

Licensing Committee Annual Effectiveness Report 2020/2021



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1. INTRODUCTION

- 1.1 It is with great pleasure I present the third annual effectiveness report for the Licensing Committee. This annual report is a good mechanism for the Committee to reflect on the business of the Committee over the past year, which despite Covid restrictions has operated well and to look to the Committee's focus for the year ahead and represents good practice in terms of governance.
- 1.2 In terms of the business over the last year, the Committee has managed to work on line and in person, working collectively to ensure that its decision-making process was open and transparent, and all parties treated fairly and equally. It was also encouraging to see the responses to the public consultations as a result of greater use of all media channels.
- 1.3 The Committee has also been proactive in reviewing Policy and seeking assurance that it was operating in accordance with legislation and best practice and I am confident that this will continue into the year ahead.



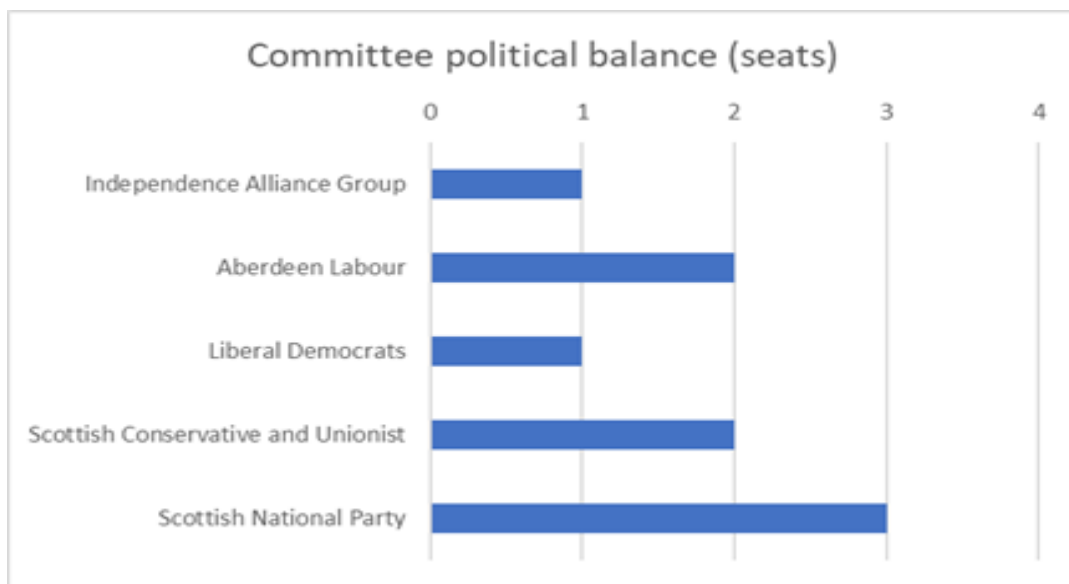
Councillor John Reynolds
Convener, Licensing Committee

2. THE ROLE OF THE COMMITTEE

- 2.1 The role of the Committee is to deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits.
- 2.2 The Terms of Reference for the Committee as approved by Council are appended to the report.

3. MEMBERSHIP OF THE COMMITTEE DURING 2020/2021

- 3.1 The Licensing Committee has nine Elected Members and the composition is outlined below.



4. MEMBERSHIP CHANGES

- 4.1 During the reporting period there was one change in membership with Councillor Radley replacing Councillor Al-Samarai prior to the January 2021 meeting.

5. MEMBER ATTENDANCE

Member	Total Anticipated Attendances	Total Attendances	Nominated Substitutes
John Reynolds (C)	9	9	
M. Tauqeer Malik (VC)	9	7	Cllrs Macdonald & Wheeler
Gill Al-Samarai	2	0	Cllrs Cooke & MacGregor
Yvonne Allan	9	9	
Philip Bell	9	8	
Steve Delaney	9	6	Cllrs Greig & Yuill
Dell Henrickson	9	9	
Miranda Radley	7	7	
Philip Sellar	9	9	
Gordon Townson	9	9	

6. MEETING CONTENT

6.1 During the 2020/2021 reporting period (1 May 2020 to 31 October 2021), the Committee had 9 meetings and considered a total of 11 reports.

