

Business Bulletin

Regulatory Committee

10.00am, Monday, 7 August 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 1043 745">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="1145 342 1441 421">Taylor Ward Committee Services</p>

Recent News	Background	Contact
LICENSING		
<p>Tax Conditionality</p> <p>Legislation is currently progressing through Parliament, and it is expected to receive Royal Assent over the summer. It is also expected that face to face checks for applicants will be extended to October 2023.</p> <p>HMRC has published revised guidance on tax conditionality.</p> <p>Applicants First time: your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence</p> <p>Renewal: complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence</p> <p>Licensing bodies</p> <p>First time: tax-responsibilities-for-taxi-private-hire-or-scrap-metal-licence-applications</p> <p>Renewal: confirm-a-tax-check-for-taxi-private-hire-or-scrap-metal-licence-applications</p> <p>Toolkit To help stakeholders communicate what the tax check is and its purpose.</p>	<p>Tax conditionality is an additional tax check that needs to be carried-out when a licence holder applies to renew a licence. This check is carried-out by licence holders online via their HMRC account. They are then provided with a code to give to their licensing authority when applying for licence renewals. The Council will not be able to grant a licence without that being completed.</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>
<p>Taxi Fares Review</p> <p>The most recent statutory review of the taxi fare tariff was completed when revised fares came into effect on 9 June 2023.</p> <p>The next review must be completed by December 2024. Procurement has commenced for a contractor to carry-out this work on the Council's behalf.</p>	<p>The Council, as Licensing Authority under the Civic Government Scotland (Act) 1982 is required to review and fix the scale of fares and other charges which may be used by taxis licensed within the city. There are no equivalent controls on fares charged</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>

	by Private Hire Cars (PHCs).	
<p>Updated Taxi Best Practice Guide</p> <p>This updated guidance has been prepared to offer best practice advice to licensing authorities on a range of issues relating to the licensing of taxis, private hire cars and their drivers.</p> <p>The title has been updated to highlight that, as well as being for licensing authorities, it should be read by taxi and private hire car operators.</p> <p>The new guidance can be found Scottish Government Taxi and Private Hire Car Licensing Best Practice Guidance</p>	<p>The aim of the licensing regime, as set out in the Civic Government Scotland (Act) 1982 continues to be to ensure that taxi and private hire car customers have a safe, reliable and accessible service.</p> <p>A working group was set-up by the Scottish Government in 2022 to review the existing guidance.</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>
<p>New licence plate supplier</p> <p>Following a successful bid, VIP-System Ltd were awarded the contract to supply all Taxi and Private Hire Licence Plates and ancillary Signs. The contract duration is two years, with two optional 12-month extension periods. The plates and brackets fitted to vehicles use security buttons (yellow) and the colour of the buttons can be changed annually. The plates have several sustainability benefits including:</p> <ul style="list-style-type: none"> • The plates and the brackets are manufactured using recovered industrial plastic waste; • The plates are low profile so use less plastic than moulded counterparts; • Expired plates can be securely disposed of on-site (by the Taxi Examination Centre) using a standard office shredder, in turn eliminating the related fuel consumption and carbon emissions; and • All materials to be supplied are 100% recyclable and biodegradable. <p>The first plates were fitted at the beginning of May 2023.</p>	<p>Taxi Examination Centre undertakes an annual vehicle compliance test on the City of Edinburgh Council's, Midlothian Council and West Lothian Council's licensed taxis and PHCs.</p> <p>After the vehicle compliance test, the Taxi Examination Centre prepares vehicle licence plates for fitting to the vehicle.</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>

<p>Licensing Hub – Murrayburn Depot</p> <p>As part of the ongoing modernisation plans for Taxi and Private Hire Licensing, the Taxi Examination Centre (TEC) functions will be expanded in preparation for a move to new premises in 2024.</p> <p>This will include increasing the team in the TEC to enable end to end processing of all Taxi and Private Hire Licences.</p> <p>From 26 June 2023, the TEC restarted the face to face documentation checks required by the Immigration Act 2016. Once driver document checks are successfully completed, a driver can submit their application and make payment on site.</p> <p>Where owners are experiencing difficulties, they be able to get assistance to complete their application.</p> <p>The TEC is to be rebranded as the ‘Licensing Hub’ with its own dedicated email Licensinghub@licensing.gov.uk. A dedicated telephone number will be confirmed.</p>	<p>The testing of taxis and Private Hire Cars has been carried out at the Council’s Taxi Examination Centre (TEC) for many years.</p>	<p>Catherine Scanlin Licensing Manager 0131 529 4208</p>
<p>Licensing workload</p> <p><u>Current position</u></p> <p>The workload position continues to improve with 4,558 applications in the system. Less than 250 of these are in the backlog (having taken longer than 12 weeks for initial consideration).</p> <p>The number of temporary licences currently being processed is high as would be expected running into the crucial festival period.</p>	<p>Committee has requested an update on progress in dealing with the operational backlog</p>	<p>Andrew Mitchell Head of Regulatory Services 0131 529 4208</p>
<p><u>HMO best practice guide consultation</u></p> <p>The consultation on a best practice guide for Housing of Multiple Occupation (HMO) went live on the consultation hub on 18 May and will run until 10 August 2023 consultationhub.edinburgh.gov.uk/sfc/hmo-best-practice-guide-2023/</p>	<p>The Council licensing Houses in Multiple Occupation to ensure that the properties are safe, and the landlord is fit and proper.</p>	<p>Andrew Mitchell Head of Regulatory Services 0131 529 4208</p>

