

Regulatory Committee

10.00am, Monday 4 December 2023

Present

Councillors Ross (Convener), Caldwell (except item 11), Dixon, Flannery (substituting for Councillor Caldwell, item 11 only), Graham, Jenkinson (substituting for Councillor Walker), Mattos Coelho, Mowat, Rae and Work.

1. Deputation

Meadows Festival Edinburgh

(in relation to item 11 - Market Operator Licence Fees for the Meadows)

The deputation highlighted the Meadows Festival was a free community event which began in 1975. They explained the costs imposed on some fields which fell into the City Centre ward were not affordable resulting in, for the last two years, the removal of sporting activities from the programme. The deputation requested committee support the motion which would allow the Meadows Festival to reinstate activities that benefitted all in the community.

2. Minutes

Decision

To approve the minute of the Regulatory Committee of 2 October 2023 as a correct record.

(Reference – Minute of 2 October 2023, submitted.)

3. Work Programme

The Work Programme for December 2023 was presented.

Decision

- 1) To ensure the report relating to item 3 - 'Food health and safety business plan' addressed previous outstanding items and points raised on the audit report discussed by the Governance, Risk and Best Value Committee.
- 2) To otherwise note the Work Programme.

(Reference – Work Programme, submitted.)

4. Rolling Actions Log

The Rolling Actions Log for December 2023 was presented.

Decision

- 1) To agree to close the following actions:
 - Action 4 (2) – Business Bulletin – Mortonhall Visit
 - Action 6 (1) – Additional Item – Regulatory Committee Work Programme
 - Action 11 – Houses in Multiple Occupation Best Practice Guide – Update After Consultation
- 2) To circulate to committee members an updated Rolling Actions Log as soon as possible.
- 3) To otherwise note the remaining outstanding actions.

(Reference – Rolling Actions Log, submitted.)

5. Regulatory Committee Business Bulletin

The Regulatory Committee Business Bulletin for December 2023 was presented.

Decision

To note the business bulletin.

(Reference – Business Bulletin, submitted.)

6. Short Term Lets Licensing Policy – Temporary Exemptions

Following representations received by applicants and subsequent receipt of Counsel's legal advice, the report proposed to further amend the Short Term Lets Licensing Policy approved by the Regulatory Committee on 29 September 2022. Clarity was given on the Council's approach to temporary exemptions from licensing requirements.

Decision

- 1) To note the report by the Executive Director of Place.
- 2) To agree the minor amendments to the policy, set out at paragraph 4.6 of the report.

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

7. Appointments to Gala Day Working Group

The Regulatory Committee was invited to appoint the membership of the Gala Day Working Group.

Decision

- 1) To appoint the membership of the Gala Day Working Group as set out at Appendix 1 to the report.
- 2) To appoint Councillor Neil Ross as Convener of the Gala Day Working Group.
 - moved by Councillor Caldwell, seconded by Councillor Ross

(Reference – report by the Executive Director of Corporate Services, submitted.)

8. Licensing Enforcement – Taxis and Private Hire Cars

An update was provided on taxi and Private Hire Car (PHC) enforcement, and clarity was given on complaint categories outwith the Council's remit. An update was also provided on the work of the Enforcement Officers which were financed by £160,000 of additional Council funding for 2022/23 with a focus on engaging with licensed activities outwith normal business hours.

Decision

- 1) To note the report, which provided an update to a previous report to Committee in January 2020.
- 2) To agree to receive an annual performance report covering taxi and private hire car enforcement.
- 3) To note that further work would be required to identify and to secure the funding for the Enforcement Officers beyond the current financial year.

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

9. Regulatory Committee Workplan Objections to Licence Applications

A draft guidance note was provided to assist those who wished to object to, or make representations about, applications for licences under the Housing (Scotland) Act 2006, or the Civic Government (Scotland) Act 1982.

Decision

- 1) To note the report by the Executive Director of Place and the draft guide.
- 2) To agree to publish the guide on the Council website.
- 3) To discharge the relevant item from the Work Programme agreed by the Regulatory Committee on 7 August 2023.

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

10. Motion by Councillor McKenzie – Landlord Registration

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

“Committee Notes:

- 1) A temporary cap on rent increases during private tenancies is due to be lifted on 31 March 2024.
- 2) Anxiety among some tenants that this will be followed by unreasonable rent increases.
- 3) Many tenants do not possess contact details for their landlords and that this information is not always available on the Scottish Landlord Register.

- 4) Recent requests for information from landlordregistration@edinburgh.gov.uk have elicited automated replies stating predicted response times of between 2 weeks and 1 month.
- 5) The absence of information on engaging with the Council offline in relation to landlord registration.

Committee Agrees:

- 6) The Council should strive to provide appropriate information to tenants timeously and accessibly in response to requests.
- 7) A report to the next Regulatory Committee on landlord registration will provide:
 - 7.1) An update on current response times for information requests, with proposals to reduce these if required.
 - 7.2) A breakdown of the information that tenants can reasonably expect when making enquiries on landlord registration.
 - 7.3) Proposals to improve accessibility for tenants seeking information relating to landlord registration.”

- moved by Councillor McKenzie, seconded by Councillor Rae

Decision

To approve the motion by Councillor McKenzie.

11. Motion by Councillor Ross – Market Operator Licence Fees for The Meadows

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

“Committee notes:

- 1) The Council’s objective for full cost recovery across Licensing operations.
- 2) The decision of the 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) The Committee agreed to have higher fees for Ward 11 markets and lower fees for everywhere else for two reasons a) to cover the higher costs relative to a market in the city centre and b) to incentivise dispersal of markets away from Ward 11 as, at that time, there was an over concentration within Ward 11.
- 4) Boundaries Scotland changed the boundary of City Centre Ward 11 to include the Meadows west of Middle Meadow Walk with effect from May 2017.
- 5) The unintended negative consequences of the change at 4) above on community-led events.

Committee agrees:

- 6) Where a market licence is sought by a community group for operation within the Meadows area only, that the appropriate market operators fee will be that for a market out with the City Centre (Ward 11).”

Decision

To approve the motion by Councillor Ross.

12. Motion by Councillor Ross – Sexual Entertainment Venues Licensing Scheme

The Convener ruled the following item of business, notice of which had been given at the start of the meeting, urgent to allow the Sub-Committee to give early consideration to the matter.

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

- “1) Committee notes that the consultation on the Sexual Entertainment Venues Licensing Scheme has closed and a follow up report was due to be considered at this meeting.
- 2) The Committee further notes that there has been a large volume of consultation responses and that consideration of those responses has necessitated further legal advice being sought.
- 3) Additional time is therefore required to ensure that the terms of that advice are fully considered and therefore this has meant presentation of the report has been delayed to the next meeting.
- 4) Committee therefore agrees that the relevant date in the Sexual Entertainment Venue licence resolution be amended to 31 March 2024, therefore removing any uncertainty for the venues and performers whilst this further work takes place.”

Decision

To approve the motion by Councillor Ross.