

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - LICENSING FEES IN
PREPARATION FOR LICENCE RENEWALS**

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to update members on preparations for the renewal of licences granted under the *Civic Government (Scotland) Act 1982*, as well as inviting members to approve the revision of the respective fees and conditions which apply to these licences.

2. RECOMMENDATIONS

- 2.1 PPSL Members are asked to note and approve the contents of this report.
- 2.2 PPSL Members are asked to recommend to Council that fees for all Civic Government licences be increased as detailed in **Appendix 1**.
- 2.3 PPSL Members are asked to recommend to Council that licences currently subject to a fixed three year period and due for renewal in June 2024 continue to be granted on that basis.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - LICENSING FEES IN
PREPARATION FOR LICENCE RENEWALS**

1. SUMMARY

- 1.1 The purpose of this report is to advise members on various issues in relation to Civic Government Licensing.
- 1.2 Section 12 of the *Civic Government (Scotland) Act 1982* provides that the Council must seek to ensure that fees it charges in respect of taxi and private hire car licences and applications are sufficient to meet the expenses it incurs in carrying out its functions in relation to those licences. Paragraph 15 of Schedule 1 to the 1982 Act also seeks to ensure that all fees received are sufficient to meet the Council's expenses incurred in exercising their business under Part 1, Part 2 and Schedule 1 of the 1982 Act. Members are now invited to consider the issue of licence fees in anticipation of the new three year renewal period beginning in June 2024.
- 1.3 The majority of licences (approximately 500) fall due for renewal at the end of June 2024. This report details the position in relation to the renewals of those licences.

2. RECOMMENDATIONS

- 2.1 PPSL Members are asked to note and approve to note the contents of this report.
- 2.2 PPSL Members are asked to recommend to Council that fees for all Civic Government licences be increased as detailed in **Appendix 1**.
- 2.3 PPSL Members are asked to recommend to Council that licences currently subject to a fixed three year period and due for renewal in June 2024 continue to be granted on that basis.

3. LICENSING FEES

- 3.1 At the meeting of the PPSL Committee on 21st March 2018, it was agreed that licences continue to be granted for a three year period for the licences due for renewal in June 2018. It is proposed that this continues in line with ongoing three yearly renewals.

- 3.2 As the June 2024 renewal period is approaching, a proposed list of fees are contained in **Appendix 1**. These proposed new fees represent a 5 to 6.91% year on year increase in line with salary increases from 2021 on all of the fees currently charged. This increase is proposed as Civic Government Licensing Fees have not risen since June 2021, and any new fees will be set until June 2027. A review of the net cost of the licensing function has also confirmed that the increase is required to ensure this element is cost neutral. Members are invited to approve the proposed list of new fees.
- 3.3 It should be noted that taxi driver licences, private hire car driver licenses, booking office licenses and skin piercing and tattoo operator licenses do not fall within the fixed three year renewal period but are granted for a period of three years from the date of grant of the licence.

4. PREPARATION FOR LICENCE RENEWALS

- 4.1 It is proposed that reminder letters will be issued to all licence holders once the application fees have been confirmed. Licence holders will be asked to lodge their applications for renewal as soon as possible. A copy of the reminder letter is attached as **Appendix 2**. Applications will be dealt with in the order that they are received.
- 4.2 Applicants will be advised of the provisions of Paragraph 8 of Schedule 1 to the 1982 Act which provides that if an application is made for the renewal of a licence before its expiry, the existing licence shall continue to have effect until the application for renewal has been determined.
- 4.3 Consultation will take place with Police Scotland and Environmental Services in relation to the renewal process.
- 4.4 Members should note that it is intended to utilise staff who have had previous experience of Civic Government Licensing to assist in the renewal process.
- 4.5 Applications for renewal of licences are not advertised at the Area Offices. There is still however the 28 day period where objections/representations can be lodged and no application for renewal can be granted prior to the expiry of that period. Therefore, if an application for renewal is received on the 30th June 2024, the earliest possible date that it can be dealt with is 29th July 2024 if all the paperwork has been provided by the applicant, no objections/representations have been made and all relevant responses have been received.
- 4.6 All applications are inserted in a register which is available online for public inspection. By virtue of Paragraph 14 of Schedule 1 to the 1982 Act, the Licensing Authority requires to keep a register of

all applicants for licences under the Act. It also requires that as soon as reasonably practicable after the receipt of each application, details of such receipt and details of the final decision of each application may be entered into the register.

- 4.7 The register must include a note of the type and terms of each licence granted by the Licensing Authority; and a note of any suspension, variation of terms or surrender of a licence.
- 4.8 The register requires to be open for public inspection at such reasonable times and places as may be determined by the Licensing Authority. The register for Argyll and Bute has been maintained online since 1st April 2015.
- 4.9 The application forms for all Civic Government licences will also be amended to include a statement which advises the applicant of the Council's participation in the National Fraud Initiative and that information about licences granted will be shared with other agencies for the purpose of preventing fraud.
- 4.10 Furthermore, the privacy statement on all application forms has been reviewed and revised by Council officers in light of the new General Data Protection Regulation (GDPR) regulations.

5. CONCLUSIONS

- 5.1 Once the new licensing fees have been approved the renewal notices will be issued.
- 5.2 Continuing with the three year renewal period is fair to all licence holders. Issuing reminder letters to current licence holders advising of the status of their existing licence during the period their application is being dealt with will clarify the position.

6. IMPLICATIONS

- 6.1 Policy: No changes are proposed at this time.
- 6.2 Financial: Financial implication are set out in the report.
- 6.3 Legal: The Council will require to implement any legislative changes set out in the report as and when they come into force.
- 6.4 HR: None.
- 6.5 Fairer Scotland Duty:
 - 6.5.1 Equalities: None.
 - 6.5.2 Socio-economic duty: None.

6.5.3 Islands: None.

6.6 Risk: None

6.7 Climate
Change: None

6.8 Customer
Service: None.

APPENDICES

1. List of Proposed Changes to Licence Fees
2. Standard Letter to Licence Holders for Licence Renewals

Executive Director: Douglas Hendry, with responsibility for Legal & Regulatory Support

Policy Lead: Councillor Kieron Green

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6th December 2023

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Appendix 1 – List of Proposed Fees from 1 April 2024

Appendix 2 - Reminder Letter