

AGENDA ITEM No. 18

Report to: Interim Executive Committee  
From: Director of Administration  
Subject: Local Government Reorganisation  
- Future Size of Licensing Boards  
Date: 14 August 1995  
Ref: JOH/AG

**1. INTRODUCTION**

- 1.1 At the present time the Licensing Scotland Act 1976 which is the statute which governs the business of a Licensing Board requires that the Licensing Board is to consist of not less than one quarter of the total number of Council members and in any case not less than five.
- 1.2 The 1976 Act also requires that for any particular Board Meeting a quorum is half the board members and in no case is it to be less than 3 as an absolute minimum.
- 1.3 Although the normal arrangement outlined in the 1976 Act is that the Licensing Board is a Board given jurisdiction for the whole District, the 1976 Act also allows the District Council to divide the District so as to create 2 or more Licensing Divisions, each Division being subject to a divisional Licensing Board. Where the Council decides to do this, it is a requirement that at least one third of the members of each divisional board are to be local Councillors for wards in that division. One District Council at least has used this divisional structure to operate 2 separate divisional boards.
- 1.4 Even with a divisional structure however the 1976 Act has been interpreted as meaning that each divisional board is still subject to the overall requirement in the statute that it is to comprise at least one quarter of the whole Council membership.

**2. CONSULTATION**

- 2.1 The Scottish Office Home and Health Department has written to the Convention of Scottish Local Authorities drawing attention to the result of these requirements arising from local government reorganisation. Attached as Appendices I and II are tables showing the minimum board numbers for the present districts and the minimum numbers which will apply in the new Council areas. It will readily be seen that the minimum board members for the North Lanarkshire Council area will be 18.

- 2.2 The Scottish Office has suggested that some of the new councils may have boards which could be too large for efficient operation and it is understood that some authorities have also written direct to the Scottish Office to draw attention to the statutory result of the requirement that the board is to be not less than one quarter of the Council membership, and to support the view that in some cases the boards could be too large.
- 2.3 The Scottish Office has identified that the appropriate remedy would require amendment of the 1976 Act. Such an amendment might be that the minimum requirement of one quarter would relate, in the case of divisional boards, to one quarter of the members for the area of the division. The Scottish Office would propose to retain the absolute minimum requirement for 5 members which applies to both boards of the whole council area and divisional boards.
- 2.4 A further option might be to reduce the minimum requirement that boards comprise at least one quarter of the council membership to a requirement that the board is to comprise, say, at least one sixth of the council membership. While this may assist in arithmetical terms in reducing the minimum size of the board it does not overcome any perceived imbalance in the case of a divisional structure because of the requirement that this proportion be still drawn from the whole members of the Council.
- 2.5 A further alternative would be to retain only the existing requirement for each board or divisional board to comprise not less than 5 members and otherwise leave it to the constituting council to determine the appropriate numbers.
- 2.6 As indicated earlier COSLA has been consulted direct by the Scottish Office on such proposals and the correspondence has been passed to local authorities, although for information only. However it is suggested that the opportunity should be taken by the Council to comment on the situation and the Scottish Office proposals.

### 3. RESPONSE

- 3.1 The Scottish Office Home and Health Department asked for the COSLA response by 21 July 1995 and accordingly COSLA has been advised at officer level on behalf of North Lanarkshire Council that this Council would support an amendment which would have the effect of altering the minimum requirement for divisional boards to consist of not less than one quarter of the members to state that this is to apply, in the case of divisional boards, to one quarter of the relevant local members with wards in that division. As a general comment the Council would seek to maximise the discretion available to the constituting Councils subject, if thought necessary, to the retention of the requirement of an absolute number of board members of 5.
- 3.2 It is understood that general agreement amongst authorities is to support the proposed Scottish Office amendment so as to allow this local discretion.

4. RECOMMENDATION

- 4.1 That the Council homologate the action of the Director of Administration in responding to COSLA in appropriate terms to support local discretion along these lines.

