

## **EAST AYRSHIRE COUNCIL**

**STATUTORY MEETING: 8 MAY 2003**

### **MEMBERSHIP OF LICENSING BOARD**

#### **Report by Solicitor to the Council**

#### **1. PURPOSE OF REPORT**

- 1.1 To advise the Council on the legal requirements of East Ayrshire Licensing Board and to seek to have members appointed to serve on the Board.

#### **2. BACKGROUND**

- 2.1 East Ayrshire has a single Licensing Board, which currently consists of eleven Members, with the Solicitor to the Council, David Mitchell, appointed as Clerk.

#### **3. OPERATION AND MEMBERSHIP ISSUES**

- 3.1 The Board is a statutory body distinct from the Council. It is responsible for liquor licensing and betting and gaming licensing. It regulates pubs, hotels, nightclubs and other entertainment premises, restaurants, refreshment licences, off-sales premises, occasional permissions and licences, regular extensions for registered clubs, betting offices, bookmakers permits and bingo.
- 3.2 In terms of statute only Elected Members of the Council can be Board Members and the Board must comprise of no fewer than one quarter of the Members of the Council. At the outset of East Ayrshire Council, the Board consisted of twelve Members, but at the statutory meeting of 13th May 1999 the Council proceeded to elect eleven Members to serve on the Board .
- 3.3 The quorum for a meeting of the Licensing Board is half of its membership.

#### **4. DISQUALIFICATIONS FROM MEMBERSHIP**

- 4.1 Persons involved in the licensed trade as brewers, distillers or retailers of alcohol, or employees of the above, are prohibited from acting as Board Members. A Board Member having shares with a nominal value of £50.00 in a company or a disqualifying interest in a close company is prohibited from taking part in proceedings at which the company is an applicant or objector. In practice, anyone with any association, or recent association with the licensed trade, should not be

selected for Membership of the Board, as the integrity of the Board should not be compromised. Breach of the previous provisions in relation to disqualification is in itself a criminal offence.

## **5. TRAINING**

- 5.1** Suitable training in licensing matters will be arranged by the Clerk to the Board for any new Board Members elected .

## **6. CONCLUSION**

- 6.1** Whilst the Council does have a discretion in respect of the number of Members to be elected provided there are at least eight, it is suggested that a membership of twelve would afford the Board a greater level of flexibility in the discharge of it's responsibilities and the Council may wish to consider reverting to this level of membership.

## **7. RECOMMENDATION**

- 7.1** It is therefore recommended that the Council proceed to elect twelve Members to serve on the East Ayrshire Licensing Board.

Solicitor to the Council

17 April 2003

## **LIST OF BACKGROUND PAPERS**

**Nil**

Anyone wishing further information should contact Stuart McCall (Tel. 01563 576085).