

NTBCC Licensing Report – February 2024

1. **Regulatory Committee** Last meeting: 5 February Next meeting: 13 May
(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, 5th February, 2024, 12.30 pm](#)

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

All hosts and operators must have a licence by **1 January 2025**. This now shows consistently on the Council's website.

A report on Short Term Lets was referred by the Planning Committee to the Regulatory Committee, detailing what implications the **Judicial Review** on **Short Term Let Planning Policy** may have for the Council's Short Term Let Licensing Scheme. The Regulatory Committee approved the amended 'Guidance for Businesses' provided in Appendix 1 of agenda item [7.3 - Short - Term Lets - Referral from the Planning Committee.pdf](#).

As noted from the below figures (provided in agenda item [6.1 - Business Bulletin.pdf](#)), no applications for STL licensing have been refused to date.

Short-Term Lets (STL) Applications	
Total no. applications	3,787*
Of those applications:	
• Home Letting & Home Sharing - 563	
• Home Letting - 544	
• Home Sharing - 552	
• Secondary Letting – 1907	
• Licence type to be confirmed - 221.	
No. applications granted	700*
No. applications withdrawn	52
No. applications refused	0

* As of 30 January 2024

Further, all Scottish local authorities were asked to consider the Sheriff's findings of a **Fatal Accident Inquiry (FAI)** in respect of the death of a guest which occurred in a holiday cottage in the Angus area of Scotland. The cause of death resulted from carbon monoxide poisoning from a faulty mobile gas cabinet. The Sheriff recommended that local authorities should consider making it a condition of any licence issued in terms of the 2022 Order that licence holders should provide specific gas safety information to all guests.

The City of Edinburgh Council has sought legal advice on whether the current mandatory conditions of licence for STL licences would cover the concerns raised by the Sheriff's determination.

Scottish Government officials are also considering this issue as part of the planned review of the STL licensing system, which the Council also continues to engage with.

➤ **Sexual Entertainment Venues (SEV) Licensing**

The Regulatory Committee voted (7 to 2) that:

- SEVs shall be regulated under the terms of the [Civic Government \(Scotland\) Act 1982](#), requiring club owners to seek a licence;
- a cap is set on the number of SEVs permitted to operate in Edinburgh;
- the **cap is set to three**, to reflect the existing number of SEVs currently operating and strike a proportionate and appropriate balance for the city;
- the City Centre (Ward 11) is the only appropriate location for the operation of a SEV.

Should any of the current SEVs close, this presumably would allow for a new one to open. It is unclear as to whether this could be anywhere within the City Centre (Ward 11), or limited to the current Tollcross locality?

[Second bid to ban Edinburgh strip clubs defeated as existing venues to stay open - Edinburgh Live](#)

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

[Agenda for Regulatory Committee on Monday, 13th May, 2024, 10.00 am](#)

2. [Alcohol licence registers](#)

Licensing Board

Last meeting: 22 January

Next meeting: 26 February

(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, 22nd January, 2024, 9.30 am](#)

Following up on the Licensing Board's new [Statement of Licensing Policy](#) that came into effect on 30 November 2023, **repeated applications** for **Occasional licences** that have been running in excess of 6 months will be now referred to the Board, starting with those without a full or provisional application in progress, and followed by those where a full or provisional application is in progress.

Further, and so as to help address the current backlog, the Board has agreed to trial the **fast-tracking** of applications for **Major variations** that appear non contentious, through additional Board meetings. To qualify for the fast-tracking process, such applications typically would consist in changes meeting the following criteria:

- no increase in capacity or opening hours – i.e. no direct impact on alcohol consumption, disorder, or noise issues;
- no objections received from statutory consultees (LSOs, Police Scotland, NHS Scotland), community councils or any other parties.

With regards to their **Supplementary Statement of Licensing Policy on Overprovision**, the Board now has a snapshot of the extent of licensed premises across its area, broken down by locality.

Localities were defined on the basis of being Immediate Data Zones (IDZ), of which nine are within NTBCC area:

- Broughton North and Powderhall
- Broughton South
- Canonmills and New Town North
- Deans Village
- Hillside and Calton Hill
- New Town East and Gayfield
- New Town West
- Old Town, Princes Street and Leith Street
- Stockbridge

The Board will start a series of consultations on overprovision, as well as evidence gathering sessions – previous participants (incl. NTBCC) should receive an invite.

Previous responses from statutory consultees provide some useful context:

- [Police Scotland consultation response on Overprovision Apr2023](#)
- [Edinburgh Alcohol and Drug Partnership \(EADP\) consultation response on Overprovision](#)
- [NHS Lothian & EADP additional consultation response on Overprovision](#)

Note: The current (2018) Assessment of Overprovision as set out in Chapter 8 of the Licensing Board's new [Statement of Licensing Policy](#) remains in effect meanwhile, for all applications that are referred to the Board.

- **New application(s) for Premises licences / Major Variations** were published on 14/12/23 and 18/1/24. All were posted on NTBCC website, and attracted no feedback.
[Licensing Board – Applications in NTBCC's Area : 14 December 2023](#)
[Licensing Board – Applications in NTBCC's Area : 18 January 2024](#)

- **Planning Section 50 Certificates** – Licensing (Scotland) Act 2005
We submitted a request to the Council's Planning department on 17th January for Section 50 Certificates to be added to their **Weekly Decision List**, so as to provide better visibility on upcoming Alcohol licensing applications.

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

[Agenda for Licensing Board on Monday, 26th February, 2024, 9.30 am](#)

3. [Civic & Miscellaneous licence registers](#)

Licensing Sub-Committee *Last meeting(s):* 29 & 30 Jan *Next meeting(s):* **TBD**

(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, 29th January, 2024, 9.30 am](#)

[Agenda for Licensing Sub-Committee on Tuesday, 30th January, 2024, 9.30 am](#)

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

[Browse meetings - Licensing Sub-Committee](#)

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!**

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11 February 2024