

REPORT TO: Licensing Sub-Committee
MEETING DATE: 10 September 2020
BY: Depute Chief Executive (Resources and People Services)
SUBJECT: Update of Delegated Powers List

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1 PURPOSE

- 1.1 To advise the Sub-Committee of a proposed update to the list of delegated powers granted to licensing officers.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee agree to the update to the list of delegated powers as outlined in paragraph 3.4 below

3 BACKGROUND

- 3.1 The Licensing Sub-Committee delegated a number of tasks to relevant officials a number of years ago, with a view to reducing the number of routine cases which require to be put before the Sub-Committee for determination.
- 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 initially drawn up, there have been a number of additions to it as circumstances required. The overall result is a somewhat untidy and repetitive list.
- 3.4 It is proposed that the delegated powers list be amended to the proposed streamlined format shown in the appendix hereto. The principal powers are effectively unchanged but the new list is more streamlined and simple

to read. The update also specifies a list of licensing legislation for which the delegated powers exist, which is non-exclusive and so future-proofed against the advent of new relevant legislation being introduced.

- 3.5 The intention remains that this list of powers would allow officers to deal with routine licensing matters, 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 wellbeing of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None.
6.2 Personnel – None.
6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 Current delegated powers list.

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DELEGATED POWERS UPDATED 23 JUNE 2020

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

1. To grant licences, on advice from the Chief Constable that there are no objections
2. To renew licences, 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;
3. 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
4. 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
5. To determine whether exceptional circumstances exist which would justify the return of Application fees in cases where the application is not progressed.
6. To suspend a licence with immediate effect in terms of paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982
7. 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.
8. To determine whether individual conditions are to be included in the grant or renewal of a licence, in addition to standard conditions
9. To determine whether existing conditions are varied, on a temporary or permanent basis
10. 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.

The above powers can be applied in the consideration of the following legislation, which list is indicative and not conclusive:

- Animal Boarding Establishments Act 1963
- Animal Health & Welfare (Scotland) Act 2006
- Breeding of Dogs Act 1973 and Breeding and Sale of Dogs (Welfare) Act 1999
- Caravan Sites and Control of Development Act 1960
- Civic Government (Scotland) Act 1982
- Dangerous Wild Animals Act 1976
- Deer (Scotland) Act 1996
- Explosives Regulations 2014
- Gambling Act 2005
- Health and Safety at Work etc. Act 1974
- Housing (Scotland) Act 2006
- Housing (Scotland) Act 2014
- Licensing (Scotland) Act 2005
- Performing Animals Act 1925
- Pet Animals Act 1951 (amended 1983)
- Petroleum (Consolidation) Regulations 2014
- Riding Establishments Act 1964 and 1970
- Travelling Funfairs (Licensing) Act (currently going through Parliamentary procedures)
- Zoo Licensing Act 1981

