



COMMUNITY SAFETY BOARD AND LICENSING BOARD: APPOINTMENT OF MEMBERS

Report by Chief Executive

PURPOSE

- 1.1 The purpose of the Report is to seek the appointment of Comhairle Members to the Western Isles Licensing Board and to the Community Safety Board following the resignation of Cllr George Murray.

EXECUTIVE SUMMARY

- 2.1 The Western Isles Licensing Board is a statutory body established in terms of Section 5 of the Licensing (Scotland) Act 2005 ("the Act") and is a body legally separate and distinct from the Comhairle.
- 2.2 Schedule 2 to the Act required the Comhairle to appoint the Board membership from the Comhairle's membership with terms of office commencing the day after the Comhairle at which members are appointed and terminating on the date of the Comhairle meeting at which new appointments are made. The Board must consist of not less than five and not more than ten members. Following Cllr Murray's resignation there are three vacancies on the Board.
- 2.3 The Comhairle agreed at its meeting on 9 March 2022 to establish a Community Safety Board to consider the promotion of community safety, including home safety, Health and Safety at Work and associated regulatory activities; the consideration of police and fire services performance reports; Civic Government and miscellaneous licensing; consumer protection and environmental health and community resilience.
- 2.4 The membership of the Community Safety Board is comprised of not more than twelve members of the Comhairle. Following the resignation of Cllr George Murray from the Board, the current membership stands at ten. The Comhairle are invited to appoint up to two Members to the Community Safety Board.

RECOMMENDATIONS

- 3.1 It is recommended that the Comhairle appoint:
- (a) up to three Members to serve on the Western Isles Licensing Board; and
 - (b) up to two Members to serve on the Community Safety Board.

Contact Officer: Derek Mackay, Governance and Elections Manager
Appendix: None
Background Papers: Reports to Comhairle nan Eilean Siar on 17 and 18 May 2022



IMPLICATIONS

4.1 The following implications are applicable in terms of the Report.

Resource Implications	Implications/None
Financial	This Report is concerned entirely with constitutional matters
Legal	Local Government (Scotland) Act 1973 Section 56 details the arrangements for discharge of functions by local authorities.
Staffing	None
Assets and Property	None
Strategic Implications	Implications/None
Risk	Reputational risk if the Comhairle does not have an up to date and fit for purpose governance framework in place
Equalities/Child Rights	None
Corporate Strategy	The Comhairle will continue to have in place proper arrangements (known as the Governance Framework) for the governance of the Comhairle's affairs and to facilitate the exercise of its functions to work towards the outcome of strategic priority "4.1.1 - the Comhairle has achieved a systematic approach to improving organisational effectiveness that aligns strategy, people and processes and the service provided is high quality, continually improving and cost effective."
Environmental Impact	None
Consultation	None

LICENSING BOARD

- 5.1 It is important to be aware that the Licensing Board is quite separate from the Comhairle. A Councillor appointed to the Board is not there as a Councillor. Comhairle policies and procedures do not apply. The Councillor is not there as a local Councillor for the area.
- 5.2 The previous composition of the Board has had representation covering the whole of the Western Isles. The Comhairle is not required to continue with representation on this basis, should it wish to consider a revised membership.

Disqualifications

- 5.3 The following persons are disqualified from being Members of a Licensing Board:
1. a premises licence holder;
 2. an employee of a premises licence holder and works as such in licensed premises;
 3. whether alone or in partnership with another person, engaged in the business of producing or selling alcohol;
 4. a director or other officer of a company so engaged; or
 5. an employee or any person so engaged and works as such in that business.



Training

- 5.4 The Members of the Licensing Board will be trained in the provisions of the legislation. Members must be trained to a nationally approved standard within three months of their appointment. In addition to training provided by the Clerk to the Board, Members will also have to attend training provided by an external provider. Members will also be required to pass an examination in licensing law within three months of appointment.
- 5.5 The Licensing Board is a quasi-judicial body, and Members should have regard to the terms of the Guidance from the Standards Commission for Scotland in relation to Part 7 of the Councillors' Code in this regard.

COMMUNITY SAFETY BOARD

- 6.1 The Comhairle agreed at its meeting on 9 March 2022 to establish a Community Safety Board to consider the promotion of community safety, including home safety, Health and Safety at Work and associated regulatory activities; the consideration of police and fire services performance reports; Civic Government and miscellaneous licensing; consumer protection and environmental health and community resilience.
- 6.2 The Board's functions also include the necessary administrative arrangements for the exercise of the Comhairle's powers with respect to emergencies and disasters and the approval, monitoring and review of the Outer Hebrides Community Safety Strategy and action plan in conjunction with other planning partner agencies, including:
 - (1) allocation of funding received for the purpose, in furtherance of and in accordance with the principles and outcomes of the Community Safety Strategy; and
 - (2) the implementation of the Comhairle's duties under the Antisocial Behaviour etc (Scotland) Act 2004 and any related legislation.
- 6.3 The membership of the Community Safety Board is comprised of not more than twelve members of the Comhairle. Following the resignation of Cllr George Murray from the Board, the current membership stands at ten. The Comhairle are invited to appoint two Elected Members to the Community Safety Board.

