

Governance, Risk and Best Value Committee

10.00am, Tuesday, 15 January 2019

Licensing Forum: Update on Review of Constitution and Membership

Item number	7.10
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	

Executive Summary

The Local Licensing Forum ('the Forum') is a lay advisory body set up by the Council as required by the Licensing (Scotland) Act 2005. The Council has a legal duty to establish a Forum, to appoint the membership of the Forum, and to provide support and assistance to the Forum as required. It is, however, a separate legal entity and is not a Council committee.

This report updates the committee on the outcome of the consultation on reviewing the constitution and the proposed process for recruiting and selecting future members of the Forum.

Licensing Forum: Update on Review of Constitution and Membership

1. Recommendations

- 1.1 The Governance, Risk and Best Value Committee is asked to:
 - 1.1.1 note the progress made on reviewing the appointment process and constitution, with a revised recruitment process; and
 - 1.1.2 further note that the revised constitution and proposed recruitment process will be submitted to full Council for approval at the earliest opportunity.

2. Background

- 2.1 The Licensing (Scotland) Act 2005 ('the Act') requires local authorities to establish a 'Local Licensing Forum'. Whilst Licensing Boards have been in place as separate legal entities for many years, Licensing Forums were created specifically by the 2005 Act. However, both are independent of the Council and its structures. The Act does not provide any mechanism by which the Council could exercise governance over the Forum.
- 2.2 The Act sets out the functions of the Forum, specifically:
 - 2.2.1 keeping under review the operation of the Act in the Forum's area, and the exercise by the local Licensing Board of its functions; and
 - 2.2.2 giving advice and making recommendations to the Board in relation to those matters as the Forum considers appropriate.
- 2.3 The Act makes it clear that the Forum's role is not to review, give advice or make recommendations to the Board in relation to the exercise of its functions in relation to individual cases.
- 2.4 The operation, membership and constitution of the Forum were reviewed in 2012 and in 2017 - in both cases shortly after the local government elections. All reports in relation to the Forum have been dealt with by full Council, as none of the existing Executive Committees have the Licensing Forum within their remit.

- 2.5 The current constitution of the Forum was agreed by full Council in November 2017. Following meetings of the Governance, Risk and Best Value Committee in 2017 a further review of the constitution commenced.

3. Main report

Review of Forum Membership Appointment Process and Constitution

- 3.1 As requested by the Committee, a review of the current appointment process was undertaken to ensure that it is transparent, fair and fully understood. A written process has been drafted, setting out how the Council will recruit, select and appoint members of the Forum.
- 3.2 Additionally, using the approach used to recruit lay members of similar public bodies, an outline description of a person specification has been drafted, to allow volunteers interested in applying to better understand what might be expected of them. Advice was sought from the Head of Legal Services and the Democracy, Governance and Resilience Senior Manager on the draft documents.

Consultation

- 3.3 On [31 July 2018](#) Governance, Risk and Best Value Committee received the draft constitution, recruitment procedure and person specification which were to be used for the public consultation. These documents had previously been sent for consultation with members of the Licensing Forum.
- 3.4 A formal consultation took place between 10 September and 23 November 2018. The consultation was placed on the council's Consultation Hub and the Community Council Liaison Officer emailed notification to all Community Councils in the city. A meeting was also held with the Secretary of the Edinburgh Association of Community Councils to brief the association on the proposals.
- 3.5 There was regrettably a very low initial level of response to the consultation, with just one Community Council responding. After further discussion with the Convenor and Vice Convenor of the Governance, Risk and Best Value Committee the consultation closing date was extended. The Vice Convenor assisted by contacting Community Councils to encourage a larger number to respond. At the revised closing date, eight community councils had responded, with a further three responses were received from individuals and one from an association.
- 3.6 A full copy of these responses to the consultation is attached at Appendix 5 with an officer response provided to deal with a substantive issue.
- 3.7 Having reviewed the consultation feedback there are no major changes proposed to the draft recruitment process.

Person Specification

- 3.8 In the person specification the desirable criteria have been slightly amended to make clear that any qualification must be relevant and to additionally include 'relevant experience' as being desirable. The responses to the draft person specification were mixed with some respondents concerned that the specification was too onerous, while others indicated support. It is therefore intended to make no other changes at this time but to keep the person specification under review. If, after any future recruitment exercise, there have been insufficient applications, the specification will be reviewed again.

Constitution

- 3.9 As a result of responses and suggestions during the consultation process, minor changes to the Constitution were proposed and a revised draft was prepared. The changes proposed to the Constitution are:
- 3.9.1 providing the option for the Forum to appoint a vice convenor, should the Forum wish to do so;
 - 3.9.2 making clear that the Forum will operate using the council year as opposed to the calendar year;
 - 3.9.3 replacing the term 'ex officio' with the more accurate description of 'a person invited to participate'; and
 - 3.9.4 to expressly reference the recruitment process and clarify the process for reappointments.

Next steps

- 3.10 A report proposing the draft new Constitution and associated documents will be submitted to full council for approval in March 2019. Reflecting on feedback from members, the report will recommend that the remit for the Licensing Forum should be added to the remit of the Council's Regulatory Committee (as this Committee deals with all of the Council's Licensing functions) to improve future governance and to ensure that future reviews of governance are considered appropriately by the Council. The Convenor of the Regulatory Committee has been consulted on this proposed recommendation and has indicated support for the proposal.
- 3.11 Assuming Full Council approves the revised Constitution and associated processes, recruitment for new Forum members will take place in the spring of 2019, with a view to the new Forum being appointed as soon as possible thereafter.

