

Business bulletin

Regulatory Committee

9.30am, Monday, 21 October 2019

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

Regulatory Committee

Convener:	Members:	Contact:
<p>Councillor Catherine Fullerton</p>  <p>Vice-Convenor Councillor Denis Dixon</p> 	<p>Councillor Denis Dixon Councillor Scott Arthur Councillor Susan Rae Councillor Cameron Rose Councillor Donald Wilson Councillor Max Mitchell Councillor Neil Ross Councillor Derek Howie</p>	<p>Lesley Birrell, Committee Services 0131 529 4240</p> <p>Andrew Mitchell Regulatory Services Manager 0131 529 4208</p>

Recent News

Appeal against licence decision successfully defended

The Council recently received a successful judgement in a licensing appeal. The pursuer appealed against the Licensing Sub Committee's decision not to grant a second hand car dealer's licence to operate from a residential property. The appeal was based on the following grounds:

1. The committee based its decision on an incorrect material fact;
2. The committee acted contrary to natural justice;
3. The committee exercised its discretion in an unreasonable manner.

The Council was successful in respect of defending all of the grounds of appeal and was awarded expenses.

Licensing Summer workload

This year the Licensing Service performed well with demand for licences remaining high. The Service processed and issued a record number of temporary licence applications for the Festivals period, whilst continuing to deliver frontline services, issue annual licences and implement significant policy changes.

Applications for the summer period saw an increase on the previous year:

Licence Type	2019	2018	Difference
Occasionals	884	769	+115
Extension of Hours	29	43	-14
Public Entertainment	55	53	+2
Theatre (Temporary)	49	62	-13
Theatre (Variations)	6	4	+2
Cinema (Temporary)	14	29	-15
Fireworks Dispensation	1	1	0
Hypnotism	1	0	+1
Market Operator	49	41	+8
Street Trader	34	32	+2
Late Hours Catering Exemption	10	8	+2
Late Hours Catering Variation	19	21	-2
Public Charitable Collections	30	23	+7
Parades	1	3	-2
TOTAL	1182	1089	+93

Background

[Scottish Courts and Tribunals Service Judgement](#)

Each year the Licensing Service plays a vital role in the Council's ability to provide a world class festival experience for all residents in and visitors to the city.

In addition to providing a successful summer for 'temporary customers' and continuing to deliver services for existing licence holders, the service has also managed significant workload.

New Landlord Registration Rules

On 16 September 2019 the Private Landlord Registration (Information) (Scotland) Regulations 2019 took effect, introducing a more comprehensive, rigorous application process in order to raise awareness amongst landlords of their legal requirements and to provide improved assurance to private rented sector tenants of landlord competence and compliance. Private landlords will now be required to declare whether or not they comply with specific duties at the point of application, such as:

- The tolerable and repairing standards
- Fire and carbon monoxide safety
- Gas and electrical safety
- Private water supplies and legionella risk assessment
- Energy performance certificates, insurance and common repairs on tenement property

The new prescribed information declaration will not impose any new obligations on to landlords. However it is likely that this will be challenging for some landlords and will give the Council the opportunity to provide advice and assistance in the move towards compliance.

The Scottish Government held a consultation with respect to strengthening the existing system of landlord registration, to ensure that homes rented to private rented sector tenants are of good quality and are managed professionally.

While the majority of landlords comply with their legal obligations, unfortunately some landlords do not meet the standards that are in place to protect people and properties. As a result, the Private Landlord Registration (Information) (Scotland) Regulations 2019 were introduced in order to expand the range of prescribed information which landlords must provide to local authorities.

Licensing Forum recruitment

Edinburgh Licensing Forum is an advisory body set up by the Council as required by the Licensing (Scotland) Act 2005. Members keep the liquor licensing system in Edinburgh under regular review and stimulate debate on relevant issues.

Recruitment of new members of Edinburgh Licensing Forum took place earlier this year, and due to a limited response rate a further recruitment exercise is underway. The Forum is expected to be appointed later this year.

The Regulatory Committee now has responsibility for oversight of the Council role in supporting the Forum, following a decision of Full Council earlier this year.

The Forum should maintain a balance wherever possible between community representatives and trade representatives.

Forthcoming activities:
