

EAST RENFREWSHIRE COUNCIL  
26 September 2024

Report by Chief Officer – Legal and Procurement

CHANGE TO SCHEME OF ADMINISTRATION

LICENSING COMMITTEE MEMBERSHIP

**PURPOSE OF REPORT**

1. To replace a departing member of the current Licensing Committee and thereafter to amend the Scheme of Administration to provide for increased membership of the Committee to ensure that the business of the committee is not disrupted due to unexpected absence or unavailability of members.

**RECOMMENDATION**

2. The Council is asked to:-

i. amend paragraph 2 of the Scheme of Administration to change the membership of the Licensing Committee from “5 Elected Members” to “ 7 Elected Members”; and

ii. nominate and thereafter appoint three further elected members to the Licensing Committee membership.

**BACKGROUND**

3. The Licensing Committee is established in terms of the Council's Scheme of Administration to determine applications for licences under the Civic Government (Scotland) Act 1982 such as taxi or private hire drivers, window cleaners, late hours catering and street traders. It also considers applications for short term let registration and revocation of private landlord registration. Membership currently comprises a pool of 5 elected members from which 3 are required to ensure that the committee is quorate on any given sitting. Members on the committee fulfil a quasi-judicial role and are also involved in the development of policy relating to civic licensing matters.

**REPORT**

4. A current member of the Committee has recently resigned due to a conflict of interest arising. A further nominee is therefore required to bring the pool up to its required number.

5. Additionally, it is considered that an increase in the pool from which members are drawn would be beneficial. The Licensing Committee currently sits approximately once a month outwith the summer recess. Over the preceding two years the Committee has successfully concluded business as and when required but has frequently sat with the minimum of 3 members. It has occasionally struggled to ensure that that it has been quorate as a result of member illness, conflict of interests, conflict with other civic duties and members' personal commitments.

6. To minimise the potential for meetings to have to be cancelled as inquorate it is proposed that the pool from which committee members are drawn is extended to comprise 7 members. It is not proposed to change the quorum for any such committee meeting and it is therefore considered that this will provide staff of Democratic Services with greater flexibility in scheduling meetings as well as improving the likelihood that such meetings are quorate.

7. Training in relevant licensing matters will be provided to all nominated members to ensure that they have relevant knowledge prior to sitting on the Committee.

8. Members are also by implication members of the East Renfrewshire Licensing Board which considers applications for licences in the context of liquor and gambling. It is expected that any nominees will also undertake business in that capacity. The Board sits a minimum of 4 times a year but may be more frequent depending on the level of business to be conducted at any given time. Licensing Board members are required to sit and pass an examination administered by Alcohol Focus Scotland before sitting on the Board.

### **FINANCE AND EFFICIENCY**

9. Any new members of the Committee who have not already passed Board exams will require to sit an examination at a cost of £495 per person. Costs will be borne from the existing Licensing Board training budget. Training of members will be accommodated within existing training provision.

### **CONSULTATION**

10. The report has been discussed with the Director of Business Operations and Partnerships and the Democratic Services Manager.

### **CONCLUSION**

11. Approval of the proposed change will enhance the likelihood that meetings can take place as scheduled and ensure that applications can be processed within a reasonable timeframe.

### **RECOMMENDATION**

12. The Council is asked to:-

i. amend paragraph 2 of the Scheme of Administration to change the membership of the Licensing Committee from "5 Elected Members" to "7 Elected Members; and

ii. nominate and thereafter appoint three further elected members to the Licensing Committee membership.

**REPORT AUTHOR: Gerry Mahon, Chief Officer – Legal and Procurement**  
Background papers – none