4. Measures of success

- 4.1 The Council supports and encourages an active local Licensing Forum, which reflects the proposed membership set out by the Licensing (Scotland) Act 2005.

5. Financial impact

- 5.1 The costs of supporting the Forum are minimal and are contained within existing Council budgets.

6. Risk, policy, compliance and governance impact

- 6.1 The Local Licensing Forum is independent of the Council and governance arrangements therein.

7. Equalities impact

- 7.1 The directorate has learned from similar processes for appointing members of a public body and has also used the council's recruitment processes as a template for selection and appointment process. Legal Services have reviewed the documents to ensure they are consistent with the relevant statutory duties. The constitution and procedures do not impact on any protected characteristics.

8. Sustainability impact

- 8.1 There are no sustainability issues arising out of the contents of this report.

9. Consultation and engagement

- 9.1 Consultation on changes to the Forum constitution and membership is detailed in paragraphs 3.3 to 3.5 above.

10. Background reading/external references

- 10.1 [Report to Full Council November 2017](#)
- 10.2 [Report to Full Council September 2012](#)
- 10.3 [Licensing \(Scotland\) Act 2005](#)

Paul Lawrence

Executive Director of Place

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11. Appendices

- 11.1 Current Licensing Forum Constitution approved by Council in 2017
- 11.2 Proposed Licensing Forum Constitution
- 11.3 Proposed recruitment procedure
- 11.4 Proposed person specifications for lay members of Licensing Forum
- 11.5 Consultation responses

Appendix 1

**The City of Edinburgh Licensing Forum
Constitution and Remit**

City of Edinburgh Licensing Forum Constitution

1 Title

2 Introduction

3 Definitions

4 Terms of Reference

5 Functions

6 Membership

7 Convener

8 Meetings

9 Method of Voting

10 Special Meetings

11 Conduct of Members

12 Attendance at Meetings

13 Resignation etc

14 Alterations to Constitution and powers to make or amend rules

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 has been established to represent the views of people concerned with the operation of the licensing system in 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 '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 'Licensing Board' or 'the Board' means the City of Edinburgh Licensing Board.

3.4 'Licensing Standards Officer' or 'LSO' means a person employed by the Council and qualified as required by the provisions of the Act.

3.5 'Edinburgh' means that area administered by the Council incorporated under the Local Government etc (Scotland) Act 1994.

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 licensing 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 he or she has been specifically appointed to represent that organisation, a member of the Forum must not express or promote the views of any organisation of which he or she is 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:

- Aged 18 years or above (with the exception of a member who is a 'young person')
- Able to show that he or she has an interest in the licensing system

6.3 Residents' representatives will be appointed to represent each of the four Community Planning Areas (one for each area). In addition one representative shall be appointed to represent Ward 11 (City Centre), and one to represent Edinburgh Association of Community Councils.

- South East
- South West
- North West
- North East
- Ward 11 (City Centre)

6.4 Membership will be representative of the five key interest areas including holders of premises and individual licences and young people.

6.5 A Licensing Standards Officer, a person nominated by the Health Board, a representative nominated by the Chief Constable and a person nominated by the Chief Social Worker will be appointed as members of the Forum.

6.6 A nominee of the City of Edinburgh Council's Executive Director of Communities and Families will be appointed to represent Education.

6.7 Once the Council has appointed Forum members, it shall delegate power to the Director to reappoint members in consultation with the convener of the Forum ('the Convenor').

6.8 Members will be appointed initially for a period of three years. On a rolling basis, one third of members will be reappointed every three years.

6.9 Members are expected to make every effort to attend meetings. Should a member be unable to attend, he or she should contact the Convener before the meeting. The member may formally nominate a substitute, to express

views on his or her behalf. The substitute must be eligible for the same category of membership as the non-attending member.

6.10 Ex officio members: 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 Convener. 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 Convener.

6.11 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 Convener

7.1 At its first meeting and at the first meeting in each Council year the Forum will elect a Convener from its members. Any member of the Forum may stand for election as Convener. The Convener will hold office until the first meeting in the following year unless he or she resigns or is dismissed.

7.2 If the Convener is unable to attend a meeting of the Forum, he or she must send his or her apologies to the Community Safety Senior Manager. The Convener may nominate a substitute to express views on his or her behalf. The Forum should nominate another one of the usual members to chair that meeting.

If the Convener 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 Convener is responsible for ensuring that meetings are conducted in an orderly fashion. The Convener 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. This will include agenda, minutes 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 eight. 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 Convener 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:

- The names of members in attendance
- A brief note of topics dealt with
- 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 convener having a casting vote in the event of a tie.

9.2 Ex officio members 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 note. The Convener shall thereafter ensure that it 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 convener, or if at least eight Forum members request it in writing. The convener 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 convener'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 2 consecutive meetings, without reasonable explanation. The Forum may consider the circumstances and if not satisfied that the member had a reasonable explanation for failing to attend, members from the Forum may vote to remove that member 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 Convener 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 Convener.

14 Resignation

14.1 Members wishing to resign may do so, in writing, to the Executive Director.

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.

