

Policy on acceptance of late licence renewal applications

The purpose of this policy is to set out the Council's procedure for considering whether or not a late renewal application can be accepted.

The policy will apply to all late submissions of licence renewal applications in the following categories:

- Taxi Driver
- Private Hire Car Driver
- Taxi Vehicle
- Private Hire Car vehicle
- Second-hand Dealer
- Knife Dealer
- Metal Dealer
- Itinerant Metal Dealer
- Boat Hire
- Street Trader
- Market Operator
- Public Entertainment
- Indoor Sports Entertainment
- Late Hours Catering
- Window Cleaner
- Sex Shop
- Skin Piercing and Tattooing
- Hire Car Booking Office
- Short Term Let
- Sexual Entertainment Venue

The [Civic Government \(Scotland\) Act 1982](#) ('the Act') provides that any application for licence renewal must be made before the expiry of the licence. This has the effect of keeping the existing licence in force until a final decision has been made on the renewal application. If a renewal application is not made in time then the existing licence will expire on the date stated on the licence document.

The Act provides that an application made up to 28 days after the expiry date (a 'late application') may be accepted as if it had been made in time if the Council is satisfied that good cause has been shown for the late submission. If a late application is accepted then the previous licence will remain in effect while the late renewal application is processed.

Prior to making any renewal application, **applicants should consider seeking independent legal advice.**

- I. It is the responsibility of the applicant or their agent to accompany any late renewal application with a written explanation setting out why the application was not made in time. Council officers will decide whether this demonstrates 'good cause' which would allow the late application to be accepted.
- II. While 'good cause' is not defined, it would include events such as a

bereavement, serious illness etc. which has had an impact on making the application in time.

- III. The applicant may be called upon to provide documents or other information in support of their request.
- IV. 'Good cause' will not be taken to include an applicant's inability to secure or obtain any relevant or essential permissions, consents, leases or vehicles etc. The Council will not accept that there is good cause to accept a late renewal application where the original licence a) is suspended at the date of expiry or b) subject to civil or criminal proceedings in the courts.
- V. The Council recognises that rules should be enforced in a fair and consistent manner. Each case will be treated on its own merits.
- VI. Determination of whether 'good cause' has been shown shall be made by the Executive Director of Place (or equivalent officer) or their nominated officer, who will make their decision based on the facts and circumstances provided by the applicant. A written response will be provided, setting out whether or not 'good cause' has been demonstrated and the basis for this.
- VII. The decision whether or not to accept late renewal will be final and there is no right of appeal or review of that decision.

This policy does not affect any right to raise a complaint under the Council's Complaints Procedure.