Director of Administration 

| <u>Existing Districts</u> | <u>Number<br/>of<br/>Councillors</u> | <u>Minimum<br/>Board<br/>Members</u> |
|---------------------------|--------------------------------------|--------------------------------------|
| Berwickshire              | 12                                   | 5                                    |
| Ettrick and Lauderdale    | 16                                   | 5                                    |
| Roxburgh                  | 16                                   | 5                                    |
| Tweeddale                 | 10                                   | 5                                    |
| Clackmannan               | 12                                   | 5                                    |
| Falkirk                   | 36                                   | 9                                    |
| Stirling                  | 20                                   | 5                                    |
| Dunfermline               | 34                                   | 9                                    |
| Kirkcaldy                 | 40                                   | 10                                   |
| North East Fife           | 18                                   | 5                                    |
| Annandale and Eskdale     | 16                                   | 5                                    |
| Withsdale                 | 28                                   | 7                                    |
| Stewartry                 | 12                                   | 5                                    |
| Wigtown                   | 14                                   | 5                                    |
| Perth and Buchan          | 18                                   | 5                                    |
| City of Aberdeen          | 52                                   | 13                                   |
| Gordon                    | 16                                   | 5                                    |
| Kincardine and Deeside    | 12                                   | 5                                    |
| Moray                     | 18                                   | 5                                    |
| Badenoch and Strathspey   | 11                                   | 5                                    |
| Caithness                 | 16                                   | 5                                    |
| Inverness                 | 28                                   | 7                                    |
| Lochaber                  | 15                                   | 5                                    |
| Nairn                     | 10                                   | 5                                    |
| Ross and Cromarty         | 22                                   | 6                                    |
| Skye and Lochalsh         | 11                                   | 5                                    |
| Sutherland                | 14                                   | 5                                    |
| City of Edinburgh         | 62                                   | 16                                   |
| East Lothian              | 17                                   | 5                                    |
| Midlothian                | 15                                   | 5                                    |
| West Lothian              | 24                                   | 6                                    |
| Argyll and Bute           | 26                                   | 7                                    |
| Bearsden and Milngavie    | 10                                   | 5                                    |
| City of Glasgow           | 66                                   | 17                                   |
| Clydebank                 | 12                                   | 5                                    |
| Clydesdale                | 16                                   | 5                                    |
| Cumbernauld and Kilsyth   | 12                                   | 5                                    |
| Cumnock and Doon Valley   | 10                                   | 5                                    |
| Cunninghame               | 30                                   | 8                                    |
| Dumbarton                 | 16                                   | 5                                    |
| East Kilbride             | 16                                   | 5                                    |
| Eastwood                  | 12                                   | 5                                    |
| Hamilton                  | 20                                   | 5                                    |
| Inverclyde                | 20                                   | 5                                    |
| Kilmarnock and Loudoun    | 18                                   | 5                                    |
| Kyle and Carrick          | 25                                   | 7                                    |
| Monklands                 | 20                                   | 5                                    |
| Motherwell                | 30                                   | 8                                    |
| Renfrew                   | 45                                   | 12                                   |
| Strathkelvin              | 15                                   | 5                                    |
| Angus                     | 21                                   | 6                                    |
| City of Dundee            | 44                                   | 11                                   |
| Perth and Kinross         | 29                                   | 9                                    |

| <u>New Council Area</u> | <u>Number of Councillors</u> | <u>Minimum Board Members</u> |
|-------------------------|------------------------------|------------------------------|
| City of Aberdeen        | 50                           | 13                           |
| Aberdeenshire           | 47                           | 12                           |
| Angus                   | 26                           | 7                            |
| Argyll and Bute         | 33                           | 9                            |
| East Ayrshire           | 30                           | 8                            |
| North Ayrshire          | 30                           | 8                            |
| South Ayrshire          | 25                           | 7                            |
| The Borders             | 58                           | 15                           |
| Clackmannan             | 12                           | 5                            |
| Dumbarton and Clydebank | 22                           | 6                            |
| Dumfries and Galloway   | 70                           | 18                           |
| East Dunbartonshire     | 26                           | 7                            |
| City of Dundee          | 36                           | 9                            |
| City of Edinburgh       | 58                           | 15                           |
| Falkirk                 | 36                           | 9                            |
| Fife                    | 92                           | 23                           |
| City of Glasgow         | 93                           | 21                           |
| Highland                | 72                           | 18                           |
| Inverclyde              | 20                           | 5                            |
| North Lanarkshire       | 69                           | 18                           |
| South Lanarkshire       | 74                           | 19                           |
| East Lothian            | 18                           | 5                            |
| Midlothian              | 15                           | 5                            |
| West Lothian            | 27                           | 7                            |
| Moray                   | 18                           | 5                            |
| Perthshire and Kinross  | 32                           | 8                            |
| East Renfrewshire       | 20                           | 5                            |
| Renfrewshire            | 20                           | 5                            |
| Stirling                | 22                           | 6                            |