Appendix 2

The City of Edinburgh Licensing Forum Constitution and Remit

City of Edinburgh Licensing Forum Constitution

- 1 Title**
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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 on 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 will 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 City of Edinburgh Council area.
- 5.5 It is not appropriate 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; or
 - 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 Director 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 Director shall prepare guidance on how the community representatives shall be nominated for appointment, including a person specification.
- 6.9 In relation to representatives of the trade, the Director shall recruit volunteers from the trade 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 Director 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 11. If the minimum number of members do 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 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 may submit a report to the Council at any time asking for the constitution of the Forum, or rules relating to the Forum to be amended.

Appendix 3

PROCEDURE FOR RECRUITING MEMBERS OF THE LICENSING FORUM.

When establishing the membership of the Licensing Forum or appointing any further members in the event of a vacancy, the following process will be followed.

The Forum will continue to operate, notwithstanding any vacancy which may occur from time to time.

Community Representatives

1. There will be up to eight (8) places on the Forum for Community Representatives:
 - six (6) community representatives - five (5) geographically appointed representatives and one (1) representative appointed by Edinburgh Association of Community Councils;
 - two (2) additional community representatives.
2. The Executive Director of Place will prepare recruitment plans which will take in to account the community planning arrangements in effect at the relevant time, and will consult with the Democracy, Governance & Resilience Senior Manager (or any successor) and the Convenors of the various Locality Committees on the content of these plans.
3. Each community planning area will be asked to form separate selection panels involving a representative range of community groups in that area. These selection panels will be asked to nominate one representative for each community planning area, and additionally to provide a list of any and all individuals considered appropriate to be added to the Additional Members (Community Representatives) Reserve List.
4. Ward 11 (City Centre) will be asked to form a selection panel involving a representative range of community groups in that ward. This selection panel will be asked to nominate a representative for Ward 11 (City Centre), and additionally to provide a list of any and all individuals considered appropriate to be added to the Additional Members (Community Representatives) Reserve List.
5. The Edinburgh Association of Community Councils (EACC) will be asked to nominate a member in accordance with its own governance arrangements.
6. Having established selection panels for each area, the City of Edinburgh Council ('the Council') will advertise vacancies for community members of the Forum and invite applications from interested parties. Applicants will be provided with a person specification and asked to fill in a short application form and submit it to the Council within a specified timescale.
7. Applicants will be asked to provide details of two referees.
8. A selection panel will be provided with copies of the applications received for the relevant area, and will be asked to shortlist and interview applicants using a standard methodology to ensure consistency across candidates/areas.

9. The selection panel will nominate a preferred candidate for the Executive Director of Place for appointment, and will additionally provide to the Executive Director of Place a list of any and all individuals it considers appropriate for adding to the Additional Members (Community Representatives) Reserve List.
10. Should a vacancy occur in any of the posts filled by a community representative, or when any such representative is required to be reappointed (with the exception of a vacancy in an Additional Members (Community Representatives) post and the post filled by EACC), the Council will advertise the vacancy/vacancies and invite applications from relevant interested parties. The Council will provide to the relevant selection panel copies of the applications received. This selection panel will be asked to shortlist, interview applicants, and nominate a preferred candidate for appointment by the Executive Director of Place.

Trade Representatives

1. The Executive Director of Place will establish a selection panel to recruit and nominate holders of premises or personal licences, to be known as 'trade representatives'.
2. Having established a selection panel, the Council will advertise vacancies for trade representatives on the Forum and invite applications from interested parties. Applicants will be provided with a person specification and asked to fill in a short application form and submit it to the Council within a specified timescale.
3. Applicants will be asked to provide details of two referees including, where relevant, one from the trade body where the applicant seeks to represent that body on the Forum.
4. The selection panel will be provided with copies of the applications received and will shortlist and interview applicants using a standard methodology to ensure consistency across candidates/areas.
5. The selection panel will nominate up to six (6) preferred candidates for appointment by the Executive Director of Place, and will additionally provide a list of any and all individuals it considers appropriate for addition to the Additional Members (Trade Representatives) Reserve List.
6. The selection panel will endeavour to ensure insofar as possible that all sectors of the licensed trade are represented in any nomination made.
7. Should a vacancy occur in any of the posts filled by a trade representative, with the exception of a vacancy in an Additional Members (Trade Representatives) post, or when any such representative is required to be reappointed, then the above process will be followed.

Additional Members

1. The Forum's Constitution allows the Forum to have up to twenty one (21) members. In addition to the five (5) statutorily determined representatives, the six (6)

community representatives and six (6) trade representatives set out above, there are up to four (4) places for additional members who may be appointed to bring that number up to twenty one (21).

2. The Executive Director of Place will, insofar as practically possible, seek to ensure that the balance between community and trade representatives remains equal when appointing additional members to the Forum. Where there is a need to recruit Additional Members, the Executive Director of Place will determine the number of Additional Members (Community Representatives) and the number of Additional Members (Trade Representatives) required.
3. Additional Members will be identified as follows.
 - a. Community representatives: Selection panels will provide to the Council a list of any and all individuals considered appropriate for addition to the Additional Members (Community Representatives) Reserve List.
 - i. Where the number of nominees is less than or equal to the number of additional seats available for Additional Members (Community Representatives), members will be appointed by the Executive Director of Place.
 - ii. Where the number of nominees is more than the number of additional seats available for Additional Members (Community Representatives), the Executive Director of Place will draw lots, and depending on the outcome of drawing lots, will rank all the nominees in order. The nominee/nominees at the top of the list will be appointed to the vacant place/places, and the remaining nominees will be placed in order on the Additional Members (Community Representatives) Reserve List.
 - iii. Thereafter, where a vacancy occurs for Additional Members (Community Representatives) these shall be filled from the Additional Members (Community Representatives) Reserve List in the order ranked (as per 3(a)(ii)). If there is no one on the Additional Members (Community Representatives) Reserve List then the Council will advertise, share applications with relevant selection panels and ask for nominations. Nominees will be added to the Additional Members (Community Representatives) Reserve List in the order determined by the drawing of lots, with posts being filled from the top of the list downwards.
 - b. Trade representatives: The selection panel will provide to the Council a list of any and all individuals considered appropriate for addition to the Additional Members (Trade Representatives) Reserve List.
 - i. Where the number of nominees is less than or equal to the number of additional seats available for Additional Members (Trade Representatives), they will be appointed by the Executive Director of Place.
 - ii. Where the number of nominees is more than the number of additional seats available for Additional Members (Trade Representatives), the Executive Director of Place will draw lots, and depending on the