6.2 Terms of Reference

With the exception of the Annual Committee Effectiveness Report which has a General Delegation number, the following table details how the remaining 10 reports aligned to the Terms of Reference for the Committee,

Terms of Reference	Count of Terms of Reference
Powers of Committee 3	9
Powers of Committee 4	1

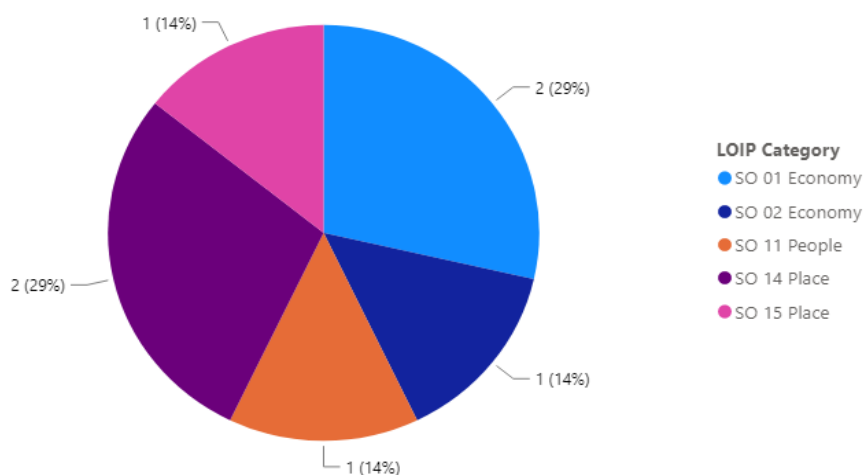
6.3. During the course of 2020/2021, the Licensing Committee received reports under two of its Terms of Reference, these related to either Powers of Committee 3 (to consider all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances); and Powers of Committee 4 (approve and monitor the Council's functions under the Safety of Sports Grounds Act 1975).

6.4 The majority of the other remits of the Committee's Terms of Reference were reported to the Committee by means of licensing applications, of which there were 56 considered during the reporting period. This would indicate that the Committee has discharged its role throughout the course of the reporting period.

6.5 Local Outcome Improvement Plan

The following table details how the reports had a link to the themes of the Local Outcome Improvement Plan.

Reports with links to the LOIP



6.6 Reports and Committee Decisions

The following table details the outcome of the Committee's consideration of the eleven reports presented to it throughout the year.

	Total
Confidential	0
Exempt	0
Number of reports where the Committee has amended officer recommendations	0
Number of reports approved unanimously and (%)	11 (100%)
Number of reports or service updates requested by members during the consideration of another report to provide additional assurance and not in forward planner	0
Service update requested	0
Number of decisions delayed for further information	0

Number of times the Convener has had to remind Members about acceptable behaviour and the ethical values of Public Life	0
Number of late reports received by the Committee (i.e. reports not available for inspection by members of the public at least three clear days before a meeting)	0
Number of referrals to Council, or other Committees in terms of Standing Order 33.1	0

6.7 Notices of Motion, Suspension of Standing Orders, Interface with the Public

Number of notices of motion	0
Number of times Standing Orders were suspended and the specific Standing Orders suspended	0
Standing order number (ref)	N/A
Number of deputations or other indicators of interface with the public, i.e. engagement and social media.	0
Number of petitions considered	0
Number of Meetings held by the Convener with other Conveners, relevant parties, to discuss joint working and key issues being raised at other Committee meetings	As and when required

7. TRAINING REQUIREMENTS

- 7.1** Training opportunities for elected members in the financial year 2020/21 were limited due to the impact of the Covid-19 pandemic. In April 2021, responsibility for the training of elected members transferred from Customer Experience to People and Organisational Development.
- 7.2** Training was provided to Councillor Radley on 15 December 2020 prior to her first meeting as a member of the Committee.
- 7.3** The requirement for any further training will be monitored throughout 2021/22 and developed if requested by Members.

8. CODE OF CONDUCT – DECLARATIONS OF INTEREST

- 8.1 There were 5 declarations of interest in total during the reporting period. We measure this information to evidence awareness of the requirements to adhere to the Councillors' Code of Conduct and the responsibility to ensure fair decision making.

