

Business Bulletin


Regulatory Committee

10.00am, Monday, 30 September 2024

Council Chamber, City Chambers, High Street, Edinburgh



Regulatory Committee

Convener:	Members:	Contact:
<p>Convener Councillor Neil Ross</p> 	<p>Councillor Jack Caldwell Councillor Denis Dixon Councillor Margaret Arma Graham Councillor Martha Mattos-Coelho Councillor Joanna Mowat Councillor Susan Rae Councillor Val Walker Councillor Norman Work</p>	<p>Rachel Gentleman Carolanne Eyre Committee Services</p>

Recent News	Background	Contact
LICENSING		
<p>Taxi licences/demand</p> <p>Procurement of a consultant to assess citywide demand for taxis has commenced and a report to Committee is planned for autumn 2025. This is the three yearly assessments of Taxi Demand in the city.</p> <p>At present, the numbers limitation for Taxis is 1,316 licences.</p> <p>There are currently 1,124 taxi licences issued and in force. This means that there are 192 available for grant.</p>	<p>The Council acts as a Licensing Authority for the purpose of licensing taxis within the City of Edinburgh. In line with the powers described in the Civic Government (Scotland) Act 1982, the Council has adopted a policy of limiting the number of taxi licences issued where there is no evidence of significant unmet demand.</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>
<p>Short Term Lets – Statistics</p> <p>The Council has received a total of 4,731 STL applications of which 4,313 have been determined.</p> <p>Of the 3,509 applications received by 1 October 2023, 3,489 have been determined, 20 are pending consideration ahead of the deadline of 30/09/24.</p> <p>The breakdown of the figures is:</p> <p>4,541 records have been updated to indicate the type of let:</p> <ul style="list-style-type: none"> • 792 Home Letting and Home Sharing; • 845 Home Letting; • 669 Home Sharing; and • 2,235 Secondary Letting. <p>4,005 have been granted, 167 have been</p>	<p>The licensing system went live on 1 October 2022 and existing operators had until 30 September 2023 to make an application. As a result, the majority of applications received were received in the period immediately before 1 October 2023. The next milestone for the licensing system will be 1 October</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>

<p>withdrawn, 87 are with Consultees, 52 are pending decision, a further 62 have been checked and processed and are incomplete. 47 applications have been considered invalid and 94 have been refused.</p> <p>217 applications are yet to be processed and will be considered and determined from October 2024 onwards.</p> <p>(statistics as at 18 September 2024)</p>	<p>2024, when all applications received before the October 2023 deadline will require to be determined unless paused.</p>	
<p>Short Term Lets – letter from Minister for Housing</p> <p>The Chief Executive received a letter from the Minister with respect to Short Term Lets (Appendix 1). The letter sets out ministerial views ahead of the 1 October 2024 milestone for applications received before 1 October 2023 to be determined.</p>		<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>
LICENSING ENFORCEMENT		
<p>Landlord Registration Fees – letter from Minister for Housing</p> <p>On 21 June 2024, Committee considered a report on Landlord Registration Fees. As reported in the Business Bulletin, the Convener wrote to the Minister for Housing, and has now received a response (Appendix 2).</p>	<p>A motion agreed by full Council asked the Convener to write to Minister to request the power to set landlord registration fees is devolved to Councils.</p>	<p>Tom Veitch Trading Standards and Enforcement Manager 0131 469 3871</p>
ENVIRONMENTAL HEALTH		
<p>Seafield Wastewater Treatment Works update</p> <p>Prior to the pandemic, Transport and Environment Committee received periodic updates on odour related complaints arising from the operation of the treatment works.</p> <p>In recent years there has been a significant decrease in the number of complaints made about Seafield odour. This is due to:</p> <ul style="list-style-type: none"> • improved management of storm tanks and primary settlement tank levels onsite; • more emphasis on odour control during planned maintenance. The site operator 	<p>Seafield is Scotland’s largest wastewater treatment works (‘WWTW’) which processes 300 million litres of wastewater every day, serving almost one million people in Edinburgh and the wider Lothians.</p> <p>Historically, Seafield has</p>	<p>Heather Dick Environmental Health Manager 0131 469 5259</p>

