

# Business Bulletin


## Regulatory Committee

10.00am, Monday, 1 May 2023

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



# Regulatory Committee

Convener:	Members:	Contact:
<p>Convener Councillor Neil Ross</p> 	<p>Councillor Jack Caldwell Councillor James Dalgleish Councillor Denis Dixon Councillor Martha Mattos-Coelho Councillor Joanna Mowat Councillor Susan Rae Councillor Catherine Fullerton</p>	<p><a href="#">Matthew Brass</a> Committee Services</p>

Recent News	Background	Contact
<b>LICENSING</b>		
<p><b>Licensing workload</b></p> <p>The Licensing Service issues 20,000 licences per year. Performance is measured by monitoring the number of applications in progress during the consideration and consultation stages. The annual target is for 'in progress' applications to represent just under 20% of the total applications in the system at any time, which equates to roughly 3,855 applications.</p> <p>It had been anticipated that it would take until 1 April 2023 to resolve the backlog accumulated during lockdown. At the time of writing, the position is, in fact, much healthier. There are currently 4,623 applications in the system, of which 1,331 are part of the 'backlog' (received more than 12 weeks ago). This compares to the lockdown peak when there were approximately 16,000 applications in progress.</p>	<p>The Committee has asked for ongoing updates on this topic.</p>	<p><a href="#">Catherine Scanlin</a> Licensing Manager 0131 529 4208</p>
<p><b>Short Term Lets</b></p> <p>On 1 March 2023, the Scottish Parliament approved an amendment to the existing short term let legislation, which extends the application deadline for existing hosts. This means that existing hosts and operators now have until 1 October 2023 to apply for a licence in order to continue operating whilst their application is considered. Existing hosts and operators are classed as those who operated their property as a short term let prior to 1 October 2022.</p>	<p>On 1 October 2022 the licensing scheme for short term lets opened in Edinburgh. The Regulatory Committee approved a Short Term Lets Licensing Policy on <a href="#">29 September 2022</a></p>	<p><a href="#">Andrew Mitchell</a> Head of Regulatory Services 0131 529 4208</p>
<p><b>Card payments in taxis</b></p> <p>At a previous Hire Car Trade meeting, a request was made for the Council to consider making card payment devices in licensed vehicles mandatory. Having taken advice from colleagues in Legal Services, Committee is advised that it is likely that making acceptance of card payments in taxis mandatory would be considered to be <i>ultra vires</i> (unlawful). Any such mandatory requirement would go beyond what is required to ensure that a vehicle is fit for purpose in terms of section 10 of the 1982 Act and seeks to direct how drivers carry out their business once licensed.</p>	<p>At its meeting on 6 February 2023 the Committee asked for an update on the Council's powers in relation to card readers for payments in taxis.</p>	<p><a href="#">Catherine Scanlin</a> Licensing Manager Tel: 0131 529 4208</p>