outcome of drawing lots will rank all the nominees in order. The nominee/nominees at the top of the list will be appointed to the vacant place/places and the remaining nominees will be placed in order on the Additional Members (Trade Representatives) Reserve List.

- iii. Thereafter, where a vacancy occurs for Additional Members (Trade Representatives) these shall be filled from the reserve list in the order ranked (as per 3(b)(ii)). If there is no one on the Additional Members (Trade Representatives) Reserve List then the Council will advertise, share applications with the selection panels and ask for nominations. Nominees will be added to the Additional Members (Trade Representatives) Reserve List in the order determined by the drawing of lots, with posts being filled from the top of the list downwards.

Appendix 4



Person Specification

Position Title	Lay member of the City of Edinburgh Licensing Forum: Trade Representative
Service Area	Supported by the Place Directorate
Responsible To	n/a

Person Specification

Qualifications, training & professional membership	<p>Members of the Forum are volunteers. The person specification is intended to set out the skills and attributes necessary to serve on the Forum.</p> <ul style="list-style-type: none"> • Trade members should normally hold a premises licence or a personal licence. Alternatively they should be able to demonstrate an active interest in the licensed trade within the city, or alternatively show that they represent a trade group with an active interest in the licensed trade within the city. Essential • Qualifications are not essential, but where a person can show a relevant legal, licensing or health qualification or equivalent, this will be desirable. Desirable • Any relevant membership of a voluntary group or trade association/body. Desirable • Experience of volunteering or membership of a lay body. Desirable
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The successful candidate will demonstrate evidence of the following experience, knowledge, skills and understanding. Evidence will be sought for selection purposes.

REPRESENTATION

- Able to represent the interests of the organisation or group which the member is appointed to represent Essential

- Able to feed back to the organisation or group which the member is appointed to represent. Essential

ASSESSMENT OF INFORMATION

- Able to consider evidence provided and submissions made to the Forum, and reach a considered view on how these relate to the functions of the Licensing Board. Essential
- Aware of the Licensing (Scotland) Act 2005 and able to apply their understanding to the discussions and decisions of the Forum. Essential

WORKING EFFECTIVELY WITH OTHERS

- Can demonstrate ability to work effectively with a range of Forum members and other stakeholders to deliver effective discharge of the Forum's functions. Essential
- Able to support other Forum members to contribute effectively. Essential

COMMUNICATIONS

- Able to participate and speak at public meetings. Essential
- Able to communicate views of groups or organisations represented by the member in a clear and balanced manner. Essential
- Occasionally prepare a short written report or similar. Essential

Planning and Decision Making

- Able to contribute to the planning of future business of the Forum. Essential
- Able to participate in decision making processes in an open, transparent manner which supports a wider range of contributions. Essential



Person Specification

Position Title	Lay member of the City of Edinburgh Licensing Forum: Community Representative
Service Area	Supported by the Place Directorate
Responsible To	n/a

Person Specification

Qualifications, training & professional membership	Members of the Forum are volunteers. The person specification is intended to set out the skills and attributes necessary to serve on the Forum.	
	<ul style="list-style-type: none"> Community members need not hold a formal qualification, but should be able to demonstrate that they are active in their local community and have an interest in liquor licensing. 	Essential
	<ul style="list-style-type: none"> Qualifications are not essential, but where a person can show a relevant legal, licensing or health qualification or equivalent, this will be desirable. 	Desirable
	<ul style="list-style-type: none"> Any relevant membership of a voluntary group or trade association/body. 	Desirable
	<ul style="list-style-type: none"> Experience of volunteering or membership of a lay body. 	Desirable

The successful candidate will demonstrate evidence of the following experience, knowledge, skills and understanding. Evidence will be sought for selection purposes.

