

Business Bulletin


Regulatory Committee

10.00am, Friday, 21 June 2024

Council Chamber, City Chambers, High Street, Edinburgh



Regulatory Committee

Convener:	Members:	Contact:
<p data-bbox="156 338 448 416">Convener Councillor Neil Ross</p> 	<p data-bbox="635 338 1107 701">Councillor Jack Caldwell Councillor Denis Dixon Councillor Margaret Graham Councillor Martha Mattos-Coelho Councillor Joanna Mowat Councillor Susan Rae Councillor Val Walker Councillor Norman Work</p>	<p data-bbox="1185 338 1477 416">Taylor Ward Committee Services</p>

Recent News	Background	Contact
<p>Parades and Processions</p> <p>The Scottish Government has published updated guidance on Parades and Processions, setting out:</p> <ul style="list-style-type: none"> • The key laws relating to marches and parades; • What local authorities need to take account of when assessing notifications to hold a march or parade; and • The (limited) circumstances in which a local authority may prohibit a march/parade from taking place or place special conditions on it, and the steps they should take when considering these issues. <p>The Action Group on Processions submitted its report to Scottish Ministers for their consideration in April 2024.</p>	<p>The current framework under which marches and parades are facilitated by local authorities was established in 2006 after a comprehensive review and report by the late Sir John Orr. The resultant Police, Public Order and Criminal Justice (Scotland) Act 2006 made amendments to Section V of the Civic Government (Scotland) Act 1982.</p>	<p>Andrew Mitchell</p> <p>Head of Regulatory Services</p> <p>0131 529 4208</p>
<p>Landlord Registration fees</p> <p>As a result of the Council motion approved on 9 May 2024, the Convener of the Regulatory Committee wrote to the Scottish Minister for Local Government. A copy of that letter is attached at Appendix 1. A report on the remaining parts of the motion is included in the agenda.</p>		<p>Andrew Mitchell</p> <p>Head of Regulatory Services</p> <p>0131 529 4208</p>
LICENSING		
<p>Licensing performance</p> <p>Licensing has always been a customer facing service with its customers being either licence holders or those affected by licensed businesses.</p> <p>The service wishes to highlight that customer interactions have increased significantly in the past year, with over 62,045 customer contacts recorded for the year. The majority of these are emails (52,000) and on average 700</p>		<p>Catherine Scanlin</p> <p>Licensing Manager</p> <p>0131 529 4208</p>

<p>phone calls are received per week, totalling 36,000 over the year. Customer footfall at the Licensing Hub averages 250 per week (13,000 per year).</p> <p>This increase is in part due to the introduction of the Short Term Let ('STL') Licensing system which has seen the total application workload increase by 25%.</p> <p>In total the service processed 25,000 applications (including STLs) and at year end had issued 21,000 of these, with the remainder being at various stages in the process.</p> <p>Looking ahead to the new financial year, one of the priorities has been to fill vacancies, with all six permanent vacancies recently being filled with the new starts joining in the summer.</p> <p>This recruitment will contribute to the successful completion of the existing workload, which amounts to just over 8,200 applications. This is the busiest time of year with the summer festivals fast approaching and temporary licence requirements at their peak, combined with the work being undertaken to complete STL Licence applications prior to the legislative deadline of 30 September 2024. While the service is extremely busy, this workload level is normal for the time of year and the Service is operating efficiently.</p>		
<p>Fares review procurement</p> <p>Procurement for the next three reviews of taxi fares is underway.</p> <p>The Committee last fixed fares with effect from 9 June 2023, meaning that the Council must consider and fix the tariff by 9 December 2024.</p>	<p>As Licensing Authority for taxis, the Council is required to review and fix the scale of fares or any other charges which may be used by taxis licensed within the city. This review must take place at intervals</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>

