

Vacancy on the Midlothian Licensing Board

Report by John Blair, Director, Resources

1 Purpose of Report

The purpose of this report is to invite the Council to fill the vacancy in Midlothian Licensing Board resulting from the sudden death of Councillor Adam Montgomery.

2 Background

- 2.1** At its meeting on 23 May 2017, the Council agreed that the Licensing Board would consist of ten members and appointed the members to the Board. Amongst those so appointed was Councillor Adam Montgomery. Councillor Montgomery's sudden death now means there is a vacancy within the Licensing Board.
- 2.2** In terms of paragraph 2 (4) of Schedule 1 to the Licensing (Scotland) Act 2005, where a vacancy occurs in the membership of the Licensing Board, the Council must, at the first meeting after the vacancy arises, hold an election to fill the vacancy.
- 2.3** The Council is therefore invited to fill the vacancy in the Midlothian Licensing Board.

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. Councillor Munro, although not currently a Licensing Board member, has undertaken the prescribed training.

5 Report Implications

5.1 Resource

There are no resource implications arising directly from this report

5.2 Risk

The Council would be in breach of the Licensing (Scotland) Act 2005 should it fail to fill the vacancy in the membership of the Licensing Board

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

This report does not impact directly on the Single Midlothian Plan.

5.5 Impact on Performance and Outcomes

This report does not impact directly on Performance and Outcomes.

5.6 Adopting a Preventative Approach

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

5.7 Involving Communities and Other Stakeholders

This report does not relate directly to involving communities.

5.8 Ensuring Equalities

There are no policy, service or budget changes 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.

6 Recommendations

The Council are invited to fill the existing vacancy within the membership of the Licensing Board. Council may also care to note that Councillor Munro, who is not currently a Licensing Board member, has undertaken the prescribed training.

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Background Papers: None