

Report to:	Corporate Resources Committee
Date of Meeting:	29 June 2005
Report by:	Executive Director (Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 – Review
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1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ highlight key issues arising from the review of the Civic Government (Scotland) Act 1982 and the possible impact on the Council. The Civic Government (Scotland) Act 1982 regulates various activities such as -

◆ taxis	◆ indoor sports
◆ private hire cars	◆ metal dealers
◆ drivers	◆ itinerant metal dealers
◆ street traders	◆ second hand dealers
◆ late hours catering	◆ market operators
◆ public entertainment	◆ public charitable collections

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the terms of this report be noted.

3 Background

3.1 A review of the Civic Government (Scotland) Act 1982 has been ongoing for some time, subject to a lengthy consultation exercise. There is no timetable for implementation.

4 Key Implications

4.1 The Review proposes a number of amendments, but the **key issues** which could impact on the Council are:-

4.1.1 Proposal:

A new MOT Test should be introduced for taxi and private hire cars.

Issue for the Council:

This could have an impact on revenue for the Council as well as quality control. Presently all vehicles require to undergo Compliance Tests which are carried out by Fleet Services (Community Resources) in Blantyre. As a result, the licensing authority can be satisfied that the vehicles are tested to a certain standard. If this

recommendation is enacted, it will not only mean that there could be a loss of revenue to Fleet Services (Community Resources), but also that there may be a variation in the standard of vehicles because the Council will no longer be able to insist that the vehicles are inspected by Fleet Services. It is proposed that the vehicles be tested at any MOT Centre. Currently there are 1315 vehicles operating in South Lanarkshire's area. The cost of an annual inspection is £50 for vehicles with a meter and £45 for vehicles without a meter. This amounts to approximately £60,700 per annum.

4.1.2 **Proposal for Drivers of Taxis/Private Hire Cars:**

- ◆ Mandatory initial Medical Checks for applicants
- ◆ Every 5 years for those between 45 and 65
- ◆ Annual checks for those 65 and over
- ◆ The cost of Medical Reports to be recovered through the fees
- ◆ The Council may be required to appoint a GP for this purpose.

Issue for the Council:

Currently the Council only insists on Medical Checks where someone has disclosed an illness on the application form. The Medical would normally be carried out by the applicant's own GP. As yet, the review is undecided about whether this practice can continue.

4.1.3 **Proposal:**

The exemption from the licensing requirement for market operators for non-commercial organisations should be repealed. It is recommended that licensing authorities consider amending their fee structure to take account of licences issued to charitable organisations.

Issue for the Council:

At present there is an exemption from market operators' licences for organisations or functions held by charitable, religious, youth, recreational, community, political or similar organisations, eg a small sale of works with various stalls operated by a church. Local authorities would need to licence such organisations in future. The cost would impact on local and national organisations that are at present exempt.

4.1.4 **Proposal:**

The exemption for free events for Public Entertainment should be repealed.

Issue for the Council:

This could have an impact on a large number of events, which would then require to pay the licensing authority a fee. It could also impact on a number of Council operated events.

4.1.5 **Proposal:**

That the administrative burden of the window cleaners' trade be minimised and that licensing authorities should consider entering into agreements with neighbouring authorities to avoid the need for window cleaners to obtain multiple licences when operating in more than one licensing area.

Issue for the Council:

Presently in South Lanarkshire, each window cleaner requires a licence for each zone, so if these changes are implemented it could have an impact on licensing income. South Lanarkshire has 145 window cleaners' licences. This amounts to

fees of £14,065 every three years. There has been no further information as to how this will operate in practice.

4.1.6 Proposal:

The legislation be amended to allow licensing authorities to consider licensing renewal applications received after the expiry date as 'renewals' rather than 'new grants' (if they have been received up to 28 days after the expiry of the previous licence). This would be subject to the licensing authority being satisfied that 'due cause for lateness' has been shown.

Issue for the Council:

Presently, if an application for renewal is received, even a day late, then the applicant must apply for a new grant of licence. The issue here would be the interpretation of 'due cause for lateness'. This could result in a number of enquiries to elected members if applicants are dissatisfied with the interpretation of 'due cause for lateness'. It could result in a number of applicants delaying the lodging of the renewed applications.

4.1.7 Proposal:

The licensing of Radio Control Rooms is being further progressed by the Scottish Executive.

Issue for Council:

A large proportion of taxis and private hire cars are operated through a Radio Room, which passes 'jobs' to them and takes bookings etc. Presently the licensing authority has no power to licence Radio Rooms. If this power was granted, it would increase revenue but would also give Enforcement Officers access to the Radio Rooms themselves and enable the Council to attach conditions to any licences granted.

5 Employee Implications

5.1 None

6 Financial Implications

- 6.1
- ◆ Possible financial implications for Fleet Services (Community Resources) in terms of reduced income
 - ◆ Potential costs for Community Resources in regard to payment for Public Entertainment Licences
 - ◆ Possible reduction in income to Corporate Resources from window cleaner licences
 - ◆ Costs involved in medical checks would be met from the costs incurred in licence fees

7 Other Implications

7.1 Fees for Market Operators could impact on voluntary organisations.

8 Consultation

8.1 Consultation has taken place with CoSLA over the past few years. Community Resources and the Leisure Trust have also been consulted on potential financial implications.

Alan Cuthbertson
Executive Director (Corporate Resources)

27 May 2005

Link(s) to Council Objectives

- ◆ Living in the Community

Previous References

None

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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