

COMMITTEE	Statutory Council
DATE	17 May 2017
REPORT TITLE	Appointment of Members to Aberdeen City Licensing Board
REPORT NUMBER	CG/17/054
DIRECTOR/HOS	Fraser Bell
REPORT AUTHOR	Arlene Dunbar

1. PURPOSE OF REPORT

To advise elected members of the Council's statutory duty to establish the Aberdeen City Licensing Board and to elect the appropriate number of Members to the Board.

2. RECOMMENDATION(S)

It is recommended that the Council:

- (i) determine the number of Members to be elected to the Licensing Board;
and
- (ii) elect Members to the Licensing Board.

3. BACKGROUND/MAIN ISSUES

3.1. Membership

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

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.

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 reduces the likelihood of the Convener having to use a casting vote on applications.

3.2 Disqualification from Membership

The 2005 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.

3.3 Tenure of Office

A Member of a Licensing Board:

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

3.4 Training

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.

Officers have set aside Monday 22 May 2017 as the date on which Board Members will undertake the statutory training.

A training provider has 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.

3.5. Frequency of Meetings

The Board meets on an eight week cycle. Additional meetings of the Board may be called by the Convener in certain circumstances.

4. FINANCIAL IMPLICATIONS

The cost of the training will be met from the Licensing budget. The approximate cost of the training is £1,400.

5. LEGAL IMPLICATIONS

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. MANAGEMENT OF RISK

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.

7. IMPACT SECTION

Economy

Failure to establish a Licensing Board would have a negative impact on the licensed trade and the night time economy as there would be no statutory body in Aberdeen City for the determination of liquor and gambling applications.

People

An Equality and Human Rights Impact Assessment was not necessary as the report has no impact in terms of the public sector equality duty or people with protected characteristics.

Place

No impact on place.

Technology

No impact on technology.

8. BACKGROUND PAPERS

None

9. APPENDICES (if applicable)

None.

10. REPORT AUTHOR DETAILS

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