	not greater than 18 months. The Council has no powers to regulate or fix fares charged by Private Hire Cars.	
<p>SEV applications</p> <p>The Sexual Entertainment Venue (SEV) Licensing Scheme took effect on 1 April 2024. Existing operators had until 31 March 2024 to apply for a licence in order to continue operating whilst the Council considers and determines the licence applications. Three applications were received prior to the 31 March 2024 deadline and have been scheduled for committee on 17 Jun 2024.</p>		<p>Catherine Scanlin</p> <p>Licensing Manager</p> <p>0131 529 4208</p>
<p>Short Term Lets - Statistics</p> <p>The Council has received a total of 4,327 STL applications. 4,000 records have been updated to indicate the type of let:</p> <ul style="list-style-type: none"> • 648 Home Letting and Home Sharing; • 675 Home Letting; • 592 Home Sharing; and • 2,085 Secondary Letting. <p>1,576 have been granted, 109 have been withdrawn, 1,400 are with Consultees, 140 are pending decision, further 433 have been checked and processed and are incomplete, and 4 have been refused.</p>		<p>Catherine Scanlin</p> <p>Licensing Manager</p> <p>0131 529 4208</p>
<p>TRADING STANDARDS</p>		
<p>Tobacco and Vapes Bill</p> <p>As a result of the announcement of a General Election, this Bill will not progress further at this time.</p> <p>The Bill had proposed a wide variety of legislative changes relating to tobacco and nicotine products, including:</p>	<p>The Trading Standards team carries out proactive enforcement in relation to NVP and tobacco premises under existing legislation. Due to the current pressures</p>	<p>Tom Veitch</p> <p>Trading Standards and Enforcement Manager</p> <p>0131 469 3871</p>

<ul style="list-style-type: none"> • Changes to allow sale of tobacco products only to those born before 1 January 2009, rather than simply to those over 18. This would effectively raise the minimum smoking age each year; • Controls relating to the free distribution of Nicotine Vapour Products ('NVP') to under 18s; and • Power to control the display and packaging of vaping devices and liquids (similar to those currently applied to tobacco), and controls on the available flavours of vaping liquids. <p>The Trading Standards team will continue to carry out enforcement work under existing legislation, including premises inspections and test purchasing.</p>	<p>surrounding young people and NVPs, the Trading Standards team has prioritised advice and test purchasing in this area.</p> <p>Since March 2023, the Trading Standards team has seized 5,871 illegal vaping devices and removed them from the market.</p>							
<p>Trusted Trader scheme</p> <p>The scheme continues to develop positively. 95.5% of 21,731 customer feedback ratings (to April 2024) rated the scheme at least four stars out of five.</p> <p>The number of applications to join the scheme has remained steady, and the additional Enforcement Officer employed in 2023 has helped to process applications timeously.</p> <p>Checks on terms and conditions and trading history are carried out on applicants to the scheme, and a sample of businesses are re-checked at renewal each year to ensure that the system remains robust.</p> <table border="1" data-bbox="188 1626 842 1904"> <thead> <tr> <th></th> <th>Reported May 2023</th> <th>2023/24</th> </tr> </thead> <tbody> <tr> <td>Current no. Trusted Traders</td> <td>267</td> <td>279</td> </tr> </tbody> </table>		Reported May 2023	2023/24	Current no. Trusted Traders	267	279	<p>Edinburgh Trusted Trader scheme aims to prevent financial harm by providing a route to traders who have been vetted by Trading Standards. The scheme also provides complaints procedures and an Alternative Dispute Resolution process. Report to Regulatory Committee (May 2023).</p>	<p>Tom Veitch</p> <p>Trading Standards and Enforcement Manager</p> <p>0131 469 3871</p>
	Reported May 2023	2023/24						
Current no. Trusted Traders	267	279						

