

**FALKIRK COUNCIL**

**Subject: MEMBERSHIP OF THE LICENSING BOARD AND CIVIC  
LICENSING COMMITTEE**  
**Meeting: FALKIRK COUNCIL**  
**Date: 11 DECEMBER 2013**  
**Author: CHIEF GOVERNANCE OFFICER**

**1. INTRODUCTION**

- 1.1 In accordance with the decision of Council taken at the meeting on 25 September, this report addresses the size of the Licensing Board and the Civic Licensing Committee.

**2. LICENSING BOARD**

- 2.1 The Licensing (Scotland) Act 2005 requires that every local authority must have at least one licensing board. The board is a body representing the Council area and made up of elected local councillors whose job it is to decide on licensing applications and to generally oversee the application of licensing law in the area. The Board also regulates certain gambling activities under the Gambling Act 2005. A key feature of the board is that it is a separate legal entity from the Council.
- 2.2 A licensing board must have a minimum of five members and no more than ten. One half of the members must be present in order for the meeting to be quorate. By way of a decision taken by Council on 18 May 2007, and endorsed again on 18 May 2012 after the most recent local government elections, the current Falkirk Council Licensing Board is made up of ten members with a quorum of five.
- 2.3 The Board meets monthly, apart from the July recess. Special meetings can also be called at other times to deal with ad hoc business. The Act requires that members of the Board undergo an accredited training course within three months of being appointed otherwise their membership ceases.
- 2.4 Since the current Board was constituted in May 2012 there have been seventeen meetings, with attendance at those meetings shown on the appendix to this report.

**3. CIVIC LICENSING COMMITTEE**

- 3.1 In contrast with the Licensing Board, the Civic Licensing Committee is part of the Council's own decision making structure, being a committee with authority delegated to it by Council. It deals with a variety of licensing activities, principally under the Civic Government (Scotland) Act 1982, but also under a number of other Acts. In common with the Licensing Board, it is considered to be a quasi-judicial body where decisions must be taken on their own merits and in accordance with the requirements of legislation and natural justice.
- 3.2 Mirroring the Licensing Board, the Civic Licensing Committee also consists of ten members (but with a quorum of four) and attendance at the sixteen meetings that have taken place since May 2012 is also shown on the appendix.

#### 4. MEMBERSHIP

- 4.1 There is currently an unfilled vacancy on both bodies. When Council considered that vacancy on 25 September 2013, it was suggested that there may be merit in revisiting the size of both given the time demands they place on their members. There is a reasonable synergy between the two decision making bodies in the type of business that is before them and in the way they deal with that business which makes dual membership an advantage but also means that the time commitment can be significant. Currently, five members sit on both bodies. The downside of reducing the numbers, however, is that it imposes a greater burden on fewer people to attend meetings in their entirety in order to ensure that they are quorate and that continued hearings are attended by the same cohort of members.

#### 5.1 POLITICAL BALANCE

- 5.2 When the current Licensing Board and the Civic Licensing Committee were constituted following last year's local elections, Council again agreed that membership of both would be determined on a politically balanced basis, as follows:

Labour	4
SNP	4
Conservative/Independent/non – aligned	2

- 5.3 In the event that there is a desire to reduce the numbers on either or both of these bodies, the following table gives an indication of the resultant political proportionality. Standing Orders provide that the minimum quorum for any meeting of a committee is one quarter of the members thereof. In practice, the actual quorum set by Council for individual committees is often at least one third of the members. For example, and as stated above, the current ten person Civic Licensing Committee has a quorum of four:

Number of Councillors to be appointed	Allocation	Civic Licensing Committee Quorum	Licensing Board Quorum
5	Lab 2.19 SNP 2.03 Cons 0.31 Ind 0.31 Non-aligned 0.16	Minimum of 2	3
6	Lab 2.63 SNP 2.44 Cons 0.38 Ind 0.38 Non-aligned 0.19	Minimum of 2	3
7	Lab 3.1 SNP 2.8 Cons 0.4 Ind 0.4 Non-aligned 0.2	Minimum of 2	4
8	Lab 3.5 SNP 3.25 Cons 0.5 Ind 0.5 Non-aligned 0.25	Minimum of 2	4

Number of Councillors to be appointed	Allocation	Civic Licensing Committee Quorum	Licensing Board Quorum
9	Lab 3.9 SNP 3.7 Cons 0.6 Ind 0.6 Non-aligned 0.3	Minimum of 3	5

- 5.4 If Council decides to reduce the size of either or both of these bodies, they would require to be reconstituted with members appointed (or re-appointed) of new.

## 6. RECOMMENDATION

- 6.1 It is recommended that Council considers whether there is any benefit to be gained from reducing the size of the Licensing Board and/or the Civic Licensing Committee.

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 Chief Governance Officer

20 November 2013

Contact Officer:

## LIST OF BACKGROUND PAPERS

None