

ABERDEEN CITY COUNCIL

---

COMMITTEE	COUNCIL
DATE	8 OCTOBER 2015
DIRECTOR	ANGELA SCOTT – CHIEF EXECUTIVE AND ACTING DIRECTOR OF CORPORATE GOVERNANCE
TITLE OF REPORT	AMENDMENT TO SCHEME OF DELEGATED POWERS – CIVIC LICENSING
REPORT NUMBER	CG/15/124
CHECKLIST COMPLETED	Yes

---

1. PURPOSE OF REPORT

This report proposes an amendment to the Scheme of Delegated Powers to enable civic licensing applications to be dealt with more expediently.

2. RECOMMENDATION(S)

That the Council approve the amendment to page 13 of the Scheme of Delegated Powers as appended hereto.

3. FINANCIAL IMPLICATIONS

There are no costs associated with the proposal.

4. OTHER IMPLICATIONS

The amended Scheme of Delegated Powers should enable more civic licensing applications to be dealt with by officers thereby reducing the pressure on the business of the Licensing Committee and ensuring applications can be dealt with efficiently.

5. BACKGROUND/MAIN ISSUES

Clause (8) at page 13 of the Council's Scheme of Delegated Powers presently gives authority to the Head of Legal and Democratic Services to grant licensing applications under the Civic Government (Scotland)

Act 1982 where (1) there are no objections or adverse observations or (2) where there are no special circumstances. There is however an exception in relation to applications for new street trader hot food sites which must be determined by the Licensing Committee.

It was previously thought that determination of these applications by the Committee would allow the Committee to monitor the placing of new hot food sites throughout the city and inform Members as to whether or not hot food vans are being given permission to trade within their wards for the first time. However as part of the application process, officers notify Members where new sites are being proposed in their ward which alerts them at an early stage in the process and gives them the opportunity to object if they wish to do so.

In addition officers publish notification of applications for new hot food sites in a local newspaper to alert any members of the public who may wish to comment.

Members of the Licensing Committee therefore consider it appropriate for applications for new hot food sites to be granted by officers where no objections or adverse observations are made. It is therefore requested that an amendment to the Scheme of Delegated Powers be approved to facilitate this. The appendix hereto gives details of the existing wording of Clause (8) as well as the proposed amendment.

The amendment will also enable civic licensing applications to be granted where licence conditions are proposed separate to the standard licence conditions and are agreed with the applicant. This will further reduce the pressure of business for the Licensing Committee and the Licensing Urgent Business Sub-Committee.

Finally the amendment will remove reference to the Licensing Act 2005 and the Gambling Act 2005, both of which fall under the remit of the Licensing Board which as a separate statutory body delegates powers to officers independently of the Council. Reference to the Game Act 1860 is also deleted as the Act is now repealed.

## 6. IMPACT

Corporate - The amendment to the Scheme of Delegated Powers will enable a higher quality service to be provided to civic licensing applicants by expediting the application process in the specified circumstances. This fits in with the Council's vision in the Community Plan to provide services of a high quality that meet the customer's needs.

Public – The report will likely be of interest to applicants for civic licences. The licensing authority will be able to process civic applications more expediently and fewer applicants will have to attend a meeting of the Licensing Committee thereby improving the service to the customer.

The recommendations will have a neutral impact on the protected characteristics therefore an Equalities and Human Rights Impact Assessment is not required.

## 7. MANAGEMENT OF RISK

The Licensing Committee will not be able to consider all applications for new hot food sites in Aberdeen if those that do not attract objections or representations are granted under delegated powers. However the process of notifying Members of applications pertaining to sites in their ward will ensure that they have the opportunity to consider and provide comment on any such application.

If the recommendations are approved officers will have the delegated power to impose conditions on licences where there is agreement with the applicant. Under the Civic Government (Scotland) Act 1982, there should be no prospect of an appeal against such a decision where there is consensus amongst all parties.

Finally officers will retain the authority to place applications before the Licensing Committee where they deem there to be special circumstances. This shall ensure that the Committee can determine applications which are not a habitual occurrence if officers deem it necessary.

## 8. BACKGROUND PAPERS

Aberdeen City Council's Scheme of Delegated Powers approved 8 October 2014 and updated as at 4 February 2015.

## 9. REPORT AUTHOR DETAILS

Ruth O'Hare  
Solicitor  
Legal and Democratic Services

[ROHare@aberdeencity.gov.uk](mailto:ROHare@aberdeencity.gov.uk)  
01224 523506

## **APPENDIX**

### **Current wording of Clause (8) at page 13 of the Scheme of Delegated Powers approved on 8 October 2014 and updated at 5 February 2015**

- 8) *To determine all applications for the grant, variation and renewal of licences, approvals, permits and registrations under (a) the Civic Government (Scotland) Act 1982 and its associated regulations but not in respect of applications for the grant of Street Traders (Hot Food) Licence, (b) the Theatres Act 1968, (c) the Cinema Act 1985, (d) the Gambling Act 2005, Licensing (Scotland) Act 2005, (e) the Game Act 1860, except where (1) an objection to the application is lodged or adverse observations on the application are submitted by an official of local or central government Department or Agency, or (2) the application involves special circumstances or unusual features*

### **Proposed amendment to Clause (8)**

- 8) *To determine all applications for the grant, variation and renewal of licences, approvals, permits and registrations under (a) the Civic Government (Scotland) Act 1982 and its associated regulations, (b) the Theatres Act 1968 and (c) the Cinema Act 1985 except where (1) an objection to the application is lodged or adverse observations on the application are submitted or (2) the application involves special circumstances or unusual features, and to impose conditions on licences granted under the Civic Government (Scotland) Act 1982 and its associated regulations where such conditions are non-contentious and agreed by all parties.*