

REPORT TO: Licensing Sub-Committee

MEETING DATE: 10 November 2022

BY: Head of Corporate Support

SUBJECT: Determination on accepting electronic signatures on applications for licences and connected communications

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1 PURPOSE

- 1.1 To advise the Licensing Sub-committee of a proposal to continue the previous interim arrangements for submission of applications and other communications regarding licensing by way of electronic communications on a full time basis.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee makes a determination in terms of Paragraph 16A of Schedule 1 to the Civic Government (Scotland) Act 1982 to the effect that the following documents may be issued by, submitted to or accepted by the Licensing Authority by means of an electronic communication and without requiring a traditional “wet” signature:-
- (i) Any Applications for the grant or renewal of a licence
 - (ii) Objections to or representations regarding an application for grant or renewal of a licence
 - (iii) Notifications to or from the Licensing Authority with respect to a licence or relevant application in respect thereof
 - (iv) Provision of a Statement of Reasons for a decision of the Licensing Authority in respect of any application
- 2.2 That the determination declare that, for the purposes in paragraph 2.1 above-
- (i) An electronic communication shall mean an email and/or attachment thereto, or, from such time as Council systems are updated to allow for same, applications or submissions via Council online application software and/or website.

- (ii) For email communications, the appropriate receiving address shall be licensing@eastlothian.gov.uk
- (iii) At the present time, no further form of verification shall be required.

3 BACKGROUND

- 3.1 Traditionally, any application for a licence under the Civic Government (Scotland) Act 1982 required to be on paper with a “wet” signature.
- 3.2 This requirement was relaxed by the legislation brought into force by the Scottish Government to deal with special arrangements during the COVID pandemic. Those special arrangements recently expired.
- 3.3 The Civic Government (Scotland) Act 1982 has been amended to allow for Licensing Authorities accepting applications with electronic rather than “wet” signatures on a more permanent basis. The amendments were brought in by the Air Weapons and Licensing (Scotland) Act 2015 and are now contained within Paragraph 16A of Schedule 1 to the 1982 Act.
- 3.4 The system for accepting electronic applications during the Covid pandemic appeared to work very well, and it is proposed that we adopt these arrangements on a full time basis. It is therefore proposed that the Sub-Committee make a determination in terms of Paragraph 16A of Schedule 1 to the 1982 to allow for applications and related communications to be accepted via electronic communications as has been the practice since Covid measures were introduced, on the basis outlined in paragraph 2 above.

4 POLICY IMPLICATIONS

- 4.1 None. The legislation allows for a Licensing Authority making a determination that licence applications can be accepted without a “wet” signature.

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 – None.
- 6.2 Personnel – none.

6.3 Other – None.

7 BACKGROUND PAPERS

Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 16A

AUTHOR'S NAME	Ian Forrest
DESIGNATION	Senior Solicitor
CONTACT INFO	x7389
DATE	31.10.22

