

Regulatory Committee

9.30am, Monday 23 August 2021

Present

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

1. Minutes

Decision

To approve the minute of the Regulatory Committee of 17 May 2021 as a correct record.

2. Rolling Actions Log

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

Decision

- 1) To agree to close Action 1 – Age Limitation and Emissions Standards for taxis and Private Hire Cars – Update subject to the appropriate changes to the scheme of delegation being approved by Full Council on 26 August 2021.
- 2) To agree to close Action 2 – Request for Variation: Taxi Vehicle License Conditions (Advertising) subject to the appropriate changes to the scheme of delegation being approved by Full Council on 26 August 2021.
- 3) To otherwise note the remaining outstanding actions.

(Reference – Rolling Actions Log of 23 August 2021, submitted)

3. Business Bulletin

The Regulatory Committee Business Bulletin for August 2021 was submitted.

Decision

To note the Business Bulletin.

(Reference – Business Bulletin, submitted)

4. Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Retrofit

As previously requested by Committee, an update was provided on the implementation of the taxi and private hire cars age limitation and emissions standards policy in respect of retrofit options available to the trade which might have an impact on age limit and Euro 6 in the city of Edinburgh Council standards and licensing regime.

Decision

- 1) To note the report.
- 2) To agree to amend the policy in respect of retrofit as set out in paragraph 4.12 of the report and to delegate authority to the Executive Director of Place to approve LPG retrofit conversions in the future (paragraphs 4.13 to 4.15 refer).
- 3) To agree to extend the Age and Emissions Policy milestones as outlined in paragraphs 4.22 and 4.23 of the report.
- 4) To discharge the action from Committee in May 2021 on retrofit options available for taxis and private hire cars.

(References – Regulatory Committee of 16 March 2018 (item 2) and 17 May 2021 (item 4); report by the Executive Director of Place, submitted)

5. Landlord Registration – Previous Convictions

An update was provided on the process in place for checking the previous convictions of applicants who wished to be included on the Register of Landlords together with an explanation on how this process differed from standard licence applications.

On 30 November 2020, the Management of Offenders (Scotland) Act 2019 amended the Rehabilitation of Offenders Act 1974 to reduce disclosure periods for the vast majority of sentences issued by courts in Scotland to assist convicted persons who did not re-offend to move on as if the conviction did not exist.

In light of these legislative changes, an amended process to determine whether or not an applicant was fit and proper to be included on the Landlord Register was presented to the Committee for approval.

Decision

- 1) To note the report.
- 2) To note the revised process for considering fitness of landlords to be entered onto the register as set out in paragraph 4.7 of the report.

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

6. Houses in Multiple Occupation – Service Update

An update was provided on the operation of the Houses in Multiple Occupation (HMO) licensing system. The three-year licensing system and fee structure introduced in 2017 reflected the growth in the number of larger shared accommodation properties and sought to incentivise landlords to improve the standard within the sector.

Information was also provided on proposed changes to the property inspection regime and approval sought to review the current application fee arrangements to ensure that the costs to the Council of dealing with an HMO application were fully recovered.

Decision

- 1) To note the report.
- 2) To agree the change in process in relation to property inspections with the introduction of a risk-based inspections model.
- 3) To agree that decisions on whether to make one and three year grants of Houses in Multiple Occupation licences would continue to be delegated to the Executive Director of Place and that three year licences would only be suitable for properties which were fully compliant and which had had no problems in the previous licensed period.
- 4) To agree that a review of the current structure for HMO application fees should be undertaken.
- 5) That the Executive Director of Place report back to Committee in one year with an update on progress.

(References – Regulatory Committee 21 April 2017 (item 6); report by the Executive Director of Place, submitted)

7. Licensing Service – COVID-19 Recovery Plan

The decisions made and actions taken by the licensing service as a result of the Covid-19 pandemic during the period since the last update to Committee on 2 November 2020 were set out.

Information was also provided on the steps the licensing service intended to take to ensure that it continued to deliver an efficient service together with details of how the backlog of 9,151 applications accrued as a result of the pandemic would be dealt with.

Members acknowledged in particular the operational challenges associated with the closure of the Customer Hub and the ongoing work being undertaken to upgrade the existing document management and storage system to Civica Cx as contributory factors to the backlog.

Decision

- 1) To note the report.
- 2) To request the Executive Director of Place to report back to Committee in March 2022 with an update on progress.
- 3) To refer the report to the Licensing Board for information.

(References – Regulatory Committee 2 November 2020 (item 3); report by the Executive Director of Place, submitted)