

The City of Edinburgh Licensing Forum

Constitution and Remit

City of Edinburgh Licensing Forum Constitution

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1. Title

- 1.1 The Forum shall be known as the City of Edinburgh Licensing Forum

2. Introduction

- 2.1 The City of Edinburgh Licensing Forum ('the Forum') has been established to represent the views of people concerned with the operation of the licensing system within the geographical boundaries of the City of Edinburgh Council. The Forum has been established in accordance with Sections 10 and 11 and Schedule 2 of the Licensing (Scotland) Act 2005. It is the role of the Forum to keep the operation of the licensing regime, and the use of licensing powers, under review in the Edinburgh area. The Forum is also responsible for giving advice and recommendations to the City of Edinburgh Licensing Board.
- 2.2 This document sets out the Forum's constitution.

3. Definitions

- 3.1 'The Act' in this constitution means the Licensing (Scotland) Act 2005 as amended from time to time.
- 3.2 'The City of Edinburgh Licensing Forum' or 'the Forum' means that body established by the City of Edinburgh Council ('the Council') in accordance with Section 10 of the Act.
- 3.3 'Council year' means the period from May to May each year.
- 3.4 'Licensing Board' or 'the Board' means the City of Edinburgh Licensing Board.
- 3.5 'Licensing Standards Officer' or 'LSO' means a person employed by the Council and qualified as required by the provisions of the Act.
- 3.6 'Edinburgh' means that area administered by the Council incorporated under the Local Government etc (Scotland) Act 1994.
- 3.7 'Trade Representative' means a holder of a premises or personal licence issued under the Act.

4. Terms of reference of the Forum

- 4.1 To keep the liquor licensing system in the Council area under regular review and to seek to stimulate debate on matters relevant to the system.
- 4.2 To respond to consultation exercises undertaken by the Board and the Scottish Government.
- 4.3 To consider the implications of relevant local data and statistics for the liquor licensing system in the Council area
- 4.4 To meet the Board at least once per year.
- 4.5 To give advice and make recommendations to the Board on relevant matters, except individual licence applications.

5. Functions

- 5.1 The Forum will review the operation of the liquor licensing regime and the exercise of licensing powers in Edinburgh, and give advice and make recommendations to the Board.
- 5.2 The Forum will give advice and make recommendations to the Board in relation to policy and other appropriate areas of concern.
- 5.3 The Forum will have no involvement in the exercise of the Board's powers in any particular case or application.
- 5.4 Forum members will take all reasonable steps to encourage all relevant people to make their views known to the Forum, and to represent their views. This may include any relevant organisations and residents within the Edinburgh Council area.
- 5.5 It is inappropriate for any member to use the Forum to pursue their own interests or resolve personal issues. Unless they have been specifically appointed to represent that organisation, a member of the Forum must not express or promote the views of any organisation of which they are also a member.
- 5.6 The Forum is entitled, on request, to be provided with copies of any statistical information provided to the Board, for the purpose of preparing a licensing policy statement or supplementary statement.

6. Membership

- 6.1 Membership of the Forum must always be between five and 21 people. This number will be subject to review by the Council, from time to time, on request by the Forum, the Board or the Council's Executive Director of Place ('the Director').
- 6.2 In order to be eligible for membership of the Forum, a person must be:
 - 6.2.1 Aged 18 years or above (with the exception of a member who is a 'young person'; and
 - 6.2.2 Able to show that they have an interest in the licensing system.
- 6.3 The Forum membership shall include members required as set out in Paragraph 2 (2) of Schedule 2 of the Act, specifically:
 - 6.3.1 A Licensing Standards Officer; and
 - 6.3.2 A representative of the Health Board
- 6.4 The Forum membership shall thereafter be appointed to reflect Paragraph 2 (5) of Schedule 2 of the Act and these are as follows:
 - 6.4.1 Not less than six community representatives will be appointed, specifically
 - 6.4.1.1 four representatives, one for each Community Planning Areas within the City
 - 6.4.1.2 one additional seat to represent Ward 11 (City Centre), and
 - 6.4.1.3 one additional seat to represent Edinburgh Association of Community Councils.
 - 6.4.2 A minimum of six places shall be reserved for trade representatives each holding a premises or personal licence.
 - 6.4.3 A representative of the City of Edinburgh Council's Executive Director of Communities and Families to represent young people.
 - 6.4.4 A representative of the Chief Social Worker.
 - 6.4.5 A representative of the Chief Constable.
 - 6.4.6 The remaining four seats from any other interested person up to a statutory maximum of 21 members, whilst maintaining a balance wherever possible between community representatives and trade representatives (as defined in section 3).

Establishing the Forum and reappointments

- 6.5 Once the Council has established and appointed Forum members, it shall delegate power to the Executive Director of Place to reappoint members in consultation with the Convenor of the Forum ('the Convenor').
- 6.6 Members will be initially appointed for up to three years. One year after the Forum is established and on a rolling basis thereafter, one third of members will be reappointed every three years. When the Forum is established each community and trade representative will be randomly allocated a number 1, 2 or 3. Members allocated a number (1) shall require to be reappointed two years after initial appointment, members with a number (2) shall require to be reappointed three years after initial appointment, members with a number (3) shall require to be reappointed four years after initial appointment. Thereafter the process will continue until such time as the Council may direct.

