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**REPORT TO: THE MORAY LICENSING COMMITTEE 25 AUGUST 2021**

**SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PLUS OTHER LEGISLATION - ANNUAL FUNCTIONS REPORT**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)**

**1. REASON FOR REPORT**

- 1.1 This report is to seek approval to publish the draft functions report which incorporates a report from the Licensing Standards Officer.
- 1.2 This report is submitted to the Committee in terms of Section III (H) (1) of the Council's Scheme of Administration relating to the exercise of the function of the Council as licensing authority for The Moray Council area.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee note the draft annual functions report at Appendix 1, amend the same if the Committee considers appropriate and agree the final report to be published;**

**3. BACKGROUND**

- 3.1 It was agreed at the meeting on the 2 December 2020 (para 5 of the minute refers) that an Annual Functions report would be produced for this Committee. A draft has therefore been produced to include the following;
  - 3.1.1 A statement as to how the Committee has had regard to the licensing legislative requirements in exercising functions under the various Acts;
  - 3.1.2 A summary of the decisions made;
- 3.2 The draft report is produced at **Appendix 1** for noting and for approval.
- 3.3 The normal deadline for publication of the annual report is the end of June each year and it is intended that the report to the Licensing Committee will, as far as possible, follow this schedule. The current report has been delayed by issues arising as a result of the COVID pandemic. There is attached at **Appendix 2** a COVID supplement to the annual functions report to relay some of the issues occasioned by the pandemic.

**4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The provisions of licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. Licensing is designed to ensure the safety of the public when accessing licensable services. These services support the economy in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of licensable activities contributes to a safer community.

**(b) Policy and Legal**

Policy and Legal implications have been explained above.

**(c) Financial implications**

None identified.

**(d) Risk Implications**

None identified. It is a legal requirement to publish the report. There is no stated action for failure to do so therefore any failure would be open to challenge by judicial review.

**(e) Staffing Implications**

Preparation of statistics involves considerable staff time and they are required annually but statistics are also useful for other purposes e.g. the annual return to the Scottish Government. No additional resources are required.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

In considering individual decisions the Committee should have regard to issues of equality and the subject's (licence holders) rights under the European Convention on Human Rights (and the Human Rights Act 1998). It is not considered necessary to undertake an equalities and human rights impact assessment in connection with this report.

**(h) Consultations**

None.

**5. CONCLUSION**

- 5.1 It is proposed that the Committee note the contents of this report and agree to publish the report.**

Author of Report: Sean Hoath, Senior Solicitor

Background Papers:

Ref: SH