

REPORT TO ABERDEENSHIRE COUNCIL – 24th SEPTEMBER 2015

ABERDEENSHIRE CENTRAL DIVISIONAL LICENSING BOARD

1 Recommendations

It is recommended that Council:

(a) Elect one Member to the Central Divisional Licensing Board for the purposes of the Licensing (Scotland) Act 2005.

2 Background / Discussion

- 2.1 At its meeting of 17th May 2012 (Aberdeenshire Licensing Boards Item 8), Council elected Members to the North, Central and South Divisional Licensing Boards in terms of the Licensing (Scotland) Act 2005 to administer the business of Liquor Licensing.
- 2.2 Due to the death of Councillor Joanna Strathdee, a vacancy on the Central Divisional Licensing Board has arisen. Under the Licensing (Scotland) Act 2005, where there is a vacancy in the membership of a Licensing Board, the relevant council must, at their first meeting after the vacancy arises, hold an election to fill the vacancy.
- 2.3 A nomination is sought in order that the number of Members can remain at eight.
- 2.4 Each Licensing Board must consist of a minimum of five, and a maximum of ten Members, the exact number is to be determined by Council. Not less than one-third of the total Members of a Divisional Licensing Board must consist of Councillors for a Ward within the Division. In practice, all Board Members have, in the past, invariably been drawn from Wards within the Division. Current membership agreed is:-
- | | |
|--------------------------------|-----------|
| North (sitting in Peterhead) | 8 members |
| Central (sitting in Inverurie) | 8 members |
| South (sitting in Stonehaven) | 8 members |
- 2.5 The Licensing (Scotland) Act 2005 Act set 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 premises licence holder, an employer of a premises licence holder and works as such in licensed premises,
 - 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.

- 2.6 The Licensing (Scotland) Act 2005 Act further requires Licensing Board Members to undergo mandatory training to standards set out by the Scottish Qualifications Authority. The Legal and Governance Service shall arrange the necessary training and dates for this as required.
- 2.7 Council is now requested to elect a Member to sit on the Central Board, taking account of the information given above.
- 2.8 The Head of Finance and the Monitoring Officer within Business Services have been consulted on the terms of this report and any comments incorporated in the report.

3 Equalities, Staffing and Financial Implications

- 3.1 An equality impact assessment is not required because the recommendations contained within this report will not have a detrimental impact on the protected characteristics of any particular individuals.
- 3.2 There are no staffing or financial implications arising directly as a result of this report.

Alan Wood

Director of Business Services

Report prepared by Jill Joss, Senior Solicitor (Governance)

Date 25th August 2015