

ANGUS COUNCIL

SPECIAL ANGUS LICENSING BOARD – 8 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.

1. RECOMMENDATION

It is recommended the Board agree:-

- (i) that with regard to all liquor licences processed in terms of the Licensing (Scotland) Act 2005, to accept:
 - (a) applications for the grant or renewal of a licence,
 - (b) objections or representations,
 - (c) notifications of a change to a licence,by means of electronic communication, and
- (ii) that with regard to all liquor licences processed in terms of the Licensing (Scotland) Act 2005, to determine to give or refuse to give:
 - (a) notices,
 - (b) reasons,by 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.

2. BACKGROUND

- 2.1 Members may recall Report Number 371/17 considered by the Civic Licensing Committee on 2 November 2017. The necessity for that report was the change, on 1 November 2016, to the Civic Government (Scotland) Act 1982 when, of new, paragraph 16A was inserted within Schedule 1 of that Act.
- 2.2 By virtue of the decision of Members of the Civic Licensing Committee, the licensing authority can now, in relation to civic and miscellaneous licences (excluding Houses in Multiple Occupation), 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. 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 in addition to the task of publicising, as appropriate, has been delegated by Committee to the Head of Legal and Democratic Services.

- 2.3 The restrictions on the licensing authority in relation to civic matters are that it 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.
- 2.4 As Members are aware, other licences are processed, issued under delegated authority or considered by Committee by virtue of separate enactments. It was considered appropriate by Members to extend the use of electronic communication to the processing of all licences (with the exception of Houses in Multiple Occupation) under each separate enactment.
- 2.5 Members are now invited to extend the same arrangements with regard to electronic communications to liquor licences processed and determined in accordance with the Licensing (Scotland) Act 2005. This will ensure consistency of approach for service users.

3. FINANCIAL IMPLICATIONS

- 3.1 It is considered unlikely that there will be any additional financial implication 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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