

# Licensing Committee Annual Effectiveness Report



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# 1. INTRODUCTION

- 1.1 I am pleased to present the first annual effectiveness report for the Licensing Committee. This first annual report is a good mechanism for the Committee to reflect on the business of the Committee over the past year 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 worked 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 increase 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 Reynolds  
Convener, Licensing Committee

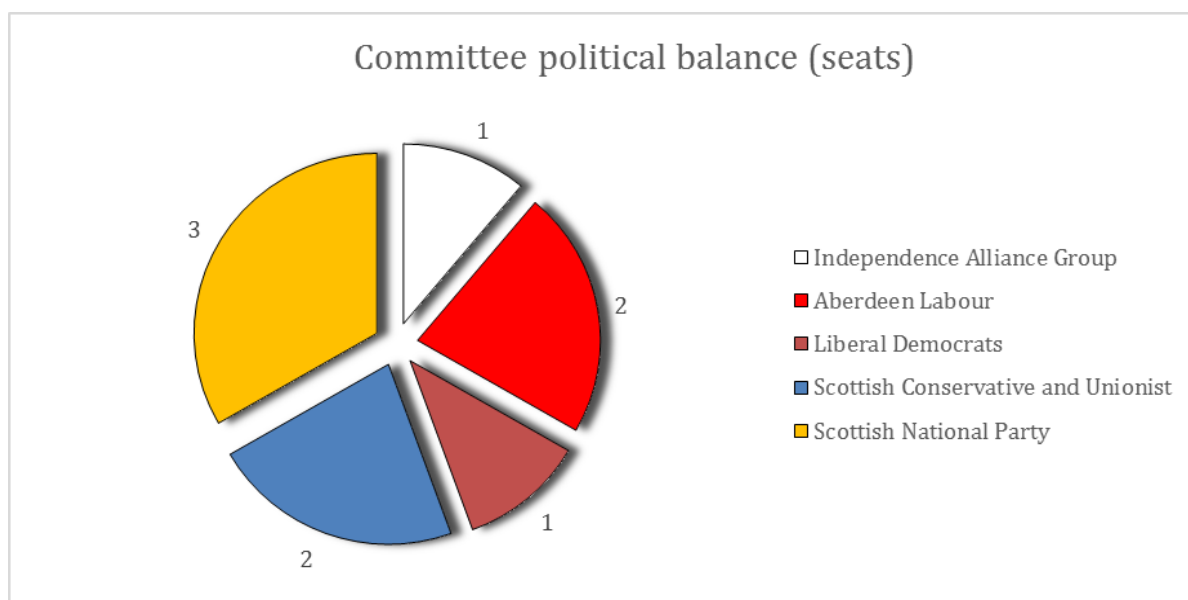


## 2. THE ROLE OF THE COMMITTEE

- 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 previous Terms of Reference for the Committee as approved by Council on 5 March 2018 are appended to the report.

## 3. MEMBERSHIP OF THE COMMITTEE DURING 2018/2019

- 3.1 The Licensing Committee has 9 members and the composition is presented below.



## 4. MEMBERSHIP CHANGES

- 4.1 During the reporting period there was one change in membership with Councillor Henrickson replacing Councillor McRae in September 2018.

## 5. MEMBER ATTENDANCE

Member	Total Anticipated Attendances	Total Attendances	Nominated Substitute
Councillor Reynolds	9	7	2, Councillor Donnelly
Councillor Malik	9	8	1, Councillor Macdonald
Councillor Allan	9	8	1, Councillor L Dunbar
Councillor Bell	9	7	1, Councillor Lumsden and Macdonald
Councillor Delaney	9	7	2, Councillor Greig and Yuill
Councillor McRae	5	4	1, Councillor Henrickson
Councillor Catriona Mackenzie	9	7	2, Councillor Henrickson
Councillor Sellar	9	8	1, Councillor Donnelly
Councillor Townson	9	8	1, Councillor Nicoll
Councillor Henrickson	4	4	0

