

# Business bulletin

## Regulatory Committee

**9.30am, Monday, 19 August 2019**

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

# Regulatory Committee

Convener:	Members:	Contact:
<p>Convener Councillor Catherine Fullerton</p>  <p>Vice-Convenor Councillor Denis Dixon</p> 	<p>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 469 5822</p>

Recent News:	Background:
<p><b>Sexual Entertainment Venues (SEVs)</b></p> <p>On 11 March 2019 the Regulatory Committee agreed that a consultation would be carried out on the introduction of a licensing regime for SEVs. The public consultation was launched on 8 July 2019 and will run for six weeks. The consultation asks members of the public and any other interested parties whether SEVs should be licensed in the city. If the Council decides that these premises should not be licensed, the venues will continue to operate as they currently do.</p>	<p>On 21 March 2019 a commencement order was laid before the Scottish parliament which provides local authorities with the powers to introduce a discretionary licensing regime for Sexual Entertainment Venues (SEVs). A SEV is defined as a premises where sexual entertainment is performed live, for the direct or indirect financial benefit of the organiser and for the sole purpose of sexual stimulation of members of the audience.</p>

Furthermore, the consultation seeks to gain a broader understanding of community views on the potential shape of a licensing system for SEVs, if it was introduced. Adoption of the powers to license SEVs does not imply approval of these types of premises by the Council. Premises used as massage parlours or saunas are not included in this legislation or in the definition of sexual entertainment, and will not be affected by these proposals.

### **Taxi Training**

All new taxi and PHC drivers will be required to complete the new training qualification and examination prior to the grant of a licence.

The training requirements and course content for both PHC and taxi drivers will be exactly the same. PHC drivers will not be required to pass a topographical assessment and the topographical training will not be included as part of the course content.

All existing taxi and PHC drivers will also have to complete the full training course and they will have the option of taking the examination / assessment at the end of the course. It is hoped that drivers will welcome the opportunity to gain a professional qualification

The course will include 24 hours of training with a number of different options for drivers.

The venue for the training will be in Council offices next to the Taxi Examination Centre at 33 Murrayburn Road, Edinburgh, EH14 2TF.

The training will cost £300 per applicant.

[Taxi and Private Hire Training Update – report to Regulatory Committee October 2018](#)

The Licensing Service is an accredited City and Guilds Training Centre. Training will be delivered 'in house' by Council staff, with external trainers brought in to deliver specialist areas.

Training will be managed on a rolling basis over a three-year period.

The course content will be comprised of eight modules:

- The regulatory framework of the taxi and private hire industry
- Road safety when driving passengers in a taxi or private hire vehicle
- Professional customer service in the taxi and private hire industry
- Picking up and setting down passengers and fares in the taxi & PHC industry
- Transporting of children and young people by taxi or private hire vehicle
- Taxi and private hire services for passengers who require assistance
- First Aid
- Public Protection: Awareness Raising and Response (Safeguarding)

## Landlord registration project commenced

Following a number of changes within the licensing regulation scheme in order to assist in improving standards, the licensing service instigated a review of existing practice and procedure.

Officers within the Private Rented Team have begun a project to look at existing landlords, landlords whose registrations have expired and who have not renewed their registrations and issues with standards existing properties.

Initial enquiries have identified that a number of landlords have failed to re-register or sold their properties and are no longer involved in the industry.

The team are now engaging with landlords, informing them of their obligations and / or requesting a written declaration if the landlords advise that they no longer rent out the properties.

All landlords who make a declaration will have their property visited to verify the outcome. Visits will also be made to properties of any landlords who fail to engage, to identify whether the properties are currently unregistered lets.

The Licensing Service will work in conjunction with the Private Rented Services Enforcement Team to take the appropriate enforcement action where any landlord fails to register.

## Age & Emissions Policy – Key Updates

### Exemptions

The Licensing Sub-Committee has considered a significant number of applications to be exempt from its Age & Emissions policy.

Total considered	383
Refused	133
Granted	209
1-2 yrs	169
2-3 yrs	36
3+ yrs	4
Withdrawn	39
Continued	13
Still to be considered	16

*(figures as at 15 July 2019)*

On 16 March 2018 the Regulatory Committee agreed to amend its policy with respect to the age and emissions standard of licensed vehicles in Edinburgh's Taxi and Private Hire Car fleet.

On 7 May 2018 the Regulatory Committee agreed the new licensing conditions that would allow this policy to come into effect.

### **Short term lets**

On 28 April 2019 the Scottish Government launched a public consultation on the regulation of short term lets, which ran until 19 July 2019.

Through the Council's Member Officer Working Group on short term lets, a response to the consultation with input from a range of services was co-ordinated. The Working Group believes that the introduction of a discretionary licensing system is the most effective way of improving safety standards within the sector, as well as managing the effect it has on the city and Council services. It is hoped that the Scottish Government will publish the results of the consultation by the end of the year.

The Council has previously expressed strong concern about the impact of certain aspects of the short term letting industry on the city. The Council has previously agreed a position calling for additional regulation of the sector, either through changes to planning classifications or the introduction of a licensing system. To achieve the objective of additional regulation, the Scottish Government would be required to take action to introduce legislation.

As short term letting has no current statutory definition, the Council's existing enforcement powers are limited. The most recent research indicates that there are over 12,000 properties operating in this manner. The operation of short term lets are having a significant effect on a wide range of areas including supply of housing, anti-social behaviour and the hollowing out of some communities.

### **PHC overprovision guidance**

The Scottish Government has now commissioned a third party provider to assist in developing guidance and a toolkit approach to support each licensing authority to assess whether there is overprovision of private hire cars in its area.

Officers are currently engaging with the Scottish Government on this and will be contributing to the ongoing development of the guidance. There is not currently a timeline in place for the availability of this guidance, however officers will closely monitor the process and provide updates where appropriate.

The Civic Government (Scotland) Act 1982 has for many years allowed the number of taxis to be limited. On 1 May 2017 amendments to the Act giving a power to limit the number of licensed Private Hire Cars came into force. These new powers require an assessment of overprovision, and guidance is awaited on how to assess this

### **Taxi fares procurement**

Following a procurement exercise, in June 2019 Jacobs was commissioned to undertake a comprehensive survey of taxi fares. This research will take place during summer 2019, with a view to the Regulatory Committee agreeing a new fare tariff in December 2019.

The Council, as Licensing Authority for taxis, 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 not greater than 18 months.