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East Lothian ~~Local~~ Licensing Forum

## Constitution

As ~~last~~ approved on 05/09/2012

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# East Lothian ~~Local~~ Licensing Forum

## Draft Constitution

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## 1. Title

This is the Constitution of East Lothian ~~Local~~Licensing Forum.

## 2. Introduction.

The East Lothian ~~Local~~Licensing Forum ~~has been~~was established to represent the views of people concerned with the operation of the licensing systems in East Lothian. The Forum has been established in accordance with Sections 10, 11 and Schedule 2 the Licensing (Scotland) Act 2005. It is the role of the Forum to keep under review the operation of the licensing ~~regime~~system and the exercise of licensing powers in East Lothian and to give advice and recommendations to the East Lothian Licensing Board.

This constitution sets out how the Forum will operate. It also incorporates the Code of Practice for Forum members.

### 3. Definitions

"Act" in this constitution means the Licensing (Scotland) Act 2005.

"East Lothian ~~Local~~-Licensing Forum" or "Forum" means that body established by East Lothian Council in accordance with Section 10 of the Licensing (Scotland) Act 2005.

"Licensing Board" or "the Board" means the East Lothian Licensing Board.

"Licensing Standards Officer" means that person employed by East Lothian Council and qualified as required by the provisions of the Licensing (Scotland) Act 2005.

"East Lothian" means that area administered by East Lothian Council incorporated under the Local Government Etc (Scotland) Act 1994 and shown outlined in black on the plan below.



## 4. Objectives of the East Lothian Local Licensing Forum

4.1 The Forum will identify key issues affecting licensing in East Lothian and will develop and deliver constructive advice and recommendations on how to address these.

~~4.2~~ The Forum will try to ensure that the interests of all parties affected by licensing are represented. The members of the Forum will aim to accurately and effectively represent the views of the ~~constituency-county~~ they represent.

~~4.2-4.3~~ The Forum will arrange opportunities for members to meet with people from groups or ~~constituencies-areas~~ they represent in order to discuss matters of interest and ascertain ~~the-local~~ views ~~of their constituents~~.

~~4.3~~ 4.4 The Forum will establish an identity that is clearly separate from the Licensing Board. The Forum will strive to build trust with license holders and the Licensing Board by giving impartial and effective advice and practical recommendations to the Board.

4.5 The Licensing (Scotland) Act 2005 lists the licensing objectives as;<sup>1</sup>

1. preventing crime and disorder
2. securing public safety
3. preventing public nuisance
4. protecting and improving public health
5. protecting children from harm

The Licensing Board is required to promote these objectives through their policies and decisions. The Forum will be

<sup>1</sup> Section 4 Licensing (Scotland) Act 2005

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consulted by the Licensing Board when it formulates or reviews Licensing Board Policy statements.

## 5. Functions

5.1 The Forum will keep under review the operation of the liquor licensing ~~regime-systems~~ and the exercise of licensing powers in East Lothian and ~~to~~ give advice and make recommendations to the Board.

5.2 The Forum will give advice and make recommendations to East Lothian Licensing Board in relation to any matters of policy and other areas of concern that the Forum considers appropriate.

5.3 The Forum cannot review, give advice concerning, or make recommendations in relation to the exercise of the Board's power in any particular case or regarding the Board's consideration of any individual application.<sup>2</sup>

5.4 Forum members will take active steps to maintain regular contact with the ~~constituency-area~~ they represent. The Forum will arrange public meetings to allow members to meet their constituents. The Forum may also pursue such other methods to ascertain local views, as they feel appropriate.

5.5 The Forum will take all reasonable steps to encourage people to make their views known to Forum members. This could include publicising agendas and minutes, publishing contact details using the local press or distributing leaflets. The Forum will also provide opportunities for people to discuss matters of interest with Forum members.

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<sup>2</sup> Section 11(2) Licensing (Scotland) Act 2005

5.6 Members of East Lothian ~~Local~~-Licensing Forum are appointed to represent the views ~~of a constituency~~their locality. It is inappropriate for any member to use the Forum to express their own views, pursue their own enthusiasms or resolve personal issues. Unless they have been specifically appointed to represent that organisation, members of the Forum are not to express or promote the views of any organisation of which they are also a member.

