

**REPORT TO:** Licensing Sub-Committee

**MEETING DATE:** 28 August 2019

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Delegation of Authority under Civic Government (Scotland) Act 1982 and other Licensing Legislation - Amendment to Delegated Powers List

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## **1 PURPOSE**

- 1.1 To seek approval from the Sub-Committee to a proposed addition to the list of delegated powers granted to the Service Manager, People and Governance.

## **2 RECOMMENDATIONS**

- 2.1 That the Sub-Committee agrees to the amendment to the list of delegated powers as outlined in paragraph 3.4 below.

## **3 BACKGROUND**

- 3.1 On 12 December 2013, the Licensing Sub-Committee agreed to delegate a number of tasks to the Service Manager - Licensing, Administration and Democratic Services (now retitled: Service Manager - People and Governance) and such officers as they may appoint to carry out these functions. These delegated powers were agreed with a view to reducing the number of routine cases which require to be put before the Sub-Committee for determination. The list of delegated powers agreed in December 2013 is attached as Appendix One.
- 3.2 The list is couched in deliberately broad terms, and principally deals with the grant or renewal of licences in routine cases where no objections have been received.

- 3.3 Since the list was agreed in December 2013, a number of new licence types have come into the ambit of the Licensing team, including Houses in Multiple Occupation and Caravan Parks. It has been noted that some of these licence types can require the addition of some case-specific licence conditions, over and above the standard set of conditions.
- 3.4 It is proposed that the delegated powers list be amended to include the following provision:-
- “(xviii) To attach to any licence, of any type, granted or renewed by the Delegated officer in accordance with any of the preceding delegated powers, over and above the standard licence conditions, any additional case specific licence conditions, which the Delegated officer deems necessary in the particular circumstances of an application being processed by them.”
- 3.5 The intention would be that this additional power would allow officers to deal with routine additional licence conditions which may be required in particular circumstances, and avoid the need for such cases to be brought before the Sub-Committee for approval. The current arrangement whereby more complex or controversial cases, and those where objections have been received, continue to go before the Sub-Committee, would not change.

#### **4 POLICY IMPLICATIONS**

- 4.1 None - Standing Orders empower the Licensing Sub-Committee to delegate such duties as they deem appropriate to relevant Licensing Officers.

#### **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 - None
- 6.2 Personnel - The proposed additional provision would enable Licensing officers to arrange for the inclusion of relevant conditions into licences which they are already delegated to grant or renew.
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

7.1 Report to the Licensing Sub Committee dated 12 December 2013, entitled Delegation of Authority under Civic Government (Scotland) Act 1982 and other Licensing Legislation.

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<b>DATE</b>	22/8/19

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.