

## LICENSING SUB-COMMITTEE – 20 APRIL 2018

### CIVIC LICENSING SCHEME OF DELEGATION

#### 1 Recommendations

The Committee is recommended to:

##### 1.1 Consider and comment on the Civic Licensing Scheme of Delegation contained in Appendix 1

#### 2 Background / Discussion

- 2.1 As part of the review of the new Scheme of Governance, Officers have sought to include a section of civic licensing delegations. Over the years the Licensing Sub-Committee and its predecessors have delegation powers to officers, but currently there is no one document that clearly sets out what functions are delegated to officers and what functions are reserved to the committee.
- 2.2 Appendix 1 is a draft Scheme of Governance that seeks to capture delegations that have been approved by committee, as well as incorporating functions that are commonly undertaken by officers but would benefit from incorporated in a formal Scheme of Delegation.
- 2.3 The draft will be considered by the Procedures Committee on 25 May 2018 and comments from members of the Licensing Sub-Committee will be fed back to officer and to members of the Procedures Committee.
- 2.4 The Monitoring Officer within Business Services has been consulted in the preparation of this report and is satisfied that the report complies with the Scheme of Governance and relevant legislation.

#### 3 Scheme of Governance

- 3.1 The Sub-Committee is able to consider and take a decision on this item in terms of Section C – Business Services: 1 – Committee Functions: 1.1(a) of the list of committee powers in Part 2A of the Scheme of Governance which enables the Committee to decide on all policy issues and resource matters relating to the Civic Government (Scotland) Act 1982 with implications across Area boundaries. The Committee determined that the licensing function should be delegated to the Licensing Sub-Committee.

#### **4 Implications and Risk**

- 4.1 An equality impact assessment is not required because these proposals do not have a differential impact on any of the protected characteristics.
- 4.2 There are no staffing and financial implications.
- 4.3 No relevant risks have been identified with the Corporate or Directorate Risk Registers.

**Geraldine Fraser**  
**Acting Head of Legal and Governance**

Report prepared by Iain Meredith, Solicitor (Governance)  
Date 9 April 2018

**APPENDIX 1**

**DRAFT CIVIC LICENSING SCHEME OF DELEGATION**

## **APPENDIX 1**

### **CIVIC LICENSING SCHEME OF DELEGATION**

#### **1. MATTERS RESERVED TO LICENSING SUB-COMMITTEE**

- 1.1 Civic Government (Scotland) Act 1982 matters with implications across area boundaries where material objections or adverse representations are received.

#### **2. MATTERS DELEGATED TO OFFICERS**

- 2.1 The matters listed in sections 2.2 and 2.3 shall be delegated to officers of the Council unless material objections have been lodged or there is an officer recommendation that an application be refused.
- 2.2 To exercise the Council's function in terms of the Civic Government (Scotland) Act 1982, as amended in relation to:
- a. Taxi and Private Hire Car Licences (s.10)
  - b. Taxi and Private hire Driver Licences (s.13)
  - c. Second Hand Car Dealerships (s.24)
  - d. Taxi Booking Office Licences (Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009)
  - e. Knife Dealers Licences (s.27A)
  - f. Metal Dealers Licences (s. 28)
  - g. Itinerant Metal Dealers Licences (s.32)
  - h. Boat Hire Licences (s.38)
  - i. Street Trader Licences (s.39)
  - j. Market Operators Licences (s.40)
  - k. Public Entertainment Licences (s.41)
  - l. Late Hours Catering Licences (s.42)
  - m. Window Cleaner's Licences (s.43)
  - n. Skin Piercing and Tattoo Licences (s.44)
  - o. Sex Shop Licences (s.45)
  - p. Sexual Entertainment Licences (s.45B)
  - q. Public Processions (s.63)

r. Public Charitable Collections (s.119)

2.3 To grant, revoke, refuse, vary, or renew all miscellaneous licences and registrations for their Area, including:

- a. Animal Boarding Establishments (Animal Boarding Establishments Act 1963)
- b. Caravan parks and sites (Caravan Sites and Control of Development Act 1960)
- c. Cinemas (Cinemas Act 1985 s.1)
- d. Dog Breeding Establishments (Breeding of Dogs Act 1973 s.1)
- e. Explosives (Police Scotland?)
- f. HMO Licences (Housing (Scotland) Act 2006)
- g. Hypnotism permission (Hypnotism Act 1985 s.1)
- h. Performing Animals (Performing Animals (Regulation) Act 1925 s.1)
- i. Pet Animals (Dangerous Wild Animals Act 1976 s.1)
- j. Petroleum Storage Certificates and Licences (Petroleum (Consolidation) Act 1928 s.
- k. Riding Establishments (Riding Establishments Act 1964 s.1)
- l. Venison Dealers Licences (Deer (Scotland) Act 1996 s.33)
- m. Zoos (Zoo Licensing Act 1981 s.1)

## SPECIFIC DELEGATIONS TO OFFICERS

### General

- 2.4 Power to exercise all statutory functions and powers relating to licensing under the Civic Government (Scotland) Act 1982 not otherwise reserved to a committee or sub-committee.
- 2.5 Refuse an application for any licence that requires evidence of the applicant's right to work in the UK if such evidence has not been provided after two letters of reminder have been sent.
- 2.6 Accept an application for renewal submitted after the expiry of the original licence but within 28 days of the expiry of the original licence, where good reasons for lateness have been given.

- 2.7 Grant any licence for a period of less than 3 years where no objections or negative representations have been received which would otherwise cause the application to go before the Committee.

#### Taxi/Private Hire Licences

- 2.8 Refuse the renewal of a Taxi Vehicle Licence after two failures of a vehicle test.

#### Public Entertainment Licence

- 2.9 Refuse to accept an application for a Public Entertainment Licence that is submitted less than 6 weeks before the event.
- 2.10 Following consultation with the Chair of the relevant Area Committee, refuse to accept an application for a Public Entertainment Licence that is submitted between 6 and 8 weeks before the event unless there have been sufficiently exceptional circumstances, notified in writing, to justify the application being submitted late.

#### Fairgrounds

- 2.11 Following consultation with the Head of Economic Development and Protective Services, the Head of Roads and Landscape Services and the Chair of the relevant area committee, grant extended operating hours to fairgrounds operating on Council owned property.