

# EAST LoTHIAN LOCAL LICENSING FORUM



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## SCHEME OF ADMINISTRATION

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*This Scheme of Administration replaces any pre-dated documents previously entitled "East Lothian Licensing Forum Constitution"*

East Lothian Licensing Forum (the Forum) has been established in accordance with section 10, section 11 and schedule 2 of the Licensing (Scotland) Act 2005 (the Act). East Lothian is the area administered by East Lothian Council incorporated under the Local Government etc (Scotland) Act 1994.

The Act legislates for the way that the Forum operates and this document outlines the actual procedures in more detail. Current and future legislation will over-ride this Scheme of Administration as appropriate.

East Lothian Licensing Forum is a separate entity from East Lothian Licensing Board and supports and promotes the licensing objectives outlined in the Act, namely:

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

### **A REMIT AND POWERS**

The functions of East Lothian Local Licensing Forum are:

1. to keep under review the operation of the 2005 Act in the East Lothian area, and in particular, the exercise by the East Lothian Licensing Board (the Board) of their functions;
2. to identify key issues affecting licensing in East Lothian and provide advice and recommendations to the Board on how to address these;
3. to ensure that the interests of all parties affected by alcohol licensing are represented by actively maintaining contact with constituents and groups, and arranging public meetings and other events to ascertain local views and encourage engagement;
4. to respond to Board consultations regarding the review and creation of Board policies;

5. to ensure that the Forum membership is representative of the parties set out at **B2**, and to run recruitment and other campaigns to attract and maintain the full mix of members;
6. to review and revise the Forum's Scheme of Administration and provide East Lothian Council with updated copies.

The Forum cannot make recommendations on individual cases or licensing applications, and members cannot use the Forum to champion their own organisation, views and interests.

## **B MEMBERSHIP AND ATTENDANCE**

### **General**

1. The membership of the Forum is set out in the Act and will be no less than 5 and no more than 21.
2. Forum members must meet the following eligibility criteria:
  - Aged 16 years or older
  - Able to demonstrate an interest in the alcohol licensing system
  - East Lothian resident

They must also be currently employed in, or be a formal representative of, one of the following groups:

- Premises Licence or Personal Licence holder
- Chief Constable, Police Scotland (or their nominated representative)
- Health, education or social work
- Young people (aged 16 and 17) in the East Lothian area

Membership of the Forum will cease for any member who no longer meets the eligibility criteria.

3. The appointment of the Convener of the Forum is for a period of one year. All other members are appointed to the Forum for a period of two years, although re-appointments are permissible.
4. There is a statutory requirement that East Lothian Council's Licensing Standards Officer (the LSO) is a member of the Forum. The LSO is a permanent member of the Forum and does not require to complete an application form.
5. The Chief Constable, Police Scotland (or their nominated representative) is a permanent member of the Forum and does not require to complete an application form.
6. It is the responsibility of the Forum to actively recruit new members and to ensure that the overall Forum membership includes a balance of members representing various groups.
7. Appointments to the East Lothian Licensing Forum are made by East Lothian Council Officers and not by the Forum itself. Members are appointed on such terms and conditions as the Council determine.

8. A Council Officer will produce and maintain a register of Forum member appointments, to include membership end dates, re-appointments and membership terminations.

9. **Election of Convener and Secretary**

At its first meeting in each calendar year the Forum will elect a Convener and a Secretary (should the Forum wish to appoint to the post of Secretary) from its members. Any member of the Forum can put themselves forward for these posts which require to be proposed and seconded by existing members. The posts will be filled on the basis of a simple majority vote of the members present at the meeting.

The posts will be for a period of one year.

Post-holders can seek re-election in subsequent or future years, subject to the full proposer, seconder and voting-in process.

Where a Convener or Secretary is retiring during their term of office, it is for the members of the Forum to elect a new Convener or Secretary at the earliest opportunity. The new post holder will be in post for the remainder of the current calendar year and will be eligible for re-election in the subsequent year, subject to the normal re-election processes.