Method of Selection and Appointment

- 6.7 Where a representative of an organisation is appointed to the Forum it will be for that organisation to select the representative, e.g. NHS Lothian shall select a representative.
- 6.8 In relation to representatives of the community the Executive Director of Place shall prepare a procedure and recruitment plans on how the community representatives shall be nominated for appointment, including a person specification.
- 6.9 In relation to representatives of the trade, the Executive Director of Place shall prepare a procedure and recruitment plans on how trade representatives will be recruited. Volunteers from the trade will be sought by advertising the opportunity to serve on the Forum and shall appoint suitably interested parties using an agreed person specification.
- 6.10 Where a vacancy occurs the Executive Director of Place shall recruit a replacement using the process outlined in 6.8 and 6.9 above to fill said vacancy. Should a vacancy arise the Forum shall continue to operate and a vacancy will not affect the validity of any proceedings.
- 6.11 Members are expected to make every effort to attend meetings. Should a member be unable to attend they should contact the Convenor before the meeting. The member may formally nominate a substitute to express views on their behalf. The substitute must be eligible for the same category of membership as the non-attending member.
- 6.12 The Forum may invite other persons to attend and participate in meetings, should this be required. Any such invitation is at the discretion of the Convenor. Any such person shall not be entitled to vote in any decision made by the Forum. Neither shall such a person be entitled to vote in choosing a Convenor.

- 6.13 The Council will provide facilities and reasonable expenses to assist the Forum. This may involve access to administrative support and the use of Council premises for meetings. Such facilities must only be used in carrying out Forum duties.

7. Convenor

- 7.1 At its first meeting and at the first meeting in each Council year the Forum members present will elect a Convenor from Forum members. Any member of the Forum may stand for election as Convenor. The Convenor will hold office until the first meeting in the following year unless they resign or are dismissed.
- 7.2 The Forum may choose to elect a Vice Convenor who would normally chair any meeting in the absence of the Convenor. Any such appointment will follow the process set out in 7.1 above.
- 7.3 If the Convenor (or Vice Convenor if appointed) is unable to attend a meeting of the Forum, they must send their apologies to the Regulatory Services Manager. The Forum should nominate a member from those members in attendance to chair that meeting. The Convenor may nominate a substitute to express views on their behalf.
- 7.4 The Convenor is responsible for ensuring that meetings are conducted in an orderly fashion. The Convenor should also manage the discussion so that everyone has a chance to speak, while ensuring that all agenda items are discussed in the available time. All Forum members will have a responsibility to promote participation.

8. Meetings

- 8.1 The Forum will have at least four meetings in each Council year.
- 8.2 The Forum will meet with the Board at least once in each Council year.
- 8.3 All Forum meetings will be held in public and will be open to the media.
- 8.4 Meetings will be arranged by the Forum, in consultation with the Council, to ensure that appropriate facilities are available.
- 8.5 Dates and times of meetings, the agenda, and any connected papers will normally be issued by email (or by post if a member so requests) to the Forum members in advance of the meeting.
- 8.6 Forum papers will be posted on the Council website. These will include agenda, notes of previous meetings, and other materials relevant to the Forum's operation.

- 8.7 The minimum number of members present for any meeting of the Forum is one half of the number of members (but in any case no fewer than three). If this minimum does not attend, the meeting will be adjourned to a later date.
- 8.8 All members may put forward suggestions for agenda items. The Convenor is responsible for arranging this.
- 8.9 The Director will arrange for a note to be kept of every meeting of the Forum. This note will include:
- 8.9.1 the names of members in attendance;
 - 8.9.2 a brief note of topics dealt with; and
 - 8.9.3 a record of all decisions taken by the Forum.
- 8.10 A note of each meeting will be submitted for approval at the next meeting.

9. Method of voting

- 9.1 All members have an equal vote, with the Convenor having a casting vote in the event of a tie. Members or appointed substitutes must be present at a meeting to vote.
- 9.2 Other persons invited to attend and participate (as outlined at 6.12 above) shall have no voting rights.
- 9.3 Where the Forum agrees to make a recommendation to the Board, the wording of the recommendation shall be recorded in the ~~action~~ meeting note. The Convenor shall thereafter ensure that the recommendation is communicated to the Clerk of the Licensing Board.

10. Special meetings

- 10.1 A Special Meeting of the Forum can be called at any time by the Convenor, or if at least eight Forum members request it in writing. The Convenor will decide on the date and place of the Special Meeting.

11. Conduct of members

- 11.1 Members must behave in a respectful and courteous manner towards others at all times while exercising Forum functions. With respect to the manner in which the Forum's business is carried out, the Convenor's decision is final.
- 11.2 Members should be open about their decisions and the reasons behind them.

- 11.3 All members are accountable for the Forum's decisions and actions. Each member must ensure that advice given, or recommendations made, reflects the views of the whole Forum.
- 11.4 The Forum is encouraged to produce an annual action plan setting out regular and short term pieces of work that it will undertake to monitor the licensing system. Any action plan will be discussed with the Board at its annual joint meeting.

12. Attendance at meetings - Forum members

- 12.1 If a member does not attend a meeting of the Forum for two consecutive meetings without reasonable explanation, the Forum may consider the circumstances. If not satisfied that the member had a reasonable explanation for failing to attend, members from the Forum may vote to recommend that the member is removed from the Forum.

13. Attendance at meetings – members of the public

- 13.1 Members of the public are welcome to attend Forum meetings, but are expected to sit at the side rather than in the body of Forum Members.
- 13.2 Should members of the public wish to speak at a Forum meeting then they should indicate notice of attendance to the Convenor a week before the meeting; and will be given a maximum of five minutes to address the Forum, or otherwise at the discretion of the Convenor.

14. Resignation

- 14.1 Members wishing to resign may intimate their intention to do so, in writing, to the Executive Director of Place.

15. Alterations to Constitution and powers to make or amend rules

- 15.1 The Forum at any time may submit a report to the Council asking it to amend the constitution of the Forum, or to make or amend rules relating to the Forum.