

Report

Report to:	South Lanarkshire Council
Date of Meeting:	18 May 2022
Report by:	Executive Director (Finance and 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 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) - 10
 - South Lanarkshire Licensing Division No 2 (East Kilbride Area) – 10
 - South Lanarkshire Licensing Division No 3 (Hamilton Area) - 10
 - South Lanarkshire Licensing Division No 4 (Rutherglen and Cambuslang Area) - 10
- (2) that the required number of members for each of the 4 Licensing Divisions be elected and that authority be delegated to the Chief Executive, in consultation with the Leaders of the political and independent groups, to finalise membership.

3. Background

3.1. The Council has previously agreed that the South Lanarkshire licensing area be divided into 4 separate Licensing Divisions and it is proposed that this arrangement be continued.

3.2. Each Divisional Licensing Board is responsible for administering the liquor licensing system under the Licensing (Scotland) Act 2005 and certain gambling licensing under the Gambling Act 2005 within its geographical area. In particular, the Boards are responsible for processing applications lodged within their area for the following:-

- ◆ grant of licences for the sale of alcohol in premises and to individuals to supervise or authorise the sale of alcohol
- ◆ grant occasional licences allowing the sale and consumption of alcohol
- ◆ grant extended hours applications
- ◆ grant licences for premises where gambling is to take place
- ◆ grant various permits under the Gambling Act 2005

- 3.3. 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.
- 3.4. In all cases, a Licensing Division must consist of a minimum of 5 elected members.
- 3.5. The above is the minimum number and can be increased if the Council considers it appropriate. The maximum number of Board members cannot be more than 10. 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 10 members to each of the following Licensing Divisions:-

South Lanarkshire Licensing Division No 1 (Clydesdale Area)
South Lanarkshire Licensing Division No 2 (East Kilbride Area)
South Lanarkshire Licensing Division No 3 (Hamilton Area)
South Lanarkshire Licensing Division No 4 (Rutherglen and Cambuslang Area)

- 3.6. Membership of each of the Divisions should reflect, as far as is reasonably practicable, the political balance within each of the 4 geographical areas detailed above.

4. Election of Disqualified Persons

- 4.1. In terms of paragraph 3 of schedule 1 to the Licensing (Scotland) Act 2005, a Councillor is disqualified from being a member of a Licensing Division if the Councillor is:-
 - a. a premises licence holder,
 - b. an employee of a premises licence holder and works as such in licensed premises,
 - c. whether alone or in partnership with another person, engaged in the business of producing or selling alcohol,
 - d. a director or other officer of a company so engaged, or
 - e. an employee of any person so engaged and works as such in that business.

5. Employee Implications

- 5.1. There are no employee implications.

6. Financial Implications

- 6.1. The cost of providing the required training can be met from the Members' training budget.

7. Climate Change, Sustainability and Environmental Implications

- 7.1. There are no implications for climate change, sustainability or the environment in terms of the content of this report.

8. Other Implications

- 8.1. It is a requirement of The Licensing (Training) (Scotland) Regulations 2007 (SSI no. SSI/2007/95) that Board members undertake a qualification accredited by the Scottish Qualifications Authority that meets the specification set down by Ministers.
- 8.2. As required in terms of the Regulations, arrangements are being made to ensure that all members complete the mandatory training within 3 months of the date of appointment of Board members. Further contact will be made with those members

appointed to the Licensing Divisions to provide specific details on the training and allow the necessary software to be installed in advance of the training.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. No equality impact assessment or consultation was required in terms of the proposals contained within this report.

Paul Manning
Executive Director (Finance and Corporate Resources)

9 May 2022

Link(s) to Council Values/Ambitions/Objectives

- ♦ Accountable, effective and efficient

Previous References

South Lanarkshire Council of 18 May 2017

List of Background Papers

None

Contact for Further Information

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

Gerry Mays, Legal Services Adviser

Ext: 4689 (Tel: 01698 454689)

E-mail: Gerry.mays@southlanarkshire.gov.uk