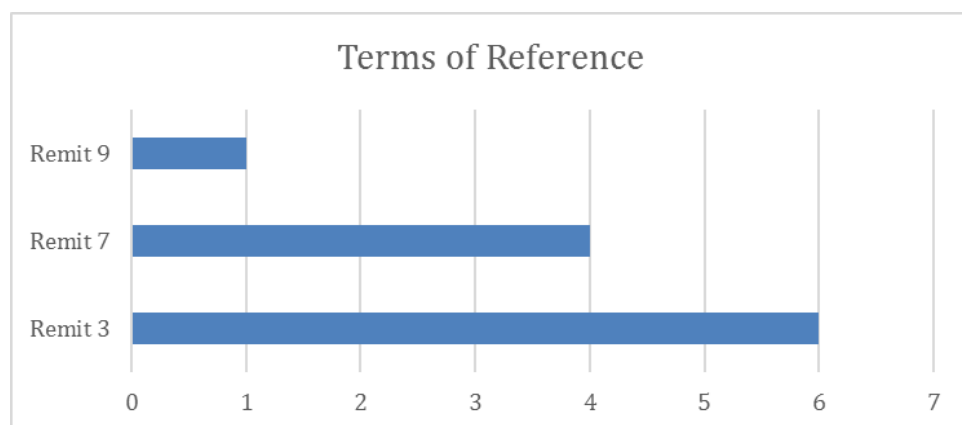
## 6. MEETING CONTENT

6.1 During the 2018/2019 reporting period (6 March 2018 to 29 April 2019) the Committee had 9 meetings and considered a total of 13 reports.

6.2 During this period the Committee also considered 106 Licensing applications.

### 6.3 Terms of Reference

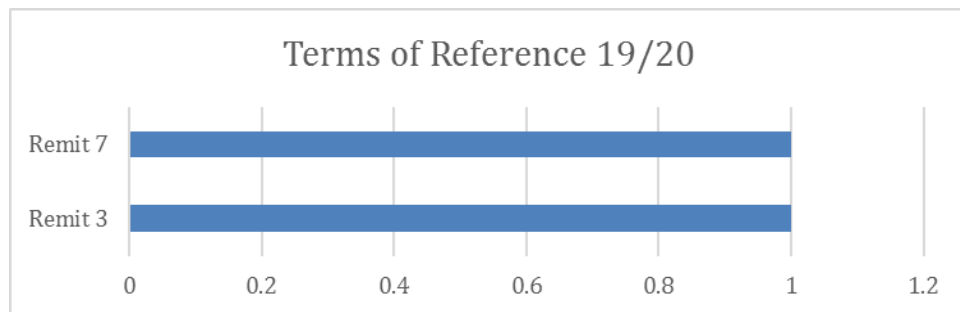
Of the 13 committee reports received during the reporting period 11 reports were considered under the Terms of Reference approved by Council on 5 March 2018 and the following table details how those 11 reports aligned to those Terms of Reference for the Committee.



6.3.1 The 11 reports considered by the Committee under the Terms of Reference approved by Council on 5 March 2018 related to either

