

Report

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Report to:	South Lanarkshire Council
Date of Meeting:	23 May 2007
Report by:	Executive Director (Corporate Resources)

Subject:	Election of Members to Divisional Licensing Boards
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ consider the election of members to the 4 Divisional Licensing Boards within the South Lanarkshire area in terms of the Licensing (Scotland) Act 1976 and the Licensing (Scotland) Act 2005

2. Recommendation(s)

2.1. The Council is asked to approve the following recommendation(s):-

- (1) that the number of members to be elected to each Licensing Division be as follows:-
 South Lanarkshire Licensing Division No 1 (Clydesdale Area) - 7
 South Lanarkshire Licensing Division No 2 (East Kilbride Area) – 8
 South Lanarkshire Licensing Division No 3 (Hamilton Area) - 9
 South Lanarkshire Licensing Division No 4 (Rutherglen and Cambuslang Area) - 7
- (2) that the required number of members for each of the 4 Licensing Divisions be elected.

3. Background

- 3.1. At its meeting on 3 December 1996, the Council agreed that, with effect from 1 February 1997, the South Lanarkshire licensing area would be divided into 4 separate Licensing Divisions.
- 3.2. The formula which is applied to calculate the number of members for each Licensing Division is that the Division must consist of not less than one quarter of the total number of councillors elected for the Wards within the area making up the Division. Unless the Secretary of State directs otherwise, not less than one third of the members of each Licensing Division must be Councillors for a Ward within the area of the Division, that is local members.
- 3.3. In all cases, a Licensing Division must consist of a minimum of 5 elected members. Consequently, the minimum numbers of elected members for each Division would be as follows:-

South Lanarkshire Licensing Division No 2 (East Kilbride Area)	5
South Lanarkshire Licensing Division No 3 (Hamilton Area)	6
South Lanarkshire Licensing Division No 4 (Rutherglen and Cambuslang Area)	5

- 3.4. The above numbers are minimum numbers and can be increased if the Council considers it appropriate. Any increase in the minimum number of members of a Licensing Division will naturally require a corresponding increase in the minimum number of local members to ensure that the required one third ratio is achieved. The Council has previously elected members to each Licensing Division as follows:-

South Lanarkshire Licensing Division No 1 (Clydesdale Area) - 7
 South Lanarkshire Licensing Division No 2 (East Kilbride Area) – 8
 South Lanarkshire Licensing Division No 3 (Hamilton Area) - 9
 South Lanarkshire Licensing Division No 4 (Rutherglen and Cambuslang Area) - 7

4. Election of Disqualified Persons

- 4.1. In terms of Section 2 of the Licensing (Scotland) Act 1976, the following persons are prohibited from being a member of a Licensing Division:-

- ◆ a person who is, or who is in partnership with any person as a brewer, maltster, distiller or dealer in or retailer of alcoholic liquor; or
- ◆ a person who is an employee of a holder of a licence under the 1976 Act and any other person engaged in a business which deals in alcoholic liquor including directors, officers and employees of companies so engaged.

5. Employee Implications

- 5.1. There are no employee implications.

6. Financial Implications

- 6.1. The cost of providing the required training, which is to be met from existing Licensing Division budgets, is estimated at £5580.

7. Other Implications

- 7.1. It is a requirement of The Licensing (Training) (Scotland) Regulations 2007 (SSI no. SSI/2007/95) that Board members are required to undertake a qualification accredited by the Scottish Qualifications Authority that meets the specification set down by Ministers. The SQA has, on 9 May 2007, accredited the British Institute of Inn Keeping's (BIIB) Scottish Certificate for Licensing Board members. However, it is anticipated that other training providers and qualifications will be accredited within the next few weeks.
- 7.2. Arrangements will now be progressed to ensure that the training is completed as required within 3 months of the date of appointment of Board members.

8. Consultation

- 8.1. None.

Robert McIlwain
Executive Director (Corporate Resources)

16 May 2007

Link(s) to Council Objectives

Living in the Community

Previous References

Minutes of South Lanarkshire Council of 16 May 2003

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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