

REPORT TO: East Lothian Licensing Forum

MEETING DATE: 11 March 2020

BY: Service Manager – People and Governance

SUBJECT: Update on the revision of the Constitution of the Licensing Forum

1 PURPOSE

- 1.1 To update the East Lothian Local Licensing Forum (the Forum) on the revision of the Forum's Constitution and other related matters as outlined at 2.2, all as discussed at their meeting on 2 April 2019, and to secure agreement on the next steps.

2 RECOMMENDATIONS

That the Forum:

- 2.1 Note the contents of the report.
- 2.2 Agree the updates to the Constitution, to be discussed and finalised at the meeting, which will include a change of document name, changes to the recruitment process for Forum members, the process and circumstances for removal from Forum membership, and the introduction of terms and conditions for Forum members.

3 BACKGROUND

- 3.1 Following on from the Forum meeting on 2 April 2019, members' feedback has been taken into account as outlined at sections 3.2 to 3.7.
- 3.2 The application form has been redesigned and is attached to the report. The application form now includes details of the time it will take to process applications which is in line with the Forum's request that applications be dealt with within one calendar month.

- 3.3 Council Officers have noted that the Forum believes that there is no longer a need for a Secretary Officer post, as East Lothian Council Committees provide minute taking support. While the Licensing (Scotland) Act 2005 (The Act) states that “A council must provide each Forum established by them, or ensure each such Forum is provided, with such staff, property and services as the council considers are required for the Forum’s purposes.”, the Forum is asked to consider what other administrative/secretarial functions it might require to carry out that might not be committee work that is supported by council staff. It is therefore recommended that the Forum retain the post of Secretary to enable the Forum to carry out all aspects of its business.
- 3.4 Council Officers note that the Forum have requested a minimum quorum of three instead of the current quorum of five. However, the Act states that the quorum for a meeting of the Forum is one half of the number of members (but in any case not fewer than 3). Members are therefore advised that the quorum is set by legislation and is determined by the actual number of members (The Act stipulates that the minimum number of members is five). Members are reminded that no business can take place at a meeting of the Forum unless a quorum is present.
- 3.5 The Forum requested that 15 minutes (currently this is 10 minutes) be allowed for a quorum to be obtained before a meeting is abandoned. This is permissible and will be incorporated into the re-drafting of the Forum’s Constitution as outlined at section 3.7.
- 3.6 The Forum requested that the Constitution should include the addition of working groups. This will be considered further at the meeting and incorporated as appropriate.
- 3.7 The Forum is agreeable to its Constitution being updated and modernised and acknowledge that as the operation of the Forum is covered by legislation, it is not relevant to have a document entitled “Constitution”. It is therefore the advice of the Service Manager – People and Governance, that the current Constitution is updated and replaced by a document entitled “East Lothian Licensing Forum – Scheme of Administration”. This would set out the operating principles for the Forum (notwithstanding all items that are covering by current and any future legislation) and would follow the layout used for other East Lothian Council Committees. A draft Scheme of Administration will be forwarded to members in advance of the meeting for consideration and finalisation at the meeting.
- 3.8 Once the Scheme of Administration has been agreed, it would be the responsibility of the Forum to review and revise the document and provide East Lothian Council with updated versions.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
6.2 Personnel - None
6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 None

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DATE	3 March 2020



APPLICATION FORM FOR MEMBERSHIP OF THE EAST LOTHIAN LOCAL LICENCING FORUM

The role of the Forum is to keep under review the operation of all new liquor licensing legislation in East Lothian – the Forum is the community's voice on liquor licensing issues.

Keeping in mind the objectives of the Licensing (Scotland) Act 2005, the Forum may give advice and make recommendations to the Licensing Board.

The licensing objectives are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children and young persons from harm

Please complete all sections in full.

Full Name	
Address (Including postcode)	
Telephone Number/s	
E-mail Address	

<p>Which of the following categories apply to you?</p>	<p><input type="checkbox"/> Health, Education, Social Work</p> <p><input type="checkbox"/> Young Person</p> <p><input type="checkbox"/> Resident in the Forum Area</p> <p><input type="checkbox"/> Holder of a Premises/Personal (Liquor) Licence</p> <p><input type="checkbox"/> Other, (please provide details)</p> <p>Please V all boxes which apply</p>
<p>If you are, or have been a licence holder, please give details of the licence/s you hold/have held.</p>	
<p>What attracted you to apply to be a member of the Forum?</p>	
<p>What are the skills and experience that you consider you could contribute to the work of the Forum?</p>	
<p>What do you anticipate you would be required to do as a Forum member?</p>	

<p>Have you attended meetings of the Forum or East Lothian Licensing Board? If so, please describe your experience of those meetings.</p>	
<p>Are you presently or have you been a member of any community or voluntary organisation, or any public body? If so, please provide details of that membership and your involvement and roles within those groups.</p>	
<p>There is potential for there to be a conflict between your own views, or those of another body you are part of, and the views or decisions of the Forum. Do you anticipate any such conflicts? If so, how would you resolve them?</p>	
<p>SIGNATURE</p>	
<p>DATE</p>	

For further information and informal enquiries, please contact meetings@eastlothian.gov.uk or telephone Democratic and Licensing Services on 01620 827225.

Please return your completed application form to:

meetings@eastlothian.gov.uk (a scanned copy of the signed application form is acceptable)

or by post to:

Team Manager, Democratic and Licensing, East Lothian Council, John Muir House, Haddington, EH41 3HA.

Applications will be considered by a selection panel made up of Council Officers. We aim to make decisions within four weeks of receipt of applications. Should additional information be required, we will contact you in this regard.