<p>(Veolia) now timetables odour sensitive tasks to avoid the summer months where possible; and</p> <ul style="list-style-type: none"> Improved communication between Scottish Water, Veolia and the regulatory bodies (City of Edinburgh Council and SEPA). 	<p>generated a large amount of odour complaints in the community, reaching over 400 complaints in 2019.</p>													
<table border="1"> <caption>Complaints about odour and Proactive assessments completed</caption> <thead> <tr> <th>Year</th> <th>Complaints about odour</th> <th>Proactive assessments completed</th> </tr> </thead> <tbody> <tr> <td>2022</td> <td>128</td> <td>38</td> </tr> <tr> <td>2023</td> <td>55</td> <td>38</td> </tr> <tr> <td>2024 (to 31/7)</td> <td>25</td> <td>20</td> </tr> </tbody> </table>	Year	Complaints about odour	Proactive assessments completed	2022	128	38	2023	55	38	2024 (to 31/7)	25	20		
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<p>In 2022, 30% of all complaints were from one individual.</p> <p>The Environmental Protection team within Environmental Health undertakes proactive assessments in the community at times when there is a higher odour risk.</p> <p>In 2020, Scottish Water announced a £10 million investment in Seafeld WWTW. It aims to remove pinch points within the processes at the site and minimise build-up of odorous materials in uncovered areas. Construction is expected to begin at the end of 2024 with completion in 2027, although incremental improvements should be noted by 2025. Planning permission has been granted for the project.</p>														
<p>Other Activities</p>														
<p>Summer Activity</p> <p>To support the summer festivals, work on licence applications starts long before the summer. Appendix 3 shows details of applications for temporary licences received between April and August each year since 2019.</p> <p><i>Licensed premises inspected by Environmental Health during August</i></p>														

In 2024, Food, Health and Safety officers carried out 72 proactive visits over 18 locations. In 2023, 37 proactive visits were undertaken over seven locations. These visits mainly to inspect food hygiene at temporary venues. Officers hazard spotted for occupational health and safety during visits. Venues are targeted using a risk-based approach.

In 2024, the Environmental Protection Team (EPT) carried out noise monitoring for three outdoor concerts / events. These went through the Event Planning Operations Group (EPOG) process. In 2023, EPT carried out noise monitoring for 8 outdoor concerts/events.

Complaints/enquiries received in relation to premises which are licensed or other premises

In 2024, Food Health and Safety (FH&S) received one enquiry and one complaint from the public during August. In 2023, two complaints and three enquiries were received from the public/businesses.

In 2024, EPT received three complaints relating to Festival activities. In 2023, 26 complaints related to Festival activities (this included 16 complaints related to a series of concerts at Ingliston during this timeframe).

Other activity

In 2024, the standard of conditions found by inspecting Food, Health and Safety officers has generally been good, with few problems noted. No formal enforcement action has been required to safeguard public health and safety. The standard found in 2023 was similar.

During 2023 and 2024: Environmental Health has reviewed [estimated] over a hundred applications each year related to festivals and events occurring in the city over the summer, including Public Entertainment, Market Operator, Late Hours Catering applications etc. attending multi-agency EPOGs where required. Guidance and advice has been provided to ensure events run safely. The EPT has also responded to planning application for two festival venues both years.

The date period should be 1- 31 Aug 2024, for both this year and for comparison 2023.

Licensing Standards/Licensing Enforcement (1 - 31 August):

	2023	2024
Licensing Visits	122	102
Compliance inspections	83	75
Enquiries received	109	117
Complaints received	115	164
Corrective advice provided	45	64
Compliance Notice	1	1
Written Warning	2	2
Application received due to Licensing Enforcement	18	21
Consultation responses provided	848	733

T: 0300 244 4000
E: scottish.ministers@gov.scot

Local Authority Chief Executives

cc: Housing Conveners, COSLA, HoPS

By email only

12 July 2024

Dear Colleagues,

SHORT TERM LET LICENSING – REMAINING PROCESSING TIME FOR EXISTING HOST APPLICATIONS

Dear Colleagues,

I am writing to you to ask for your support as we conclude the transitional period for the short term let licensing scheme.

As you will know, under the legislation all existing host applicants must be issued with a decision within 12 months of the date that they made the application, or where there are planning issues there may have been a 3 month extension to that period. As the majority of existing hosts applied close to the scheme deadline in September 2023, the 12 month point is approaching in around 3 months' time.

