

ABERDEEN CITY COUNCIL

COMMITTEE	Urgent Business Committee
DATE	11 July 2013
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Delegation of powers to authorise officers under the Civic Government (Scotland) Act 1982
REPORT NUMBER:	CG/13/082

1. PURPOSE OF REPORT

To delegate powers to the Head of Legal and Democratic Services and the Head of Asset Management and Operations in order to authorise officers under the Civic Government (Scotland) Act 1982.

2. RECOMMENDATION(S)

That the Committee:

- a) Delegates powers to the Head of Legal and Democratic Services and the Head of Asset Management and Operations to authorise officers as required in respect of the rights of entry and inspection contained in Section 5 of Part I of the Civic Government (Scotland) Act 1982 ("the 1982 Act"); and
- b) Delegates powers to the Head of Legal and Democratic Services and the Head of Asset Management and Operations to authorise officers as required in respect of inspection and testing of vehicles as contained in Section 11 of Part I of the 1982 Act.

3. FINANCIAL IMPLICATIONS

The recommendations can be achieved within existing budget, utilising existing resources.

4. OTHER IMPLICATIONS

Approving the report recommendations will support the licensing authority's exercise of its statutory functions in terms of the 1982 Act.

5. BACKGROUND/MAIN ISSUES

Police Scotland has reviewed licensing provision across Scotland and has adopted a similar approach throughout the country. This has

coincided with the retirement of the Taxi Inspector. The Police duties for taxis are now covered by the Police Divisional Co-ordination Unit at Queen Street rather than at the Taxi Inspection Centre.

The legislation provides for enforcement to be carried out by police officers or authorised officers of the licensing authority. It appears that enforcement in practice has been carried out for a number of years on a shared basis between the Taxi Inspector and the staff at Fleet Services.

To avoid any challenge to this in the future it is considered appropriate to grant specific delegated powers to the relevant Heads of Service for the purposes of ensuring that the licensing provisions in Part 1 of the 1982 Act, any related conditions and policies of the licensing authority are complied with and to avoid any evasion thereof.

6. IMPACT

Public - This report may be of interest to members of the public as it supports the good governance of the licensing regime under the 1982 Act, which is of benefit to them.

Equality and Human Rights Impact Assessment (EHRIA) – An EHRIA has not been completed as this report does not impact negatively or disproportionately on the protected characteristics or the Public Sector Equality Duty.

7. MANAGEMENT OF RISK

The report recommendations are required to secure the proper oversight of the licensing regime.

8. BACKGROUND PAPERS

The Civic Government (Scotland) Act 1982

9. REPORT AUTHOR DETAILS

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