

South Ayrshire Council

**Report by Head of Legal and Regulatory Services
to Regulatory Panel (Licensing)
of 2 November 2023**

Subject: Protocol for Handling of Applications under the Civic Government (Scotland) Act 1982 at Regulatory Panel (Licensing)

1. Purpose

- 1.1 The purpose of this report is to seek approval for the Protocol for the Handling of Applications under the Civic Government (Scotland) Act 1982 at the Regulatory Panel (Licensing), which is attached as Appendix 2 to this report.

2. Recommendation

2.1 It is recommended that the Panel:

2.1.1 approves the Protocol for the Handling of Applications under the Civic Government (Scotland) Act 1982 at the Regulatory Panel (Licensing), which is attached as Appendix 2 to this report.

2.1.2 requests that the Co-ordinator (Housing Policy and Strategy), arranges for publication of the approved Protocol on the Council's webpage for the Short-Term Let Licensing Scheme.

2.1.3 requests that the Co-ordinator (Licensing) arranges for publication of the approved Protocol on the Council's webpage for Licensing.

3. Background

3.1 The Council's Housing, Operations and Development Directorate administers the Short-Term Let Licensing Scheme and the Council's Legal and Regulatory Service administers the Licensing scheme for all other applications submitted in terms of the Civic Government (Scotland) Act 1982 ("the Act").

3.2 In terms of the Council's Short-Term Let Licensing Scheme, applications which attract competent objections are required to be determined by the Regulatory Panel (Licensing), rather than by officers under delegated powers.

3.3 In terms of all other applications under the Act, there are some applications which are referred to be determined by the Regulatory Panel (Licensing), rather than by officers under delegated powers

- 3.4 For applications which are heard by the Panel in the above circumstances narrated in 3.2 and 3.3, it is considered appropriate in the interests of efficiency, transparency and good governance, to have a Protocol in place, outlining for Applicants and persons who have made a relevant objection or representation, how submissions will be heard.

4. Proposals

- 4.1 It is proposed that members approve the Protocol in Appendix 2, which sets out how Applicants and persons who have made a relevant objection or representation are permitted to speak, the duration of oral submissions, and the order in which proceedings will be heard. It is considered that this will provide clarity going forward for all parties involved in this type of application, when they come before Panel.
- 4.2 If members are minded to approve the Protocol, it is also suggested that a link to this document is added to the South Ayrshire Council web pages for Licensing and the Short-Term Licensing Scheme, to provide information on this to Applicants and persons who have made a relevant objection or representation as part of the process.

5. Legal and Procurement Implications

- 5.1 There are no legal implications arising from this report.
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 There are no financial implications arising from this report.

7. Human Resources Implications

- 7.1 Not applicable

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There are no risks associated with adopting the recommendations.

8.2 **Risk Implications of Rejecting the Recommendations**

If the recommendations are rejected the Panel will not have a Protocol for The hearing of applications under the Act, which could lead to inconsistencies in hearing applications and uncertainty for the Panel members, Applicants and members of the public about the order of proceedings and the length of time permitted for Applicants and persons who have made a relevant objection or representations to speak.

9. **Equalities**

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#).

10. **Sustainable Development Implications**

- 10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. **Options Appraisal**

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. **Link to Council Plan**

- 12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/Leadership that promotes fairness.

13. **Results of Consultation**

- 13.1 The Portfolio Holder for Buildings, Housing and Environment, Councillor Martin Kilbride, has been consulted and is supportive of the report.

Background Papers : none

Person to Contact Karen Briggs, Service Lead - Legal and Licensing
County Buildings, Wellington Square, Ayr, KA7 1DR
Phone 01292 612416
E-mail karen.briggs@south-ayrshire.gov.uk

Date: 24th October 2023

South Ayrshire Council Equality Impact Assessment Scoping
1. Proposal details

Protocol for Handling Applications under the Civic Government (Scotland) Act 1982 at Regulatory Panel (Licensing)	Lead Officer Karen Briggs
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2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this proposal? Please indicate whether these would be positive or negative impacts

Community, Groups of People or Themes	Negative Impacts	Positive impacts
The whole community of South Ayrshire	-	-
People from different racial groups, ethnic or national origin.	-	-
Women and/or men (boys and girls)	-	-
People with disabilities	-	-
People from particular age groups for example Older people, children and young people	-	-
Lesbian, gay, bisexual and heterosexual people	-	-
People who are proposing to undergo, are undergoing or have undergone a process to change sex	-	-
Pregnant women and new mothers	-	-
People who are married or in a civil partnership	-	-
People who share a particular religion or belief	-	-
Thematic Groups: Health, Human Rights, Rurality and Deprivation.	-	-

