**Proposed Membership Composition**

Statutory Members

1. A Licensing Standards Officer.

1. A nominee of NHS Lothian.

Members appointed by the Council

1. A minimum of six places shall be reserved for Community representatives.
   1. Four of these shall be reserved for community representatives from each of the four localities (North East, North West, South East and South West).
   2. One additional place shall be reserved for a community representative from Ward 11 (City Centre), and
   3. one additional place for a member nominated by Edinburgh Association of Community Councils.

1. A minimum of six places shall be reserved for holders of premises or personal licences to be known as Trade representatives.
2. The Chief Constable or their representative.
3. A nominee of the City of Edinburgh Council’s Chief Social Work Officer.

1. A nominee of the City of Edinburgh Council’s Executive Director of Communities and Families (for Education) as a young person

1. Any other interested person up to a statutory maximum of 21 members whilst maintaining a balance wherever possible between community and trade representatives.

**The City of Edinburgh Licensing Forum**

Constitution and Remit

**City of Edinburgh Licensing Forum Constitution**

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**1 Title**

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

## 2 Introduction

2.1 The City of Edinburgh Licensing Forum 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 ‘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 Where use the term ‘Trade Representative’ means a holder of a premises or personal licence issued under the Act.

## 4 Terms of Reference of the Forum

4.1 To keep the liquor licensing system in the Council area under regular review and to seek to stimulate debate on matters relevant to the system.

4.2 To respond to consultation exercises undertaken by the Board and the Scottish Government.

4.3 To consider the implications of relevant local data and statistics for the liquor licensing system in the Council area;

4.4 To meet the Board at least once per year.

4.5 To give advice and make recommendations to the Board on relevant matters, except individual Iicensing 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 The Forum membership shall include members required as set out in Paragraph 2 (2) of Schedule 2 of the Act specifically;

* A Licensing Standards Officer,
* 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:

1. Not less than six community representatives will be appointed to specifically
   1. four representatives, one for each Community Planning Areas within the City
   2. one additional seat to represent Ward 11 (City Centre), and
   3. one additional seat to represent Edinburgh Association of Community Councils.
2. A minimum of six places shall be reserved for trade representative’s holding a premises or personal licences.
3. A representative of the City of Edinburgh Council’s Executive Director of Communities and Families to represent young people.

d) A representative of the Chief Social Worker

e) A representative of the Chief Constable

1. 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 and trade representatives (as described at 6.4 (b) above).

{The consultation welcomes views on how the Council should allocate the six seats available for community representatives to ensure that the all areas of the city are appropriately represented}

**Establishing the Forum and reappointments**

* 1. Once the Council has established and appointed Forum members, it shall delegate power to the Director to reappoint members in consultation with the convener of the Forum (‘the Convener’).

* 1. Members will be appointed initially 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 allocated randomly a number 1, 2 or 3. Members with a number (1) shall require to be reappointed two year after initial appointment, members with a number (2) shall require to be reappointed thre 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.

* 1. 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.
  2. In relation to representatives of the community the Executive Director of Place shall prepare guidance a guidance on how the community representatives shall be nominated for appointment including a person specification.
  3. In relation to representatives of the trade, the Executive Director of Place 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.
  4. Where a vacancy occurs the Executive Director of Place shall recruit a replacement using the process as outlined in 6.8 and 6.9 above to fill said vacancy. Should a vacancy occur the Forum shall continue to operate and a vacancy will not affect the validity of any proceedings.

* 1. 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.

* 1. 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.

* 1. 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 members present will elect a Convener from Forum 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 Regulatory Services Manager. The Forum should nominate from those members in attendance a member to chair that meeting. The Convener may nominate a substitute to express views on his or her behalf.

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.

7.4 The forum may choose to elect a Vice Convener 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.

## 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. Members or appointed substitutes must be present at a meeting to vote.

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 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 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.