REPRESENTATION

- Able to represent the interests of the organisation or group which the member is appointed to represent Essential
- Able to feed back to the organisation or group who the member is appointed to represent Essential

ASSESSMENT OF INFORMATION

- Able to consider evidence provided and submissions made to the Forum, and reach a considered view on how these relate to the functions of the Licensing Board. Essential
- Aware of the Licensing (Scotland) Act 2005 and able to apply their understanding to the discussions and decisions of the Forum Essential

WORKING EFFECTIVELY WITH OTHERS

- Can demonstrate ability to work effectively with a range of Forum members and other stakeholders to deliver effective discharge of the Forum's functions. Essential
- Able to support other Forum members to contribute effectively. Essential

COMMUNICATIONS

- Able to participate and speak at public meetings. Essential
- Able to communicate views of groups or organisation represented by the member in a clear and balanced manner. Essential
- Occasionally to prepare a short written report or similar. Essential

Planning and Decision Making

- Able to contribute to the planning of future business of the Forum. Essential
 - Able to participate in decision making processes in an open, transparent manner which supports a wider range of contributions. Essential
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Appendix 5

LICENSING FORUM REVISED DOCUMENTS CONSULTATION (SEPTEMBER – NOVEMBER 2018)

Q1: Please give us your comments on the draft Licensing Forum Constitution

Individual response	<p>The make-up of the forum seems rather weighted towards members and organisations that would lean towards more restrictions on licensing. With the exception of the 6 trade seats all the other members would probably support more restrictive licensing. There is the potential for a further 6 seats to be appointed by the Director of Place but nowhere is it stated who these seats are aimed at.</p> <p>Nowhere in the document is any representation mentioned from the tourist industry (non-licensed such as B&Bs, tour operators, museums, other places of interest, etc.). Most importantly, nowhere are the actual customers mentioned.</p>
SERVICE RESPONSE	<p><i>For a number of years the Forum representation has been based on three groupings:</i></p> <ul style="list-style-type: none">• <i>Named statutory delegates such as LSO, Police and NHS;</i>• <i>Six community representatives;</i>• <i>Six trade representatives</i> <p><i>The remaining seats are equally divided between community and trade representatives.</i></p> <p><i>Whilst no doubt important groups, non-licensed tourist industry bodies have no direct interest in the operation of the liquor licensing system.</i></p> <p><i>The suggested make-up very much follows the legislation and no further changes to representation are proposed.</i></p>
Drum Brae CC	<p>I'd be interested to know why and in what circumstances the membership number would 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'). Has that happened previously?</p>

	<p>Whilst a three year tenure appears to be right in my view ... I don't see a lot about ongoing training and familiarisation with the necessary procedures, process and roles or responsibilities for the lay person here after selection or appointment to deal with any change or amendment. Dealing with copies of statistical information provided to the Board, for the purpose of preparing a licensing policy statement or supplementary statement will require this type knowledge and understanding.</p>
SERVICE RESPONSE	<p><i>Membership was reviewed and the Constitution updated both in 2012 and in 2017.</i></p> <p><i>The Directorate had previously committed to providing training once the new Forum was appointed, and that remains the intention. Further training – as reasonable and agreed with Forum members – will be provided.</i></p>
Tollcross CC	<p>Section 6.4 Paragraph a.</p> <p>We don't consider it appropriate that there should be one additional seat to represent Edinburgh Association of Community Councils. (EACC).</p> <p>It's not clear what or whom the occupant of such a seat would represent.</p> <p>Many community councils do not take any part in the EACC's deliberations and, of those that do, the attendance of most is sporadic.</p> <p>The EACC has difficulty reaching a consensus because each community council is concerned with its own local issues and those issues differ from place to place.</p>
SERVICE RESPONSE	<p><i>With a limited number of member seats available, a balance has to be struck to attempt to ensure optimum representation across the city. In practice, while licensed premises are located city-wide, there are recognised points where premises numbers are concentrated and so an additional seat is given to the city centre area.</i></p>

	<p><i>There are many community councils (CCs) across the city which don't have frequent licensing issues, and the EACC seat is intended to allow the EACC to keep these CCs informed and involved. The EACC representative would feed back to EACC as required, and EACC would cascade information as required.</i></p> <p><i>Alternatives were considered, but ultimately appeared impractical. Outwith the city centre there was no consensus as to which other areas would merit a seat (there were suggestions of Tollcross and Leith).</i></p> <p><i>As there is only one negative comment regarding this recommendation, no change is proposed.</i></p>
Individual response	Whilst appreciating need for one it appears to be too legalistic
SERVICE RESPONSE	<i>Will keep under review if there are insufficient applications when the new forum is recruited.</i>
Individual response	<p>It would have been helpful if the proposed changes to the constitution had been highlighted together with the rationale for the changes. Without this information it is difficult to understand the need for and extent of changes proposed.</p> <p>Based on my review of the constitution it would appear that the Forum has a very high membership (up to 21) with a quorum of 8. Given that the Forum is intended to have a balanced membership between trade and community representatives perhaps the quorum should require that at least three members of either trade or community members should be present at each meeting. I note that there are several Council appointed representatives. Are these appointed as individual or by position and if so is there a mechanism in the constitution for deputies to attend in place of the regular attendees to ensure that the quorum requirements are satisfied.</p> <p>I presume from the various Council papers that the Licensing Forum will now come under the remit of the</p>

	Governance, Risk and Best Value Committee. Perhaps this should be clearly stated within the constitution and extent of changes proposed.
SERVICE RESPONSE	<p><i>The current version of the Constitution (in existence until any changes suggested by this consultation are agreed by Full Council) was available on the Consultation Hub for reference.</i></p> <p><i>The report to the Governance, Risk and Best Value Committee and to full Council will explain the main changes.</i></p> <p><i>The rule with respect to quorum comes directly from the Licensing (Scotland) Act 2005. Schedule 2 specifies that quorum is half of the total number of members, and in any case not less than three. It is considered impractical to further complicate that, as it could lead to situations where the Forum could cease to function if insufficient representatives attend.</i></p> <p><i>The Constitution specifically allows substitutes (nominated in advance) to attend and participate.</i></p> <p><i>Advice from Committee Services is that the Governance, Risk and Best Value committee is not an executive committee. A proposal will therefore be put to Full Council that the terms of reference of the Regulatory Committee should be amended to include all aspects of the Council's responsibility for the Licensing Forum within its remit, on the basis that the Regulatory Committee is responsible for all aspects of the Council's licensing functions.</i></p>
Craigentenny & Meadowbank CC	The constitution is well constructed. I don't see any issues with it.
Southside Association	This constitution seems appropriate and workable. It is clearly stated.
Colinton CC	This document appears to be satisfactory

