

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 2 NOVEMBER 2017**

**ELECTRONIC COMMUNICATIONS**

**REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT**

The purpose of this report is to allow Members to determine whether they wish to accept and issue certain documents by means of electronic communication in terms of paragraph 16A of Schedule 1 to the Civic Government (Scotland) Act 1982 (“the 1982 Act”) and in respect of miscellaneous licences arising by separate enactment responsibility for which rests with this Committee.

**1. RECOMMENDATION**

It is recommended the Committee agree:-

- (i) that with regard to all civic licences processed in terms of Schedule 1 to the 1982 Act, to accept:
  - (a) applications for the grant or renewal of a licence in terms of paragraph 1,
  - (b) objections or representations in terms of paragraph 3, and
  - (c) notifications of a change to a licence in terms of paragraph 9by means of electronic communication, and
- (ii) that with regard to all civic licences processed in terms of the 1982 Act, to determine to give or refuse to give:
  - (a) notices in terms of paragraphs 5, 9, 10, 11 or 12, and
  - (b) reasons in terms of paragraph 17by means of electronic communication,
- (iii) to delegate to the Head of Legal and Democratic Services to determine:
  - (a) the form of electronic communication by which applications, objections, representations or notifications may be made or given;
  - (b) the electronic address to be used for making or giving applications, objections, representations or notifications;
  - (c) any means of authentications (in addition to electronic signature), that are acceptable; and
  - (d) to publicise, as appropriate,
- (iv) to permit the use of electronic communication in respect of all miscellaneous licences (with the exception of Houses in Multiple Occupation) arising by separate enactment responsibility for which rests with this Committee.

**2. BACKGROUND**

- 2.1 On 1 November 2016, the Air Weapons and Licensing (Scotland) Act 2015 made changes to the Civic Government (Scotland) Act 1982 by inserting, of new, paragraph 16A into Schedule 1 to the Act.
- 2.2 By virtue of paragraph 16A of Schedule 1, a licensing authority can now determine to accept applications for the grant or renewal of a licence, objections or representations and notifications of a change to a licence and give notices and reasons by electronic communication.

- 2.3 Should Members consider it appropriate to determine to accept/give by means of electronic communication, it is respectfully requested that decision making power is delegated to the Head of Legal and Democratic Services to determine the detail of the form of electronic communication by which applications, objections, representations or notifications may be made or given, the electronic address to be used for making or giving applications, objections, representations or notifications and any means of authentications (in addition to electronic signature), that are acceptable. The task of publicising, as appropriate, would also fall to the Head of Legal and Democratic Services.
- 2.4 A licensing authority may only give a notice or reason by means of an electronic communication if the person to whom the notice or reason is to be given has agreed to receive same by means of an electronic communication and the person has provided an electronic address. An electronic communication is treated as having been received by the person whom it was sent to on the second working day after the day it was sent. A "working day" does not include a Saturday or a Sunday, Christmas Eve or Christmas Day, a Scottish bank holiday, a local or public holiday in the area in which the electronic communication is sent or a day appointed for thanksgiving or public mourning.
- 2.5 A licensing authority may make different determinations for different purposes, in particular, for different types of licences governed by the 1982 Act.
- 2.6 As Members are aware, other licences are processed, issued under delegated authority or considered by Committee by virtue of separate enactments such as the Cinemas Act 1985, the Deer (Scotland) Act 1996 and the Animal Boarding Establishments Act 1963, to name a few. With the exception of the Housing (Scotland) Act 2006, relating to Houses in Multiple Occupation, no specific provision is provided for electronic communication in terms of those separate enactments, it is considered appropriate to extend the use of electronic communication to the processing of licences under each separate enactment.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 It is considered unlikely that there will be any additional financial implications to the Council in moving to this method of processing. There may be a saving to the Council from reduced use of paper and postage.

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