No. successful new applicants in 2024	30	60		
No. refused applications	30	9		
No. agreed work requests	25,090	31,758		
Estimated economic benefit to Edinburgh economy	£4,182,000 ^[i]	£5,293,000		
Estimated outcome/impact (scam prevention)	£788,184 ^[ii]			
<p>Private Hire test purchase exercise</p> <p>In February 2024, Enforcement Officers with responsibility for Taxi and Private Hire Car ('PHC') enforcement undertook a test purchase exercise to ensure that PHC drivers were complying with their licence conditions with respect to accepting passengers who did not have an existing booking.</p> <p>80 PHC drivers were subject to a test purchase during the exercise, with eight PHC drivers accepting fares from officers without a pre-booking. These eight drivers have been reported to the Licensing Sub-Committee for consideration of whether further action is required.</p> <p>The remaining PHC licence holders were commended for complying with the conditions on their licence and the relevant legislation.</p> <p>Officers intend to carry out further exercises later this year. Outcomes will be reported to Committee.</p>			<p>Private Hire Car Licence conditions specifically prohibit accepting passengers without a pre-booking.</p> <p>To do so may present a risk to public safety, as drivers who do not comply with licence conditions may correspondingly fail to comply with other legal requirements, for instance vehicle safety/insurance.</p>	<p>Tom Veitch</p> <p>Trading Standards and Enforcement Manager</p> <p>0131 469 3871</p>

<p>Consumer duty</p> <p>The Consumer Scotland Act 2020 introduced a Duty ('the Consumer Duty'), which means that relevant public authorities, including local authorities, must consider the impact on consumers in Scotland, and the desirability of reducing harm to consumers, when undertaking any strategic decisions about how to exercise their functions.</p> <p>The definition of 'consumer' includes individuals, small businesses, users of public services and potential consumers, and therefore the effects will be wide ranging across many council services.</p> <p>The seven Consumer Principles to be considered are:</p> <ul style="list-style-type: none"> • Access • Choice • Safety • Information • Fairness • Representation • Redress <p>Consultation on draft consumer duty guidance</p> <p>How to meet the consumer duty: guidance for public authorities (draft)</p> <p>The Consumer Scotland Act 2020</p>	<p>Background</p> <p>The newly created body 'Consumer Scotland' is responsible for ensuring that public bodies adhere to these obligations, and is also responsible for providing statutory guidance on the consumer duty. Draft statutory guidance was published on 20 March 2024, ahead of the consumer duty coming into force on 1 April 2024.</p> <p>The 2020 Act also requires public authorities to publish information about the steps which they have taken to meet the duty, within 12 months. This could be in the form of an annual report, or on a case-by-case basis via the democratic process.</p>	<p>Tom Veitch</p> <p>Trading Standards and Enforcement Manager</p> <p>0131 469 3871</p>
<p>Housing (Scotland) Bill</p> <p>Draft legislation which aims to keep people in their homes and help prevent homelessness was published on 26 March 2024.</p> <p>The Bill outlines proposals including long term rent controls for private tenancies, new rights to keep pets, decorate rented homes and stronger protection against eviction.</p> <p>Further information on the Bill</p>	<p>Current position</p> <p>A detailed report outlining the provisions and anticipated impact was considered at the Housing, Homelessness and Fair Work Committee</p>	<p>Tom Veitch</p> <p>Trading Standards and Enforcement Manager</p> <p>0131 469 3871</p>

	on 14 May 2024. (link)	
<p>Licensing of activities involving animals</p> <p>A Scottish Government consultation was carried out on proposals to extend the current statutory animal licensing framework to certain animal care services (dog walking, dog grooming, livery services, canine fertility businesses) and greyhound racing, and to revoke current legislation pertaining to animal boarding (Animal Boarding Establishments Act 1963) and riding establishments (Riding Establishments Act 1964 and Riding Establishments Act 1970), regulating these instead under the existing licensing framework.</p> <p>The Licensing Sub Committee had previously indicated its support for the licensing of dog walkers, and 89.1% of consultation responses indicated support for the proposal to license commercial dog walking. Responses to the consultation also show support for a number of the other new licensed activities resulting from the Regulations.</p> <p>A decision from Ministers is awaited on whether they will bring forward further legislation.</p> <p>Further information</p>	<p>Current position</p> <p>In September 2021 the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 came into force. This framework currently requires persons engaging in the following activities to be licensed (subject to meeting certain criteria):</p> <ul style="list-style-type: none"> • dog, cat or rabbit breeding • pet selling • operating an animal welfare establishment (including sanctuaries and rehoming centres) • engaging in other animal rehoming activities (other than operating an animal welfare establishment - e.g. bringing dogs into Scotland for the purposes of rehoming them as pets). 	<p>Tom Veitch</p> <p>Trading Standards and Enforcement Manager</p> <p>0131 469 3871</p>
<p>Fireworks and Pyrotechnic Articles Scotland Act 2022</p> <p>Some aspects of this Act (within the purview of Police Scotland) have come into force relating to the possession of pyrotechnics in</p>	<p>The Fireworks and Pyrotechnic Articles Scotland Act 2022 as enacted in 2022. This followed from the</p>	<p>Tom Veitch</p> <p>Trading Standards and Enforcement</p>

