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<b>Report To:</b>	<b>Policy and Resources Executive Sub- Committee</b>	<b>Date:</b>	<b>21 April 2020</b>
<b>Report By:</b>	<b>Head of Legal &amp; Property Services</b>	<b>Report No:</b>	<b>LP/051/20</b>
<b>Contact Officer:</b>	<b>Gerard Malone</b>	<b>Contact No:</b>	<b>01475 712710</b>
<b>Subject:</b>	<b>Changes to Civic Licensing: Coronavirus (Scotland) Act 2020</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to recommend to the Executive Sub-Committee the approach officers should take in relation to the renewals of all civic licensing in light of provisions contained within the Coronavirus (Scotland) Act 2020, which sets out modifications to licensing legislation following upon the COVID-19 emergency.

## 2.0 SUMMARY

- 2.1 The Coronavirus (Scotland) Act 2020, "the Act", was enacted on 7 April 2020 and supplements the emergency powers introduced in the UK government's legislation to mitigate the impact of the coronavirus. The Act contains further powers and additional measures on devolved areas of policy to ensure essential public services and businesses can continue to operate.
- 2.2 The measures in the Act are limited for the duration of the coronavirus outbreak and will expire on 30 September 2020, although Scottish Ministers can extend the provisions for two further periods of six months, meaning that the legislation may be in place of a maximum period of eighteen months.
- 2.3 For all civic licences, the Act authorises a three- month extension in the renewal process but retains the original duration of the licence. This report implements this authorisation but, in view of the known wishes of the Council to support local businesses and the economy in any ways possible, it also notes for Members' information the estimated costs of any extension of licences at no cost to applicants by an equivalent three-month period

## 3.0 RECOMMENDATION

That the Executive Sub-Committee

- 3.1 considers the terms of this report; and
- 3.2 notes the Act provides that applications for renewal of taxi/private hire licences and all other civic licences can now be lodged on good cause up to three months after the date of expiry of the licence.

**Gerard Malone**

**Head of Legal & Property Services**

## 4.0 BACKGROUND

- 4.1 The Act was passed unanimously by the Scottish Parliament and received Royal Assent on 6 April 2020, supplementing the emergency powers introduced in the UK Government's legislation to mitigate the impact of the coronavirus. The Act came into force on 7 April 2020 and contains further powers and additional measures on devolved areas of policy to ensure essential public services and businesses can continue to operate.
- 4.2 In particular, Schedule 6 of the Act sets out modifications to Civic Licensing contained within the Civic Government (Scotland) Act 1982.
- 4.3 Schedule 5 of the Act sets out modifications to provisions contained within the Licensing (Scotland) Act 2005 relative to Alcohol Licences and this will form a separate report to the Corporate Management Team in due course. There is no similar provision to the three- month period referred to in relation to Civic Licensing, below, as the renewal periods for alcohol licensing are different.

## 5.0 PROPOSALS IN RELATION TO CIVIC LICENSING

- 5.1 The following provisions will apply to all forms of civic licensing applications. In terms of proportions, there are obviously considerable numbers, especially, of applications for renewals annually of taxi driver licences and for operators' licences.
- 5.2 Previously under the Civic Government (Scotland ) Act applications for renewal of taxi and private hire licences required to be made either prior to the date of expiry or up to twenty eight days after the date of expiry "on good cause".
- 5.3 The Act now allows applications for renewal of taxi /private hire licences and all other civic licences to be made "on good cause" up to three months rather than twenty eight days after the date of expiry .This effectively defers payment of the fee due upon making such an application for a period of three months. The licence will still run from the original date of issue rather than licence holders obtaining an additional three month period. This provision, accordingly, assists with cash-flow but does not extend the duration of the licence and the continuity of the licence will remain as a cost borne by the applicant
- 5.4 In view of the above, and given the known wishes of the Council to support local businesses and the economy in any way possible, the CMT has reviewed the implications and estimated costs of any extension of licences at no cost to applicants by an equivalent three-month period. For all civic and for all alcohol licences (it being suggested that any discretionary extension be applicable to both types of licences) any such proposal would involve a financial contribution by the Council amounting to an estimated sum of £79,000 for this financial year. The implications of any extension might also be thought to have far wider implications for any other payments for services or for other businesses, affecting lease or rental payments, for those affected by the emergency and, so, the CMT cannot recommend any discretionary extension for licence renewals
- 5.5 A breakdown and three year summary of all licensing income is attached at **Appendix 1**. This shows the complete list of all different types of civic licences and summarises alcohol licensing fee income. The £79,000 calculation is shown in the summary.
- 5.6 In terms of financial assistance, there are sources of support for businesses and individuals through the recently introduced Government schemes. The costs for applying, for example, for a taxi driver's licence is £72 (£74 in 2020/21) p.a. and for a taxi operator's licence is £340 (£350 in 2020/21) and it is fair to note these application fees will amount to a relatively low proportion of the annual operating costs of vehicles in the taxi trade.
- 5.7 Accordingly, it is proposed to post a notice on the Council's licensing website confirming that the Council will accept applications for renewal of all civic government licences including the renewal of taxi / private hire licences up to three months after the date of expiry "on good

cause“ if that “good cause“ relates to coronavirus reasons and it will be noted licences will run from the original date of issue .

## 6.0 IMPLICATIONS

### 6.1 Finance

#### Financial Implications:

##### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
Civic Government and Alcohol Licensing	Civic Licensing and Alcohol Licensing	2020/21	£79,000	N/A	These costs are not recommended by the CMT

##### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

### 6.2 Legal

There are no Legal implications other than as noted within this report.

### 6.3 Human Resources

There are no Human Resources implications other than as noted within this report.

### 6.4 Equalities

#### Equalities

(a) Has an Equality Impact Assessment been carried out?

	YES (see attached appendix)
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report’s recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report’s recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
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X	NO
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(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

6.5 **Repopulation**

There are no direct repopulation issues.

7.0 **CONSULTATIONS**

7.1 This report has been endorsed by the Corporate Management Team.

8.0 **BACKGROUND PAPERS**

8.1 None

	2017/18	2018/19	2019/20	Average 3 years	3 month effect
Betting	(15,120)	(17,320)	(6,590)	(13,010)	(3,253)
Late Hour	(3,379)	(5,284)	(6,162)	(4,942)	(1,235)
Other	(2,649)	(7,920)	(6,063)	(5,544)	(1,386)
Second Hand	(3,136)	(1,382)	(2,526)	(2,348)	(587)
Street Trader	(2,182)	(2,360)	(2,030)	(2,191)	(548)
Public Entertainment	(7,383)	(3,500)	(4,830)	(5,238)	(1,309)
Window Cleaner	(420)	(840)	(720)	(660)	(165)
Operators	(45,277)	(44,602)	(44,137)	(44,672)	(11,168)
Cab Driver	(110,220)	(117,300)	(111,724)	(113,081)	(28,270)
Liquor	(77,834)	(108,032)	(102,271)	(96,046)	(25,568)
House in multiple occupation	(4,626)	(5,783)	(20,247)	(10,219)	(5,062)
Reg of So	0	0	(460)	(153)	(115)
	<u>(272,225)</u>	<u>(314,321)</u>	<u>(307,759)</u>	<u>(298,102)</u>	<u>(78,666)</u>