<p><u>Licensing Forum</u></p> <p>The Forum met the Licensing Board on 3 June 2023 and further joint meetings may take place throughout the year.</p> <p>On 9 June 2023, an information sharing event organised by Scottish Government was held in Glasgow and attended by the facilitator of Edinburgh’s Licensing Forum. Speakers included licensing solicitors, Forum members from across the country, Alcohol Focus Scotland, Police Scotland and the Minister for Victims and Community Safety. It is anticipated that the event will be repeated.</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>TRADING STANDARDS</p>		
<p><u>Fireworks Control Zones</u></p> <p>The Scottish Government has published “Firework Control Zones: Guidance for Local Authorities” in relation to the Fireworks and Pyrotechnic Articles (Scotland) Act 2022.</p> <p>A firework control zone is an area within a local authority’s boundary in which it is a criminal offence for a member of the public to ignite a firework, including on private property such as a garden. Public firework displays will continue to be permitted within an area designated as a firework control zone, subject to certain requirements.</p> <p>The consultation and implementation of the fireworks control zones is delegated to Culture and Communities, and the Community Safety Partnership. Enforcement responsibility for the Firework Control Zones sits with Police Scotland.</p> <p>The Regulatory Service will have joint enforcement responsibility for the new licensing system with Police Scotland, however, this will be delayed until 2024 at the earliest and therefore likely costs are not known. An update will be provided to Committee when more information emerges.</p>	<p>Update on previous report to committee on 1 May 2023.</p>	<p>Tom Veitch Trading Standards and Licensing Enforcement Manager 0131 469 3871</p>

<p><u>Naloxone visits</u></p> <p>The Naloxone project joint visits with NHS Lothian were completed at the end of May, with a total of 14 licensed premises identified as being potentially suitable as hubs for naloxone.</p> <p>Nine of these premises identified an interest in taking part subject to further discussions, and four premises agreed to sign up to the programme immediately. There was only one premises which indicated they did not wish to take part.</p> <p>NHS Lothian will subsequently be setting up the appropriate training and distribute Naloxone kits to the interested premises.</p>	<p>Previous report to Regulatory Committee on 21 November 2022.</p>	<p>Tom Veitch</p> <p>Trading Standards and Licensing Enforcement Manager</p> <p>0131 469 3871</p>
ENVIRONMENTAL HEALTH		
<p><u>Food Safety Plan</u></p> <p>Following approval of the Food Safety Business plan for Environmental Health (which the Committee noted in May 2023), the Council has been notified that Food Standards Scotland intends to carry out a desktop audit of all Scottish Local Authorities Food Safety Business plans. A copy of the letter is attached below.</p>	<p>The Council is required to have arrangements in place to discharge its duties under the Food Law Code of Practice. Food Standards Scotland is responsible to monitoring local authorities' compliance with the Code of Practice.</p>	<p>Stephen Williamson</p> <p>Environmental Health Manager</p> <p>0131 529 4934</p>
BEREAVEMENT		
<p><u>Inspection of Mortonhall Crematorium</u></p> <p>The Senior Inspector for Burial, Cremation and Funeral Directors (Scotland) carried out an inspection of the Crematorium at Mortonhall on 14 April 2023. The inspection report was received with no issues to be addressed. The overall assessment was positive, and that section of the report is set out in full below.</p> <p>'The Inspection found no shortcomings in any aspect of the cremation process at Mortonhall</p>	<p>The Council operates one crematorium and that is subject to regulation and periodic inspection as provided for by the Burial and Cremation (Scotland) Act</p>	<p>Jane Matheson</p> <p>Bereavement Services Manager</p> <p>0131 664 4314</p>

<p>Crematorium with good practice observed throughout the different stages.</p> <p>The Inspector was afforded the opportunity to meet all available employees at the crematorium (without any managers present).</p> <p>The Inspector highlighted that it was evident from their meeting with the team are very enthusiastic about their respective roles and enjoy working in a close and united team, led by experienced and knowledgeable management. The Cremation Authority, are very fortunate in having such a team and that collectively staff at Mortonhall Crematorium are performing to a high standard providing a first-class service to the local community and beyond'.</p>	<p>2016.</p>	
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 Food Standards Scotland
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To: Heads of Service,
 Lead Food Officers

22 May 2023

FSS/ENF/23/002

Dear Colleague,

**Local Authority Performance Monitoring and Audit Programme 2023/2024
 Service Plans**

Previously we wrote indicating that as part of this year’s Audit Programme, we would be carrying out a desktop review of Food Authority Service plans for 2023/2024.

Programme	Brief Outline	Timescale
Desktop Review Annual Service Plan	Each Food Authority should complete an annual Service Plan. The overall plan should be subject to approval timeously at the appropriate governance level within the Authority. Service Plans are intended to be forward looking and provide details for the coming year.	Request to be made for a copy of the Service Plan from all 32 LAs. May 2023.

Service planning is key to performance monitoring and, as required by the Food Law Code of Practice, these annual plans for the coming year should set out planned intervention programmes and service delivery arrangements.

We indicated that a request for a copy from all 32 Local Authorities would be made in May.

Please take this letter as a formal request for that submission.

If you have submitted a plan to us previously as part of an audit response, no action is required unless significant change to planning has taken place.

Whilst we appreciate that plans may not have reached a fully approved stage within your Authority we would ask that draft versions be submitted with an understanding that later amendment and adjustment may occur.

The intention is to use these to provide a baseline view of the delivery landscape across Scotland at the current time both as an aide to performance monitoring and to inform the Scottish Authority Food Enforcement Rebuild (SAFER) project.

Please could these be submitted to us at: LAudit@fss.scot by 21st June 2023

Yours sincerely



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