Merchiston CC	<p>Your Highlights document states the following:</p> <ul style="list-style-type: none"> • A minimum of six places shall be reserved for Community representatives. <ul style="list-style-type: none"> ◦ Four of these shall be reserved for community representatives from each of the four localities (North East, North West, South East and South West). ◦ One additional place shall be reserved for a community representative from Ward 11 (City Centre), and ◦ one additional place for a member nominated by Edinburgh Association of Community Councils. • A minimum of six places shall be reserved for holders of premises or personal licences to be known as Trade representatives. <p>Do we assume that this situation has been superseded by the documents forming part of the present consultation ? If so, could that please be made clear ?</p>
SERVICE RESPONSE	<p><i>The 2017 Constitution and the current draft are identical in this respect.</i></p> <p><i>If the Council approves the draft Constitution this will supersede all previous versions.</i></p>
Merchiston CC	I may have missed this, but what is the quorum? What are the powers of the Forum?
SERVICE RESPONSE	<p><i>The Forum has a quorum set out in the Constitution which mirrors the 2005 Act requirements.</i></p> <p><i>The Forum has no express powers. Its role is clearly set out at paragraph 2.1 of the draft Constitution.</i></p>

Q2: Please give us your comments on the draft person specification for community representatives

Individual response	<p>"Qualifications are not essential but where a person can show a legal, licensing or health qualification or equivalent this will be desirable." This requirement is labelled as "Desirable". If the forum is to represent a wide range of views, this requirement restricts the pool from which such a representative can be drawn and needs to be removed. It is unlikely that any lay member representing customers would have legal, licensing or health qualification.</p> <p>Instead any prospective candidate should be able to demonstrate a rudimentary understanding of the Council's licensing process.</p>
SERVICE RESPONSE	<p><i>This is not intended to restrict.</i></p> <p><i>'Desirable' criteria assist recruitment panels to distinguish between applications where all 'essential' criteria are met.</i></p> <p><i>It is felt that requiring lay representatives to demonstrate an understanding of the licensing process would unduly restrict potential candidates. Will add text making it clear that any qualification should be 'relevant'.</i></p>
Drum Brae CC	<p>In terms of representation in the City I would be interested in learning if the new Locality structure has been considered (for example is this the same as the Planning Areas) in regard to getting a consistent geographical spread across the city to perhaps reflect the many diverse communities we have.</p>
SERVICE RESPONSE	<p><i>It is intended that the areas set out in the draft Constitution should precisely mirror the wider community planning areas, in order to avoid confusion.</i></p>
Tollcross CC	<p>We are happy with this draft.</p>

Individual response	It would appear that the community reps are applying for a full time job. A lot of the criteria should be desirable not essential.
SERVICE RESPONSE	<i>The requirements are considered proportionate.</i>
Individual response	It would have been helpful if the specification had outlined the expectations in terms of time commitment from membership of the Forum
COMMENTS	<i>When advertised the normal frequency of meetings will be given, subject to the caveat that the new Forum may choose to alter the frequency (as it is an independent lay body).</i>
Fairmilehead CC	<p>The specification appears to be very onerous particularly when the community representatives will more than likely be volunteers.</p> <p>Even to be elected as a community councillor a person does not have to go through such a procedure. Although they require to do is nominate themselves (with a seconder) and they will be appointed. In certain circumstances they may require to stand for election but this is very rare. They are self selecting and the community councils benefit from this.</p> <p>Community Councils are statutory bodies and if such restrictions as proposed for Forum members were thought necessary the government would have imposed them. It is telling that they have not done so.</p> <p>If the selection process is too onerous or complicated then volunteers are not going to come forward and go through such a complicated and unnecessary process. It will have the opposite effect to that intended.</p> <p>Self selection over comes this problem.</p>
SERVICE RESPONSE	<i>Noted, however there is general support and elected members requested a clear recruitment process.</i>

	<p><i>The Forum is clearly distinct from CCs, as Councillors on CCs gain their mandate from the relevant statutory process.</i></p> <p><i>It is suggested that this is kept under review, and if recruitment difficulties are experienced then the directorate will reflect on possible reasons.</i></p>
Craigtinny & Meadowbank CC	Good specifications.
Southside Association	This person specification is clear and covers the attributes I feel are necessary for a community representative on the Edinburgh Licensing Forum.
Colinton CC	Comprehensive set of requirements if not a bit over the top such as it might dissuade individuals from getting involved.
Merchiston CC	We do not believe that a legal, licensing or health qualification need be considered even just desirable, and should certainly not be a consideration when potential community members of the Forum are being shortlisted/interviewed. Our reason for saying this is because expertise in legal and licensing matters is provided by CEC officers who attend Forum meetings, and a Nominee of NHS Lothian is a statutory member of the Forum. Other personal/professional qualities (many of them listed in your person specification) would be much more appropriate and useful. References should be sought.
SERVICE RESPONSE	<p><i>This is not intended to restrict.</i></p> <p><i>'Desirable' criteria assist recruitment panels to distinguish between applications where all 'essential' criteria are met.</i></p>

	<p><i>It is felt that requiring lay representatives to demonstrate an understanding of the licensing process would unduly restrict potential candidates.</i></p> <p><i>We have added that references will be sought.</i></p>
Merchiston CC	They should not have any links with the alcoholic drinks industry. They should have the time available to attend. A record in civic activity is something to be looked for.
SERVICE RESPONSE	<i>The Act specifically requires the Council to ensure as far as possible that holders of premises licences etc are represented, therefore this group could not be excluded from membership.</i>

Q3: Please give us your comments on the draft person specification for trade representatives.

