

Appendix 1.

Orkney Islands Council Licensing Committee

Civic and Miscellaneous Licensing – Functions Report.

Period: 1 July 2017 to 30 June 2018.

1. Legislative Background

The Council's Licensing Team processes applications for licences, consents and notifications in terms of:

- The Theatres Act 1968.
- The Civic Government (Scotland) Act 1982 (the 1982 Act).
- The Cinemas Act 1985.

2. Types of Licences, Consents and Notifications

2.1.

The Theatres Act 1968 deals solely with theatre licences.

2.2.

The Cinemas Act 1985 deals solely with cinema licences.

2.3.

Types of licences, consents and notifications governed by the 1982 Act include:

- Indoor Sports Entertainment.
- Knife Dealers.
- Late Hours Catering.
- Market Operators.
- Metal Dealers.
- Public Entertainment.
- Public Procession Notifications.
- Raised Structure Consents.
- Second Hand Dealers.
- Sex Shops.
- Skin Piercing, Tattooing and Acupuncture.
- Street Trading.
- Taxis and Private Hire Cars, Drivers and Booking Offices.
- Window Cleaners.

2.4.

2.4.1.

All applications and notifications require consultation with Police Scotland and other appropriate agencies in accordance with the relevant legislation. For licences in terms of the 1982 Act, the consultation period is prescribed as 28 days, apart from applications for:

- raised structure consents;
- substitution of vehicles; or
- temporary licences.

2.4.2.

The minimum processing period for the majority of applications and notifications is accordingly 6 weeks to allow for administrative work to circulate applications and notifications and to prepare the relevant licences and consents at the conclusion of the consultation period.

3. Contextual Information

3.1.

Numbers of cinema licences in force on 30 June 2018: 1.

3.2.

Numbers of theatre licences in force on 30 June 2018: 27 of which 24 were operated by the Council as education authority.

3.3.

Numbers of 1982 Act licences in force on 30 June 2018:

Indoor Sports Entertainment.	1.
Knife Dealers.	1.
Late Hours Catering.	2.
Market Operators.	3.
Metal Dealers.	1.
Private Hire Cars.	24.
Private Hire Car Drivers.	13.
Public Entertainment.	0.
Second Hand Dealers.	1.
Sex Shops.	0.
Skin Piercing, Tattooing and Acupuncture.	7.
Street Trading.	19.

Taxis.	33.
Taxi Drivers.	97.
Taxi and Private Hire Car Booking Offices.	2.
Window Cleaners.	10.

3.4.

Numbers of applications for licences (including renewal applications), consents for raised structures and notifications of public processions processed from 1 July 2017 to 30 June 2018:

Cinema – 1 year (statutory maximum):	1.
Indoor sports entertainment – 1 year:	1.
Late hours catering variation (to end of licence):	1.
Market operator – 1 year:	1.
Market operators – temporary (up to 6 weeks):	1.
Metal dealer – 3 years:	1.
Private hire cars – 1 year:	11.
Private hire cars – 3 years:	7.
Private hire car substitutions (to end of licence):	3.
Private hire car drivers – 1 year:	4.
Private hire car drivers – 3 years:	4.
Public entertainment – temporary (up to 6 weeks).	5.
Public procession notifications:	13.
Raised structure consents:	5.
Second hand dealer – 1 year:	1.
Skin piercing, tattooing and acupuncture – 1 year:	3.
Skin piercing, tattooing and acupuncture – 3 years:	1.
Street trading – 1 year:	10.
Street trading – 3 years:	1.
Taxis – 1 year:	29.
Taxis – 3 years:	2.
Taxi substitutions (to end of licence):	9.
Taxi drivers – 1 year:	46.
Taxi drivers – 1 year – which required to be determined by the Committee:	2.
Taxi drivers – 3 years:	15.

Taxi and private hire car booking office – 1 year:	1.
Theatres – 1 year (statutory maximum):	27.
Window cleaners – 1 year:	4.
Window cleaners – 3 years:	2.
Total:	211.

3.5.

Of the 211 applications processed, 0 were refused.

3.6.

Numbers of random taxi and private hire car inspections instructed from 1 July 2017 to 30 June 2018: 43.

3.7.

