

**Election of Members of the Midlothian Licensing Board****Report by John Blair, Director, Resources****1 Purpose of Report**

In accordance with Standing Order 4.1(xi), consideration requires to be given at this meeting to the election of the Midlothian Licensing Board.

**2 Background**

- 2.1** In terms of the Licensing (Scotland) Act 2005 a Licensing Board, for the administration of licensing with respect to alcohol liquor, requires to be appointed for the Midlothian Council area. In addition to the function of administering liquor licensing, Licensing Boards also have functions in relation to the granting of permits and licences under the Gambling Act 2005.
- 2.2** The Board must consist of not less than five and not more than ten Members of the Council. The number of Board members, within these parameters, is a matter for the Council to decide upon.
- 2.3** The Convener will be appointed by the Board at its first meeting following the elections. This will be held in the Council Chambers at 10.00am on Wednesday 21 June 2017

**3 Disqualification of Interested Persons**

- 3.1** In terms of paragraph 3 of Schedule 1 to the Licensing (Scotland) Act 2005, a Councillor is disqualified from being a member of the Licensing Board if the Councillor is:
- A premises licence holder in terms of the Licensing (Scotland) Act 2005;
  - An employee of a premises licence holder and working in licensed premises;
  - Engaged, either alone or in partnership, in the business of producing or selling alcohol;
  - A director or other officer of a company engaged in the business of producing or selling alcohol; or
  - An employee of any person engaged in the business of producing or selling alcohol and working in that business.

## **4 Training**

- 4.1** In terms of paragraph 11 of Schedule 1 to the Licensing (Scotland) Act 2005, Board members will require to undertake prescribed training within 3 months of their election to the Licensing Board. Board members will not be allowed to sit on the Board or to take part in any business until they have completed the training.
- 4.2** Alcohol Focus Scotland will be running a prescribed training session on 15 June 2017 from 9.00am to 5pm in the Council Chambers and all Councillors elected to the Board are invited to attend this session.

## **5 Report Implications**

### **5.1 Resource**

There are no resource implications arising directly from this report

### **5.2 Risk**

Both Standing Orders and the Licensing (Scotland) Act 2005 require the Council to elect the Licensing Board members at the first meeting of the Council. Failure to do so would accordingly contravene Standing Orders and be in breach of the Licensing (Scotland) Act 2005.

### **5.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☒ None of the above

### **5.4 Key Priorities within the Single Midlothian Plan**

Formation of the Licensing Board is a statutory responsibility which does not impact directly on the Single Midlothian Plan.

### **5.5 Impact on Performance and Outcomes**

Formation of the Licensing Board is a statutory responsibility which does not impact directly on Performance and Outcomes.

## **5.6 Adopting a Preventative Approach**

Formation of the Licensing Board is a statutory responsibility which does not impact directly on the Preventative Approach..

## **5.7 Involving Communities and Other Stakeholders**

The Licensing Board will operate with the Licensing Forum which will involve Communities and Other Stakeholders.

## **5.8 Ensuring Equalities**

There are no policy, service or budget changes affecting staff which would require an EqIA.

## **5.9 Supporting Sustainable Development**

There are no Sustainability implications or other factors which would require a Strategic Environmental Assessment contained within this report.

## **5.10 IT Issues**

There are no IT issues implications in this Report. Insert text here

## **6 Recommendations**

The Council are invited to

(a) determine the size of the Licensing Board; and

(b) elect the members of the Licensing Board.

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**Background Papers:** None