

ABERDEEN CITY COUNCIL

COMMITTEE: Council
DATE: 16 May 2012
CLERK TO THE BOARD: Jane MacEachran
TITLE OF REPORT: Appointment of Members to Aberdeen City
Licensing Board
REPORT NUMBER: CG/12/028

1. PURPOSE OF REPORT

The purpose of this report is to advise Members of the procedure for establishing a Licensing Board for the City of Aberdeen.

2. RECOMMENDATION(S)

That the Council:

1. determine the number of Members to be elected to the Licensing Board, and
2. elect the appropriate number of Members to the Licensing Board.

3. FINANCIAL IMPLICATIONS

The training cost will be met from the Member Training Budget.

4. OTHER IMPLICATIONS

None

5. BACKGROUND/MAIN ISSUES

5.1. Membership

The Licensing (Scotland) Act 2005 and the Gambling Act 2005 require that a Licensing Board be established in each Local Authority area.

The Licensing (Scotland) Act 2005 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.

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.

The Board currently has 9 Members. This number prevents the occurrence of a situation whereby the Convener has to use a casting vote on applications.

5.2 Disqualification from Membership

The Licensing (Scotland) Act provides that a Councillor is disqualified from election as, and 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.

5.3 Tenure of Office

A Member of a Licensing Board holds office during the period (i) beginning on the day after the Member's election, and (ii) ending on the day on which the next election of Members of the Board is held.

A Member of a Licensing Board:

- is eligible for re-election as a Member
- may, at anytime, resign by giving notice to the Clerk of the Board and
- ceases to hold office (i) on ceasing to be a Councillor or (ii) on becoming disqualified from being a Member of the Licensing Board.

5.4 Training

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.

Officers have set aside Tuesday 29 May 2012 as the date on which Board Members will undertake the statutory training.

The previous training provider has been contacted and agreed to provide the training and exam at the Town House on that date. This was on the basis that current Members were satisfied by the service provided by this training provider previously.

5.5. Frequency of Meetings

The Board meets on an eight week cycle. Additional meetings of the Board may be called in agreement with the Convener.

6. IMPACT

None

7. BACKGROUND PAPERS

None

8. REPORT AUTHOR DETAILS

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