

Regulatory Committee

10.00am, Monday 2 October 2023

Present

Councillors Ross (Convener), Caldwell, Graham, Mattos-Coelho, Meagher (Substituting for Walker), Mowat, and Work.

1. Deputations

a) Sun Bed Association

In relation to item 7 – Public Entertainment Licensing Application Fees

The deputation provided detailed information on the licensing history of the sun bed industry. They highlighted the industry had evolved and professionalised since the introduction of fees, and because of this believed that fees should be re-assessed and a fee structure be introduced. The deputation also requested new sunbed sites should apply for a first year licence and be charged accordingly, existing licenses should be renewed every three years and fees should be charged per site and not per bed

b) Balerno Children's Gala

In relation to item 7 – Public Entertainment Licensing Application Fees

The deputation introduced themselves as a member of a not-for-profit volunteer run Gala Committee. They shared the benefits that Gala events had on the community and the difficulties they had with event funding. The deputation requested that fees were re-assessed to reduce the fees for volunteer and not for profit organisations hosting community events.

2. Minutes

Decision

- 1) To amend Item 7 – Additional Report – Regulatory Committee Work Programme to include all actions and the decision in full.
- 2) To approve the minute of the Regulatory Committee of 7 August 2023 as a correct record.

(Reference – Minute of 7 August 2023, submitted.)

3. Work Programme

The Work Programme for October 2023 was presented.

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Decision

To note the work programme.

(Reference – Work Programme, submitted.)

4. Rolling Actions Log

The Rolling Actions Log for October 2023 was presented.

Decision

- 1) To agree to close the following actions:
 - **Action 1** – Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Update
 - **Action 2(1)** – Houses of Multiple Occupation (HMO) – Raising Standards Motion Update
 - **Action 3** – Business Bulletin – Card Payments in Taxis
 - **Action 5(1)** – Licensing Policy Development – Street Trading Update
 - **Action 6** – Food Health and Safety Business Plan 2023-24
 - **Action 7(2)** – Motion by Councillor Ross – Hire Trade Age Policy
 - **Action 8(1)** – Business Bulletin
 - **Action 9(1, 2 & 3)** – Short-Term Lets Licensing Scheme – Update
 - **Action 11** – No Cold Calling Zones in Edinburgh
- 2) To otherwise note the remaining outstanding actions.

(Reference – Rolling Actions Log, submitted.)

5. Regulatory Committee Business Bulletin

The Regulatory Committee Business Bulletin for August 2023 was presented.

Decision

- 1) Short Term Lets - To request officers investigate why flat numbers for properties in tenements are not appearing on the short term lets licensing register
- 2) Short Term Lets - To circulate the current number of short-term let applications to Regulatory Committee members.
- 3) To otherwise note the business bulletin.

(Reference – Business Bulletin, submitted.)

6. Short Term Let Enforcement in Edinburgh

An overview was provided of the Council's approach to the enforcement of the Civic Government (Scotland) Act 1982 Licensing of Short-Term Lets (Order 2022) ('the 2022 Order'). The report and enforcement approach did not cover Planning enforcement, which was separately regulated.

Decision

- 1) To note the approach to Short-Term Let ('STL') enforcement outlined within the report by the Executive Director of Place.
- 2) To agree the additional enforcement inspection fee structure set out at Appendix 1 of the report.
- 3) To agree to receive an annual enforcement report in 12 months outlining the number of complaints and related enforcement activity in relation to STL in Edinburgh
- 4) To agree to review the approach to STLs in Edinburgh in 12 months, including the inspection fee structure.
- 5) To discharge the motion raised at the Regulatory Committee on 7 August 2023.
- 6) To note that paragraphs 4.35 to 4.41 of the amended policy and conditions dealt with compliance and enforcement, and asked for a briefing to members setting out further detail about how compliance and enforcement would be managed, and in particular how members of the public may report suspected unlicensed STLs and whether, and in what circumstances, the council would consider proactive enforcement.
- 7) To note that a further report would be presented within two cycles on points around the policy which were raised subsequent to the Judicial Review, and that the report would set out further details on the Council's approach to compliance and enforcement.
- 8) To recognise the value to visitors and residents of the importance of short term lets being regulated and instructed officers to work with advertising platforms, such as Air BnB and Booking.com, to ensure that valid licence numbers or licence application reference numbers were displayed on each of their Edinburgh short term let advertisements.
- 9) To request information on the number and types of posts being recruited for was circulated to Committee Members.

