

Midlothian Licensing Board – Appointment of Member**Report by Kevin Anderson, Executive Director, Place****Report for Decision****1 Recommendation**

The Council are invited to

- (a) note that Councillor McManus has had to resign from the Licensing Board; and
- (b) elect a replacement member to the Licensing Board.

2 Purpose of Report/Executive Summary

This report seeks the election of a replacement member of Midlothian Licensing Board to replace Councillor McManus who has had to resign following his appointment to the Newbattle Abbey College Trust.

Date: 8 March 2023

Report Contact: Alan Turpie, Clerk, Midlothian Licensing Board

Email: alan.turpie@midlothian.gov.uk

3 Background

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:

- i. A premises licence holder in terms of the Licensing (Scotland) Act 2005;
- ii. An employee of a premises licence holder and working in licensed premises;
- iii. Engaged, either alone or in partnership, in the business of producing or selling alcohol;
- iv. A director or other officer of a company engaged in the business of producing or selling alcohol; or
- v. An employee of any person engaged in the business of producing or selling alcohol and working in that business.

3.2 Council appointed Councillor McManus to the Licensing Board at its meeting on 24 May 2022. Councillor McManus has now since been appointed as a director of Newbattle Abbey College Trust. The Trust holds an alcohol premises licence in respect of the College premises and, as such, Councillor McManus is now a “disqualified person” in terms of bullet point 4 above.

3.3 In order to fulfil his obligations to the Trust, Councillor McManus has no option other than to resign from the Licensing Board. Councillor McManus has therefore tendered his resignation from the Board and nominations for a replacement Board member are now being sought. A replacement Board Member must not be a disqualified person in terms of 3.1 above.

3.4 The replacement Board member will have to undergo the prescribed training in terms of paragraph 11 of Schedule 1 to the Licensing (Scotland) Act 2005 and will not be allowed to sit on the Board or to take part in any business until they have completed the training.

4. Report Implications (Resource, Digital and Risk)

4.1 Resource

There are no resource implications arising directly from this report.

4.2 Digital

There are no digital implications related to this report.

4.3 Risk

There are no risk implications arising from this report.

4.4 Ensuring Equalities

An equalities impact assessment has not been required in connection with this report.

4.5 Additional Report Implications

See Appendix A

Appendix A - Additional Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- Holistic Working
- Hub and Spoke
- Modern
- Sustainable
- Transformational
- Preventative
- Asset-based
- Continuous Improvement
- One size fits one
- None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- One Council Working with you, for you
- Preventative and Sustainable
- Efficient and Modern
- Innovative and Ambitious
- None of the above

A.4 Delivering Best Value

There are no direct implications related to this report.

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities.

A.6 Impact on Performance and Outcomes

Not applicable

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting a Sustainable Development

Not applicable