

FALKIRK LOCAL LICENSING FORUM

Constitution

Falkirk Local Licensing Forum

Draft Constitution

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1. TITLE

This is the Constitution of Falkirk Local Licensing Forum.

2. INTRODUCTION

The Falkirk Local Licensing Forum has been established to represent the views of people concerned with the operation of the licensing system in Falkirk. 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 (a) to keep under review the operation of the Act in the Forum's area and, in particular, the exercise by Falkirk Council Licensing Board of their functions, and (b) to give such advice and to make such recommendations to the Board in relation to those matters the Forum considers appropriate.

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

3. DEFINITIONS

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

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

"Licensing Board" or "the Board" means the Falkirk Council Licensing Board.

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

"Falkirk" means that area administered by Falkirk Council incorporated under the Local Government Etc (Scotland) Act 1994.

4. OBJECTIVES OF THE FALKIRK LOCAL LICENSING FORUM

- 4.1 The Forum will identify key issues affecting licensing in Falkirk and will develop and deliver constructive advice and recommendations on how to address these.
- 4.2 The Forum will try to ensure that the interests of all parties affected by licensing are represented. The members of the Forum will aim to accurately and effectively represent the views of the constituency they represent. The Forum will arrange opportunities for members to meet with people from groups or constituencies they represent in order to discuss matters of interest and ascertain the views of their constituents.
- 4.3 The Forum will establish an identify that is clearly separate from the Licensing Board. The Forum will strive to build trust with licence holders and the Licensing Board by giving impartial and effective advice and practical recommendations to the Board.

4.4 The Licensing (Scotland) Act 2005 lists the licensing objectives as:-¹

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children from harm

The Licensing Board is required to promote these objectives through their policies and decisions. The Forum will be consulted by the Licensing Board when it formulates or reviews Licensing Board Policy statements.

5. FUNCTIONS

- 5.1 The Forum will keep under review the operation of the liquor licensing regime and the exercise of licensing powers in Falkirk 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 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 by the Board of their functions in relation to any particular case or regarding the Board's consideration of any individual application.²
- 5.4 Forum members will take active steps to maintain regular contact with the constituency they represent. The Forum may pursue such methods to ascertain the views of constituents, as they feel appropriate.
- 5.5 The Forum will take all reasonable steps to encourage people to make their views known to Forum members. This could include publicising agendas and minutes, setting up a website or publishing contact details using the local press. The Forum will also provide opportunities for people to discuss matters of interest with Forum members.
- 5.6 Members of the Forum are appointed to represent the views of a constituency. It is inappropriate for any member to use the Forum to express their own views, pursue their own enthusiasms or resolve personal issues. Unless they have been specifically appointed to represent that organisation, members of the Forum are not to express or promote the views of any organisation of which they are also a member.
- 5.7 The Forum is entitled, on request, to be provided with copies of any statistical information provided to the Licensing Board for the purpose of preparing a licensing policy statement or supplementary statement.

¹ Section 4 Licensing (Scotland) Act 2005

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

6. MEMBERSHIP

- 6.1 The membership will never be less than five or more than 20. The number of members will be subject to review by Falkirk Council on the application of the Forum, the Licensing Board or Falkirk Council's Chief Governance Officer.
- 6.2 In order to be eligible for membership of the Forum, a person must be:-
- (a) aged 18 years or above;
 - (b) able to demonstrate an interest in the licensing system;
 - (c) currently employed in or be a duly appointed representative of one or more of the following groups, namely:-
 - Persons resident within Falkirk
 - Holders of premises licenses and personal licences
 - The Chief Constable of Central Scotland Police
 - Persons having functions relating to health, education or social work
 - Young people
- 6.3 A Licensing Standards Officer will be appointed by Falkirk Council as a statutory member of the Forum.
- 6.4 Except in respect of the Licensing Standards Officer, Members will be appointed until the next Local Government elections and Falkirk Council will review membership after this point. Members are eligible for reselection provided they meet the criteria in 6.2.
- 6.5 The Convener of the Licensing Board will be invited to attend all meetings. The Depute Convener may also attend.
- 6.6 Any vacancies in the membership of the Forum will be filled with reference to the same criteria in 6.2 and subject to approval by Falkirk Council.
- 6.7 Members are expected to make every effort to attend meetings. However, should they be unable to attend they should intimate their apologies to the Chief Governance Officer prior to the meeting. The member may nominate a substitute to take their place and express their views.

7. CONVENER

- 7.1 At its first meeting in each calendar year, the Forum will elect a Convener from among 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 calendar year unless they resign or are 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 contributions from all members.

- 7.4 The Convener should monitor how well the Forum is working as a group. The Convener may set aside time on an occasional basis to allow discussion of how the Forum is working and how members feel they are progressing.

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 Falkirk 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 Falkirk Council not less than seven days before the date of the meeting. Public notice of Forum meetings will be published on Falkirk Council's website normally at least one week in advance of the meeting.
- 8.6 The quorum for any meeting of the Forum is not less than one half of its members. The proceedings will not be invalidated by any vacancy in the membership or any defect in the appointment of a member of the Forum.
- 8.7 If a quorum is not present fifteen minutes after the meeting was due to start, the meeting must be adjourned and rescheduled for a date not sooner than two weeks from the date of the adjournment. It will be recorded in the minute that the meeting was adjourned and no business was transacted due to the lack of the necessary quorum.
- 8.8 In making any decision the Forum should vote upon a proposal. Each member of the Forum, or their substitute, will have one vote with the 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.
- 8.9 All members may put forward suggestions for agenda items. The Convener is responsible for establishing a mechanism whereby members may table items for discussion.
- 8.10 A minute of every meeting of the Forum shall be kept. These minutes should include:-
- The names of members in attendance;
 - Any apologies intimated to the Convener;
 - A brief note of topics dealt with;
 - A record of all decisions taken by the Forum.
- 8.11 A copy of the minute of the previous meeting will be sent to all members seven days in advance of the next meeting.

- 8.12 Minutes of the previous meeting should be approved as a correct record at the next meeting.
- 8.13 A copy of the minutes of each meeting will be kept by Falkirk Council.
- 8.14 Falkirk Council will provide facilities to assist members in carrying out their duties. This may involve access to administrative support and the use of Council premises for meetings. Such facilities must only be used in carrying out Forum duties.

9. SPECIAL MEETINGS

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

10. CONDUCT OF MEMBERS

- 10.1 Members must respect all other members of the Forum, members of the Licensing Board and all Falkirk 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, press or other organisations present during Forum meetings.
- 10.2 All members must comply with rulings from the Convener in the conduct of the business of the Forum.
- 10.3 Members should strive to be open about their decisions, giving reasons for those decisions.
- 10.4 Members are accountable for the Forum's decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of the people the members represent, and must ensure that the advice given or recommendations made reflect the views of their constituents in so far as is possible.

11. RESIGNATION AND DISMISSAL

- 11.1 Members wishing to resign their appointment may do so in writing, giving four weeks notice, to the Chief Governance Officer and the Convener.
- 11.2 Where it is put to the Forum that one of their members has acted contrary to the provisions of this constitution, or in such a manner so as to bring the Forum into disrepute, they may, by majority, vote recommend dismissal of that member to Falkirk Council.
- 11.3 In voting regarding the recommendation of 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 Convener for the purposes of this vote. The Forum may use the secret ballot procedure for these votes.

12. ALTERATIONS TO CONSTITUTION AND POWERS TO MAKE OR AMEND RULES

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

13. CONTACT DETAILS

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