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Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services
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29 March 2007

AUDIT COMMITTEE – 30 MARCH 2007

Please find attached item 5 (**LEGAL AND PROTECTIVE SERVICE PERFORMANCE – UPDATE**) which was marked “to follow” on the above agenda.

Nigel Stewart
Director of Corporate Services

“TO FOLLOW” ITEM

- 5. LEGAL AND PROTECTIVE SERVICES PERFORMANCE - UPDATE**
Report by Head of Legal and Protective Services (Pages 1 - 4)

AUDIT COMMITTEE

Councillor Donald MacMillan
Councillor Gary Mulvaney (Chair)
Ian M M Ross
Christopher Valentine

Councillor John McAlpine
Councillor Elaine Robertson
Councillor John Tacchi

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CORPORATE SERVICES**AUDIT COMMITTEE**

LEGAL & PROTECTIVE SERVICES**31 MARCH 2007**

LEGAL SERVICES UPDATE

1. BACKGROUND

- 1.1 At the meeting on 8th December 2006, the Audit Committee noted the contents of my further report and requested that I provide a report to this meeting giving a breakdown of the types of licence applications processed.

2. DETAIL

- 2.1 Legal Services administer two types of licensing – all liquor licensing in terms of the Licensing (Scotland) Act 1976 and a variety of licenses in terms of the Civic Government (Scotland) Act 1982. I will deal with each of these in turn.

2.2 Liquor Licensing

The administration of liquor licensing in Scotland is entrusted to licensing boards constituted by each Council area. In Argyll & Bute, there are two licensing boards who operate as quite separate and distinct entities from the Council. The day to day administration of liquor licensing is dealt with by staff within legal services. There are 510 licensed premises within Argyll & Bute. The following list sets out the principal types of applications which are dealt with: -

- Application for grant of a licence – hotel, public house, restaurant, off-sale, restricted hotel, refreshment and entertainment
- Application for regular extension of permitted hours
- Application for occasional licence/permission
- Application for consent to alter licensed premises
- Application for renewal of a licence

2.3 Civic Government

The Council has resolved that the following activities require to be licensed in terms of the Civic Government (Scotland) Act 1982: -

- Operating a taxi or private hire car or the driving thereof
- Carrying on business as a second-hand dealer
- Carrying on business as a metal dealer
- Boat hiring
- Street trading
- Carrying on a private market
- Using premises as a place of public entertainment
- Using premises for late hours catering
- Carrying on the trade of a window cleaner

The administration of the licensing for all these activities is undertaken by

staff in legal services and this may also include the variation or amendment to a licence.

The following provides a breakdown of the numbers of current licences in each category:-

- Taxi and private hire car operator & driver: 408
- Second-hand dealer: 26
- Metal dealer: 4
- Boat hirer : 8
- Street trading: 43
- Private market: 3
- Public entertainment: 23
- Late hours catering: 18
- Window cleaner: 28

TOTAL : 561

2.4 Other Licensing

Legal Services also administer approximately 50 betting and gaming machine licences under the Gaming Act 1968 and 179 licences under the Lotteries and Amusements Act 1976.

3. **UPDATE**

- 3.1 In my last report to the Audit Committee in December 2006, I advised that we were arranging for a demonstration of a case management and time recording system. The demonstration was successful and appears to offer a system which will help address the areas of criticism which were highlighted in the Best Value Review of Legal Services. Efforts are being made to identify the necessary resources to enable us to purchase the system and, on the basis this is successful, I would like to see the system fully implemented by the end of June.
- 3.2 With the NPDO and Housing Stock Transfer out of the way, the pressure has eased to a degree although as often happens, it simply becomes replaced with something else. The solicitors, particularly on the conveyancing side, are now getting the opportunity to review their work loads and address a number of matters which have been delayed. They have also put a number of transactions to our legal partners, Brodies for completion. There was an added difficulty over the Christmas and New Year period when we had a solicitor off sick for a number of weeks. As I have relayed to members in the past, being a small team, the absence of one member of staff has a considerable impact but these are issues which arise from time to time and simply have to be managed within the available resource.
- 3.3 In conclusion, I am really hopeful that the case management and time recording system will bring tangible benefits to legal services, not only in terms of performance management information which will assist me but also in terms of informing our customers as to how work is progressing. Members should also be aware that we are about to embark on a Best Value Review of the Regulatory Components of Legal & Protective Services and Related Management Support. There are areas of work in

legal and protective services that are discrete to each but equally there are areas where there are synergies, certainly in terms of the customer, particularly because both legal and protective services manage licensing regimes. Both legal and protective services also have a range of support systems (comprising people and systems) both at headquarters and area level. The Review has three elements:-

1. To make recommendations on the configuration and level of the environmental health service.
2. To make recommendations on the configuration and level of the trading standards service, and
3. To make recommendations on the configuration and organisation of the different licensing functions in legal and protective services.

A review team is currently being put together and the intention is to have a report concluded within 3 months.

SUSAN MAIR
Head of Legal and Protective Services

28th March 2007

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