

**REPORT TO:** East Lothian Licensing Sub -Committee

**MEETING DATE:** 8 December 2016

**BY:** Service Manager - Licensing, Admin & Democratic Services

**SUBJECT:** Air Weapons & Licensing (Scotland) Act 2015

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## **1 PURPOSE**

- 1.1 To inform the Licensing Sub-Committee of the proposed changes to the Civic Government (Scotland) Act 1982 contained within the Air Weapons and Licensing (Scotland) Act 2015.

## **2 RECOMMENDATIONS**

To note the terms of the report so that the members of the Licensing Sub-Committee are aware of changes in the Civic Government (Scotland) Act 1982 and to authorise the Service Manager – Licensing Admin and Democratic Services to align any internal processes to comply with the legislation.

## **3 BACKGROUND**

- 3.1 On 14 May 2014 the Air Weapons and Licensing (Scotland) Bill was introduced in the Scottish Parliament. The Bill for this Act of the Scottish Parliament was passed by the Parliament on 25th June 2015 and received Royal Assent on 4th August 2015. The purpose of the Act is to extend the licensing provisions of the Civic Government (Scotland) Act 1982. To date there have been 5 commencement orders that brings the legislation into force. The 5<sup>th</sup> commencement order brought into force the majority of the legislation that affected the licensing provisions of the Civic Government (Scotland) Act 1982 with effect from 1 November 2016, with three exceptions, which come in on 1 May 2017. These are detailed as follows :-
- 3.2 **Sections in force from 1 November 2016 are:-**

### **S.64**

This section extends the present provisions that relate only to taxi drivers, whereby a Council **may** require drivers to undergo a “knowledge”

type test of the local area. At present, ELC do not require taxi drivers to undergo a knowledge test. However should this policy change, Private Hire Car drivers will also be required to undergo the knowledge test.

**S.71-**

This section empowers the Scottish Government to introduce regulations for the set up and running of a Register of Metal dealers and itinerant metal dealers.

**S.75-**

This section removes the exemption to have a Public Entertainment Licence if there is a liquor licence in place.

**S.78-**

This extends the suspension powers available to the Licensing Sub-Committee to include the power to revoke the licence.

**S.80-81**

This grants powers to the Scottish Government to specify mandatory licence conditions.

**S.83-**

This section allows for the Council to (1) accept paperwork (applications, objections, notifications etc) and (2) to issue decisions, notices etc, by electronic means.

**Sections in force from 1 May 2017**

**S. 63-**

This section enables the Council to refuse a Private Hire Car licence application if it would result in over-provision in the area.

**S.77-**

This places an absolute obligation on the Council to consider applications within three months and determine them within 6 months of the end of the previous 3 month period.

**S.82-**

This section introduces the Civic Licensing Standards Officer.

**4 POLICY IMPLICATIONS**

4.1 None

**5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

**6 RESOURCE IMPLICATIONS**

6.1 Financial – Not applicable

6.2 Personnel – Not applicable

Other -The Service Manager – Licensing Admin and Democratic Services to consider if there has to be resources assigned to align any internal processes to comply with the legislation.

**7 BACKGROUND PAPERS**

7.1 None

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