From 1 July 2017 to 30 June 2018 staff time (many hours for each category) was spent researching information and preparing reports on the following matters:

- Annual licensing fees review.
- Annual maximum taxi fares and charges review.
- Complaints, leading to potential consideration of revocation or suspension of licence.
- Licensing of leased vehicles.
- Licensing of motorised tricycles.
- Optional civic government licensing (comparison with all other Scottish licensing authorities).
- Revocation of taxi stance in Stromness.
- Theatre licensing and public entertainment (consideration of whether to license theatres as public entertainment when the Theatres Act 1968 ceases to have effect).

3.8.

From May to 30 June 2018 staff time (multiple hours) was spent updating information regarding civic and miscellaneous licensing published at www.orkney.gov.uk to comply with new Data Protection legislation as well as improving online accessibility, including application forms, guidance notes and conditions.

3.9.

3.9.1.

The Council's Licensing Team deals with many enquiries regarding requirements for licences, consents and notifications under the relevant legislation. These are dealt with by telephone, email or letter. Not all enquiries result in applications.

3.9.2.

Information regarding average numbers of enquiries received and time taken to process is provided in the following table:

Matter.	Average Time (Hours).	Average No. of Enquiries.
Cinema:	0.50.	6 per annum.
Drivers – taxis or private hire cars:	0.50.	3 per week.
Indoor sports entertainment:	2.00.	1 per annum.
Knife dealers:	0.50.	2 per annum.
Late hours catering:	1.00.	2 per annum.
Market operators:	4.00.	2 per annum.
Market operators (temporary):	1.50.	3 per annum.
Metal dealers:	1.00.	1 per annum.
Private hire cars:	0.75.	40 per annum.
Public entertainment:	0.50.	8 per annum.
Public procession notifications:	0.50.	6 per annum.
Raised structure consents:	0.50.	3 per annum.
Second hand dealers:	0.50.	2 per annum.
Skin piercing, tattooing and acupuncture:	0.75.	6 per annum.
Street trading:	0.75.	20 per annum.
Taxis:	0.75.	20 per annum.
Taxi and private hire car booking office licences:	0.50.	1 per annum.
Theatres:	0.50.	4 per annum.
Window cleaners:	0.50.	4 per annum.
Miscellaneous (not categories of licence which are dealt with by the Licensing Team):	0.25.	6 per month.

4. Future Developments

4.1.

As a second phase in the development of the Customer Service Platform, licensing applications will be automated to the extent that this is possible in law. However, this system will take some time to develop.

4.2.

A seminar is due to be presented to the Committee later this year on diesel emissions and disabled access in respect of taxis and private hire vehicles in Orkney. It is intended that this seminar will facilitate discussion on whether the Council should consider adopting a policy on taxi/private hire vehicle emissions and/or access to taxis/private hire vehicles by disabled users.

5. Published Documentation

5.1.

The Council publishes information about cinema licensing, including an application form, in the Related Downloads section of the following webpage:

<http://www.orkney.gov.uk/Service-Directory/C/Cinema.htm>.

5.2.

The Council publishes information about theatre licensing, including application forms, in the Related Downloads section of the following webpage:

<http://www.orkney.gov.uk/Service-Directory/T/Theatres.htm>.

5.3.

The Council publishes information about civic government licensing, including guidance, conditions and application forms, in links from the following webpage:

<http://www.orkney.gov.uk/Service-Directory/L/civic-government-licensing.htm>

5.4.

The Council's Register of civic government licences is published in the Related Downloads section of the following webpage:

<http://www.orkney.gov.uk/Service-Directory/C/Civic-Government-Licences---Approved-Licence-Lists.htm>.

5.5.

The Council publishes information about marches and processions, including a notification form and its Register of approved notifications, in the Related Downloads section of the following webpage:

<http://www.orkney.gov.uk/Service-Directory/L/marches-and-processions.htm>.

5.6.

The Committee reviews fees for civic and miscellaneous licence applications annually with effect from 1 April each year. The fees, together with a summary of required supporting documentation for each type of application, are published in the Related Downloads section of the following webpage:

http://www.orkney.gov.uk/Service-Directory/L/Licences_2.htm

5.7.

Information about the members of the Committee, together with agendas, reports and Minutes relating to meetings of the Committee, are published in the Related Downloads section of and in links from the following webpage:

<http://www.orkney.gov.uk/Council/C/licensing-committee.htm>.

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