9. CIVIC ENGAGEMENT

- 9.1 The Committee's focus throughout the reporting period has largely been on compliance with the licensing legislation. A number of public consultations have been undertaken by the Committee in order to engage with the wider public to inform the development and approval of policy, in particular regarding the proposed licensing regime for Sexual Entertainment Venues and also in connection with the overarching review of taxi and private hire policies. In doing so, there has been greater use of all available media channels to increase participation and ensure a wider audience and range of responses.
- 9.2 The Committee also liaises directly with representatives of the taxi and private hire car vehicle trade by way of the Council's Taxi and Private Hire Car Consultation Group throughout the year to discuss matters of interest to the trade. This was particularly relevant with regard to the review of taxi and private hire policies. Representatives from Police Scotland, the Disability Equity Partnership and Trades Unions also participate in these discussions. Any recommendations from the Consultation Group were considered by the Committee.
- 9.3 The Committee has also engaged with statutory partners such as Police Scotland, Scottish Fire and Rescue Service, Roads Authority, Environmental Health and Building Standards to ensure all public safety matters are being brought to the Committee's attention.

10. OFFICER SUPPORT TO THE COMMITTEE

Officer	Total Anticipated Attendances	Total Attendances
Private Sector Housing Manager	7	7
Legal – Licensing Solicitor	9	9

11. EXECUTIVE LEAD'S COMMENTS

- 11.1 The Committee would appear to be working effectively noting that:-
- No decisions on committee reports required to be delayed;
 - The two main terms of reference were engaged;
 - The vast majority of business was determined unanimously indicating a clarity of evidence put before the Committee;
 - All applications were considered by the Committee in accordance with the statutory requirements; and
 - All committee reports were able to be considered in public.
 - No decisions were the subject of appeal proceedings.

- 11.2** No late reports were submitted to the Committee showing evidence that Committee business was being appropriately managed and scheduled.
- 11.3** Despite the challenges of the unique circumstances over the reporting period all applications were determined under delegated powers or referred to Committee within statutory time limits. Additional online facilities have been introduced to assist applicants to minimise any disruption caused by licensing officers having to work outwith the Council offices.
- 11.4** The reporting mechanisms of the various licensing applications to the Committee were reviewed by officers during the reporting period and to ensure the presentation of consistent information and decision making by the Committee, a single standard reporting template has been introduced.
- 11.5** During the reporting period, in addition to ensuring that all applications were dealt with as per 11.3, a number of important tasks were undertaken by the licensing team, including consultation and engagement to enable a Statement of Licensing Policy to be drafted for the new licensing regime applicable to Sexual Entertainment Venues which is due to take effect next year, and the culmination of the review of all taxi and private hire policies.
- 11.6** Throughout the next reporting period we will continue to review the Committee's business against the new Terms of Reference and any changes proposed will be considered as part of the annual review of the Council's Scheme of Governance.

12. NEXT YEAR'S FOCUS

- 12.1** The Committee will continue to discharge functions by licensing legislation with any changes to existing legislation, or new legislation being reported to the Committee in a timely manner. Policies will also be kept under review and consulted upon, where applicable, to ensure they remain fit for purpose; comply with legislation and align to the Council's strategies (including the refreshed Local Outcome Improvement Plan).
- 12.2** In considering the review of policies when required by legislative changes as well as matters arising from the business planner the Committee will continue to consider how those decisions can integrate with and support the Council's Policy Statement. This will include ensuring the taxi and private hire trade play an important part in the local transport strategy and are well placed to contribute to the accessibility of all parts of the city to visitors and residents alike, and that all licensable activity is carried out in a manner designed to safeguard public safety.
- 12.3** In terms of legislation, licensing income must be generally equivalent to licensing expenditure. The Committee is responsible for the setting of taxi fares and a report on the review of the existing taxi fare formula, including surcharges, was submitted for the Committee's consideration early in 2020.
- 12.4** The Committee approved the changes to the taxi and private hire policies which are due to come into effect on 1 April 2022. These changes will be monitored to ensure the policies remain fit for purpose. The Committee will also facilitate discussions with the trade on alternatively fuelled vehicles with a view to supporting the Council's Net Zero Vision. A decision has already been

taken to prohibit the licensing of petrol and diesel vehicles as soon as the necessary infrastructure to support alternatively fuelled vehicles is in place.

