

Regulatory Committee

10.00am, Monday, 7 August 2023

Regulatory Committee Work Programme

Executive/routine Wards Council Commitments	All
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1. Recommendations

1.1 Committee is asked to note the progress with the Committee work programme.

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Regulatory Committee Work Programme

2. Executive Summary

- 2.1 This report updates Committee on its agreed work programme. The work programme includes both existing work streams and additional issues which officers have identified.

3. Background

- 3.1 The Council acts as Licensing Authority as required by a number of Acts, the two most important being the [Civic Government \(Scotland\) Act 1982](#) (the 1982 Act) and the [Housing \(Scotland\) Act 2006](#) (the 2006 Act).
- 3.2 The [Air Weapons and Licensing \(Scotland\) Act 2015](#) introduced changes to the 1982 Act, which may impact on Committee's workload in future, as there remain outstanding elements to be brought into force.

4. Main report

Committee Work Programme

- 4.1 The work programme agreed by Committee, in June 2022, is set out in Appendix 1. An additional column has been added to provide an update on each individual item.
- 4.2 The two most significant pieces of work which have impacted on the workplan are relating to the new licensing schemes for Sexual Entertainment Venues (SEVs) and Short Term Lets (STLs). Committee will be aware from separate reports that the Council has dealt with two judicial reviews in respect of these, and this has had a direct impact on capacity to take forward other items of the workplan.
- 4.3 The Council's approach to setting the number of venues suitable as SEVs was subject to a successful legal challenge and there is now an ongoing consultation on revised determination ahead of the revised go live date for the scheme on 31 December 2023.
- 4.4 Following amendments to the legislation, the requirement to apply for a STL licence for those STL operators that were in operation was postponed from 1 October 2022 until 1 October 2023. Separately there is a report on the agenda for Committee today which deals with the legal challenge to the STL Licensing Policy. Notwithstanding these issues, the scheme remains live and operational.

- 4.5 The following items in the work programme were completed in the 12 months from June 2022:
- 4.5.1 Taxi fares review 2023;
 - 4.5.2 Three yearly review of Taxi demand;
 - 4.5.3 Review of whether to adopt a Private Hire Car (PHC) over provision policy;
 - 4.5.4 Annual review of the Age and Emission policy, from which Committee agreed changes to the policy;
 - 4.5.5 Committee approval to commence driver training for existing licensed drivers and recruitment of two training officers;
 - 4.5.6 Review of Houses in Multiple Occupation (HMO) fee structure and consultation on two revised conditions;
 - 4.5.7 Recruitment and deployment of additional licensing enforcement officers; and
 - 4.5.8 Updating procedures and fees following statutory changes to scheme of licensing animals and animal welfare.
- 4.6 The following items commenced or were ongoing during this period;
- 4.6.1 Project to relocate Taxi Examination Centre to new site. Planning and building warrants have been sought, and tenders for capital works have been prepared; and
 - 4.6.2 Consultations on a best practice guide for HMO landlords.

Committee training

- 4.7 In order to assist Committee members with their consideration of licensing policy and applications, a programme of training has been provided in the following key areas of licensing:
- 4.7.1 Two additional sessions of the mandatory training for new Committee members;
 - 4.7.2 Legal training (appeal cases);
 - 4.7.3 STLs;
 - 4.7.4 Street trading and Market Operator workshop;
 - 4.7.5 Taxi and PHC vehicle operations at the examination centre; and
 - 4.7.6 Age and Emissions Policy and Low Emission Zone.
- 4.8 It is proposed to carry out further training and briefing sessions during the next 12 months and suggested topics include the scheme of delegation for licensing and parades or processions.
- 4.9 The work programme includes some significant items for the service to deliver and there are a number which could present a risk to the Council. There is very limited capacity to commence any additional reviews or consultations in the forthcoming

period and any additional work required as a result of motions to the Council or Committee may increase the risk that the work programme will not be delivered.

5. Next Steps

- 5.1 Implementation of the work programme will continue to be progressed, with any additional requirements that Committee direct.

6. Financial impact

- 6.1 Financial impacts arising from the actions in the work programme will be reported within the relevant updates to Committee on the individual items.

7. Stakeholder/Community Impact

- 7.1 Any relevant impact from the actions in the work programme will be reported within the relevant updates to Committee on the individual items.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 – Regulatory Committee Work Programme.

Appendix 1 – Regulatory Committee Work Programme

Issue	Licensing Subject	Action	Update
Taxi Examination Centre	Taxi/PHC Licensing	Relocation of centre. To create a multi-functional service delivering processing, guidance, inspection, enforcement and complaints handling	Centre relocated as interim measure due to issues within the existing building. Tenders drawn up for fit out and refurbishment. Likely completion date of 1 April 2024 is dependent on completion of building works. The team is operating to revised model meantime.
ICT systems	Introduction of Cx	Introduction of automated ICT system for applications and mobile working for inspection and enforcement.	The project delivery and timescales are currently under high level review between the Council and CGI.
Taxi Unmet Demand/Over provision of taxi/PHC	Taxi/PHC Licensing	Report to Regulatory Committee following motion to the Council.	Action complete.
Licensed Driver Training Programme	Taxi/PHC Licensing	Rollout of training requirement for existing licensed drivers.	Committee approved plan for rollout from October 2024 and two Trainers have been recruited.
Taxi Fare Review	Taxi/PHC Licensing	Carry-out statutory review of taxi fare scales by May 2023	Action complete.
Taxi Stances	Taxi/PHC Licensing	Joint report to Transport and Environment and Regulatory Committees. Roads Service has started consultation exercise which is being run by Jacobs.	This has not been progressed due to other work priorities/pressures.
Age and Emissions	Taxi/PHC Licensing	Annual update on policy implementation and update on impact of LEZ on the licensed fleet.	Action complete and amendments made to the policy regarding age of vehicle of certain emission standards.
Short Term Let Licensing Scheme	Civic	Agree policy and conditions for new licensing scheme and implementation from 1 October 2022.	A separate report on this is included on today's Committee agenda.

		Agree fee structure for licence applications.	
Street Trading	Civic	Committee paused a review of arrangements in the High Street and Hunters Square review of arrangement which were formerly in place for Playfair Steps.	Consultation live following a workshop with the Committee members. Playfair Steps remains closed until 2024.
Houses in Multiple Occupation (HMO)	HMO	Review of two licence conditions and consultation on a code of conduct for landlords. Consider if there are further measures, such as training, which would improve standards in the sector. Review of existing fee structure and criteria for granting a three year licence.	Revised fee structure agreed and 2 conditions amended. Consultation on best practice guide underway.
Sexual Entertainment Venues	Civic	Agree fee structure to apply to applications received from 1 April 2023.	Action complete.
Parades and processions	Civic	Review of current policy.	Action on hold awaiting outcome of Scottish Government working group on parades and processions.
Scheme of Delegation	All	Review of current delegations.	The Scheme as it relates to Regulatory Services was updated in May 2023 to reflect changes to political arrangements and the Council structure. A small number of other changes were made to update legislation and reduce legal risk.