

Election of Members of the Midlothian Licensing Board

Report by Kevin Anderson, Executive Director, Place

Report for Decision

1 Recommendation

The Council are invited to

- (a) determine the size of the Licensing Board; and
- (b) elect the members of the Licensing Board.

2 Purpose of Report/Executive Summary

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

Date: 6 May 2022

Report Contact: Alan Turpie, Clerk, Midlothian Licensing Board

Email: alan.turpie@midlothian.gov.uk

3 Background

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.

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.

The Convener will be appointed by the Board at its first meeting following the elections.

4 Disqualification of Interested Persons

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.

5. Training

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.

This will apply to all those elected to the Board even if they have previously been Board members.

Alcohol Focus Scotland will be running the prescribed training session on a virtual basis on 26 May 2022 from 9.00am to 5pm and all Councillors elected to the Board are invited to attend this session.

5. Report Implications (Resource, Digital and Risk)

5.1 Resource

There are no resource implications arising directly from this report.

5.2 Digital

There are no digital implications related to this report.

5.3 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.

5.4 Ensuring Equalities

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

5.5 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