5.7 The Forum is entitled, on request, to be provided with copies of any statistical information provided to the Licensing Board for the purpose of preparing a licensing policy statement or supplementary statement.

## 6. Membership

6.1 The membership will never be less than 5 or more than 21. The number of members will be subject to review by East Lothian Council.

**Comment [f1]:** Under the Alcohol Etc (Scotland) Act 2010 the number was increased to 21.

**Comment [f2]:** There is no head of Law and Licensing any longer.

6.2 In order to be eligible for membership of the Forum, a person must be:-

- a) aged 18 years or above;
- b) able to demonstrate an interest in the licensing system;
- c) currently employed in or be a duly appointed representative of one or more of the following groups, namely:-

**Comment [WU3]:** Schedule 2 of the Act makes no reference to the age a member must be, but does say that membership would benefit from the inclusion of young persons!



- Persons resident within East Lothian
- Holders of premises licences and personal licences
- The Chief Constable of Lothian and Borders
- Persons having functions relating to health, education or social work.
- Young people

6.3 Where there is a gap in representation of one of the above groups representative organisations may be approached to nominate a suitable person.

6.4 A Licensing Standards Officer will be appointed by East Lothian Council as a statutory member of the Forum.

6.5 Except in respect of the Licensing Standards Officer, Members will be appointed for a period of 2 years and East Lothian Council will review membership after this point. Members are eligible for reselection provided they meet the criteria in 6.2.

6.6 Any gaps in the membership of the Forum will be filled with reference to the same criteria in 6.2.

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Members are expected to make every effort to attend meetings. However, should they be unable to attend they should intimate their apologies to the Convenor prior to the meeting. The member may nominate a substitute to take their place and express their views.

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6.7 Members who fail to attend 3 consecutive meetings without good reason will be automatically removed from the list of members.

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## 7. Convenor and Secretary

- 7.1 At its first meeting in each calendar year the Forum will elect a Convenor and Secretary from its members. Any member of the Forum may put themselves forward for election as Convenor or Secretary. Both the Convenor and Secretary shall hold office until the first meeting in the following calendar year unless they resign or are dismissed.
- 7.2 If the Convenor is not present at any meeting, or is unable to act for any reason, the meeting may be chaired by any other member present.
- 7.3 The Convenor is responsible for ensuring that meetings are conducted in an orderly fashion. The Convenor should also regulate the discussion so that everyone has a chance to speak while ensuring that all agenda items are discussed in the allotted time. It is part of the Convenor's role to prevent an individual from dominating the discussion and to encourage more reticent members of the Forum to speak up.
- 7.4 The Convenor should monitor how well the Forum is working as a group. The Convenor may set aside time on an occasional basis to allow discussion of how the Forum is working and how members feel they are progressing.
- 7.5 If the Convenor is unable to attend a meeting of the Forum he or she must intimate his or her apologies to the Secretary or [to a member of the Council's Licensing, Administration and Democratic Services](#). The Convenor may nominate a substitute to attend in their place and express their views. The Forum

should nominate one of the usual members to act as Convenor for that meeting.

## 8. Meetings.

8.1 The Forum will have a minimum of four meetings per calendar year.

8.2 The Forum will meet with the Licensing Board at least once in each calendar year.

8.3 All Forum meetings will be held in public and will be open to the press.

8.4 Meetings should be fixed by the Forum in consultation with East Lothian Council in order to ensure that appropriate facilities are available.

8.5 Intimation of the date, time and place of meetings, the agenda and any connected papers will normally be issued to the Forum members by the Secretary not less than fourteen days before the date of the meeting. The Secretary should ensure that public notice of Forum meetings will be published on East Lothian Licensing Forum's website normally at least two weeks in advance of the meeting.

**Comment [f4]:** Fourteen days is much more practical and gives members the opportunity to complete any actions/research allocated to them etc.

8.6 The quorum for any meeting of the Forum is not less than one half its members and in any case no fewer than three. The proceedings will not be invalidated by any vacancy in the membership.

