

Item 19(b)

City of Edinburgh Licensing Forum

Constitution and Remit

City of Edinburgh Licensing Forum

Constitution

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1 Title

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, 11 and Schedule 2 of the Licensing (Scotland) Act 2005. It is the role of the Forum to keep under review the operation of the licensing regime and the exercise of licensing powers in the Edinburgh area and to give advice and recommendations to the City of Edinburgh Licensing Board.

2.2 This document sets out the Forum's constitution and incorporates the Code of Practice for Forum members.

3 Definitions

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

3.2 "The City of Edinburgh Licensing Forum" or "Forum" means that body established by the City of Edinburgh Council in accordance with Section 10 of the Licensing (Scotland) Act 2005.

3.3 "Licensing Board" or "the Board" means the City of Edinburgh Licensing Board.

3.4 "Licensing Standards Officer" means a person employed by the City of Edinburgh Council and qualified as required by the provisions of the Licensing (Scotland) Act 2005.

3.5 "Edinburgh" means that area administered by the City of Edinburgh Council incorporated under the Local Government Etc (Scotland) Act 1994

4 Terms of Reference

4.1 The terms of reference of the Forum are as follows:-

- 1) to keep the liquor licensing system in the City of Edinburgh Council area under regular review and to respond to consultation exercises undertaken by the Licensing Board and the Scottish Executive as appropriate;
- 2) to consider the implications of relevant local data and statistics;
- 3) to meet the City of Edinburgh Licensing Board at least once per year; and
- 4) to give advice and make recommendations to the City of Edinburgh Licensing Board in relation to any matters as the Forum considers appropriate, excepting individual licensing applications.

5 Functions

- 5.1 The Forum will keep under 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 City of Edinburgh 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 powers in any particular case or regarding the Board's consideration of any individual application.¹
- 5.4 Forum members will take all reasonable steps to encourage people to make their views known to the Forum.

¹ Section 11(2) Licensing (Scotland) Act 2005

- 5.5 Members of the Forum are appointed to represent the views of organisations and the citizenry of the Edinburgh Council area. It is inappropriate for any member to use the Forum to pursue their own interests or resolve personal issues. Unless they have been specifically appointed to represent that organisation, members of the Forum are not to 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 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 20. The number of members will be subject to review by the City of Edinburgh Council on the application of the Forum, the Licensing Board or the Council's Director of Corporate Services.
- 6.2 In order to be eligible for membership of the Forum, a person must be:-
- a) aged 18 years or above (with the exception of representatives of young people who must be 16 years or over)
 - 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:-
 - Persons resident within the City of Edinburgh Council area
 - Holders of premises licences and personal licences
 - The Chief Constable of Lothian and Borders Police

Persons having functions relating to health, education or social work.

Young people

- 6.3 Six representatives of residents will be appointed to represent each of the Edinburgh Scottish Parliamentary constituencies.
- 6.5 Where there is a gap in representation of one of the above groups, representative organisations may be approached to nominate a suitable person.
- 6.6 A Licensing Standards Officer will be appointed as a statutory member of the Forum.
- 6.5 Except in respect of the Licensing Standards Officer, members will be appointed initially for a period of 1 year and thereafter for the duration of the Council.
- 6.7 Any gaps in the membership of the Forum will be filled with reference to the same criteria in 6.2 and 6.3.
- 6.8 Members are expected to make every effort to attend meetings. However, should they be unable to attend they should intimate their apologies to the Council Secretary prior to the meeting. The member may nominate a substitute to take their place and express their views. The substitute must be eligible for the same category of membership as the substantive member.
- 6.9 The City of Edinburgh Council will provide facilities to assist the Forum in carrying out its 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. Reimbursement of all costs incurred by the Council will be made from the Forum's budget.

7 Convener

- 7.1 At its first meeting and at the first meeting in each calendar year the Forum will elect a convener from its members. Any member of the Forum may put themselves forward for

election as convener. The convener shall hold office until the first meeting in the following year unless he or she resigns or is dismissed.

- 7.2 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 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 convener's role to prevent an individual from dominating the discussion and to encourage more reticent members of the Forum to speak up.
- 7.4 If the convener is unable to attend a meeting of the Forum he or she must intimate his or her apologies to the Council Secretary. The convener may nominate a substitute to attend in their place and express their views. The Forum should nominate one of the usual members to chair 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 the City of Edinburgh Council in order to ensure that appropriate facilities are available.
- 8.5 Intimation of the date and time of meetings, the agenda and any connected papers will normally be issued to the Forum members by the Council Secretary not less than seven days before the date of the meeting.

