1 Recommendations

It is recommended that Council -

(a) elect Members to the South, Central and North Divisional Licensing Boards for the purposes of the Licensing (Scotland) Act 2005;

(b) note that mandatory Licensing Board Member training will take place on 25 and 26 May 2017

2 Background and Discussion

2.1 In terms of the Licensing (Scotland) Act 2005, Council is required, at this Statutory Meeting, to elect from its membership a separate Licensing Board to administer the business of Liquor Licensing for each of the three Licensing Divisions.

2.2 Not less than one-third of the total Members of a Divisional Licensing Board must consist of Councillors for a Ward within the Division. Each Board must consist of a minimum of five, and a maximum of ten members. In practice, all Board Members have, in the past, invariably been drawn from Wards within the Division. Previously membership was:-

North (sitting in Peterhead) 8 members
Central (sitting in Inverurie) 8 members
South (sitting in Stonehaven) 8 members – but a vacancy arose in January 2017 and given the relative proximity of the local government election it was decided to run with one vacancy until after the election.

2.3 The Licensing (Scotland) Act 2005 Act sets out the categories for disqualification from Licensing Board membership:-

Disqualification from Membership

(1) A councillor is disqualified from election as, and from being, a member of a Licensing Board if the councillor is:-

(a) a premises licence holder, an employer of a premises licence holder and works as such in licensed premises,

(b) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol,

(c) a director or other officer of a company so engaged, or

(d) an employee of any person so engaged and works as such in that business.
These disqualifications are enforced by criminal sanctions.

2.4 The Licensing (Scotland) Act 2005 Act further requires Licensing Board Members to undergo mandatory training to standards set out by the Scottish Qualifications Authority. This has been arranged for 25 and 26 May with members required to attend on one of the two days.

2.5 Council is now requested to elect Members to sit on the Boards, taking account of the information given above.

2.6 The Head of Finance and the Monitoring Officer have been consulted and are in agreement with the terms of this Report.

3 Scheme of Governance

3.1 Appointment of members is a matter for Full Council in terms of Paragraph A.2.1 of part 2A of the Scheme of Governance

4 Equalities, Staffing and Financial Implications

4.1 There are no area, policy, finance, staffing or sustainability implications directly arising from this report.

4.2 An Equality Impact Assessment is not needed in this case because the appointments will not have a differential impact on the protected characteristics of the applicant or any third parties.

Director of Business Services

Report prepared by: Peter Robertson Senior Solicitor (Governance)
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