

REPORT TO: Licensing Sub - Committee

MEETING DATE: 11 December 2014

BY: Deputy Chief Executive, Resources and People Services

SUBJECT: Delegation of Authority under Civic Government (Scotland) Act 1982

1 PURPOSE

To seek East Lothian Licensing Sub-Committee's ("Sub-Committee") agreement to delegate authority to the Service Manager, Licensing, Administration and Democratic Services) to carry out certain functions of the Sub-Committee in terms of the Civic Government (Scotland) Act 1982 ("Act")

2 RECOMMENDATIONS

That the Sub-Committee agrees, in the interests of efficiency, to delegate authority to the Service Manager, (Licensing, Administration and Democratic Services) to carry out the functions specified in sections 3.2 to 3.3 of this report.

3 BACKGROUND

3.1 On 12 December 2013, the Sub Committee approved a Scheme of Delegation to delegate authority to the Service Manager, Licensing, Administration and Democratic Services) to carry out certain functions of the Sub-Committee in terms of the Civic Government (Scotland) Act 1982 ("Act")

3.2 Due to the introduction of new regimes (such as licensing Window Cleaners and Second Hand Dealers), it is proposed that delegated powers to dispense with these applications in accordance with the powers already delegated for other licences should be conducted by the East Lothian Council Licensing Team together with legal support, when necessary, from Legal Services. Due to the nature of the administration of the licences, it is only in exceptional circumstances such as a competent objection or representations or lengthy 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 the Service Manager, (Licensing, Administration and Democratic Services).

3.3 In particular, these matters are,

- (i) To refuse the grant and/or renewal of a taxi drivers and/or private hire car drivers licences in the event that the applicant for the taxi drivers and/or private hire car drivers licences is deemed unfit to drive by the relevant occupational health service provider and/or a medical practitioner
- (ii) to grant licences for street traders, market operators, late hours caterers, second hand dealers and window cleaners (including a temporary licence) provided that (1) Police Scotland has no objection and (2) there are there are no other objections and (3) where the Delegated Officer considers that there are no relevant convictions and/or endorsements.
- (iii) to renew licences for street traders, market operators and late hours caterers second hand dealers and window cleaners, where the Delegated Officer considers that there are no new relevant convictions and/or objections and/or adverse information received since or before the Civic Licensing Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;
- (iv) To recall a suspension order imposed in terms of paragraph 11 and 12 of Schedule 1 to the Civic Government (Scotland) Act 1982
- (v) To issue comments on, and responses to, all consultations on any licensing matters other than those licences dealt with by the Licensing Board

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) 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

AUTHOR'S NAME	Catherine Molloy
DESIGNATION	Senior Solicitor
CONTACT INFO	01620 827448

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

- (i) to grant taxi drivers and private hire car drivers licences (including a temporary licence), and taxi and private hire car operators licences and taxi booking offices licences , provided that (1) Police Scotland has no objection and (2) there are there are no other objections and (3) where the Delegated Officer considers that there are no relevant convictions and/or endorsements;
- (ii) to renew taxi drivers and private hire car drivers licences, and taxi and private hire car operators licences and taxi booking offices, where the Delegated Officer considers that there are no new relevant convictions and/or endorsements and where there are no objections and/or adverse information before or since the Civic Licensing Committee's last consideration of the matter (whether in connection with a grant, renewal);
- (iii) to refuse the grant and/or renewal of a taxi drivers and/or private hire car drivers licences in the event that the applicant for the taxi drivers and/or private hire car drivers licences is deemed unfit to drive by the relevant occupational health service provider and/or a medical practitioner;
- (iv) to grant licences for street traders, market operators, late hours caterers, second hand dealers and window cleaners (including a temporary licence) provided that (1) Police Scotland has no objection and (2) there are there are no other objections and (3) where the Delegated Officer considers that there are no relevant convictions and/or endorsements;
- (v) to renew licences for street traders, market operators and late hours caterers second hand dealers and window cleaners, where the Delegated Officer considers that there are no new relevant convictions and/or objections and/or adverse information received since or before the Civic Licensing Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;
- (vi) to grant licences for boat hirers, public entertainment, indoor sports entertainment (including a temporary licence) provided that (1) Police Scotland has no objection and (2) there are there are no other objections and (3) where the Delegated Officer considers that there are no relevant convictions and/or endorsements;
- (vii) to renew boat hirers, public entertainment , indoor sports entertainment where the Delegated Officer considers that there are no new relevant convictions and/or objections and/or adverse information received since or before the Civic Licensing Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;
- (viii) to grant licences for game dealers, venison dealers, theatre and film exhibitions (including a temporary licence) on provided that (1) Police Scotland has no objection and (2) there are there are no other objections and (3) where the Delegated Officer considers that there are no relevant convictions and/or endorsements;
- (ix) to renew licences for game dealers, venison dealers, theatre and film exhibitions subject where the Delegated Officer considers that there are no new relevant convictions and/or objections and/or adverse information received since or before the Civic Licensing

Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;

- (x) to grant metal dealers, itinerant metal dealers, tattoo & skin piercing and knife dealers (including a temporary licence) provided that (1) Police Scotland has no objection and (2) there are no other objections and (3) where the Delegated Officer considers that there are no relevant convictions and/or endorsements;
- (xi) to renew metal dealers, itinerant metal dealers, tattoo & skin piercing and knife where the Delegated Officer considers that there are no relevant new convictions and/or objections and/or adverse information received since or before the Civic Licensing Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;
- (xii) to suspend a licence with immediate effect in terms of paragraph 11 and 12 of Schedule 1 to the Civic Government (Scotland) Act 1982;
- (xiii) to recall a suspension order imposed in terms of paragraph 11 and 12 of Schedule 1 to the Civic Government (Scotland) Act 1982;
- (xiv) to vary and/or amend conditions of any licence granted under the Civic Government (Scotland) Act 1982 in the event that the Delegated Officer considers that the said variation and/or amendment is non material
- (xv) to permit the affixing of advertising to taxi and/or private hire vehicles provided that (1) Police Scotland has no objection, (2) there are no other objections, and (3) where the Delegated Officer considers that there are no relevant convictions and/or endorsements.
- (xvi) to issue comments on, and responses to, all consultations on any licensing matters other than those licences dealt with by the Licensing Board.

If, for any reason, the delegated officer considers it inappropriate to determine an application under delegated powers, the application will be decided by the Licensing Subcommittee.