10. **New Members - Application Process**

Membership application details can be found at [www.eastlothianlicensingforum.co.uk](http://www.eastlothianlicensingforum.co.uk)

New applications will be assessed by a recruitment panel made up of Council Officers; the make-up of the panel will be determined by East Lothian Council.

Where an application is approved, Forum membership will be granted, and the applicant will be appointed as a member of the Forum. An appointment letter will be issued by East Lothian Council, incorporating the terms and conditions of the appointment. The appointment will only be final once the member has signed and submitted an Acceptance of Terms and Conditions document.

If the recruitment panel do not approve an application, a letter of decline will be issued by East Lothian Council.

11. **Membership Re-appointments – Application Process**

Members can apply for re-appointment by completing an abridged application form. Applications for re-appointment will be assessed by the Council's Forum recruitment panel. Applications for re-appointment should be submitted at least one month before the existing membership ends. It is the responsibility of Forum members to submit their application for re-appointment in a timely manner. Council Officers will write to members with the decision of the recruitment panel. Re-appointments will only be final once the member has signed and submitted an Acceptance of Terms and Conditions document.

Members will be re-appointed for a period of two years. There is no maximum number of times that a member can apply for re-appointment.

Applications for re-appointment that are not received in time to process them before the expiry of a current membership, will be treated as new applications and will require a full application form to be completed and submitted to the Council.

**11. Termination of Membership – Non-attendance**

Any Forum member who does not attend three consecutive quorate meetings of the Forum without good reason (as deemed acceptable and reasonable by the Convener), will be automatically removed from the Forum Membership as of the date of that third meeting. A Council Officer will issue a letter confirming that membership has been terminated due to non-attendance/breach of terms and conditions of membership.

The Forum may choose to issue a reminder of non-attendance to any member who has not attended two consecutive quorate meetings of the Forum.

There is no right of appeal against termination of membership in such circumstances.

**12. Termination of Membership – End of Term**

Membership will automatically end after two years if an application for re-appointment is not received. A Council Officer will issue a letter confirming the termination of membership.

**13. Termination of Membership – No Longer Meets Eligibility Criteria**

Membership will automatically end if a member does not continue to meet the membership eligibility criteria. A Council Officer will issue a letter confirming the termination of membership.

**14. Termination of Membership – Behaviour and Conduct**

All Forum members must act as exemplars for the licensed trade at all times in their professional and personal lives. If East Lothian Council receives any complaints or negative feedback regarding a member, these will be investigated and information/evidence may be requested from third parties to validate or disprove the allegations.

If Council Officers are of the view that there has been behaviour or actions that do not support the work of the Forum, or which brings the Forum into disrepute, they will decide on a course of action which could include termination of Forum membership. In the event of termination of membership, the Convener will be advised and a Council Officer will issue a letter stating that membership has been terminated due to a breach of the Terms and Conditions of membership.

There is no right of appeal against termination of membership in such circumstances.

**15. Termination of Membership – Resignation**

Members wishing to resign their membership, should do so in writing to the Convener and to [meetings@eastlothian.gov.uk](mailto:meetings@eastlothian.gov.uk) or in writing to Democratic and Licensing, East Lothian Council, John Muir House, Haddington, EH41 3HA, giving a minimum of four weeks' notice.

## 16. Reporting of Membership Changes

New member appointments, re-appointments, resignations and membership terminations will be reported to the next meeting of the Forum, for noting. The report will be prepared by a Council Officer. This will enable members to consider if they need to recruit new members and to check that the membership will not fall below the minimum of five.

Council Officers will advise the Convener about any membership changes as they occur.

### C Quorum

1. The quorum for a meeting of the Forum is half of the number of members (rounded up), and no fewer than three.
2. No business will be carried out at a meeting unless a quorum of members is present.
3. If, fifteen minutes after the time a meeting is due to start, the quorum has not been met, the Convener will postpone the meeting until a date and time to be determined. The minutes of the meeting will record that no business was carried out due to the lack of a quorum.
4. If, after the meeting has started, the number of members falls below the quorum, the meeting will be adjourned and the minutes of the meeting will state the reason for the adjournment.
5. Decisions taken during any part of the meeting where there was a quorum present are valid.