Officers are aware that such a requirement exists, for example, in London. It should be noted, that distinct legislation applies in London and comparisons are therefore of limited value.																																																		
<p><b>Driver Skills Development Programme: Foundation Course</b></p> <p>To date, 25 training courses have been delivered to over 798 new taxi and private hire car drivers entering the trade. The courses have been well received. Due to significant demand, additional courses in March and May are being offered and bookings for June are already being made.</p> <p>The 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> <table><tr><th></th><th>No. courses</th><th>No. participants</th><th>First time passes</th><th>Resits</th><th>Resit passes</th><th>Total passes</th></tr><tr><td>2020</td><td>1</td><td>7</td><td>7</td><td>0</td><td>0</td><td>7</td></tr><tr><td>2021</td><td>8</td><td>134</td><td>116</td><td>5</td><td>2</td><td>118</td></tr><tr><td>2022</td><td>12</td><td>510</td><td>453</td><td>47</td><td>28</td><td>481</td></tr><tr><td>2023</td><td>3</td><td>147</td><td>137</td><td>20</td><td>15</td><td>152</td></tr><tr><td>Total</td><td>24</td><td>798</td><td>713</td><td>72</td><td>45</td><td>758</td></tr></table>								No. courses	No. participants	First time passes	Resits	Resit passes	Total passes	2020	1	7	7	0	0	7	2021	8	134	116	5	2	118	2022	12	510	453	47	28	481	2023	3	147	137	20	15	152	Total	24	798	713	72	45	758	<p>The Foundation Course for new taxi and PHC drivers was approved by the Regulatory Committee on 2 November 2020.-</p> <p><a href="#">Coronavirus (COVID-19) – Contingencies Measures – Update report</a></p> <p>The online 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><a href="#">Catherine Scanlin</a></p> <p>Licensing Manager</p> <p>0131 529 4208</p>
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<p><b>Licensing Forum</b></p> <p>The Council received a letter from the Minister for Community Safety with the Scottish Government encouraging all local authorities to support and promote a Licensing Forum in each Council area. The letter is attached for information.</p> <p>Additionally, a representative of Social Work has now joined the Licensing Forum. The membership now stands at 18 of the statutory maximum membership of 21.</p>							<p><a href="#">Licensing (Scotland) Act 2005</a> requires a local Licensing Authority to establish a Licensing Forum.</p>	<p><a href="#">Isla Burton</a></p> <p>Trading Standards Officer</p> <p>0131 529 4208</p>																																										

TRADING STANDARDS		
<p><b>Call blockers</b></p> <p>The Trading Standards team currently fits call blocking devices for residents who are believed to be at risk of financial harm through telephone scams, identified through complaints or partner agency referrals. The team had fitted limited numbers of these devices since 2014 (81 in total) resulting in an estimated £1.83m in prevention based outcomes.</p> <p>Further funding for these devices has since come from the City of Edinburgh Community Safety Partnership Fund and Scottish Government.</p> <p>240 of the devices were issued to Edinburgh residents throughout March/April 2023, representing an estimated preventative value of at least £6m.</p>	<p>A call blocker prevents unwanted scam and nuisance phone calls from reaching landline phones. An infographic providing further details is attached below.</p>	<p><a href="#">Tom Veitch</a></p> <p>Trading Standards and Licensing Enforcement Manager</p> <p>0131 469 3871</p>
<p><b>Vapes</b></p> <p>Vaping devices continue to present challenges for the Trading Standards team. The team has received 81 complaints about age restricted sales since April 2022, the majority of which have been about vapes. Gathering evidence of such illegal sales activity is time consuming and results are unpredictable. Where complaints are received, the Trading Standards team regularly engages with retailers, alongside partners such as Police Scotland, providing guidance and/or warnings. Where appropriate, this is followed up with test purchase activity.</p> <p>Further significant challenges remain with respect to the devices themselves. The Medicine &amp; Healthcare Regulatory Authority (MHRA) is currently managing recalls of devices which are technically non-compliant. The Trading Standards team is about to begin a project focussing on devices which should not be present on the UK market at all due to various factors including lack of registration with MHRA.</p>		<p><a href="#">Tom Veitch</a></p> <p>Trading Standards and Licensing Enforcement Manager</p> <p>0131 469 3871</p>



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To: Licensing Boards and Local Authorities

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Our ref: A42549332

6 March 2023

Dear Licensing Board/ Local Authority

I am writing to you regarding Local Licensing Forums ("Forums"), and to seek your assistance to ensure that Forums are active and functioning successfully within your local authority area.

As you will be aware, The Licensing (Scotland) Act 2005 ("the 2005 Act") requires every council in Scotland to establish a Forum. If the area of a council is divided into separate licensing divisions, then a council can also choose to establish separate Forums for each division. This means that there should in theory be between 32 – 40 Forums currently operating in Scotland. Forums have a vital role to play in local licensing arrangements and the development of local licensing policies.