<p>public places and proxy sales. Most recently the provisions relating to Fireworks Control Zones were brought into force, although these are outwith the remit of the Regulatory Committee as they fall within the remit of the Culture and Communities Committee. Further details: Report to Culture and Communities Committee 29 February 2024.</p> <p>The Scottish Government has indicated that the personal ‘licence to buy’ provisions within Parts 2 and 3 of the Act have been delayed, now working to a timeline of early 2026. Letter from the Minister for Victims and Community Safety on the Fireworks and Pyrotechnic Articles Scotland Act 2022. (parliament.scot).</p>	<p>initial Scottish Government Fireworks Review and the Fireworks (Scotland) Miscellaneous Amendments Regulations 2021, which restricted the times and quantities of fireworks which could be supplied.</p>	<p>Manager 0131 469 3871</p>
<p>BEREAVEMENT SERVICES</p>		
<p>Mortonhall Crematorium</p> <p>The Senior Inspector of Burial, Cremation and Funeral Directors (Scotland) carried an annual inspection on 15 April 2024. Areas inspected included:</p> <ul style="list-style-type: none"> • Cremation process and administration; • Recovery of ashes; • Metal recovery; and • Crematorium management plan. <p>The inspector commented “The Inspection found no shortcomings in any aspect of the cremation process with good practice observed throughout the different stages. Mortonhall Crematorium continues to operate to a high standard staffed by a team of highly motivated and efficient personnel ..., the Cremation Authority are fortunate in having such a team, who collectively are providing an excellent service to the local community and beyond”.</p> <p>The full report can be made available to 1Committee members on request.</p>	<p>The Council operates the Crematoria at Mortonhall, and this is subject to period inspections by the Scottish Government appointed inspector.</p>	<p>Jane Matheson, Operational Manager (Bereavement) 0131 664 4314</p>

^[1] These calculations take into account the number of traders registered with the scheme, the number of estimated agreed contracts and the value of the average contracts agreed.

^[2] This figure is based on the number of traders registered with the scheme and a conservative average amount (£2,952) of financial detriment attributed to scams calculated by the National Trading Standards Scams Team.

Shona Robison
Cabinet Secretary for Finance and Local Government
The Scottish Parliament
Edinburgh
EH99 1SP

29th May 2024

Dear Ms Robison

Landlord Registration Fees

Following the approval of a motion to a meeting of the City of Edinburgh Council on 9 May, I am writing to seek confirmation of who has powers over the setting of Landlord Registration fees in Scotland, including introducing additional fees for Landlord Registration. I understand that the Scottish Government retains exclusive powers to determine them without reference to local authorities. Could you confirm whether local authorities have any role to play and, if so, what is that role? It has been suggested that local authorities are permitted to charge an additional fee as part of the landlord registration process. I would be grateful for your clarification on this matter.

If councils have only a limited role or no powers, would the Scottish Government consider devolving control over Landlord Registration fees to local authorities? Such devolution could benefit from local knowledge of the private rental market and encourage better landlord behaviours in ways that are appropriate for each individual area.

I look forward to hearing from you.

Yours sincerely,

Neil Ross

Convener of Regulatory Committee