I am aware that your teams are continuing to work with applicants to progress licence applications. I am very grateful for these efforts, and we have received feedback that this has been most helpful to avoid unnecessary licence rejections. At this point, I would encourage clear communication with applicants in terms of the final timeframes they need to meet to enable your teams to process a final determination. I have asked my officials to share examples of systematic communication processes other licensing authorities are adopting should it be helpful to you to manage applicants' expectations.

I also understand that some local authorities who have received a high number of applications from existing hosts are still to review all of them, and that applicants may be concerned that they may not receive a decision by the 12 month statutory processing deadline. Please could I ask for your reassurance that 1) all applications will be reviewed and determined within the 12 month statutory processing time from the date you received the application (15 months if you've notified applicants that their application is suspended for three months to enable them to remedy their planning status) and 2) if there is insufficient time to determine applications, you will apply to the court for an extension under section 3 of Civic Government (Scotland) Act 1982?

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Thank you once again for your colleagues' efforts and partnership in delivering Scotland's short-term let licensing scheme.

I have attached information in connection to the above, and also about the interaction between planning and licensing that you may find useful. If you have any questions relating to the matters in this letter, please contact shorttermlets@gov.scot

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Paul McLennan', with a long horizontal flourish underneath.

PAUL MCLENNAN
Minister for Housing

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SHORT-TERM LET LICENSING – INFORMATION FOR AUTHORITIES

Transitional period for existing hosts

Recovering administration costs

[Section three of the Scottish Government guidance for licensing authorities](#) sets out that licensing authorities can recover the costs of establishing and running the scheme through fees¹.

While licensing authorities have been encouraged to minimise application costs by: utilising economies of scale and taking a proportionate, risk-based approach to checks and verification, they are responsible for reviewing the fee structures they have set to ensure the revenue from fees remains in line with the running costs of the licensing scheme. This is relevant in order to ensure applications are processed within the statutory processing times under the legislation.

Statutory processing times

The normal processing time for licensing applications under the Civic Government (Scotland) Act 1982 is 9 months from the date the application is made. This includes short-term let licensing applications.

Under transitional provision within the Licensing Order, authorities have 12 months to process applications for existing hosts. This is 12 months from the date the application is made. If applications have not been returned to applicants in a timely manner because they are incomplete, the application has been made and the 12 month processing clock has started.

Deemed grant

Where authorities have failed to reach a final decision on short-term let licensing applications before the expiry of the 12 month period since the applications were made, the Civic Government (Scotland) Act 1982 states that licences will be deemed to have been granted for the period of one year².

Extension of processing time granted by the courts

The Licensing Order³ allows licensing authorities to apply to the courts to extend the 12 month processing period and it is for the sheriff to decide whether there is a good reason to do so.

¹ Article 15, Schedule 2 Part 2 of [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022 \(legislation.gov.uk\)](#)

² Part 1 3 (4) to (4A) [Civic Government \(Scotland\) Act 1982 \(legislation.gov.uk\)](#)

³ Article 7 (2) of [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022 \(legislation.gov.uk\)](#)
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Interaction between planning and licensing

Process and timescales

The timeline for notifying hosts about planning breaches, outlined below, apply both inside and outside of short-term let control areas.

- For new hosts, the licensing authority has 21 days from when the application is made to decide whether it considers use of the premises for a short-term let would constitute a breach of planning control. They may liaise with the planning authority in this regard. Where a planning breach is identified, the licensing authority must inform the applicant within 7 days of its decision. This constitutes a refusal to consider the application and not a refusal to grant a licence. If the host subsequently re-applies for a short-term let licence within 28 days of obtaining planning permission or a CLUD, no licensing application fee may be charged.
- For existing hosts who applied during the transitional period⁴, authorities may suspend their consideration of the application for a period of three months if they consider that use of the premises for a short-term let would constitute a breach of planning control. In such cases, authorities are required to notify applicants as soon as reasonably practicable, to enable the applicant to apply for planning permission or a certificate of lawfulness of use or development (CLUD), which would, if granted, remedy the considered breach. If this happens, the 12 month statutory processing period for licence applications for existing hosts must commence on the earliest of either 1 January 2024 or the date the applicant notifies the licensing authority they have applied for a CLUD/ planning permission.

On 17 May 2023, the Scottish Government published a circular about planning requirements for short-term lets⁵. On 21 July 2023, further planning guidance was published for hosts and operators⁶. Separately, guidance for making and processing licensing applications was updated on 30 June 2023⁷.