Specifically, the law states the Forum's role is to:

- Review: "keeping under review the operation of this Act [the 2005 Act] in the Forum's area, and, in particular, the exercise by the relevant licensing board or boards of their functions", and
- Advise: "giving such advice and making such recommendations to that... board in relation to those matters as the Forum considers appropriate."

The law requires all Forums to have a membership of between 5 and 21 people, and they must include at least one Licensing Standards Officer (LSO) and at least one person from the health board.

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)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

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The law also sets out the main categories of members which the council must reach and engage in the process of setting up/maintaining a Forum: Licence holders; police; health, education or social work; young people; and residents. Forums have the flexibility to decide at a local level how many representatives there should be for each of the different interests, although all the interests are equally important.

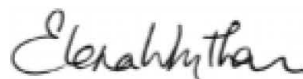
Last year my officials, in conjunction with Alcohol Focus Scotland, carried out a survey of Forums to identify current levels of Forum activity. In addition, the survey asked about what was working well with Forums and how they could be better supported or improved. I recognise that Forums will have faced challenges as a result of the COVID-19 pandemic, however I was concerned to discover that responses were received from only 14 Forums. Of further concern was the fact that the consultation responses that were received indicated that just 54% of those Forums were currently active. Every council has a legal requirement to establish, support and sustain a Forum for their area. An effective Forum has a vital role to play in local licensing arrangements, representing different communities of interest and ensuring that a breadth of views are considered, debated and inputted to Licensing Boards. A copy of the Forum Survey report is attached as a separate **Annex** to this letter.

On 13 January 2023 the Scottish Government published updated '[Licensing \(Scotland\) Act 2005 Section 142 Guidance for Licensing Boards](#)'. The purpose of the statutory guidance is to assist Licensing Boards in carrying out their functions under the 2005 Act. I would specifically highlight Chapter 6 of the statutory guidance, which concerns Forums. Information in that Chapter will be useful to councils, and as background information for members of the Licensing Board to be aware of.

We recognise the importance of working collaboratively to collectively consider and address the issues aired in the survey. My officials are planning to run a half day training/awareness raising session in the spring that will see a number of speakers showcasing examples of good practice, sharing their insights on the benefits of a strong working relationship between the Licensing Board and the Forum, look at any gaps in training provision, and also create the conditions and opportunity to build a stronger network of Forum expertise to help Forums grow and thrive going forward. I am personally hoping to join part of the training session if my diary permits.

I thank you in advance for your assistance.

Yours sincerely,



**ELENA WHITHAM**

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)

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# Protecting Vulnerable Adults From Scam Phone Calls

Since 2014 Edinburgh Trading Standards have installed 81 call blockers to protect older and vulnerable people from nuisance and scam phone calls. So far 42,233 calls have been blocked, and we estimate that 68 scams have been prevented.



**37**

nuisance and scam  
calls received per  
month



**49%**

of all calls  
received were  
nuisance or  
scam calls



**99%**

of nuisance and scam  
calls were blocked by  
trueCall call blocking  
technology

£1,829,144 benefits

Costs

**Benefits 62:1**

## Cost-Benefit analysis

It is estimated that over the 4 year life of these units they will have blocked **140,397** nuisance calls (of which **38,455** will have been scam phone calls), prevented **227** scams, saved vulnerable households **£669,754**, led to a reduction of **£622,109** in NHS, social care & police costs, and an increase in wellbeing & quality of life valued at **£537,280** - total benefits of **£1,829,144**. The financial benefits of **£1,291,864** are **62** times the project costs of **£20,979**.

## Comments from those protected by the trueCall call blockers



This made a huge difference  
and enable my mother to live  
in her own home for longer



My mother no longer gets  
anxious and agitated. I cannot  
impress on you the positive  
impact this has made.



Thanks for making  
my phone my friend  
again!

•EDINBURGH•  
THE CITY OF EDINBURGH COUNCIL

05/03/2023