Drum Brae CC	Similarly I don't see a lot about ongoing training and familiarisation with the necessary procedures, process and roles or responsibilities for the six places reserved for trade representative's to deal with any change or amendment. Again, dealing with copies of statistical information provided to the Board, for the purpose of preparing a licensing policy statement or supplementary statement will require this type knowledge and understanding.
COMMENTS	<i>The Directorate had previously committed to providing training once the new Forum was appointed, and that remains the intention. Further training as agreed with Forum members – will be provided.</i>
Tollcross CC	We are inclined to think that there should be a restriction on representatives of trade groups - requiring them not also to be members of any other area's Licensing Forum.

	<p>At the very least we think membership of any other Licensing Forum should be openly declared.</p> <p>Apart from the above concern we are happy with this draft.</p>
SERVICE RESPONSE	<p><i>Not clear what benefit this would provide.</i></p> <p><i>In practical terms it would be very difficult to maintain a list of all Forums and to cross check membership.</i></p>
Individual response	<p>Given that there are different types of licensed premises covered by the legislation it would seem appropriate that the person specification would seek to ensure that the trade representatives are indeed representative of each type of such premises.</p>
SERVICE RESPONSE	<p><i>Recruitment for all trade representatives will be dealt with in the same process.</i></p> <p><i>Guidance will be provided for recruiters to the effect that they should seek to select as wide and representative a group as possible, and the advertising will make clear that applications are sought from a wide range of applicants. Both the advertising and the guidance for recruiters will make it clear that representation from both on- and off-sales is sought.</i></p>
Fairmilehead CC	<p>This is a matter for the trade as they have their own organisational structures.</p>
Craigtinny & Meadowbank CC	<p>The specs are relevant for the position.</p>
Southside Association	<p>The specification appears to me to be appropriate.</p>

Colinton CC	Again this is comprehensive and reasonable for someone working within or representing the trade
Merchiston CC	We consider that it should not be enough for trade reps to be able to “demonstrate an active interest in the licensed trade within the City.” This is much too vague. We believe that Trade members should always (not just ‘normally’) be required to hold a current premises licence or a current personal licence. If they claim to “represent a trade group with an active interest in the licensed trade within the City”, they should be able to prove that this is a formal, official representation confirmed in writing by the trade group concerned. References should be sought.
SERVICE RESPONSE	<i>Recruitment panels would be asked to satisfy themselves that applicants are representative.</i>
Merchiston CC	I know nothing about this but I would have thought basic checks on their background such as no criminal record or record of having not adhered to licensing laws would be a very basic requirement.
SERVICE RESPONSE	<i>This is not feasible as the Council would have no means of checking an applicant’s criminal history – Disclosure Scotland checks only apply to regulated work.</i>

Q4: Please give us your comments on the draft recruitment process for Licensing Forum members.

Drum Brae CC	It would be interesting to see the criteria the Executive Director of Place would be working under and utilising to prepare any guidance on how the community representatives should be nominated for appointment ... including
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	any as yet unknown person specification ... and as opposed to recruitment of volunteers from the trade which is apparently to be done by advertising the opportunity to serve on the Forum and appointing suitably interested parties ... this time using an agreed, but again as yet unknown, person specification.
SERVICE RESPONSE	<i>The person specification and recruitment process are set out in documents which were attached to this consultation.</i>
Tollcross CC	We are happy with this draft.
Individual response	<p>Community reps are volunteers and give of their precious time freely. By imposing this recruitment process you will drive away volunteers, many of whom may be eminently suitable, but who are not prepared to go through such a recruitment process. This will be self defeating.</p> <p>Many suitable persons who may have applied will not.</p> <p>To me this process is purely political because a current member of the Forum was miffed and complained to their councillor who happens to be vice convener of GRBV.</p> <p>The process is far too complicated - after all you are not seeking employees but volunteers.</p>
Individual response	This appears to be very convoluted and unlikely to achieve its aim of ensuring that volunteers are genuinely representative of the different groups. Surely it would be better to put the responsibility for nominating representatives in the hands of the existing community groups including the Community Councils and the Civic Forum.
SERVICE RESPONSE	<i>It is not believed that this would be possible given that the number of seats available are a fraction of the number of CCs.</i>

Fairmilehead CC	As per the comments at 5 above.
Craigentenny & Meadowbank CC	The document is fit for purpose.
Southside Association	Seems sensible and fair.
Colinton CC	Complex and officer intensive process, however it is probably a necessary process but it should be borne in mind that the Forum is looking for unpaid volunteers
Merchiston CC	Community reps. Bullet point 3, It needs to be made clear how and by whom in each community planning area/structure the selection panels will be appointed.
SERVICE RESPONSE	<i>Appointed by the Executive Director of Place after direct consultation with the locality conveners.</i>
Merchiston CC	Circulate community councils, churches and community groups and those civic bodies such as parents representing families and children, e.g., schools. A few free articles in community newspapers and in the Evening News. It should be aimed at residents.
SERVICE RESPONSE	<i>Suggestion noted</i>

Q5: If you'd like to tell us anything else, please comment below.