If licensing authorities have not been able to review licensing applications within the above timescales to identify planning breaches, licensing applications should proceed without further delay. If planning breaches are subsequently identified, these would be followed up through planning enforcement action as appropriate.

⁴ (Article 7 (3) to (7)) [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022 \(legislation.gov.uk\)](#)

⁵ [Planning circular 1/2023: short-term lets and planning - gov.scot \(www.gov.scot\)](#)

⁶ [Short term lets: planning guidance for hosts and operators - gov.scot \(www.gov.scot\)](#)

⁷ Part 1 [Short term lets - licensing scheme part 1: guidance for hosts and operators - gov.scot \(www.gov.scot\)](#) and Part 2 [Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms - gov.scot \(www.gov.scot\)](#)

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T : 0300 244 4000
E : scottish.ministers@gov.scot

Neil Ross
Convenor of Regulatory Committee, City Chambers, High Street
Edinburgh
EH1 1YJ
neil.ross@edinburgh.gov.uk

Our Reference: 202400417706
Your Reference: Landlord Registration

10 July 2024

Dear Neil,

Thank you for your letter of 29 May 2024 to Shona Robison MSP, Cabinet Secretary for Finance and Local Government about the fees associated with the Scottish Landlord Register. I am replying as landlord registration forms part of my ministerial portfolio.

I can confirm that landlord registration fees are set by the Scottish Government under the [Private Landlord Registration \(Fees\) \(Scotland\) Regulations 2019](#), in exercise of the powers conferred by sections 83(3), 87(4), 88(2C), 99 and 141(2) of the Antisocial Behaviour etc. (Scotland) Act 2004(1) (the 2004 Act) and all other powers enabling them to do so.

The fees now increase in April of each year in line with inflation. The fees collected are subject to the EU Services Directive, which is implemented by the Provision of Services Regulations 2009, requiring that fees continue to be proportionate and reasonable to the authorisation process undertaken by local authorities. Under the EU Directive, the charges for landlord registration should generally not exceed the costs to local authorities of processing applications. The fees collected are used to enable local authorities to carry out the Fit and Proper Person Test on applicants and to maintain the online platform for the Register.

The 2004 Act provides that a fee can be charged for an application for registration under section 83(1), a notice of a change to information under section 87(2), or a notice of appointment of an agent under section 88(2), of the 2004 Act.

Until now, there have not been representations from local authorities to Scottish Government to consider, for landlord registration, local fee setting or levying of fees for purposes beyond what is

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Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot



currently permitted by the legislation. Any changes to legislation would require a consultation. Naturally the views of local authorities would be sought in such a process.

The current centralised process for setting fees does allow for transparency and is straightforward to understand for landlords, many of whom may operate across local authority boundaries.

As a result of your enquiry, I have asked my officials to engage with City of Edinburgh Council officials to learn more about their plans to improve local management and oversight of registered landlords and any role fee setting plays in that.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul McLennan', with a long horizontal flourish underneath.

PAUL McLENNAN

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Temporary Licences 1 April to 31 August

Licence Type	Year					
	2024	2023	2022	2021	2020	2019
Cinema Licence	2	1	0	2	0	1
Late Hours Catering Exemption Licence	0	2	3	6	0	9
Late Hours Catering Licence	1	4	0	0	0	3
Market Operators	91	77	77	65	16	105
Outdoor Area Permits	0	28	307	306	160	0
Occasional Licences	2523	2477	2404	2425	952	1,972
Premises Extended Hours Applications	34	36	44	26	1	268
Public Charitable Collection Licence	116	35	21	8	2	61
Marches and Parades	62	46	43	27	5	65
Public Entertainment Licences	116	110	97	60	7	86
Street trader licences	11	6	12	3	0	359
Street Trader Employee Licence	23	3	4	3	0	149
Fireworks Dispensation	1	1	1	1	0	1
Hypnotism Licence	2	2	1	0	0	0
Indoor Sports Licence	0	0	1	0	0	0

Short Term Lets Temporary Exemptions	298	30	0	0	0	0
Short Term Lets Temporary Licences	123	10	0	0	0	0
Second Hand Dealers Licence	0	4	0	0	0	4
Skin Piercing Licence	1	0	0	0	0	0
Skin Piercing Employee Licence	3	0	0	0	0	0
Knife Dealer	1	0	0	0	0	0
Totals	3116	2847	3015	2932	1143	3083