

Regulatory Committee

9.00am, Monday 18 January 2021

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Doran (substituting for Councillor Arthur), Mitchell, Mowat, Rae, Rose, Neil Ross and Wilson.

1. Minutes

Decision

To approve the minute of the Regulatory Committee of 2 November 2020 as a correct record, subject to a correction at point 10 of the decision at item 3, from 'to agree to extend' to 'to agree to postpone'.

2. Rolling Actions Log

The Regulatory Committee Rolling Actions Log for January 2021 was submitted.

Decision

- 1) To agree to close the following actions:
 - Action 1 – Training of Taxi and Private Hire Car Drivers
 - Action 4 – Air Weapons and Licensing (Scotland) Act 2015 – Sexual Entertainment Venues – Update After Initial Consultation
 - Action 5 – Street Trading: High Street and Hunter Square Update
 - Action 6 (10) – Internal Audit Findings – Timescales for Completion of Management Actions
- 2) To note the remaining outstanding actions.

(Reference – Rolling Actions Log, 18 January 2021, submitted)

3. Business Bulletin

The Regulatory Committee Business Bulletin for January 2021 was submitted.

Decision

To note the Business Bulletin.

(Reference – Business Bulletin, 18 January 2021, submitted)

4. Air Weapons and Licensing (Scotland) Act 2015 – Sexual Entertainment Venues – Proposed Resolution, Policy and Conditions

The Air Weapons and Licensing (Scotland) Act 2015 ('the 2015 Act') added new sections to the Civic Government (Scotland) Act 1982 which enabled local authorities to introduce a discretionary licensing system for sexual entertainment venues (SEVs). A proposed policy statement, licence conditions and resolution for SEVs were provided, as a result of information gathered from an initial public consultation and subsequent evidence sessions.

Decision

- 1) To note the evidence presented to the Committee at three evidence sessions on Sexual Entertainment Venues held in January and February 2020 (Appendix 5 to the report).
- 2) To instruct that a statutory consultation on the draft resolution, policy and conditions set out in Appendices 1, 2 and 3 would be carried out, with the results and recommendations to be brought back to the Committee for agreement in principle.

(References – Regulatory Committee, 21 October 2019 (item 9); report by the Executive Director of Place, submitted)

5. Licensing Policy Development – Street Trading Update

On 21 October 2019, the Regulatory Committee reaffirmed the street trading and market operators' policy considered at its meeting in February 2016 and called for a further report on the proposed use of the High Street and Hunter Square.

An update was provided following discussions with Visit Scotland and the City of Edinburgh Council Property and Facilities Management.

Motion

- 1) To note the report.
- 2) To agree that no further licences would be granted for the area outside 329 and 249 High Street as recommended in paragraphs 4.7 and 4.8 of the report.
- 3) To agree to continue the existing policy for street trading in Hunter Square and the High Street during 2021.
- 4) To agree that it would not be appropriate to allow street trading in Hunter Square from Stances 11 and 12, as detailed in paragraph 4.12 of the report, during 2021.
- 5) To note that the completion of the work at the National Galleries of Scotland had been delayed until 2022 and that further work would be undertaken by Council officers in relation to the wider plans for the use of Mound Precinct and Playfair Steps, following the completion of the construction work.

- 6) To agree that street trading would need to be kept under constant review and that regular updates would be brought to the Committee in the Business Bulletin.
- moved by Councillor Fullerton, seconded by Councillor Doran

Amendment

- 1) To note the report.
 - 2) To agree that no further licences would be granted for the area outside 329 and 249 High Street as recommended in paragraphs 4.7 and 4.8 of the report.
 - 3) To agree to continue the existing policy for street trading in Hunter Square and the High Street during 2021.
 - 4) To agree that it would not be appropriate to allow street trading in Hunter Square from Stances 11 and 12, as detailed in paragraph 4.12 of the report, during 2021.
 - 5) To note that the completion of the work at the National Galleries of Scotland had been delayed until 2022 and that further work would be undertaken by Council officers in relation to the wider plans for the use of Mound Precinct and Playfair Steps, following the completion of the construction work.
 - 6) To agree that street trading would need to be kept under constant review and that regular updates would be brought to committee in the Business Bulletin.
 - 7) To agree that the Convener would write to the Executive Director of Place to request a short term plan which would consider opportunities for street trading, including the use of vacant properties, and to consider a longer term plan to facilitate street trading.
- moved by Councillor Mowat, seconded by Councillor Rose

In accordance with Standing Order 21.12, the amendment was accepted as an addendum to the motion.

Decision

To approve the adjusted motion by Councillor Fullerton.

(References – Regulatory Committee, 21 October 2019 (item 1); report by the Executive Director of Place, submitted)

6. Response to Consultation: Travelling Funfairs (Licensing) (Scotland) Bill

Information was provided on the Scottish Parliament's Local Government Committee's call for views about a Bill to change the licensing system for operators of travelling funfairs in Scotland. The Bill aimed to make the system quicker, simpler, cheaper and more uniform across council areas. The Council's response had been submitted following consultation with the Convener and Vice Convener, as the response date fell between committee meetings. Regulatory Committee members were also given an opportunity to provide comments prior to the draft response being agreed.

Decision

To note the attached report and the consultation response submitted to the Scottish Parliament Local Government Committee's call for views about a Bill to change the licensing system for operators of travelling funfairs in Scotland.

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