



# **AGENDA ITEM**

**5**

**Resolution under s.9  
of the Civic  
Government  
(Scotland) Act 1982**

**FALKIRK COUNCIL**

**Subject: Resolution under s.9 of the Civic Government (Scotland) Act 1982**  
**Meeting: Executive**  
**Date: 18 October 2016**  
**Author: Director of Corporate and Housing Services**

**1. Purpose of Report**

- 1.1 The purpose of this report is to ask the Executive to vary the resolution made under section 9 of the Civic Government (Scotland) Act 1982 in respect of optional licensing activities.

**2. Recommendation**

- 2.1 **The Executive is asked to note that no representations were received in response to the proposed civic licensing resolution which was advertised in the Falkirk Herald on 1 September 2016 and, consequently, to make the resolution.**

**3. Background**

- 3.1 On 16 August 2016, the Executive considered a report on the Policy Development Panel's review of civic licensing. It was agreed that the resolution, which deals with optional licensing activities, should be varied to bring it up to date. In accordance with s.9(6) of the Act, notice of the intention to make the varied resolution was published in the Falkirk Herald on 1 September 2016 and representations on it were sought within the following 28 day period. No representations were received and the Executive is therefore asked to formally make the varied resolution (attached as an appendix to this report) which will come into force on 1 August 2017. In the meantime, the provisions of the existing resolution will remain in effect.
- 3.2 Once made, a further notice of the resolution will require to be published in the Falkirk Herald stating (a) its terms, (b) that from the date it comes into effect, it will be an offence to carry out the named activity without a licence and (c) that applications under the varied resolution can be submitted within one month of it being made. It is proposed to publish the notice on 27 October 2016.

#### **4. Implications**

##### Financial

- 4.1 There are no financial implications arising from the recommendation.

##### Resources

- 4.2 No material resource implications arise from this report. Any additional workload will be managed within existing staff resources.

##### Legal

- 4.3 The requirements to comply with the provisions of the Civic Government (Scotland) Act 1982 are set out within the report.

##### Risk

- 4.4 No specific risks arise from the changes to the resolution.

##### Equalities

- 4.5 No adverse equalities impact has been identified with regard to the proposed resolution.

##### Sustainability/Environmental Impact

- 4.6 A sustainability impact assessment was not required.

#### **5. Conclusions**

- 5.1 The proposed resolution has attracted no comment by way of representation and is accordingly recommended for approval.

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Director of Corporate & Housing Services

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Date: 5 October 2016

#### **Appendix**

1. Resolution

**RESOLUTION****CIVIC GOVERNMENT (SCOTLAND) ACT 1992**

As authorised by section 9 of the Civic Government (Scotland) Act 1982, Falkirk Council hereby resolves that:

**(First)** as from 1 August 2017, the following activities shall require to be licensed in accordance with the provisions of the said Act:-

<b>Item</b>	<b>Activity</b>	<b>Section(s) of the Act</b>
1	Taxis and private hire cars and their drivers including special event vehicles e.g. fire engines and stretch limousines	10 – 23
2	Second hand dealers dealing in the following classes of goods or articles: (a) household effects, including electrical and gas goods and home entertainment. (b) personal effects including clothing, watches, jewellery, photographic equipment and mobile telephone equipment. (c) bicycles and scooters; (d) motor Vehicles, motor cycles and caravans including spare parts, accessories and tyres. (e) antiques, paintings, historical prints and maps. (f) stamps and coins. (g) antique and modern furniture and soft furnishings. (h) sports equipment. (i) personal computers, laptops, tablets and associated computing equipment. (j) musical Instruments. (k) DVD and Blu-ray discs, CDs and vinyl records (l) DIY equipment (m) audio equipment (n) prams, buggies and baby equipment	24 – 27
3	Street Traders	39
4	Market Operators	40
5	Public Entertainment. This covers the following places and classes of public entertainment where members of the public are admitted or may use the facilities for the purpose of entertainment or recreation: (a) premises, or parts thereof, within which the number of members of the public admitted to or taking part in any	41

	<p>single event at any one time exceeds 150.</p> <p>(b) stadia or open spaces used for open air concerts, shows, displays (including laser and firework) or events but this shall not include community events such as gala days, fetes, street parties and other similar events where no fee is charged.</p> <p>(c) premises licensed under the Licensing (Scotland) Act 2005 holding public entertainment outwith the hours permitted within their operating plan.</p> <p>(d) funfairs.</p> <p>(e) circuses.</p> <p>(f) simulator rides, bungee jumping, trampolines, quad bikes, motor stunt displays.</p> <p>(g) go-karting.</p> <p>(h) paintball, laser and airsoft games.</p>	
6	Late Hours Catering. A licence will be required for the use of premises between the hours of 11pm and 5a.m. the following morning for the sale to or consumption (either on or off the premises) by the public of food.	42
7	Window Cleaners	43

**(Second)** the foregoing resolution is made in respect of the whole Falkirk Council area.

**(Third)** any previous resolution by the Council under section 9 of the Act revoked as from the date this resolution comes into effect.