**Comment [f5]:** An audit requires to establish exactly who are current members of the Forum in order that an accurate figure is available to determine what is a quorum.

8.7 If a quorum is not present ten minutes after the meeting was due to start the meeting must be adjourned and rescheduled for a date not sooner than two weeks from the date of the adjournment. It will be recorded in the minute that the meeting was adjourned and no business was transacted due to the lack of the necessary quorum.

8.8 In making any decision the Forum should vote upon a proposal. Each member of the Forum, or their substitute, will have one vote with the **Convenor having a casting vote** in the event of a tie. Voting will usually be by show of hands. The Forum may use a secret ballot where it decides this is more appropriate. The secret ballot should only be used in exceptional circumstances.

**Comment [WU6]:** The Convenor has his own vote then in the event of a tied vote he/she has a further casting vote

8.9 All members may put forward suggestions for agenda items. The Convenor is responsible for establishing a mechanism whereby members may table items for discussion.

8.10 The Secretary shall keep a minute of every meeting of the Forum. These minutes should include;

- The names of members in attendance;
- Any apologies intimated to the convenor or secretary;
- A brief note of topics dealt with;
- A record of all decisions taken by the Forum.

8.11 The Secretary shall send a copy of the minute of the previous meeting to all members fourteen days in advance of the next meeting.

8.12 Minutes of the previous meeting should be approved as a correct record at the next meeting. The agenda may not be

closed before the minute or the amendment thereof is agreed by majority vote.

8.13 The Secretary shall lodge a copy of the minutes of each meeting with East Lothian Council.

8.14 East Lothian Council will provide facilities to assist members in carrying out their duties. 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.

## **9 Special Meetings**

9.1 A Special Meeting of the Forum can be called at any time by the Convener or by requisition of a majority of the members of the Forum. Such a request to hold a Special Meeting will be in writing and the Convener will determine the date and place of the Special Meeting.

## **10. Conduct of members.**

10.1 Members must respect all other members of the Forum, members of the Licensing Board and all East Lothian Council employees and the role each plays, treating them with courtesy at all times. Members should also be courteous to any members of the public or press present during Forum meetings.

10.2 All members must comply with rulings from the Convener in the conduct of the business of the Forum.

10.3 Members should strive to be open about their decisions, giving reasons for those decisions.

10.4 Members are accountable for the Forum's decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of the people the members represent, and must ensure that the advice given or recommendations made reflect the views of their constituents localities in so far as is possible.

## **11. Resignation and dismissal.**

11.1 Members wishing to resign their appointment may do so in writing, giving four weeks notice, to the Council's Service Manager – Licensing, Administration and Democratic Services and the Convenor.

11.2 Where it is put to the Forum that one of their members has acted contrary to the provisions of this constitution, or in such a manner so as to bring the Forum into disrepute, they may by majority vote recommend dismissal of that member to East Lothian Council.

11.3 In voting regarding the recommendation of dismissal of a member, each member of the Forum will have one vote with the Convenor having a casting vote in the event of a tie. Where it is the Convenor who is the subject of the vote the Forum should agree a substitute for the purposes of this vote. The Forum should use the secret ballot procedure for these votes.

11.4 Where the Forum agrees to dismiss a member that member will immediately lose the right to attend Forum meetings except where attending as a member of the public. The Convenor should inform the Council's Service Manager – Licensing, Administration and Democratic Services of the decision as soon as practicable.

## 12. Alterations to Constitution and powers to make or amend rules.

12.1 The Forum shall have the power to alter the constitution of the Forum and to make or amend rules relating to the conduct and administration of the Forum at any of its meetings or at a Special Meeting convened for such purpose provided due intimation of such proposed alteration shall have been sent to each member at least fourteen days before such meeting. All such alterations require to be approved by a two-thirds majority of those present and voting. The Forum shall not be permitted to alter the Constitution if such alteration would conflict with the terms of the Act.

## 13. Contact Details.

[Website: www.eastlothianlicensingforum.co.uk](http://www.eastlothianlicensingforum.co.uk)

### Licensing, Administration and Democratic Services

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