

Business Bulletin

Regulatory Committee

10.00, Monday, 6 February 2023

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



Regulatory Committee

Convener:	Members:	Contact:
<p data-bbox="156 342 448 421">Convener Councillor Neil Ross</p> 	<p data-bbox="635 342 1062 674">Councillor Jack Caldwell Councillor James Dalgleish Councillor Denis Dixon Councillor Martha Mattos-Coelho Councillor Joanna Mowat Councillor Susan Rae Councillor Catherine Fullerton</p>	<p data-bbox="1147 342 1437 421">Matthew Brass Committee Services</p>

Recent News	Background	Contact
<p>Licensing Forum</p> <p>The Forum met on 2 December 2022. A Convener and Vice Convener were elected and the Forum heard from the Vice Convener of the Licensing Board about the current policy consultation.</p> <p>The Forum has submitted an initial response to the Board's current policy consultation.</p> <p>Interviews for two further trade members were held in January and the successful candidates have now been appointed to the Forum.</p>	<p>Licensing (Scotland) Act 2005 requires a local Licensing Authority to establish a Licensing Forum.</p>	<p>Isla Burton Trading Standards Officer 0131 529 4208</p>
<p>Licensing workload</p> <p><u>Current position</u></p> <p>Work continues to reduce the backlog and good progress is being made. The backlog is any application waiting longer than 12 weeks to determine. As at 14 January 2023 there were 6,025 applications in the system, of which 2,370 are within the backlog. This compares to the peak of applications within the licensing system of approximately 16,000.</p> <p>It is still anticipated that it will take until 1 April 2023 to resolve the backlog.</p> <p><u>Current Workload</u></p> <p>In addition to the temporary, annual and longer-term licensing applications workload, the service continues to be involved in:</p>	<p>The Committee has asked for ongoing updates on this topic.</p>	<p>Andrew Mitchell Head of Regulatory Services 0131 529 4208</p>

<ul style="list-style-type: none"> Homes for Ukraine and Super Sponsor projects -approximately 200 new applications are being reviewed. 		
<p>Taxi Examination Centre (TEC)</p> <p>The TEC is now conducting compliance testing using only two ramps (where five were previously available) due to the deterioration of the roof in one of the garages. The team is still located at Murrayburn Depot. Due to the reduction of available ramps the vehicle testing schedule is extremely tight, with limited flexibility. However, all required tests are still being provided.</p> <p>Design plans are now being finalised for the new accommodation at South Gyle Crescent. Planning permission has been obtained and the Building Warrant has been applied for. TEC expects to operate from the current Murrayburn location for the next 12 months.</p> <p>All staff working on Taxi and Private Hire Licensing are now located at Murrayburn Depot each working day, which is proving beneficial due to the integration of all staff and processes.</p>	<p>The testing of taxis and PHCs is carried out at the TEC.</p> <p>It is an approved MOT testing station, authorised and governed by the Driver and Vehicle Standards agency (DVSA). All licensed vehicles (irrespective of age) are tested to MOT standards.</p> <p>This includes emissions testing where applicable, and a full compliance check with City of Edinburgh Council's Taxi and Private Hire licensing conditions.</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>
<p>Civic licensing summit</p> <p>This event (organised and hosted by Glasgow City Council) took place on 2 December 2022 and was attended by Councillors Mowat and Ross and the Head of Regulatory Services.</p> <p>Topics included:</p> <ul style="list-style-type: none"> Short Term Lets Sexual Entertainment Venues Best Practice Guidance – Taxis and PHCs 		<p>Andrew Mitchell Head of Regulatory Services 0131 529 4208</p>

