
NORTH AYRSHIRE COUNCIL

5 May 2020

Emergency Governance Decisions (Covid-19 Outbreak)

Title: Licence Applications under Civic Government (Scotland) Act 1982

Purpose: To determine Licence Applications under the Civic Government (Scotland) Act 1982.

Recommendation : That the Chief Executive, following appropriate consultation, agrees on behalf of the Council that:

(a) a Resolution should be made that proceedings involving this matter are not open to the public and that papers relating to it are not open to public examination (under Schedule 7A of the Local Government (Scotland) Act 1973);

(b) the Applications should be granted with the Council's Standard Conditions.

1. Executive Summary

- 1.1 The Council is the Licensing Authority for the purpose of Civic Government (Scotland) Act 1982, which regulates licences for many business activities. Applications, as detailed in the Appendix to the report, have been received for (a) a Second Hand Dealer's Licence in terms of section 24 of the Act and (b) a Metal Dealer's Licence in terms of section 28 of the Act. The Council is unable to determine these applications as Committees have been cancelled. The applicant wishes to trade but cannot do so until his applications for licences have been determined and granted.
- 1.2 The nature of the business which is the subject of this Report contains information which falls within the definition of "Exempt Information" in terms of the Local Government (Scotland) Act 1973, and therefore a Resolution in the following terms should be made:
- (a) that proceedings involving this matter are not open to the public and that papers relating to it are not open to public examination (under Schedule 7A of the Local Government (Scotland) Act 1973); the Minutes will include a summary of the proceedings without disclosing the 'Exempt Information'.

2. Background

- 2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder. Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report.
- 2.2 The licence applications which require to be determined are detailed in the Appendix to this Report. The Chief Executive is being asked to determine these applications using his delegated powers as there are no scheduled Committee meetings to enable the applications to be considered and determined. Until the applications are determined and granted, the applicant cannot trade.

3. Proposals

- 3.1 The Chief Executive, following appropriate consultation, is invited on behalf of the Council to:
- (a) determine that a Resolution should be made that proceedings involving this matter are not open to the public and that papers relating to it are not open to public examination (under Schedule 7A of the Local Government (Scotland) Act 1973);
 - (b) grant the Applications detailed in the Appendix to the Report, in accordance with the Council's Standard Conditions.

4. Implications/Socio-economic Duty

Financial

- 4.1 There are no financial implications for the Council.

Human Resources

- 4.2 None.

Legal

- 4.3 There is a Legal basis for granting the applications and it is considered that there are no justifiable grounds for refusal.

Equality/Socio-economic

- 4.4 The Equality and socio-economic duties have been considered and there are no adverse impacts to prevent the grant of the licence applications.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 An effective licensing system, for example monitoring the 'fit and proper' status of licence-holders, helps progress towards one of the priority areas of the "NAC Community Planning Partnership Local Outcomes Improvement Plan 2017 – 2022 (LOIP): "A Safer North Ayrshire".

Community Wealth Building

4.7 None.

5. Consultation

5.1 The statute obliges the Licensing Authority to consult Police Scotland. The results of that consultation are referred to in the Schedule. The Solicitor (Licensing) has discussed the case with the Chair of the Licensing Committee and the Schedule reflects the Chair's opinion that the applications be granted.

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For further information please contact William O'Brien, Solicitor (Licensing), on x4345. .

Background Papers

Appendix