
Report to : Council

Date of Meeting: 14th August, 2014

Subject: Appointment to Licensing Board

Report by: Chief Executive

1.0 Purpose

- 1.1. This report results from the intimation from Councillor Archie Drummond on 22 July 2014 of his resignation from the Licensing Board and invites the Council to consider the appointment of a replacement for Councillor Drummond and the number of members appointed to the Board.

2.0 Recommendations

- 2.1. It is recommended that (one) the Council appoints another member to the Licensing Board to replace Councillor Drummond and (two) considers the appointment of a further member or two further members to the Board to provide increased availability of members to serve on the Board or its sub-committees.

3.0 Background and Options

- 3.1. At its first statutory meeting, under Standing Order 1.5, the Council must appoint no fewer than five and no greater than ten members to the Licensing Board. This is obligatory under Schedule 1 of the Licensing (Scotland) Act 2005. Additionally it should be noted that all members appointed must then undergo compulsory training before they can participate in making Board decisions.
- 3.2. There is no statutory obligation on the Council to maintain a political balance on the Licensing Board and the Licensing Board was not included within the considerations relating to Political Balance submitted by the Chief Executive to the first Meeting of Council on 17 May 2012. That notwithstanding when considering the separate item relating to the appointment of Board Members the Council did have regard to political balance.
- 3.3. After a division of votes the Council appointed six members to the Licensing Board, namely:- Councillors Walter McAdam MBE, Les Sharp, Irene Hamilton, Kenneth Earle, George Matchett QPM, and Councillor Archie Drummond.

- 3.4. By virtue of Schedule 1 paragraph 12(1) of the 2005 Act the quorum for the Board is half the membership or not less than three.
- 3.5. There are several options available to the Council :-
- (a) make no appointment and continue with five members;
 - (b) invite Councillor Alastair Campbell as the other member of the minority opposition "group" to take up the place vacated by Councillor Drummond, thus maintaining the political balance previously agreed by the Council;
 - (c) appoint another member to fill the vacant place;
 - (d) appoint further member(s) to the Board, in the light of the information contained in paragraph 4.4 below.

4.0 Consideration

- 4.1. Option (a) would potentially place the Council in further difficulties regarding the availability of members highlighted at paragraph 4.4 to ensure that the Board's statutory duties were duly met.
- 4.2. Option (b) would fulfil the objectives of the decision taken on 15 May 2012 but not address paragraph 4.4. This option also assumes that Councillor Campbell would be willing to be appointed to the Board.
- 4.3. Option (c) would require the Council to depart from any consideration based on political balance since no member of the minority opposition "group" would be represented on the Board
- 4.4. Option (d) would address recent concerns expressed on behalf of the Clerk to the Board regarding difficulties in obtaining a quorum for meetings. This is not a reflection on members and has arisen as a result of members' unavoidable personal circumstances and their commitments elsewhere both within and outwith the Council. There has therefore been considerable reliance on particular individual members.
- 4.5. Members are therefore invited to consider the appointment of a member or members to the Board following Councillor Drummond's resignation.

5.0 Sustainability Implications

- 5.1. There are no sustainability implications for the Council.

6.0 Resource Implications

6.1. Financial Details

There are no new financial implications for the Council arising from the recommendations of this report.

6.2. Staffing

There are no staffing implications resulting from this report.

7.0 Exempt Reports

7.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail)

None

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Approved by

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