

REPORT TO: East Lothian Council

MEETING DATE: 24 May 2022

BY: Executive Director for Council Resources

SUBJECT: Appointment of Members to East Lothian Licensing Board

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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 of the East Lothian Licensing Board.

3 BACKGROUND

- 3.1 The Council is required by the Licensing (Scotland) Act 2005 to 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 quasi-judicial 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 23 June 2022, 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 Friday 10 June.

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 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

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.
- 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 2022–27 AS PROPOSED BY THE ADMINISTRATION

Nominated Councillors

Councillor Bruce
Councillor Cassini
Councillor Dugdale
Councillor Gilbert
Councillor McGuire
Councillor McMillan

20 May 2022

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.