- 12.5** Annual refresher training covering all areas of the Committee's Terms of Reference will be provided.
- 12.6** A new licensing regime for Sexual Entertainment Venues will come into force on 1 March 2022 and this will result in new applications coming before Committee and the regime will be monitored to ensure the licensing objectives are being upheld.

APPENDIX 1

Licensing Committee Terms of Reference approved by Council 03 March 2021

PURPOSE OF COMMITTEE

To deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits. This includes but is not restricted to applications for Mandatory and Discretionary Licences under Civic Government (Scotland) Act 1982; and Miscellaneous Licences under other Legislation.

Mandatory Licences	
<ul style="list-style-type: none">• Metal Dealer Licences	<ul style="list-style-type: none">• Houses in Multiple Occupation Licences
<ul style="list-style-type: none">• Indoor Sports Entertainment Licences	<ul style="list-style-type: none">• Knife Dealer Licences
<ul style="list-style-type: none">• Skin Piercing and Tattoo Licences	<ul style="list-style-type: none">• Taxi Booking Office Licences
Discretionary Licences	
<ul style="list-style-type: none">• Taxi and Private Hire Car Licences	<ul style="list-style-type: none">• Public Entertainment Licences
<ul style="list-style-type: none">• Taxi and Private Hire Car Driver Licences	<ul style="list-style-type: none">• Late Hours Catering Licences
<ul style="list-style-type: none">• Second Hand Dealer Licences	<ul style="list-style-type: none">• Window Cleaner Licences
<ul style="list-style-type: none">• Boat Hire Licences	<ul style="list-style-type: none">• Sex Shop Licences
<ul style="list-style-type: none">• Street Trader Licences	<ul style="list-style-type: none">• Permission to organisations for public charitable collections and public processions
<ul style="list-style-type: none">• Market Operator Licences	
Miscellaneous Licences under other Legislation	
<ul style="list-style-type: none">• Houses in Multiple Occupation - Housing (Scotland) Act 2006	
<ul style="list-style-type: none">• Registration of Private Landlords - Antisocial Behaviour etc. (Scotland) Act 2004	
<ul style="list-style-type: none">• Theatre Licence – Theatres Act 1968	
<ul style="list-style-type: none">• Cinema Licence - Cinemas Act 1985	
<ul style="list-style-type: none">• Safety in Sports Grounds - Safety in Sports Grounds Act 1975	

REMIT OF COMMITTEE

The Committee will:

1. determine applications for the grant, renewal, revocation, variation or suspension of any licence as appropriate;
2. determine applications and reviews for Houses in Multiple Occupation under the Housing (Scotland) Act 2006 (the responsibility for all other matters relating to the licensing of Houses in Multiple Occupation resting with the Operational Delivery Committee);

3. determine all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances;
4. approve and monitor the Council's functions under the Safety of Sports Grounds Act 1975;
5. determine landlord registration applications under the Antisocial Behaviour Etc (Scotland) Act 2004;
6. determine film classifications under the Cinemas Act 1985;
7. determine theatre licences under the Theatres Act 1968; and
8. determine which of the optional licences they will invoke and which categories of activity within those licence categories shall be licenced under the Civic Government (Scotland) Act 1982.

LICENSING SUB COMMITTEE

PURPOSE OF THE SUB COMMITTEE

To act as the Licensing Committee in respect of applications referred by the Licensing Committee, or where there are items of urgent business to be determined.

REMIT OF THE SUB COMMITTEE

The Sub Committee will:

1. determine any application referred to it by the Licensing Committee for the grant, renewal, revocation, variation or suspension of any licence; and
2. determine any urgent business placed before it by the Chief Officer - Governance or Chief Officer – Early Intervention and Community Empowerment relating to any matters falling within the remit of the Licensing Committee.

Members of the Sub Committee will be members of the Licensing Committee and the quorum will be 3 members.

Executive Lead: Chief Officer – Governance