### D Apologies, Substitutes Declarations of Interest, and Voting

1. Members must submit apologies to [meetings@eastlothian.gov.uk](mailto:meetings@eastlothian.gov.uk) and the Convener as soon as possible prior to the meeting. Members submitting apologies are requested to provide a reason for non-attendance.
2. Members who have submitted apologies in advance of the meeting shall be entitled to nominate a substitute to attend any meeting of the Forum. Substitute members must satisfy the membership eligibility criteria. Substitute members will be identified at the beginning of any meeting and their attendance will be recorded in the minute of the meeting. Substitute members will have full voting rights.
3. Any Forum member who has in interest (financial and or non-financial) in any matter that is under consideration at a meeting will disclose their interest at the start of the meeting and may be excluded from the meeting for the debate and vote on that item.
4. All Forum members or their nominated substitute, who are present at a meeting, are entitled to vote. All items of business requiring a decision will be decided by a show of hands of a simple majority. The Convener has a casting vote and they may use this where there are an equal number of votes for and against any matter to be determined.

## **E Meetings**

1. There is a statutory requirement that the Forum must hold at least four meetings in each calendar year. The meeting dates are to be scheduled in conjunction with East Lothian Council.
2. In advance of meetings, a Council Officer will contact members to seek agenda items. Contributions are encouraged from all members and may include allocating time to discuss the progress and work of the Forum. Members are permitted to raise matters under any other business.
3. The agenda and reports for each meeting will be issued to members by email and published on the Council's website in advance of the meeting, ideally 14 days before the meeting, and no less than 7 days before the meeting.
4. A special meeting of the Forum can be called in writing at any time by the Convener or by a majority of members. The request should be made to Council Officers at [meetings@eastlothian.gov.uk](mailto:meetings@eastlothian.gov.uk) who will determine the date of the meeting in conjunction with the Convener.
5. Meetings of the Forum must be held in public and are open to the press.
6. There is a statutory requirement for the Forum to hold a joint meeting with East Lothian Licensing Board at least once a year.
7. Meetings of the Forum are to be chaired by the Convener. If the Convener is not present, the meeting will be chaired by any other member present.
8. All members must behave respectfully at any meeting and should not behave in a manner that is improper or offensive, or disrupts the business of the meeting. The Convener may take appropriate action against any member disregarding the authority of the Convener, obstructing the meeting or being discourteous to members, Council Officers, and members of the public or press. Such action may include asking the member to refrain from speaking during the remainder of the matter under discussion, or adjourning the meeting for a period of time specified by the Convener.

## **F Reporting Arrangements**

1. A Council Officer (or Officers) shall act as committee clerk to the Forum and shall be responsible for taking minutes of the meetings of the Forum.
2. Minutes shall be presented to the next meeting of the Forum for approval.

## **G Working Groups**

1. The Forum will create Working Groups from within its own membership, as and when required, to support the work of the Forum and the licensed trade, and to initiate community consultations and respond to statutory consultations. There are no minimum or maximum numbers for a Working Group to be created or to be able to make decisions on behalf of the Forum. All members are expected to participate in Working Groups.

## **H Miscellaneous**

1. The Council is legally obliged to provide the Forum with such staff, property and services as the Council considers are required for the Forum's purposes.
2. Alterations and updates to this Scheme of Administration are the responsibility of the Forum and can only be approved where at least two-thirds of the members present and entitled to vote agree to do so. The Scheme of Administration should be reviewed at least every two years. A copy of any updates to the Scheme of Administration is to be submitted by the Forum to East Lothian Council at [meetings@eastlothian.gov.uk](mailto:meetings@eastlothian.gov.uk)

### **Contact Details**

- Democratic and Licensing, East Lothian Council, John Muir House Haddington, EH41 3HA
- Telephone: 01620 827225
- Email [meetings@eastlothian.gov.uk](mailto:meetings@eastlothian.gov.uk)