



## Regulatory Committee

**9.30am, Monday, 28 February 2022**

Microsoft Teams

# Regulatory Committee

Convener:	Members:	Contact:
<p>Councillor Catherine Fullerton</p>  <p>Vice-Convener Councillor Denis Dixon</p> 	<p>Councillor Scott Arthur Councillor Susan Rae Councillor Cameron Rose Councillor Donald Wilson Councillor Max Mitchell Councillor Neil Ross Councillor Joanna Mowat</p>	<p><a href="#">Rachel Gentleman</a>, Committee Services 0131 529 4107</p> <p><a href="#">Andrew Mitchell</a> Regulatory Services Manager 0131 469 5822</p>

Recent News	Background
<p><b>Short Term Lets</b></p> <p>The Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 was approved by the Scottish Parliament on 19 January 2022 and is expected to receive Royal Assent by March 2022. This will give local authorities in Scotland the powers required to license all properties operating as short term lets. Accordingly, all local authorities in Scotland must now implement a licensing scheme by 1 October 2022, with all operators of short term lets being required to apply for a licence by July 2024. It is expected that the Council will receive a significant number of short term let licence applications, given the number which have been reported to have been operating in Edinburgh over a number of years. Council officers have begun preparatory work to identify the resources required to open a licensing scheme by October and will bring a report back to Committee later this year to consult on a proposed policy and conditions framework.</p>	<p>The Council has previously expressed strong concern about the impact of certain aspects of the short term letting industry on the city. The Council previously agreed a position calling for additional regulation of the sector, either through changes to planning classifications or the introduction of a licensing system. To achieve the objective of additional regulation, the Scottish Government would be required to take action to introduce legislation.</p> <p>As short term letting has no current statutory definition, the Council's existing enforcement powers are limited. The most recent research indicates that there have been over 14,000 properties operating in this manner. The operation of short term lets is having a significant effect on a wide range of areas including supply of housing, anti-social behaviour and the hollowing out of some communities.</p>
<p><b>COVID-19 recovery</b></p> <p>The Licensing Service is continuing to process the backlog of licence applications as quickly as possible. The disruption caused by the pandemic and the added pressure of administering the Scottish Government's taxi and Private Hire Car support grant scheme resulted in the processing of applications taking significantly longer than it did pre-pandemic. Furthermore, the current ICT system used to process applications is not conducive to remote working.</p> <p>Steps have been taken to reduce the backlog, including recruiting additional staff and redirecting existing staff resources. The implementation of an upgraded ICT system has been delayed and is currently expected to go live later in 2022.</p> <p>Plans are in place to reopen the Customer Hub at the City Chambers in late February/early March 2022, and Hub staff have been trained to help customers with applications. Application submission and payments will continue to be made online and the necessary equipment will be provided within the Hub to allow customers to do this.</p>	<p>Each year the Licensing Service plays a vital role in the Council's ability to support local business and to provide a world class experience for residents in and visitors to the city. This includes both supporting trade in the city for 'temporary customers' and continuing to deliver services for existing licence holders.</p>

Recent News	Background
<p><b>Licensing Service – hybrid working model</b></p> <p>On 7 February 2022, officers from the Licensing Service began a hybrid work model, with staff working three days per week in the Council’s offices at Waverley Court and two days working from home. This followed the announcement by the First Minister that employers could begin returning staff to the office with a hybrid model from 31 January. In advance of this, to ensure that COVID workplace guidance is observed, a period of engagement with staff, union representatives and the Council’s Estates Team took place. It is hoped that returning to the office will improve efficiency in processing of licensing applications and customer contacts.</p>	<p>The Licensing Service moved to remote working in March 2020 at the outset of the COVID-19 pandemic, in line with Scottish Government guidance. Prior to that change many staff operated from the City Chambers. The Taxi Examination Centre at Murrayburn was re-opened on 20 July 2020 in order to maintain taxi and private hire car vehicle inspections.</p>
<p><b>Amplification of sound in public places</b></p> <p>Noise from busking and street entertainment has been a significant concern for some of the city’s residents for some time. In the absence of statutory powers, where the problem persists cases are currently forwarded to Police Scotland, who could consider using legal enforcement powers in this respect.</p> <p>On 10 November 2021 the Convener of the Regulatory Committee wrote to the Minister for Social Security and Local Government to request a discussion on this topic. A reply has been received from the Minister (Appendix 1) explaining that the Scottish Government officials will raise with other local authorities to determine whether the problem is widespread and how it may be addressed.</p>	<p>On 28 October 2021 full council discussed a motion moved by Councillor Neil Ross with respect to the impact of amplified sound from buskers and street entertainers in public spaces in Edinburgh.</p> <p>The principal powers to deal with nuisance caused by busking are found in the Civic Government (Scotland) Act 1982 (‘the 1982 Act’). Police officers may seize sound-making equipment (no matter where located) if a person fails to stop the noise on being asked to do so. Police Constables may also serve Fixed Penalty Notices with respect to this offence. These powers are not available to the Council.</p>

**Forthcoming activities:**

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**Minister for Social Security and Local Government**  
 Ministear airson Tèarair nteachd Shòisealta agus Riaghaltas  
 Ionadail  
**Ben Macpherson BPA/MSP**



**Scottish Government**  
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Cathy Fullerton  
 cathy.fullerton@edinburgh.gov.uk

Our Reference: 202100253745  
 Your Reference: Busking

22 December 2021

Dear Cathy,

Thank you for your letter, dated 8 November 2021, regarding noise from busking and street entertainment, in which you highlighted the negative auditory impact of amplified sound from buskers and street entertainers in public spaces in Edinburgh. Apologies for the delay in responding to you.

Officials responsible for Noise and Nuisance policy within the Scottish Government (Sandra Carey is the current contact - Sandra.Carey@gov.scot) are considering how Scottish government might confer powers to allow Scottish Local Authorities to effectively control the amplification of sound in public spaces under the Civic Government (Scotland) Act 1982 through an extension of the arrangements governing the licensing of public entertainment.

I understand your concerns and those of the residents affected and I thank you for bringing this to my attention. We will raise this issue with other local authorities and determine whether this is a widespread concern and how we might address the issue whilst respecting the value of street entertainers and the vibrancy they bring to our cities.

Best regards,

**BEN MACPHERSON**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

The Ministear na h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Malrainnich fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)

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