- 8.6 The Council Secretary will ensure that public notice of meetings is displayed at the City Chambers, High Street, Edinburgh.
- 8.7 The quorum for any meeting of the Forum is 10. The proceedings will not be invalidated by any vacancy in the membership.
- 8.8 If a quorum is not present ten minutes after the meeting is due to start the meeting must be adjourned and rescheduled for a date to be agreed by the Convener in consultation with the Council Secretary. 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.
- 8.9 The Order of Business for the agenda for the meeting shall be as follows
- 1) Order of Business
 - 2) Minutes of previous meeting and of any special meeting held since then
 - 3) Items of business as detailed in the agenda
 - 4) Items of business that the Convener has agreed be accepted for consideration as matters of urgency
- 8.10 All members may put forward suggestions for agenda items. The Convener is responsible for establishing a mechanism whereby members may submit items for discussion.
- 8.11 The Council Secretary shall keep a minute of every meeting of the Forum. These minutes should include;
- The names of members in attendance;
- A brief note of topics dealt with;
- A record of all decisions taken by the Forum.
- 8.12 Minutes of the previous meeting shall be submitted for approval as a correct record at the next meeting.

9 Method of Voting

- 9.1 In making any decision the Forum may vote upon a proposal. Each member of the Forum, or their substitute, will have one vote, with the Convener 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.
- 9.2 All motions and amendments will be required to be moved and seconded. If no amendment is brought forward in response to a motion, the motion will be the decision of the Forum
- 9.3 The mover of a motion or amendment may, with the consent of the seconder, modify or withdraw their motion or amendment
- 9.4 Each member of the Forum may only move or second one motion or amendment at a time
- 9.5 Motions and amendments moved but not seconded will not be put to the meeting or recorded in the minutes
- 9.6 Movers of motions or amendments not seconded may request that their dissent be recorded in the minutes

10 Special Meetings

- 10.1 A Special Meeting of the Forum can be called at any time by the Convener or by requisition of not less than eight members of the Forum. A request to hold a Special Meeting will be in writing. The Convener, in consultation with the Council Secretary, will determine the date and place of the Special Meeting.

11 Conduct of members.

- 11.1 Members must respect all other members of the Forum, members of the Licensing Board and all City of Edinburgh 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.

- 11.2 All members must comply with rulings from the Convener in the conduct of the business of the Forum.
- 11.3 Members should strive to be open about their decisions, giving reasons for those decisions.
- 11.4 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 all the members and must ensure that the advice given or recommendations made reflect the views of the whole Forum in so far as is possible.
- 11.5 As a representative nominated as a member/substitute member of the City of Edinburgh Licensing Forum members must understand the importance of high standards of conduct in the performance of their responsibilities.
- 11.6 In accepting the appointment they must agree to observe the Key Principles and standards of General Conduct prescribed in the Councillors' Code of Conduct and to register and declare any interests, as required.

12 Offensive or Obstructive Conduct by Members

- 12.1 If any member of the meeting disregards the authority of the Convener, or behaves obstructively or offensively, a motion may then be proposed and seconded to suspend the member for the rest of the meeting. The motion will be put without discussion

13 Resignation and Dismissal

- 13.1 Members wishing to resign their appointment may do so in writing, to the Council Secretary.
- 13.2 Where it is put to the Forum that one of its members has acted contrary to the provisions of this constitution, or in such a manner so as to bring the Forum into disrepute, the Forum

may by majority vote recommend dismissal of that member to the City of Edinburgh Council.

13.3 In voting on a motion to recommend dismissal of a member, each member of the Forum will have one vote with the Convener having a casting vote in the event of a tie. Where it is the Convener 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.

13.4 Where the Council agrees to dismiss a member that member will immediately lose the right to attend Forum meetings except when attending as a member of the public.

14 Failing to Attending Meetings

14.1 If a member does not attend any meetings of the Forum, for 6 months, the Council Secretary must tell the Forum (unless the member has been granted leave of absence by the Forum).

14.2 The Forum will consider whether the absence was caused by some reason approved by them. If they are not satisfied about the cause of the failure, the member will stop being a member of the Forum.

15 Alterations to Constitution and Powers to Make or Amend Rules

15.1 The Forum at anytime may submit a report to the City of Edinburgh Council to amend the constitution of the Forum or 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 that due intimation of the proposed alteration shall have been sent to each member at least seven days before the meeting. All 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.