

EAST RENFREWSHIRE COUNCILLICENSING COMMITTEE16 August 2016Report by Chief Officer – Legal & ProcurementCIVIC GOVERNMENT (SCOTLAND) ACT 1982 –  
SUSPENSION OF LICENCES**PURPOSE OF REPORT**

1. For the Committee to consider delegating authority regarding suspension of licences under paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982.

**RECOMMENDATION**

2. The Licensing Committee is asked to consider the terms of this report and delegate authority to the Chief Officer (Legal & Procurement) and Principal Solicitor to take decisions in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982 in respect of immediate suspension of licences.

**BACKGROUND**

3. When a licence has been granted in terms of the Act, it sometimes comes to the attention of licensing authority that the carrying on of the activity to which the licence relates is causing or is likely to cause a serious threat to public order or public safety.

4. In this situation, whether or not a complaint is made to the licensing authority, the Council may suspend the licence immediately for a period of up to 6 weeks to allow for a full hearing on the matter to be conducted by the Licensing Committee under paragraph 11 of Schedule 1 to the Act.

5. There is therefore a two stage process. The first stage is to deal with the immediate danger or threat to the public and the second stage is to allow a full hearing of the facts and circumstances regarding the matters raised after which the Licensing Committee may decide to suspend the licence for the rest of its term or to reinstate the licence.

6. At the moment, there is no delegation of power to any Council officer to deal with an immediate request for suspension. Whereas it is possible for information to come to the attention of the Council which would allow the Council to suggest an immediate suspension (after compulsory consultation with the Chief Constable) it is more likely that the Council will be unaware that there is an issue until contacted by Police Scotland.

7. In these circumstances, the Police would make the Council aware that there is or is likely to be a serious threat to public order or public safety and an immediate suspension would be requested. However, an immediate suspension cannot be granted at present. Instead, Council officers have to organise an urgent meeting of the Licensing Committee. This can take, at best, several days to organise during which time the serious threat to public order or public safety would continue.

8. It is proposed that public safety could be better served by a delegation of authority to the appropriate Council officers to grant an immediate suspension pending a full hearing by the Licensing Committee.

9. A suitable Licensing Committee meeting could then be convened up to 6 weeks later. The licence holder would be invited to attend that meeting and put forward their case.

## **FINANCE AND EFFICIENCY**

10. The delegation of power to Council officers would result in a saving as a result of not having to organise and run an additional Licensing Committee meeting whilst also achieving a better outcome in responding earlier and quicker to a request to avoid a threat to public order or public safety.

## **EQUALITIES IMPACT**

11. As the legislation in terms of the Act already allows the Licensing Committee to suspend the licence without the presence of the licence holder, the delegation of such power has no further equalities consequences.

## **CONCLUSION**

12. The delegation of authority to deal with immediate suspensions under paragraph 12 is a more efficient and safer method of dealing with a suspension request. It would result in only one extraordinary Licensing Committee being convened instead of two such meetings.

## **RECOMMENDATION**

13. The Licensing Committee is asked to consider the terms of this report and delegate authority to the Chief Officer (Legal & Procurement) and Principal Solicitor to take decisions in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982 in respect of immediate suspension of licences.

## **REPORT AUTHOR**

Report by: Chief Officer – (Legal & Procurement), Gerry Mahon,  
e-mail: [gerry.mahon@eastrenfrewshire.gov.uk](mailto:gerry.mahon@eastrenfrewshire.gov.uk) Tel: 0141 577 3801

Report author and further information from: Joe Abrami, Principal Solicitor, e-  
mail: [joe.abrami@eastrenfrewshire.gov.uk](mailto:joe.abrami@eastrenfrewshire.gov.uk) Tel: 0141 577 3012,

Licensing Committee Convenor Councillor Tommy Reilly,  
e-mail: [tommy.reilly@eastrenfrewshire.gov.uk](mailto:tommy.reilly@eastrenfrewshire.gov.uk) Tel: 07718697116

## **KEY WORDS**

Civic Government (Scotland) Act 1982, Licensing, Licence, Suspension, Delegation

BLANK PAGE