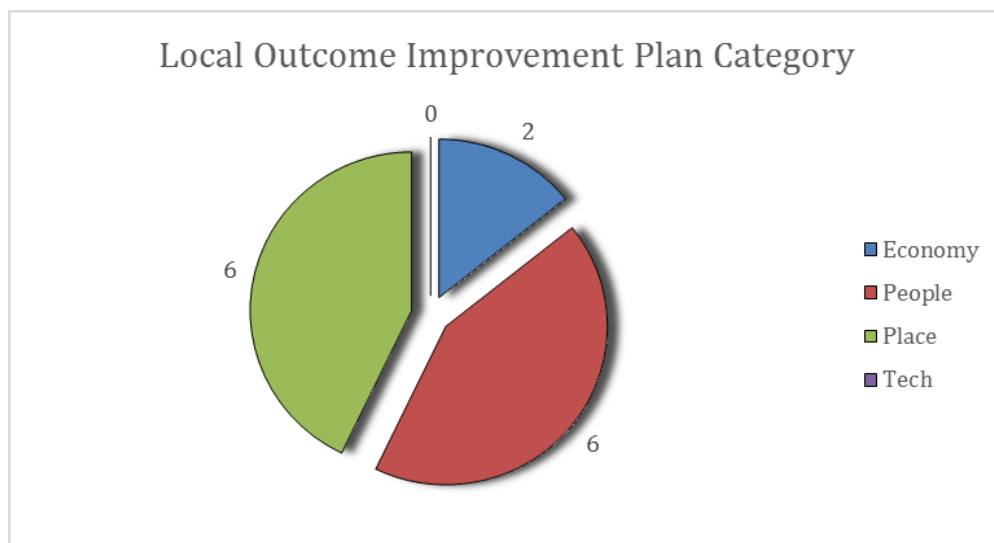
policies or connected licensing matters, such as the taxi demand survey and Public Entertainment Licence. All of the reports ensured the Committee's compliance with the relevant licensing legislation (remit 7 and 3 of the Terms of Reference). With the exception of the remits 3, 7 and 4, all of the other remits of the Committee's Terms of Reference were reported to the Committee by means of licensing applications, of which there were 106 considered during the reporting period. There were no matters in relation to section 4 which required the Committee's consideration.

6.3.2 Of the 13 committee reports received during the reporting period 2 reports were considered under the Terms of Reference approved by Council on 4 March 2019 and the following table details how the reports aligned to those Terms of Reference for the Committee.



#### 6.4 Local Outcome Improvement Plan

The following table details of the 13 reports how many had a link to the themes of the Local Outcome Improvement Plan.



## 6.5 Reports and Committee Decisions

The following table details the outcome of the Committee's consideration of the 13 reports presented to it throughout the year.

	Total	% Total Reports
Confidential	0	0.0%
Exempt	1	7.7%
Number of reports where the Committee has amended officer recommendations	3	23.1%
Number and percentage of reports approved unanimously	10	76.9%
Number of reports requested by members during the consideration of another report to provide additional assurance and not in forward planner	2	N/A
Number of service updates requested by members during the consideration of another report to provide additional assurance and not in forward planner	0	N/A
Number of decisions delayed for further information	0	0.0%
Number of times the Convener has had to remind Members about acceptable behaviour and the ethical values of Public Life	0	0.0%
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	0.0%
Number of referrals to Council, or other Committees in terms of Standing Order 33.1	0	0.0%

## 6.6 Notices of Motion, Suspension of Standing Orders, Interface with the Public

	Total
Number of notices of motion	0
Number of times Standing Orders were suspended and the specific Standing Orders suspended	1

Standing order number (ref)	39.2
Number of deputations	4
Number of petitions considered	0
Number of Members attending meetings of the committee as observers	6
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 AND ATTENDANCE

- 7.1 Training on the role of the Licensing Committee was provided for all elected members following the Local Government Election in May 2017. A further training session was provided in March 2018. A further Licensing training session is arranged for 10 June 2019.
- 7.2 The following specific Scheme of Governance training which is related to the operation of all Committees was provided:
- Scheme of Governance Effective Decision Making on 23, 27 and 28 March 2018
  - Financial and Procurement Regulations on 23 and 29 March 2018
- 7.3 Training on the Councillors' Code of Conduct was provided in January and February 2018.

