

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Full Council
<b>DATE</b>	18 May 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Appointment of Members to Aberdeen City Licensing Board
<b>REPORT NUMBER</b>	COM/22/074
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Sandy Munro
<b>TERMS OF REFERENCE</b>	8

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### 1. PURPOSE OF REPORT

- 1.1 To request the election of Members to the Aberdeen City Licensing Board in satisfaction of the Council's statutory duty.

### 2. RECOMMENDATIONS

That Council:-

- 2.1 Agree that the appropriate number of Members to be elected to the Licensing Board is nine; and
- 2.2 Elect nine Members to the Licensing Board.

### 3. CURRENT SITUATION

- 3.1 The Licensing (Scotland) Act 2005 (hereafter referred to as the 2005 Act) requires that a Licensing Board be established in each Local Authority area.
- 3.2 The 2005 Act provides that the Council must, at their first meeting after each ordinary election of the council, hold an election of Members to the Licensing Board. Such Members must be Councillors.
- 3.3 The 2005 Act provides that the Board should consist of such number, being not fewer than 5 and not more than 10, of elected Members as may be determined by the Council. A quorum for a meeting of a Licensing Board is one half of the number of Members, but in any case not fewer than 3.
- 3.4 The Board currently has 9 Members. This number reduces the likelihood of the Convener having to use a casting vote on applications.

- 3.5 The Members of the Licensing Board must, at their first meeting after the election of Members to the Board, elect one of their number as Convener.
- 3.6 The 2005 Act provides that a Councillor is disqualified from being a Member of the Licensing Board if the Councillor is –
- (a) a premises licence holder;
  - (b) an employee of a premises licence holder and works as such in a licensed premises;
  - (c) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol;
  - (d) a director or other officer of a company so engaged; or
  - (e) an employee of any person so engaged and works as such in that business.
- 3.7 By statute, each Licensing Board Member must, within 3 months of being elected or re-elected, undertake training and produce to the Clerk to the Board their Scottish Licensing Board Members' Certificate (SCLBM) within 4 months and cannot take part in any Board proceedings until they have done so. Should a Member fail to successfully complete the training and produce their training certificate within the 4 month period, the Member ceases to hold office as a Member of the Board.
- 3.8 Officers have set aside Thursday 2 June as the date on which Board Members will undertake the statutory training. Training will be provided remotely by Alcohol Focus Scotland.
- 3.9 The Board meets approximately every 8 weeks. Additional meetings of the Board may be called by the Convener in certain circumstances.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The cost of the training will be met from the Licensing budget.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Council has a statutory duty to establish and elect Members to the Licensing Board. Failure to establish the Board would mean that the Council would not be compliant with the requirements of the Licensing (Scotland) Act 2005.

#### **6. ENVIRONMENTAL IMPLICATIONS**

- 6.1 There are no direct environmental implications arising from the recommendations of this report.

## 7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	No significant risks identified.	N/A	N/A	N/A
<b>Compliance</b>	Statutory obligation	Recommendations are to comply with statutory obligations	L	Yes
<b>Operational</b>	No significant risks identified.	N/A	N/A	N/A
<b>Financial</b>	No significant risks identified.	N/A	N/A	N/A
<b>Reputational</b>	No significant risks identified.	N/A	N/A	N/A
<b>Environment / Climate</b>	No significant risks identified.	N/A	N/A	N/A

## 8. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
	<b>Impact of Report</b>
	The proposals in this report have no impact on the Council Delivery Plan

## 9. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Integrated Impact Assessment</b>	Full impact assessment not required

<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	None

## 10. BACKGROUND PAPERS

10.1 None

## 11. APPENDICES

11.1 None

## 12. REPORT AUTHOR CONTACT DETAILS

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