

# Regulatory Committee

2pm, Monday, 3 February 2014

## Civic Government (Scotland) Act 1982: Update of Standard Licence Conditions

Item number: 7.4  
Report number:  
Wards: ALL

### Links

Coalition pledges [P31](#)  
Council outcomes [CO8, C20](#)  
Single Outcome Agreement [SO1](#)

### Mark Turley

Director of Services for Communities

Contact: Susan Mooney, Head of Service  
Andrew Mitchell, Community Safety Manager

E-mail: [susan.mooney@edinburgh.gov.uk](mailto:susan.mooney@edinburgh.gov.uk) | Tel: 0131 529 7587  
[andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 469 5822

# Executive Summary

## Civic Government (Scotland) Act 1982: Update of Standard Licence Conditions

### Summary

---

The Council acts as Licensing Authority under the Civic Government (Scotland) Act 1982. Any grant of a licence will normally be subject to the attachment of 'standard conditions' for the type of licence concerned.

Some of these sets of standard conditions require minor updating to reflect changes in the Council's organisational structure. This report seeks authority to make changes to the standard conditions where a reference to a post within the council's structure is no longer relevant.

### Recommendations

---

- 1 It is recommended that Committee:
  - a) agree to amend standard conditions to reflect the current relevant posts and to note that the Director of Services for Communities will keep this aspect of the standard conditions up to date for each category of licence listed in Appendix 1.
  - b) instructs the Director of Corporate Governance to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.

### Measures of success

---

The Council's standard conditions of licence are up to date.

### Financial impact

---

There are no financial consequences arising from this report.

### Equalities impact

---

There are no relevant equalities duties affected by this report.

### Sustainability impact

---

There are no sustainability issues impacted by the report.

### Consultation and engagement

---

Not applicable.

## **Background reading / external references**

---

[Item 5 - Civic Government Licensing - Standard Conditions, Regulatory Committee 20 April 2012.](#)

## Civic Government (Scotland) Act 1982: Update of Standard Licence Conditions

### 1. Background

---

- 1.1 The Council acts as a 'Licensing Authority' under the Civic Government (Scotland) Act 1982. When granting a new licence or renewing an existing licence the Council will attach conditions to control how that licence operates. There are 20 types of licence where the Council has adopted 'Standard Conditions'.
- 1.2 These standard conditions are applied to every licence unless Committee expressly decides otherwise. Additionally Committee can attach other conditions specific to an individual licence if they think it its reasonable to do so.

### 2. Main report

---

- 2.1 Within the current set of Standard Conditions of licence there are references to specific posts within the Council. Typically these references are found in conditions requiring a check to be carried out on or behalf of the post holder. Alternatively it will require the licence holder to satisfy the post holder about some aspect of the operation of the licence.
- 2.2 As the Council has changed its organisational structure a number of the references have become out of date as the post has been deleted from the structure. Whilst the current post holder can still be identified via the Scheme of Delegation it is necessary to update these references to avoid confusion to businesses and the public.
- 2.3 The changes proposed are not substantive and do not create or remove any obligation on licence holders. Additionally there is no change in the Committee's role in attaching other conditions as they see fit. These changes can therefore be made without impacting the rights of licence holder and therefore statutory consultation is not required.

### 3. Recommendations

---

- 3.1 It is recommended that Committee:
- a) agree to amend standard conditions to reflect the current relevant posts and to note that the Director of Services for Communities will keep this aspect of the standard conditions up to date for each category of licence listed in Appendix 1.
  - b) instructs the Director of Corporate Governance to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.

#### Mark Turley

Director of Services for Communities

#### Links

---

<b>Coalition pledges</b>	P31 - Maintain our City's reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure
<b>Council outcomes</b>	CO8 - Edinburgh's economy creates and sustains job opportunities CO20 - Culture, sport and major events – Edinburgh continues to be a leading cultural city where culture and sport play a central part in the lives and futures of citizens
<b>Single Outcome Agreement</b>	SO4 - Edinburgh's Economy Delivers increased investment, jobs and opportunities for all
<b>Appendices : 1</b>	List of Categories of Licence for which there are Standard Conditions

## **Appendix 1:**

### **List of Categories of Licence for which there are Standard Conditions**

1. Taxi Driver
2. Private Hire Car Driver
3. Taxi Vehicle
4. Private Hire Car vehicle
5. Second-hand Dealer
6. Knife Dealer
7. Metal Dealer
8. Itinerant Metal Dealer
9. Boat Hire
10. Street Trader
11. Market Operator
12. Public Entertainment
13. Indoor Sports Entertainment
14. Late Hours Catering
15. Window Cleaner
16. Sex Shop
17. Skin Piercing and Tattooing
18. Hire Car Booking Office
19. Cinemas
20. Theatres