

NTBCC Licensing Report – December 2023

1. **Regulatory Committee** Last meeting: 4 December Next meeting: 5 February
(Note: Regulatory Committee meetings are webcast in full.)

- 1.1. Order of business for the last meeting can be found here:

[Agenda for Regulatory Committee on Monday, 4th December, 2023, 10.00 am](#)

- **Short Term Lets (STL) Licensing** came into effect on **1 October 2023**

Last month's Judicial Review, which ruling was given on 1st December, refers to the Council's STL **Planning** policy as related to properties that operated as STL **prior to 5 September 2022** – i.e. prior to the designation of the City of Edinburgh Council as STL control area coming into effect.

[Short term lets ruling – The City of Edinburgh Council](#)

The ruling is understood to have no incidence on the requirement for STL hosts and operators to apply for a licence.

By the end of October, the Council's Licensing Service had received a total of 3,600 applications, of which around half were for entire properties being used as STL.

All existing operators (from prior to 1 October 2022) have been provided a provisional licence number, in accordance with legislative requirements. This is to allow these existing hosts to list their property for bookings and to trade using online platforms whilst their application is considered.

No one else can now operate a property as STL, until they have a licence.

All hosts and operators must have a licence by **1 July 2024** or **1 January 2025**... it can be unclear which, according to the below??

- [Licences and permits applications – The City of Edinburgh Council](#)
- [Short-term lets in Edinburgh – The City of Edinburgh Council](#)
- City of Edinburgh Council [short-term-lets-policy \(edinburgh.gov.uk\)](http://edinburgh.gov.uk/short-term-lets-policy)

Note: A small amendment was made to paragraph 4.17 of the Council's STL policy in relation to temporary exemptions (to the requirement to have a STL licence), so as to make it clearer that the cumulated duration of these could not exceed 6 weeks in any 12 months period.

Finally, The Council is expected to carry out an annual review of STL Licensing in October 2024, after 12 months of operation of policy and enforcement.

- **Applications granted using delegated powers**

Following consultation with the Convener of the Licensing Sub Committee and feedback from members, officers have used delegated powers to grant a number of applications. Historically these applications would be sent to Committee for determination. However, **in the absence of objections**, representations or being contentious, the current scheme of delegation allows officers to grant.

It is unclear whether this is temporary, or this now applies going forward?

- **Fireworks inspections**

In Edinburgh there are 18 premises (**unsure how many may be within NTBCC area?**) selling fireworks, and each has been inspected by the Licensing Enforcement team. These inspections ensure that the storage arrangements are safe and compliant, and officers have also provided advice and guidance relating to sales restrictions.

New legislation in 2019 brought in additional controls relating to time limits for sales (6pm-7am), and net explosive content purchase limits (5kg Net).

- **Traffic Orders – Licensing Sub Committee**

On 15 December 2022, the Council agreed to transfer the statutory element of Traffic Regulation Orders to Regulatory Committee. The change recognised that Orders are quasi-judicial and that the Licensing Sub-Committee would be able to deal with these effectively. The change came into effect after the Easter recess 2023, with the first report considered by Licensing Sub-Committee in June 2023.

To date, only two reports have been submitted for consideration.

➤ **Objections to Licence Applications – Council Guidance**

Guidance for those applying for licences is already available on the Council’s website and application forms. An additional guide will soon be published on the Council’s website which should be useful to those who are unfamiliar with licensing matters. The guide is designed to offer advice only, and does not constitute legal advice.

➤ **Street Trading, Market Operators, Mobile Trading consultation (closes 13 Dec)**

NTBCC’s response can be viewed here: [Street Trading, Market Operators, Mobile Trading Consultation – NTBCC response December 2023](#)

1.2. Order of business for the next meeting will be published here, when available:

[Agenda for Regulatory Committee on Monday, 5th February, 2024, 2.00 pm](#)

2. [Alcohol licence registers](#)

Licensing Board

Last meeting: 27 November

Next meeting: 22 January

(Note: Only the business section at the start of Licensing Board meetings is webcast.)