(References - report by the Executive Director of Place, submitted)

7. Public Entertainment Licensing: Application Fees

Information was provided on recent issues with respect to certain Public Entertainment Licence ('PEL') application fees which had recently been challenged, and it was requested that Committee instructed public consultation in advance of a full review of the fees.

Decision

- 1) To note concerns about certain public entertainment fees.
- 2) To note issues raised with respect to the licensing of 'gala days' and "SunTan Centres".

- 3) To agree a stakeholder consultation on these issues should be progressed, in advance of making any adjustment to the relevant application fees. .
 - 3.1) In relation to gala days, the form of consultation should be a short-term working group consisting of Council Licensing officers, Regulatory Committee spokespeople and representatives of community gala day committees
- 4) To circulate a list of what is included in amusement device licenses.
- 5) To request dialogue with colleagues in Public Safety around reintroducing in-person inspections was continued

(References - report by the Executive Director of Place, submitted)

8. Criminal Records Checks for Taxi and private Hire Car Driver Licence Applicants Born or who have Resided Outwith the United Kingdom

An update was provided on the procedure adopted by the Licensing Service when implementing the Council's policy in respect of criminal record checks for applicants who wished to be licensed as taxi or Private Hire Car (PHC) drivers. It related to drivers who were born, or who had resided, outwith the United Kingdom or had left the UK for six months or more at any one time.

Decision

- 1) To recommend that the Regulatory Committee noted the contents of the report by the Executive Director of Place and approved the revised procedure in relation to the provision of criminal record checks by applicants for taxi and private hire car driver licences born or who had resided outwith the United Kingdom.
- 2) To request engagement with organisations such as the Scottish Refugee Council to make citizens who have resided outwith the United Kingdom aware of Apostille certificates.

(References - report by the Executive Director of Place, submitted)

9. Houses in Multiple Occupation Best Practice Guide – Update After Consultation

The report provided a further update on the work carried out in response to a motion by Councillor Ross on Raising Houses of Multiple Occupation (HMO) Standards. The report set out the responses to a public consultation on a proposed Best Practice Guide for HMO licence holders and recommends that Committee approves the introduction and publication of the guide.

Decision

- 1) To note the contents of the report by the Executive Director of Place and the responses to public consultation on the draft Best Practice Guide for Houses in Multiple Occupation.

- 2) To agree to introduce the Best Practice Guide for House in Multiple Occupation licence holders in Edinburgh.
- 3) To agree to the proposed changes to the Best Practice Guide following the public consultation exercise.

(References –report by the Executive Director of Place, submitted)

10. Motion by Councillor Ross – Definition of City Centre Ward 11 for Market Operator Licences The report provided an update on enforcement activity in relation to Late Hours Catering Licences across Edinburgh.

The following motion by Councillor Ross was submitted in terms of Standing Order 17:

Motion

“Committee notes:

1. The Council’s objective for full cost recovery across Licensing operations.
2. The decision of the Regulatory Committee, following a review of all licence fees in 2015, to NOT include any part of the Meadows in its higher pricing regime for City Centre Ward 11.
3. Boundaries Scotland changed the boundary of City Centre Ward 11 to include the Meadows west of Middle Meadow Walk with effect from May 2017.
4. The unintended negative consequences of the change at 3) above on community-led events.

Committee agrees:

5. Where events are led and run by the local community, to remove the whole of the Meadows (East and West) from the Market Operator fee structure for City Centre Ward 11.”

Decision

To continue consideration of the motion to a future meeting.