMO licence renewals. The meeting gave agents the opportunity to raise queries and to discuss relevant topics with Council officers. It was agreed that the meeting was a useful forum for the agents and officers, and a further meeting is planned in 2020.</p>	<p>Council officers have agreed to meet with the trade across the licensing spectrum on a regular basis in order to keep the trade informed of any developments which may have an effect on their operation in the city. The meetings provide officers and the trade with a forum to discuss issues and to improve communication with licence holders.</p>

Forthcoming activities:
