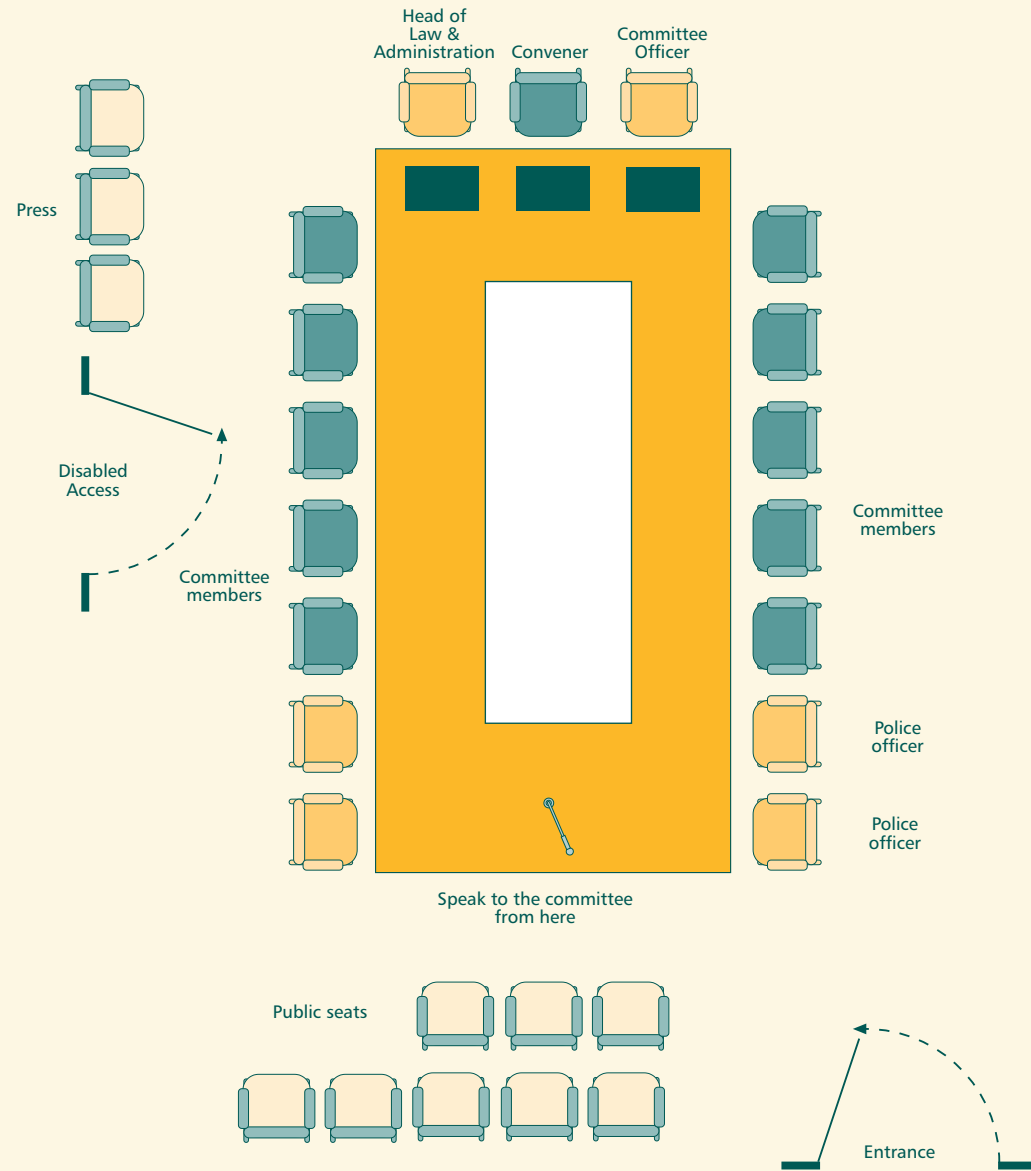


Civic Licensing Committee

Who sits where?



Civic Licensing Committee

General

This leaflet aims to explain the general procedure when applications for licences under the Civic Government (Scotland) Act 1982 and other acts are dealt with by our Civic Licensing Committee. The committee is made up of 11 elected members of the council and has the power to grant or refuse all applications for licences, certificates and permits. The committee normally meets every three weeks.

Where does the committee meet?

Civic Licensing Committee meetings normally take place in the Council Chambers within the Town and County Hall, The Cross, Forfar, at 6pm. The layout of the Chamber is shown over the page. There is disabled access to the chambers.

Applications to be dealt with by the committee

You will have received a letter telling you that your application needs to be dealt with by the committee because:

- 1 we have received an objection to or a comment on your application;
- 2 the application does not follow the policy we use;
- 3 this is a matter which the committee wants to deal with;
- 4 you have a conviction (or convictions), or a case that is due to be heard or a spent conviction (see the note below); or
- 5 we have received a complaint about your current licence.

Note: Spent convictions are ones which the Rehabilitation of Offenders Act 1974 applies to. However, the Civic Licensing Committee is entitled to hear information about these convictions if it follows a strict test first.

Applicants for taxi or private hire drivers licences do not have to take the test under the 1974 Act and so will have had any spent convictions revealed to the committee without the need for any test.

If you are objecting to an application

We will send your letter of objection to the applicant before the committee meeting. You will not be allowed to bring any new information to the committee unless the applicant has first had an opportunity to consider that information.

Procedure for hearing applications at the Civic Licensing Committee

Introduction

When deciding whether to grant, renew, restrict or refuse applications, we have adopted the following procedure.

Late objections and comments

(If there are no late objections or comments, go to d.)

- a The Convener will invite the objector to speak to the committee to explain why their comments are late.
- b The Convener will invite the applicant to speak on the reasons given for the lateness.
- c The committee must then be satisfied that:
 - there is a good enough reason for the objection being late, in which case the relevant information will be given to members of the committee (this information will already have been given to the applicants); or
 - there isn't a good enough reason for the objection being late, in which case the committee will consider the application without referring to the objection.

Objections and comments received on time

- d The Convener will invite the applicant or their agent to speak to the committee to support the application.
- e The Convener will invite the police or any other objectors to comment on their objection.
- f The applicant, police and members may then ask questions (in that order).

Spent convictions

(If there are no spent convictions, go to g.)

- 1 If the report shows that the applicant has spent convictions, the committee must first decide whether they can consider the application fairly without taking account of any spent convictions.
- 2 Before taking account of any spent convictions, the Convener will ask the police to give them the age and nature of the spent convictions.
- 3 The applicant may then comment generally on whether the committee should take account of the spent convictions.
- 4 If the committee decides that they cannot consider the application without taking account of the spent convictions, the clerk will give details of the spent convictions to the members (this information will already have been given to the applicant).
- 5 The Convener will invite the police to comment more fully on the spent convictions.
- 6 The Convener will invite the applicant to ask the police or members questions.
- 7 The committee will then decide which, if any, spent convictions are relevant to the application.

- g The Convener will invite the applicant to sum up, dealing with any matters that were raised before the committee.

- h The Convener will then invite motions from members of the committee.
- i If an amendment is made to a motion, the clerk will take a vote in connection with the motion or amendment.
- j The Convener will tell the applicant the decision of the committee. If this is a decision to suspend the applicant, the applicant has the opportunity to address the committee on the period of suspension.
- k The Convener will invite motions from the committee on the period of suspension.
- l The Convener will tell the licenceholder about the period of suspension.

Right to appeal (applicants or objectors)

If you are not satisfied with the committee's decision, you have the right to ask for reasons for the decision in writing. If you are still not satisfied, you have the right to lodge an appeal with the Sheriff Clerk at Forfar or Arbroath against the committee's decision. You must do this within 28 days from the date of the decision.

If you are not satisfied with any decision, you should get independent legal advice on making an appeal.

We are here to help

Before the meeting, if you are not sure about any aspect of the proceedings, please speak to the officers at the meeting or phone Fiona Anderson, Committee Officer, on 01307 476266 (e-mail: AndersonF@angus.gov.uk). Or, you can phone the Licensing Section on 01307 476251.

Comments

This leaflet is for guidance only. You should always get independent legal advice.