

ABERDEENSHIRE COUNCIL – 25 APRIL 2013

ABERDEENSHIRE LICENSING BOARDS

1 Recommendations

It is recommended that Council –

- (a) determine to increase the membership of the South Divisional Licensing Board from 6 to 8 members; and**
- (b) if so minded, thereafter elect two Members to the South Divisional Licensing Board for the purposes of the Licensing (Scotland) Act 2005.**

2 Background and Discussion

- 2.1 At its meeting on 26 April 2012 (Item 7), the Council resolved to continue the establishment of three Divisional Licensing Boards in the Aberdeenshire Area, namely, South, Central and North with respective membership of 6, 8 & 9.
- 2.2 At its meeting on 17 May 2012 (Item 8), the Council elected Members to the South, Central and North Divisional Licensing Boards for the purposes of the Licensing (Scotland) Act 2005.
- 2.3 The current membership of the South Divisional Licensing Board being 6 members, there have been two instances since the Aberdeenshire Licensing Boards were reconstituted after the 2012 elections that the South Licensing Board has been unable to convene because of a lack of quorum. In order to address this, it is recommended that the number of members for the South Licensing Board be increased from 6 to 8 members.
- 2.4 All three Conveners of the Aberdeenshire Licensing Boards have been consulted and are in agreement with the recommendation to increase the membership of the South Licensing Board from 6 to 8 members.
- 2.5 Under the Licensing (Scotland) Act 2005, where there is a vacancy in the membership of a Licensing Board, the relevant council must, at their first meeting after the vacancy arises, hold an election to fill the vacancy. Should the Council agree to the recommendation to increase the membership of the South Licensing Board, the effect of this would be to create two vacancies in its membership. It is therefore further recommended that the Council elect two Members to the South Licensing Board for the purposes of the Licensing (Scotland) Act 2005.
- 2.6 Not less than one-third of the total Members of a Divisional Licensing Board must consist of Councillors for a Ward within the Division. All Board Members of the South Licensing Board are presently drawn from Wards within the Division.

- 2.7 The Licensing (Scotland) Act 2005 Act set out the categories for disqualification from Licensing Board membership:-

Disqualification from Membership

- (1) A councillor is disqualified from election as, and from being, a member of a Licensing Board if the councillor is:-
- (a) a premises licence holder, an employer of a premises licence holder and works as such in licensed premises,
 - (b) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol,
 - (c) a director or other officer of a company so engaged, or
 - (d) an employee of any person so engaged and works as such in that business.

These disqualifications are enforced by criminal sanctions.

- 2.8 The Licensing (Scotland) Act 2005 requires that any Licensing Board Members undergo mandatory training to standards set out by the Scottish Qualifications Authority. The Legal and Governance Service shall arrange the necessary training and dates for this as required.
- 2.9 The Head of Finance and the Monitoring Officer within Corporate Services have been consulted on the terms of this report.

3 Equalities, Staffing and Financial Implications

- 3.1 An equality impact assessment is not required because the recommendations contained within this report will not have a detrimental impact on the protected characteristics of any particular individuals.
- 3.2 There are no staffing or financial implications other than the minimal training and expenses associated with an additional two board members and this can be contained within existing budgets.

Karen F Wiles

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Clerk to the Aberdeenshire Licensing Boards

Report prepared by Martin Ingram, Principal Solicitor (Governance)

Date 12 April 2013