3. Do you have evidence or reason to believe that the proposal will support the Council to:

General Duty and other Equality Themes	Level of Negative and/or Positive Impact (high, medium or low)
Eliminate discrimination and harassment faced by particular communities or groups	low
Promote equality of opportunity between particular communities or groups	low
Foster good relations between particular communities or groups	low
Promote positive attitudes towards different communities or groups	low
Increase participation of particular communities or groups in public life	low
Improve the health and wellbeing of particular communities or groups	low
Promote the human rights of particular communities or groups	low
Tackle deprivation faced by particular communities or groups	low

4. Summary Assessment

Is a full Equality Impact Assessment required? (A full EIA must be carried out on all high and medium impact proposals)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Rationale for decision: This report is in relation to an administrative procedure for the Council Panel.			
Signed : Karen Briggs , Service Lead Legal and Licensing			
Date: 24.10.23		Copy to equalities@south-ayrshire.gov.uk	

SOUTH AYRSHIRE COUNCIL

PROTOCOL FOR THE HANDLING OF APPLICATIONS UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 AT THE REGULATORY PANEL (LICENSING)

This Protocol sets out how oral submissions on applications under the Civic Government (Scotland) Act 1982 can be heard at the Regulatory Panel (Licensing) by members of the public.

1. How submissions can be heard at Panel.

- 1.1 In order to be heard at the Panel Hearing, any member of the public must first have submitted a competent written representation to the Council. Parties shall be given not less than 14 days' notice of the date of the Panel hearing.
- 1.2 The notice will provide a hyperlink to the agenda for the meeting and a copy of the relevant Panel papers for the application.
- 1.3 Only the relevant parties (applicant and persons who have made a relevant objection or representation) will be so notified. At that time, the parties will be advised that they may make a brief **5-minute** oral submission at the Panel hearing.

- 1.4 If you wish to speak at the meeting, either in person or via the internet, you must confirm your attendance, by email or in writing, as follows:-

i) **In relation to Short Term Let applications**, please confirm your attendance with the Housing Service by 7 days before the meeting. Emails must be sent to: shorttermlets@south-ayrshire.gov.uk. Letters must be sent to Short-term lets, Riverside House, 21 River Terrace, Ayr, KA8 0AU. Your confirmation correspondence must make clear your name, address, contact details and the application you wish to speak about.

ii) **In relation to all other types of applications**, please confirm your attendance with the Licensing Service by 7 days before the meeting. Emails must be sent to: licensing@south-ayrshire.gov.uk. Letters must be sent to Licensing, County Buildings, Wellington Square, Ayr, KA7 1DR. Your confirmation correspondence must make clear your name, address, contact details and the application you wish to speak about.

Please note that if you have not confirmed by email/letter your desire to speak at the meeting within the timescales outlined above, you will not be permitted to speak, except at the discretion of the Chair of the Regulatory Panel (Licensing).

- 1.5 if you wish to represent another person(s) alongside your own representation, you are required to notify the Council of this under the above section 1.4 when intimating your attendance at Panel Hearing. Please note that in those circumstances, the person you would like to represent must also advise

the Council in writing that they consent to you representing them at the Panel Hearing.

2. What happens when an application is considered at a Panel Hearing?

2.1 Order of Proceedings

2.1.1 The procedure at the Hearing will be as follows:

- (i) Chair introduces Agenda item;
- (ii) Officer(s) of the Council, and/or where appropriate, Police Scotland or other statutory consultee, to address the Panel;
- (iii) Applicant or agent to address Panel;
- (iv) other parties to address the Panel
- (v) Panel Members may seek further clarification from any of the parties and discuss the application.;
- (vi) Panel progresses to determination of item.

2.2 Duration of Submissions

2.2.1 All parties will be required to limit their submissions to no more than 5 minutes.

2.2.2 This limit may be extended, with the prior agreement of the Chairperson of the Panel, to up to 10 minutes where a group of two or more of the parties have appointed a spokesperson or representative to make the submission on behalf of the group. In such circumstances, the other parties will also be afforded up to 10 minutes to speak.

2.2.3 Where a local ward member (Councillor) addresses the Panel, this submission should not exceed 5 minutes. The Councillor should advise Committee Services of his/ her intention to make a submission in advance of the Panel meeting. Once the local ward member has made their submission they must leave the room.

2.2.4 To ensure fairness and consistency these time limits will be strictly enforced.

2.3 Protocol for Submissions

2.3.1 Presenting parties must adhere to the following rules:

- (i) oral submissions shall relate to the written submissions already lodged by the person making the oral submission;
- (ii) no new information shall be submitted in the form of new lines of argument, nor in the form of any maps, diagrams, photographs, physical objects or any other documentary material;
- (iii) no witnesses shall be called;
- (iv) the submission of clearly frivolous or vexatious points, and of plainly repetitious material will not be accepted;
- (v) abusive behaviour or the making of abusive personal comments about other parties will not be accepted.
- (vi) it is not permitted to bring any photographs, plans or documentation for the benefit of the Panel nor make any electronic presentations to the Panel.