

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	11 October 2017
REPORT TITLE	Resignation of Member of Aberdeen City Licensing Board and Duty to Elect New Member to the Board
REPORT NUMBER	CG/17/117
CG LEAD OFFICER	Fraser Bell
REPORT AUTHOR	Lynn May

1. PURPOSE OF REPORT:-

- 1.1 To advise elected members that there is now a vacancy in the membership of the Aberdeen City Licensing Board, due to the resignation of Councillor Mason MSP, the Council therefore has a Statutory duty to elect a new member.

2. RECOMMENDATION(S)

- 2.1 That the Council:-
- (a) note Councillor Mason MSP's resignation from Aberdeen City Licensing Board; and
 - (b) elect a new member to the Aberdeen City Licensing Board to fill the vacancy created.

3. BACKGROUND/MAIN ISSUES

- 3.1 The Licensing (Scotland) Act 2005 (hereafter referred to as 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.
- 3.2 The Council considered a report at their Statutory meeting on 17 May 2017 and in accordance with the 2005 Act agreed to elect 9 Members to the Licensing Board. One of the nine elected Board members was Councillor Mason MSP. A new member now requires to be elected to fill the vacancy created in order to restore the Licensing Boards membership back to 9.

- 3.3 A member of a Licensing Board generally holds office from the day of their election by the Council until the day of the next election of members by the Council, after each ordinary Council election, unless they cease to be a councillor or become disqualified from being a member of the Board. The 2005 Act states that a councillor is disqualified from election as and from being a member of a Licensing Board if the councillor is:-
- a premises licence holder,
 - an employee of a premises licence holder and works as such in licensed premises,
 - a director or other officer of a company so engaged, or
 - an employee or any person so engaged and works as such in that business.
- The Council may also, in terms of the 2005 Act, remove a member of the Licensing Board from office if the member is unfit by reason of mental or physical inability.
- 3.4 In terms of the 2005 Act a member of a Licensing Board may at any time resign by giving notice to the Clerk to the Board. Councillor Mason MSP has given such notice to the Head of Legal and Democratic Services who acts as Clerk to the Licensing Board.
- 3.5 In terms of the 2005 Act where there is a vacancy in the membership of the Licensing Board, the Council must at their first meeting after the vacancy arises, hold an election to fill the vacancy.
- 3.6 The 2005 Act requires that each Licensing Board member must, within 3 months of being elected or re-elected undertake training. They must 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.
- 3.7 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 The Board meets on an 8 week cycle. Additional meetings of the Board may be called by the Convener in certain circumstances.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of training for the new member of the Licensing Board 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. If a vacancy arises in the membership of the Board the Council has a duty to hold an election, at the first meeting after the vacancy

arises, to fill the vacancy. Failure to fill the vacancy would mean that the Council would not be compliant with the requirements of the Licensing (Scotland) Act 2005. If members decide not to elect a replacement, the Board would consist of 8 members, which is still compliant with the legislation.

6. MANAGEMENT OF RISK

- Financial

6.1 Implications as per paragraph 4.1 of this report.

- Employee

6.2 There is no risk to employees arising from the recommendations of this report.

- Customer/Citizen

6.3 There is no risk to customers/citizens arising from the recommendations of this report.

- Environmental

6.4 There is no risk to the environment arising from the recommendations of this report.

- Technological

6.5 There is no risk to technology arising from the recommendations of this report.

- Legal

6.6 Implications as per paragraph 5.1 of this report.

- Reputational

6.7 There is no risk of reputational damage to the Council from the recommendations of this report.

7. IMPACT SECTION

Economy

7.1 There will be no impact on the economy arising from the recommendations.

People

- 7.2 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

- 7.3 There will be no impact on the place arising from the recommendations.

Technology

- 7.4 There will be no impact on technology arising from the recommendations

8. BACKGROUND PAPERS

- 8.1 None

9. APPENDICES

- 9.1 None

10. REPORT AUTHOR DETAILS

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