



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE OF THE CABINET**

**THURSDAY 8 DECEMBER 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J McNeil (Chair)
Councillor J Caldwell
Councillor J Williamson
Councillor S Currie

Council Officials Present:

Mrs K MacNeill, Legal Adviser

Others Present:

None

Clerk:

Mrs F Stewart

Apologies:

Councillor J McMillan
Councillor D Grant

Declarations of Interest:

None

PUBLIC

1. IMPACT OF IMMIGRATION ACT 2016-12-08

The Service Manager, Licensing, Admin and Democratic Services had submitted a report to inform the Licensing Sub-Committee of the impact of the Immigration Act 2016 (the 2016 Act) which has introduced measures to prevent illegal working in the Taxi and Private Hire Car business.

The Legal Adviser stated that, with effect from 1 December 2016, the provisions of the 2016 Act prohibit all licensing authorities from issuing licenses to anyone who is disqualified on account of their immigration status. Local authorities now had to conduct immigration checks upon each applicant for a Taxi or Private Hire Car Driver Licence and these checks would be carried out when an applicant first applies for a licence or first applies to renew their licence, on or after 1 December 2016. The report outlined the three step check Licensing Officers had to carry out in accordance with the new legislation.

The Legal Adviser stated that there were approximately 500 licensed taxi drivers in East Lothian and the Licensing Office was working on an appointment basis to conduct face to face interviews with all new applicants for a taxi driver's licence or a renewal. Members of the Licensing Team had been trained to properly examine passports and in other security measures.

The Legal Adviser advised that there would be financial implications for the Council in fulfilling the requirements of the 2016 Act. The cost had yet to be quantified and a report would be brought to a future Licensing Sub-Committee meeting.

In response to questions from Members, the Legal Adviser confirmed that the cost of a taxi driver's licence was £58, one of the lowest fees of all Scottish local authorities. Any increase to the licence fee would be made in consultation with the parties concerned.

Decision

The Sub-Committee agreed to note the terms of the report so that the Members of the Licensing Sub-Committee were aware of the impact of the 2016 Act and to authorise the Service Manager, Licensing, Admin and Democratic Services to align any internal processes to comply with the legislation.

2. AIR WEAPONS & LICENSING (SCOTLAND) ACT 2015

The Service Manager, Licensing, Admin and Democratic Services had submitted a report 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.

The Legal Adviser stated that, whilst the Act had been in force for some time, there had been, to date, 5 commencement orders bringing the legislation into force. The 5th commencement order brought into force the majority of the legislation that affected the licensing provisions of the Civic Government (Scotland) Act 1982.

The Legal Adviser outlined the Sections which came into effect on 1 November 2016. They included S64 whereby a Council may require taxi drivers to undergo a 'knowledge' test of the local area and S83 which would enable online applications. She highlighted S75 which removes the exemption to have a Public Entertainment Licence if there is a liquor licence in place and S78 which would give the Sub-Committee the power to revoke a taxi driver's licence. The sections coming into force on 1 May 2017 included S77 which places an obligation on the Council to consider applications within a defined period and S82 which introduces the role of a Civic Licensing Standards Officer.

The Chair stated that Community Groups often needed clarification on what licences were required for their events and the Legal Adviser stated that the Licensing Team would be happy to assist with any enquiries from community groups.

Decision

The Sub-Committee agreed 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.

PRIVATE

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

3. PRIVATE MINUTES OF MEETING ON 13 OCTOBER 2016 FOR APPROVAL

The Sub-Committee agreed that the minute of 13 October 2016 was a true record of the meeting.