Individual response	<p>I struggle to understand why in the UK, and especially Scotland, we have such a hang-up with alcohol. Most European countries have quite liberal rules when it comes to alcohol sales and children in bars and yet they seem to have nowhere near the problems we have with binge drinking and public drunkenness.</p> <p>Generally I think it should be left up to the particular premises to decide its own child policy to best suit the type of establishment it is trying to be.</p>
SERVICE RESPONSE	<i>Not relevant to this exercise. Licences are granted by the Board, not the Forum.</i>
Drum Brae CC	<p>I get the fact that this looks like a well put consistent and perhaps sustainable process here but I do have a concern about a number of areas which could have more information and a bit more transparency to achieve these ends for anyone who was considering an application ... I would also like to see some sort of updated modern mission statement ... the aims and aspirations if you like of what the City of Edinburgh Licensing Forum is all about ... currently it is very wordy.</p>
SERVICE RESPONSE	<i>The Forum is an independent body and any mission statement would need to be driven by the Forum. Not a statutory requirement.</i>
Tollcross CC	<p>In paragraph 8.6 of the draft Forum Constitution the word "minutes" is used; in paragraphs 8.9 and 8.10 the word "note" is used. For clarity and consistency the same word should be used in all these paragraphs.</p> <p>In paragraphs 6.12 and 9 the phrase "ex officio" is used. The correct meaning of the phrase is "by virtue of an office or position"; so, some members of the Forum, e.g. the Licensing Standards Officer, are ex officio members but, in the context of the paragraphs cited, the people referred to are not ex officio members but rather are invited visitors or guests and should be so described.</p>

SERVICE RESPONSE	<i>Will ensure that consistent language is used. LSOs, Police etc are full members. Have removed the use of term 'ex officio'.</i>
Individual response	To impose such a recruitment process will not be beneficial and would be a detrimental step.
Individual response	It is not clear to me how the Forum is intended to function. Where does it receive its information on which it is expected to provide advice. I had a look at information on-line the equivalent organisation in Glasgow and there appears to have been a very detailed review of the licensing requirements undertaken by members of the Licensing Forum. I presume that they had support from either there Licencing Board or the Council in preparing this document. As well as the information on the Licensing Forum perhaps there is a need to better define the roles of other bodies involved in licensing including the Licensing Board. Does Edinburgh have a clear policy on over provision and at risk areas based on analysis of crime and health statistics?
SERVICE RESPONSE	<i>This is an important issue, but is for the Forum. Data will be provided by the Licensing Board as part of its statutory duties, and the Forum can request reasonable additional data as it sees fit.</i>
Craigentiny & Meadowbank CC	I find it quite hard to get on board with this as I have already many meetings to attend as part of my Community Council position. Along with my professional career it is hard to attend everything.
Southside Association	I think the Licensing Forum is essential to the work of the Licensing Board. I am disappointed that it appears difficult for members to attend as required, leaving the Forum without a quorum on occasion.

Colinton CC	This whole process has become overly complex and probably a turn-off for already overstretched community volunteers and likely to see those not best suited to such an important body.
Grange Prestonfield CC	Licensing is not a major responsibility for Grange Prestonfield Community Council. We did not therefore respond to an earlier invitation to be consulted.
Merchiston CC	<p>You say in your Update section that “local community planning structures will be asked to nominate or re-nominate resident members of the forum. Existing community representatives will be asked to continue temporarily until Council has agreed any revision to community engagement structures. For the remaining membership, due to the experience gained by existing Forum members, it is proposed that they be offered reappointment for the forthcoming period should they wish to continue. Any remaining places would be advertised and these would require to be considered in line with the proposed membership composition. “ What is meant by “forthcoming period?” Why are trade reps being treated differently from community reps ?</p> <p>“It is intended to provide the members of the newly appointed Forum with training to assist them in making the most of their role.” Excellent!</p> <p>It will be necessary for inconsistencies in terminology to be ironed out (eg community representatives sometimes referred as that, sometimes as lay members, sometimes as resident representatives).</p> <p>Also, grammatical infelicities (numerous) may be a bigger challenge to eliminate but are important.</p>
SERVICE RESPONSE	<i>This refers to the current temporary arrangements. All future member of the Forum will be appointed using the procedure to be agreed by Full Council.</i>

	<i>Documents will be checked for consistent and correct language.</i>
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24 September 2018

Ms Isla Burton
Regulatory Services
City of Edinburgh Council

Dear Ms Burton

Licensing Forum Consultation

Thank you for the opportunity to take part in this consultation.

The Community Council discussed the revised Constitution and recruitment procedures at its meeting on 19 September, and agreed the following response.

We support the revised Constitution and commend its authors for setting out a clear and improved remit. We welcome the proposals for strong community representation, which we feel are necessary for the continuing value and credibility of the Forum to the public.

Our only criticism is in the recruitment procedure, in particular the person specification. While we can understand the rationale for it, we feel that if the detail and formality of the specification is carried through to the application form, it may deter many people who could be valuable community representatives. If that happens, it could undermine the good intentions behind the revision.

Yours sincerely



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