


Business Bulletin

Regulatory Committee

2.00pm, Thursday, 29 September 2022

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

Regulatory Committee

Convener:	Members:	Contact:
<p>Convener Councillor Neil Ross</p> 	<p>Councillor James Caldwell Councillor James Dalgleish Councillor Denis Dixon Councillor Martha Mattos-Coelho Councillor Joanna Mowat Councillor Susan Rae Councillor Catherine Fullerton</p>	<p>Matthew Brass Committee Services matthew.brass@edinburgh.gov.uk</p>

Recent News	Background	Contact
<p>Licensing Forum recruitment</p> <p>A recruitment exercise to appoint community and trade representatives to the Licensing Forum was paused in early 2020 as a result of the global pandemic. In order to comply with statutory requirements, the recruitment exercise recommenced in Spring 2022,</p> <p>Interviews took place during August 2022, which resulted in 11 appointments of community and trade representatives to the Forum. Statutory members have been asked to nominate representatives.</p> <p>An informal ‘meet and greet’ session has taken place with community and trade representatives. It is intended that the first official meeting of the reconstituted Forum will take place in Autumn 2022.</p>	<p>The Licensing (Scotland) Act 2005 requires a local Licensing Authority to establish a Licensing Forum.</p> <ul style="list-style-type: none"> • to keep under review the operation of the Licensing (Scotland) Act 2005 within the Local Authority’s area, • to oversee the Licensing Board’s exercise of its powers under the Act; and • to give general advice to the Board on the exercise of its functions and the operation of the Act. 	<p>Andrew Mitchell Head of Regulatory Services Manager 0131 469 5822</p>
<p>Changes to application process for certain licence types</p> <p>The UK Government plans to introduce legislation in a Finance Bill to make the renewal of certain licences in Scotland conditional on applicants completing checks that confirm appropriate registration for tax.</p> <p>In Scotland these licences include:</p> <ul style="list-style-type: none"> • Taxi and Private Hire Driver; and • Private Hire booking offices. <p>From April 2023, applicants must complete a check and provide a unique reference number to the Council. Without this number the Council will be unable to grant the licence.</p>	<p>The Finance Act 2021 introduced a tax check for similar licences in England and Wales effective from April 2022, and the draft Finance Bill 2022 will amend the 2021 Act and will introduce new clauses specific to Scotland.</p>	<p>Andrew Mitchell Head of Regulatory Services Manager 0131 469 5822</p>

