

**EMERGENCY POWERS FOR USE BY CHIEF EXECUTIVE**  
**STREET TRADERS LICENSE**

In an emergency, to initiate action under any statutory procedure related to a function of the Council, subject to a report being made to the appropriate Committee at the first opportunity on any item for which Committee approval would normally be necessary.

**Background**

An Application for a Street Trader's licence was received by Business Support on 30 January 2020.

For the purposes of their functions under S3(a) of the Civic Government (Scotland) Act 1982 the Council **must** consider each application made to them within a period of 3 months beginning with the date on which the application was made. The Application therefore requires to be considered by the Council by Thursday 30 April 2020.

A Civic Licensing Committee Meeting is unable to convene to consider the application prior to 30 April 2020 given there is not enough time in which to give the requisite statutory 14 days' notice of the meeting to the applicant and objector in accordance with Schedule 1 para 4(2) of the Civic Government (Scotland) Act 1982. Further; 14 days ago no method or agreement of how such meetings could or would be held by the Council had been reached.

**Proposal**

To Defer the Application until it can be considered by the Civic Licensing Committee.

**Statutory Procedure**

S3 (a) Civic Government (Scotland) Act 1982. The Council must consider an application within 3 months of it being made to them.

Schedule 1 para 4 of the Civic Government (Scotland) Act 1982. The Council must provide 14 days' notice of the meeting to the applicant and objector.

**Risk**

RISK - Non-compliance with statutory provision S3 (a) Civic Government (Scotland) Act 1982 to consider an application within 3 months.

Non-compliance with statutory provision Schedule 1 para 4(2) Civic Government (Scotland) Act 1982 to give 14 days' notice of meeting to applicant and objector.

Deferring the Application in this way will ensure the Council's compliance with section 3(a) Civic Government (Scotland) Act 1982 and Schedule 1 para 4(2) Civic Government (Scotland) Act 1982

Committee Services will set up a Civic Licensing Committee to consider the application, and allow the statutory timescale of 14 days' notice to be given to the applicant and objector, agent(s), representatives, to attend the meeting in due course.

**Financial Implications**

None

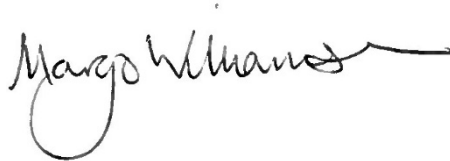
**Consultation**

Consultation with, and subsequent approval by, the Convener and Vice Convener of the Civic Licensing Committee  
Legal Manager, Service Leader, Director of legal and Democratic Services

It is proposed that the Chief Executive/Director agrees to the use of their emergency Delegated Power number \*\_\_5\_\_\_\_\_ to initiate the action as detailed above.

**Approved by Chief Executive**

**Signature**



**Date**

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**Margo Williamson**  
**30 April 2020**  
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