2.1. Order of business for the last meeting are available here:

[Agenda for Licensing Board on Monday, 27th November, 2023, 9.30 am](#)

➤ **New Statement of Licensing Policy** – will come into effect on **30 November 2023**.

The Board discussed and agreed the final changes to the terms of its new Policy on 27 November.

NTBCC’s response (available here: [Licensing Board Policy Consultation, Phase 2 – NTBCC response November 2023](#)) was taken into consideration, additionally to those from Police Scotland and NHS (statutory consultees):

- [Licensing Board Policy Consultation Phase 2 - Police Scotland response 5-Oct-2023.pdf](#)
- [Licensing Board Policy Consultation Phase 2 - NHS response Nov2023.pdf](#)

Note: The Board will carry out a **separate consultation** on its assessment of **overprovision**, to form the subject of a Supplementary Statement of Licensing Policy. The Board is working towards a six month timeline, with the Supplementary Statement to be included in the new policy by **Spring 2024**.

The current Assessment of Overprovision as set out in Chapter 8 will continue to form part of the Board’s Statement of Licensing Policy meanwhile.

➤ **Premises licences / major Variations** – no new applications were published in November.

The Variation/Provisional/Transfer of Premises licence registers were all last updated in August 2023.

NTBCC doesn’t appear to have received any email notifications for new applications since either. It is unclear whether this is because all effort from the Licensing Service teams have been re-routed to tackling the large volume of STL Licensing applications, or whether the refresh is broken... queries by email to the Licensing Service &/or Committee Services teams on 6th and 29th November haven’t attracted any response.

We were alerted however that a new venue had advertised plans to operate at **7-11 East London Street**, for longer hours than those of their many predecessors: [CULINARY CANINE COMIN SOON | Broughton Spurtle](#)

CEC Licensing confirmed that a full licence was in place for the premises, with On sales 11am-1am and seasonal variations during Fringe/Festival and Christmas/New Year periods; and that they received a transfer application on 13th November to Take Twelve Ltd.

2.2. Order of business for the next meeting will be published here, when available:

[Agenda for Licensing Board on Monday, 22nd January, 2024, 9.30 am](#)

3. Civic & Miscellaneous licence registers

Licensing Sub-Committee *Last meeting(s):* 13 & 14 Nov *Next meeting(s):* 11 & 12 Dec
(Note: Licensing Sub-Committee meetings are not webcast.)

3.1. Order of business for the last meeting(s) is available here:

[Agenda for Licensing Sub-Committee on Monday, 13th November, 2023, 9.30 am](#)

Note: Late Hour Catering application 504891 at **2 Antigua Street** (Deep Sea), EH1 3NH for extended hours **Mon-Thu & Sun 23.00-02.00 ; Fri & Sat 23.00-03.00** was granted with standard conditions.

[Agenda for Licensing Sub-Committee on Tuesday, 14th November, 2023, 9.30 am](#)

3.2. Order of business for the next meeting(s) will be published here, when available:

[Agenda for Licensing Sub-Committee on Monday, 11th December, 2023, 9.30 am](#)

Note: [Item 5.3 - Objections to TRO/23/12 Communal Bin Review Phase 4 \(Zones 3, 4, 5A, 6, 7, 8\).pdf](#) specifically in relation to [Zone 5A](#) & [Zone 6](#) within NTBCC area.

[Agenda for Licensing Sub-Committee on Tuesday, 12th December, 2023, 9.30 am](#)

4. Tables & Chairs permits

Full (incl. register and guidance notes) can be found here: [Tables and chairs permits](#)

Queries may be best emailed to TablesChairsPermits@edinburgh.gov.uk however – noting that **it is unclear when the register was last updated... unlike civic registers, it isn't dated!**

Prepared by Annick Gaillard,
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11 December 2023