<p>Licensing workload</p> <p><u>Current position</u> The Licensing Service currently has 8,250 applications in its processing backlog. The comparative number pre-pandemic was 4,500. This is a significant improvement from the end of 2021, when the number of applications peaked at 18,000, with a backlog at that time of 13,500.</p> <p>When Licensing staff returned to the office, output increased significantly. However, it is anticipated that it will take until 1 April 2023 to resolve the backlog.</p> <p><u>Challenges resulting from the pandemic</u></p> <ul style="list-style-type: none"> • The Licensing Service liaises with both internal and external consultees. During the pandemic period, consultees struggled to meet statutory timescales. • As previously reported, during the pandemic period the Service administered two business recovery grants to taxi and private hire drivers, which paid out £14 million to licence holders in the city. • The administration of outdoor permits for licence holders to support their recovery by using outdoor space was also carried out by the Service. <p><u>Current Workload</u></p> <p>In addition to the annual and longer term licensing workload, the Service has been involved in:</p> <ul style="list-style-type: none"> • Work for Homes for Ukraine and Super Sponsor projects. • The return of the full Edinburgh Festival and all associated temporary licence applications (please see attached table at Appendix 1 for a table comparing application numbers since 2019). Although this is an expected part of the annual workload, delivering this along with additional projects and the ongoing work to reduce the licence applications backlog has been very challenging. 	<p>The current ICT system used to process applications is not conducive to remote working.</p> <p>During the first lockdown period Customer contacts rose to 800 per day, with customers requesting advice, guidance and knowledge checking rather than licensing advice. Customers were calling about restrictions on trading, the possibility of reopening, and grants.</p> <p>The Service was entirely paper-based before the pandemic. Moving to electronic submissions to support business continuity created an enormous workload, as applications which previously were limited to five pages were now being submitted via photograph by mobile phones and were not complete, accurate or traceable. As a result, the time needed to complete a licensing application was estimated to take ten times longer than when staff were office based.</p>	<p>Andrew Mitchell Head of Regulatory Services 0131 469 5822</p>
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<p><u>Future Challenges</u></p> <ul style="list-style-type: none"> • The introduction of short term let licensing. • The planned implementation of the first part of the Service's ICT upgrade in October 2022. 		
<p>Taxi Driver – Taxi Driver Skills Development Programme: Foundation Course</p> <p>To date, 18 training courses have been delivered to over 500 new taxi and private hire car (PHC) drivers entering the trade. The courses have been well received. Feedback from one attendee was as follows:</p> <p><i>The whole course in general was very useful. It gave a good understanding of what is expected from Taxi/PHC drivers and how to keep yourself right by following the licensing rules. It also gave a good understanding of the Do's and Don'ts while on the road and dealing with the public.</i></p> <p>The foundation course is providing invaluable support to new drivers entering the trade, while raising standards within the sector.</p> <p>The course is designed to be a precursor to rolling out full training to all drivers in 2023 to raise standards and improve quality of service</p>	<p>The Foundation Course for new taxi and PHC drivers was approved by the Regulatory Committee on 2 November 2020.- Coronavirus (COVID-19) – Contingencies Measures – Update report</p> <p>The online format training is delivered in real time and allows participants to learn in a safe and convenient setting. The course provides opportunities for all to participate in group tasks and discussions.</p>	<p>Andrew Mitchell Head of Regulatory Services Manager 0131 469 5822</p>
<p>End of 'Coronavirus' amendments to legislation – impact on Licensing</p> <p>The temporary changes to the Civic Government (Scotland) Act 1982 which were made by the Coronavirus (Scotland) Act 2020 will expire on 30 September 2022. There will be transitional provisions put in place by way of statutory Regulations, but these are yet to be finalised and published.</p>		<p>Andrew Mitchell Head of Regulatory Services Manager 0131 469 5822</p>

<p>The expiry of the 2020 Act provisions means that the determination period for most licences considered under the 1982 Act will revert to nine months instead of 12 months. Officers will advise Committee of the relevant timescales for individual applications where these are referred to Committee for determination.</p> <p>The only amendment made by the 2020 Act which will be retained on a permanent basis is now included within the provisions of the Coronavirus (Recovery and Reform) (Scotland) Act 2022. This Act comes into effect on 1 October 2022 and retains (with some adjustments) the ability for Councils to hold on-line/hybrid hearings for licensing applications. It also includes a requirement for councils to take into account the views of participants in this regard when considering whether to hold an online/hybrid meeting.</p>		
<p>New Licensing enforcement resource</p> <p>The Council approved funding for additional licensing enforcement for the current financial year. This new resource will focus on out of hours enforcement in relation to civic and miscellaneous licensing, mainly on taxis and Private Hire Cars and Late Hours Catering licensing, as these sectors can be hard to regulate outwith normal business hours. The new team will increase regulatory capacity, helping to ensure compliance from Edinburgh licence holders, keeping people safe and helping businesses to recover from the COVID-19 pandemic. The team has been appointed and the four Licensing Enforcement Officers are due to start operations after a short period of training in October 2022.</p>		<p>Andrew Mitchell Head of Regulatory Services Manager 0131 469 5822</p>

Temporary Licences

Licence Type	Year			
	2022 (YTD)	2021	2020	2019
Cinema Licence	0	2	0	1
Late Hours Catering Exemption Licence	3	6	0	9
Late Hours Catering Licence	0	0	0	3
Market Operators	77	65	16	105
Outdoor Area Permits	307	306	160	0
Occasional Licences	2,404	2,425	952	1,972
Premises Extended Hours Applications	44	26	1	268
Public Charitable Collection Licence	21	8	2	61
Marches and Parades	43	27	5	65
Public Entertainment Licences	97	60	7	86
Street trader licences	12	3	0	359
Street Trader Employee Licence	4	3	0	149
Fireworks Dispensation	1	1	0	1
Hypnotism Licence	1	0	0	0
Indoor Sports Licence	1	0	0	0
Second Hand Dealers Licence	0	0	0	4
Totals	3,015	2,932	1,143	3,083