

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Council
<b>DATE</b>	9 December 2019
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Licensing Board Vacancy
<b>REPORT NUMBER</b>	Gov/19/427
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Sandy Munro
<b>TERMS OF REFERENCE</b>	Introduction 1

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### 1. PURPOSE OF REPORT

To inform the Council in terms of s4(2) of Schedule 1 to the Licensing (Scotland) Act 2005 ("the 2005 Act") of the resignation of a Member of the Licensing Board, and to seek the appointment of a Member to fill the resultant vacancy in terms of s2(4) of Schedule 1 of the 2005 Act.

### 2. RECOMMENDATION(S)

That Council :-

- 2.1 note the resignation of Cllr John from the Licensing Board as of 2 September 2019
- 2.2 hold an election at the meeting of 9 December to appoint a Member to fill the vacancy on the Licensing Board.

### 3. BACKGROUND

- 3.1 A Licensing Board is to consist of such number (not fewer than 5 and not more than 10) of members as may be determined by the relevant council. Aberdeen City Council has agreed that the Licensing Board comprise 9 members. The

members of a Licensing Board are to be elected by the council from among its councillors

- 3.2 A Member of the Licensing Board may, at any time, resign by giving notice to the clerk of the Board.
- 3.3 Councillor John submitted a notice of resignation by way of e-mail on 2 September 2019.
- 3.4 The clerk to the Board must, on receipt of a notice of resignation, give the Council a copy of the notice. A copy of the notice is attached as Appendix 1.
- 3.5 Where there is a vacancy in the membership of a Licensing Board, the Council must, at their first meeting after the vacancy arises, hold an election to fill the vacancy.

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

- 4.1 Each Member of a Licensing Board is required to comply with statutory training requirements before he or she is permitted to take part in any proceedings of the Board.
- 4.2 Expenditure related to the Licensing Board however is required to be funded from licensing income and should not therefore affect any existing budgets.

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

- 5.1 The procedure detailed in paragraph 3 is stipulated in the 2005 Act. Failure to follow that procedure would therefore breach licensing legislation.

#### **6. MANAGEMENT OF RISK**

<b>Category</b>	<b>Risk</b>	<b>Low (L) Medium (M) High (H)</b>	<b>Mitigation</b>
<b>Financial</b>	Training Costs	L	Funded from licensing income
<b>Legal</b>	Failure to comply with legislation	L	Fulfilling the recommendations will ensure compliance with legislation.
<b>Employee</b>	None		

<b>Customer</b>	None		
<b>Environment</b>	None		
<b>Technology</b>	None		
<b>Reputational</b>	Failure to comply with legislation	L	Fulfilling the recommendations will ensure compliance with legislation.

## 7. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	Not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Duty of Due Regard / Fairer Scotland Duty</b>	Not applicable

## 8. BACKGROUND PAPERS

Licensing (Scotland) Act 2005

## 9. APPENDICES (if applicable)

Notice of resignation

## 10. REPORT AUTHOR CONTACT DETAILS

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