

REPORT TO: East Lothian Council

MEETING DATE: 15 May 2012

BY: Executive Director (Support Services)

SUBJECT: Licensing (Scotland) Act 2005: Appointment of Members to East Lothian Licensing Board

1 PURPOSE

- 1.1 For the Council to appoint Elected Members to serve on East Lothian Licensing Board.

2 RECOMMENDATIONS

- 2.1 That the Council appoints between 5 and 10 Elected Members to be members East Lothian Licensing Board.

3 BACKGROUND

- 3.1 The Council is required by the Licensing (Scotland) Act 2005 elect Members to the Licensing Board for the Council's area. The Licensing Board is not a sub-committee of the Council and is a separate apolitical legal entity, The Act disqualifies Councillors who are: -

- Premises licence holders
- Employees of a premises licence holder and who work as such in licensed premises
- Themselves or in partnership with another person, engaged in the business of producing or selling alcohol
- Directors or other officers of a company engaged in the business of producing or selling alcohol
- Employees of any person engaged in the business of producing or selling alcohol and who work as such in that business

It is an offence for a Councillor to be a member of a Licensing Board at a time when the Councillor is disqualified. The offence is punishable by a fine in the criminal courts.

- 3.2 There is a statutory minimum of 5 and maximum of 10 membership of the Licensing Board. A quorum is half the appointed Board members. It is suggested that the Board appointed might reflect a balanced geographical spread of Elected Members. The geographical spread could be achieved by the appointment of at least one member from each Electoral Ward, but this is a matter for the Council to determine.
- 3.3 At the first meeting of the Board on 28 June 2012, the Board is required to appoint a Convenor. Before sitting on the Board all members must undertake training. The compulsory training for Board Members will take place over a full day on **22 May 2012**.

4 POLICY IMPLICATIONS

- 4.1 There are no policy implications arising from this report, the terms and recommendations of which derive from statutory requirements.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 There will also be a requirement to provide external training for members of the Licensing Board. The cost will be met from existing budgets allocated to Law and Licensing.
- 6.2 There are no personnel implications.
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 None

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**EAST LOTHIAN LICENSING BOARD 2012-2017
AS PROPOSED BY THE ADMINISTRATION**

Nominated Councillors

Councillor J Goodfellow
Councillor W Innes
Councillor J Gilles
Councillor S Akhtar
Councillor D Grant
Conservative
[Opposition Member]
[Opposition Member]
[Opposition Member]
[Opposition Member]

15 May 2012

Under the 2005 Act there is a statutory minimum and maximum membership of the Licensing Board, the minimum being 5 members and the maximum 10 members. A quorum is half the appointed Board members with a minimum of 3. It is suggested that the Board appointed might reflect a balanced geographical spread of Elected Members. The geographical spread could be achieved by the appointment of at least one member from each Electoral Ward, but this is a matter for the Council to determine.

At the first meeting of the Board, scheduled for 28 June 2012, the Board is required to appoint a Convener to chair the Board.