## 8. CODE OF CONDUCT – DECLARATIONS OF INTEREST

- 8.1 There were 12 declarations of interest in total during the reporting period. 4 declarations of interest on committee reports and 8 declarations made in respect of Licensing applications. 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 doing so, there has been greater use of all available media channels to increase participation and ensure a wider audience and range of responses. For example, the consultation on the wheelchair accessible vehicle policy attracted almost 300 responses which represented an approximate increase of 200% from when the same topic was last consulted upon.
- 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. 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.
- 9.4 Through the course of the next year, consideration will be given to enhancing civic engagement in the discharge of the committee’s remit.

## 10.OFFICER SUPPORT TO THE COMMITTEE

Officer	Total Anticipated Attendances	Total Attendances	Substitute Attendances
Private Sector Housing Manager	6	6	0
Legal – Licensing Solicitor	9	9	0

## 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
  - All sections of the terms of reference with the exception of remit 4 (Council’s functions under the Safety of Sports Ground Act 1975) were engaged
  - The vast majority of business was approved/noted unanimously
  - All applications were considered by the Committee in accordance with the statutory requirements
  - 12 of the 13 committee reports were able to be considered in public
- 11.2 No late reports were submitted to the Committee showing evidence that Committee business was being appropriately managed and scheduled.
- 11.3 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.
- 11.4 Throughout the next reporting period we will continue to review the Committee’s business against the 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, will be submitted for the Committee's consideration early in 2020.
- 12.4 Council on 4 March 2019 approved new Terms of Reference and a further review will be reported to Council in March 2020. Throughout the next reporting year, we will review the Terms of Reference in line with the business submitted to the Committee and reflect on whether any areas require refinement moving forward to ensure the efficient operation of the Committee.
- 12.5 Annual refresher training covering all areas of the Committee's Terms of Reference will be provided.

## **LICENSING COMMITTEE**

### **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:

#### **Licences under Civic Government (Scotland) Act 1982**

##### Mandatory Licences

- Metal Dealer's Licences
- Indoor Sports Entertainment Licences
- Skin Piercing and Tattoo Licences
- Houses in Multiple Occupation Licences
- Knife Dealer's Licences
- Taxi Booking Office Licences

##### Discretionary Licences

- Taxi and Private Hire Car Licences
- Taxi and Private Hire Car Driver's Licences
- Second Hand Dealer's Licences
- Boat Hire Licences
- Street Trader's Licences
- Market Operator's Licences
- Public Entertainment Licences
- Late Hours Catering Licences
- Window Cleaner's Licences
- Sex Shop Licences
- Permission to organisations for public charitable collections and public processions

##### Miscellaneous Licences under other Legislation

- Houses in Multiple Occupation - Housing (Scotland) Act 2006
- Registration of Private Landlords - Antisocial Behaviour etc.(Scotland) Act 2004
- Theatre Licence – Theatre Act 1968
- Cinema Licence - Cinema Act 1985
- Safety in Sports Grounds - Safety in Sports Ground Act 1975

## **POWERS OF COMMITTEE**

The Committee will:

1. consider applications for the grant, renewal, revocation, variation or suspension of any licence as appropriate;
2. consider 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. consider all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances;
4. oversee the Council's functions under the Safety of Sports Ground Act 1975;
5. consider landlord registration applications under the Antisocial Behaviour Etc (Scotland) Act 2004;
6. consider film classifications under The Cinemas Act 1985;
7. review and approve policies relating to its function;
8. consider theatre licences under the Theatre Act 1968; and
9. consider 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.

### **JOINT WORKING WITH OTHER COMMITTEES:**

The Committee, through its lead officers, Convener and Vice Convener, will regularly consider key issues arising through other committees of the Council, including the Public protection Committee. This will help ensure that matters of mutual interest are dealt with in the most efficient and effective way.

### **JOINT WORKING WITH NON COUNCIL BODIES:**

**Executive Lead: Chief Officer – Governance**

### **LICENSING SUB COMMITTEE**

Members of the Sub Committee will be members of the Licensing Committee and any substitute who is not on the parent Committee will have completed the required training.

The Sub Committee will:

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

