

REPORT TO: Licensing Sub-Committee

MEETING DATE: 12 December 2013

BY: Depute Chief Executive, Resources and People Services

SUBJECT: Delegation of Authority under Civic Government (Scotland) Act 1982 and other Licensing Legislation

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1 PURPOSE

To seek the Licensing Sub Committee's ("Sub-Committee") agreement to delegate authority to the Service Manager (Licensing, Administration and Democratic Services) and such officers as she may appoint to carry out certain functions of the Sub-Committee in terms of the Civic Government (Scotland) Act 1982 ("Act") and other legislation governing licensing functions.

2 RECOMMENDATIONS

That the Sub-Committee agrees, in the interests of efficiency, to delegate authority to the Service Manager (Licensing, Administration and Democratic Services) and such officers as she may appoint to carry out the functions specified in the Appendix to this report.

3 BACKGROUND

3.1 The Act governs the administration, the grant, the renewal of a variety of civic government licences including :-

Taxi Driver and Private Hire Driver Licences

Taxi Operator and Private Hire Operator Licences

Boat Hire Licences

Indoor Sports entertainment Licences

Street Traders Licences

Public Entertainment Licences

Later Hours Catering Licences

Window Cleaner Licences

Knife Dealers Licences

Metal Dealers Licences

Second Hand Dealers Licenses

There are also a number of other Acts of Parliament which regulate licensing regimes which fall within the ambit of the Sub-Committee, such as Theatres, Cinemas, Houses in Multiple Occupation, Game Dealers, and many more.

The administration of these licences is conducted by the East Lothian Council Licensing Team together with legal support, when necessary, from Legal Services. Due to nature of the administration of the licences, it is only in exceptional circumstances such as a competent objection or representations, or a lengthy relevant criminal record, that the decision to grant or renew a licence requires to be referred to the Sub-Committee. It would be an inefficient use of the Sub-Committee's time to consider any applications that fell outwith this category and the decision to administer the licences could be taken by officers within the Licensing Team reporting to the Service Manager (Licensing, Administration and Democratic Services).

- 3.2 It is therefore proposed that the various functions listed in the Appendix to this Report be delegated to the Service Manager (Licensing, Administration and Democratic Services) and such officers as she may appoint.
- 3.3 All applications where there is a relevant objection or representation would come before the Sub-Committee in the normal way. Applications where there are no such objections or representations would be processed under the delegated powers. Delegated officers would determine whether a particular case merited consideration by the Sub-Committee notwithstanding the lack of any relevant objection or representation.

4 POLICY IMPLICATIONS

- 4.1 It is in the interest of efficiency that authority be delegated to the Service Manager (Licensing, Administration and Democratic Services) and such officers as she may appoint to deal with these matters where no competent objection or representation has been received or remains outstanding.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – Not applicable
- 6.2 Personnel – Not applicable
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Civic Government (Scotland) Act 1982

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The Delegated officer is authorised to determine the following licensing matters:

- (i) to grant taxi drivers and private hire car drivers licences, and taxi and private hire car operators licences and taxi booking offices, on advice from the Chief Constable that there are no objections;
- (ii) to renew taxi drivers and private hire car drivers licences, and taxi and private hire car operators licences and taxi booking offices, if there are no objections before or since the Licensing Sub-Committee's last consideration of the matter (whether in connection with a grant, renewal);
- (iii) to grant licences for street traders, market operators, and late hours caterers on advice from the Chief Constable that there are no objections;
- (iv) to renew licences for street traders, market operators and late hours caterers, if there are no new objections or adverse information received since or before the Licensing Sub-Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;
- (v) to grant and renew licences for boat hirers, public entertainment, and indoor sports entertainment on advice from the Chief Constable that there are no objections;
- (vi) To renew boat hirers, public entertainment , and indoor sports entertainment if there are no new objections or adverse information received since or before the Licensing Sub-Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;
- (vii) to grant licences for game dealers, venison dealers, theatre and film exhibitions on advice from the Chief Constable that there are no objections;
- (viii) to renew licences for game dealers, venison dealers, theatre and film exhibitions if there are no new objections or adverse information received since or before the Licensing Sub-Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;
- (ix) to grant metal dealers, itinerant metal dealers, tattoo & skin piercing and knife dealers on advice from the Chief Constable that there are no objections;
- (x) to renew metal dealers, itinerant metal dealers, tattoo & skin piercing and knife dealers if there are no new objections or adverse information received since or before the Licensing Sub-Committee's last consideration of the matter and the licence sought is the same as the licence previously granted
- (xi) to grant window cleaners and second hand dealers on advice from the Chief Constable that there are no objections
- (xii) to renew window cleaners and second hand dealers if there are no new objections or adverse information received since or before the Licensing Sub-Committee's last consideration of the matter and the licence sought is the same as the licence previously granted

- (xiii) to grant a licence in terms of any other primary or secondary legislation which regulate licensing regimes falling within the ambit of the Licensing Sub-Committee, on advice from the Chief Constable that there are no objections

- (xiv) to renew a licence in terms of any other primary or secondary legislation which regulate licensing regimes falling within the ambit of the Licensing Sub-Committee, if there are no new objections or adverse information received since or before the Licensing Sub-Committee's last consideration of the matter and the licence sought is the same as the licence previously granted

- (xv) To determine whether exceptional circumstances exist which would justify the return of Application fees in cases where the application is not progressed.

- (xvi) To suspend a licence with immediate effect in terms of paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982.

- (xvii) To determine whether "good cause" has been shown by an applicant where the application for renewal of a licence is received late, in terms of Schedule 1, paragraph 8(5A) of the Civic Government (Scotland) Act 1982.

Provide that if, for any reason, the delegated officer considers it inappropriate to determine an application under delegated powers, the application will be referred for determination to the Licensing Sub-Committee.