<ul style="list-style-type: none"> • Low Emission Zones/Taxi Retrofit Solutions • Civic Licensing/COVID Recovery 		
<p>Short term lets</p> <p>The date by which existing short term let hosts must apply for a short-term let licence may be delayed by six months, meaning that it will be introduced in October 2023 rather than April 2023.</p> <p>On 7 December 2022, the Cabinet Secretary for Social Justice, Housing and Local Government wrote to interested parties to advise that the Scottish Government intends to lay an order in January 2023 that will delay the April 2023 date. This will not amend the timescales that local authorities have to determine licence applications from existing hosts, which will remain at 12 months. The Local Government Housing Planning Committee asked local authorities for their views on the proposed change to the legislation, and the Council's response can be found at the bottom of the business bulletin.</p>	<p>The Council has previously expressed strong concerns about the impact of the short term letting industry on the city called for additional regulation of the sector. On 1 October 2022 the licensing scheme for short term lets opened in Edinburgh. The Regulatory Committee approved a Short Term Lets Licensing Policy on 29 September 2022</p>	<p>Andrew Mitchell Head of Regulatory Services 0131 529 4208</p>
<p>Changes to application process for certain licence types</p> <p>The government has published an update to say the change reported to a previous meeting of the Committee will not now take effect until October 2023. This will allow the legislative process to be completed in Parliament within the revised timetable and will give licensing bodies and licence applicants additional time to prepare for the change.</p> <p>More information can be found here</p>	<p>The Finance Act 2021 introduced a tax check for similar licences in England and Wales effective from April 2022, and the draft Finance Bill 2022 will amend the 2021 Act and will introduce new clauses specific to Scotland.</p>	<p>Andrew Mitchell Head of Regulatory Services 0131 469 5822</p>

(paragraph 5.43).		
<p>Taxi Stances</p> <p>In December 2022 Council officers carried out a review of the location and condition of all taxi ranks in the City. This information has now been plotted on an interactive map, which will be published on the Council’s website following this meeting of the Regulatory Committee.</p> <p>A further report on a review is not expected to be submitted until summer 2023.</p>	<p>The City of Edinburgh Council, as Licensing Authority, is required to appoint taxi stances in line with the provisions of Section 19 (1) of the Civic Government (Scotland) Act 1982.</p>	<p>Andrew Mitchell</p> <p>Head of Regulatory Services</p> <p>0131 529 4208</p>
<p>Licensed Vehicles and the LEZ</p> <p>As requested by committee the Directorate have made enquires with colleagues leading the LEZ project and in turn Transport Scotland who advise:</p> <p>In order to be entered on to the relevant database as complaint operators will require to show the retrofitting has been approved certified CVRAS retrofit – see here Clean Vehicle Retrofit Accreditation Scheme - Energy Saving Trust.</p> <p>In those circumstances the Council will not require to maintain or operate a separate list of vehicle which would compliant with the requirements of the LEZ.</p> <p>There remain work to be done to clarify status of other vehicle which have been retrofitted or where ownership of the vehicle has changes. The Directorate will</p>	<p>The Council has approved a Low Emission Zone and enforcement of the zone will commence on 1 June 2024.</p> <p>Edinburgh LEZ Webpage</p>	<p>Andrew Mitchell</p> <p>Head of Regulatory Services</p> <p>0131 529 4208</p>

continue to liaise with colleagues and keep members updated.		
--	--	--

Local Government, Housing and Planning Committee – STL Deadline Extension Response

Comments on proposed delay

The City of Edinburgh Council ('the Council') opposes the proposed delay to the requirement for existing short-term lets ('STL') hosts to have licence. As has previously been reported, the complaints that the Council has received regarding STL cover a number of broad types, including:

- Properties which are used as STL may not meet the same safety standards as other types of visitor accommodation;
- Noise and anti-social behaviour created by guests using STL;
- Erosion of sense of community in areas with dense concentrations of STL;
- Impact on available housing supply within the city; and
- STL is generally not suitable for tenemental properties;

Any delay to the STL licensing scheme taking full effect will negatively affect the Council's ability to address the concerns noted above.

Comments on how the process is working to date

Since the STL licensing scheme took effect on 1 October 2022, the Council has received approximately 40 applications. The Council continues to receive a significant number of enquiries from existing hosts who have not yet made an application, prospective applicants and residents. It is anticipated that the majority of applications will be received later in 2023 as the deadline for existing hosts to make an application approaches.

Comments on whether the delay will allow the necessary time to process applications for existing hosts

As noted above, it is anticipated that the majority of applicants will lodge their applications closer to the deadline set by legislation, whether this deadline remains at 1 April 2023 or moves to 1 October 2023. The proposed delay will simply mean that the bulk of applications are received immediately before the deadline date and will therefore have minimal impact on the Council's ability to process applications for existing hosts.

Comments on whether applications are being prioritised in any way and if so, how?

The Council typically processes STL applications in the order in which they are received. Where an application is received for a new host, as opposed to an existing host, those applications will be prioritised to ensure that there are no unnecessary delays which would prevent a new host from trading, should their application be granted.

Comments on the administrative requirements being placed on hosts and potential hosts

The Council's STL application pack can be found [here](#). The pack sets out the information and documentation required in order to submit an application. The Council's STL licence application fee structure can be found [here](#).