

Midlothian Local Licensing Forum

Report by Clerk to the Licensing Forum

1 Purpose of Report

This report recommends changes to the Midlothian Licensing Forum membership.

2 Background

The Licensing (Scotland) Act 2005 requires every Council to establish a Local Licensing Forum for their area.

The Forums are independent from the Licensing Board and the members of the Forum have to be elected by the Council. The Council is required to provide administrative support to the Forum.

Forum membership should consist of between 5 and 21 persons as determined by the Council from the following categories

- Holders of premises licences and personal licences
- A Licensing Standards Officer
- The Chief Constable for the Forum's area
- Persons having functions relating to health, education or social work
- Young people
- Persons resident within the Forum's area

3 Forum Membership

Membership of the Midlothian Licensing forum was agreed by Council at its meeting on 22 May 2012. Following recent staffing changes and a recruitment campaign, this report presents recommended changes.

The recruitment campaign was launched in September 2014 and included production of the new web page:
<http://www.midlothian.gov.uk/licensing-forum>

The public were targeted using an article in Midlothian News, a Press release and information on social media (Facebook and twitter).

The Forum has also undertaken work to raise awareness of the forum with licensed premises and with young people.

The recruitment campaign is ongoing with further work planned to encourage involvement of young people and Community Councils. Planned work includes following:

- Senior pupil councils (possibility for a rotation system)
- Contacting MYPAS, if a staff member would be willing to act as a link to young people (MYPAS have already asked young people if they would be willing to join the Forum but there was little interest)
- Contacting Pub Watch members
- Contacting Community Council members via the Federation of Community Councils
- Forum membership applications to be sent out with notification of license approval.

It has also been suggested that if young people are unable to commit to attending meetings they could be added to a communities circulation list to provide comments and suggestions via e-mail.

4 Current Developments

Following the recent recruitment campaign, consideration requires to be given to a further five membership applications which have been received; these are detailed in the Appendix 2 hereto.

As part of the recruitment campaign, the Licensing Forum has updated its Terms and Reference and Code of Conduct for Forum members, which is attached as Appendix 3.

5 Report Implications

5.1 Resource Implications

The Council is required to provide administrative support to the Forum, which it already does from existing resources.

5.2 Risk Implications

Failure to establish a Local Licensing Forum (LLF) for the area would mean that the Council fail to comply with the provisions of the Licensing (Scotland) Act 2005, that each local authority must establish a Local Licensing Forum (LLF) for their area.

5.3 Policy Implications

Strategy

There are no strategy implications arising from this report.

Consultation

No consultations have been undertaken in connection with this report.

Equalities

An equalities impact assessment has not been required in connection with this report as there are no exclusions based on equalities characteristics.

Sustainability

There are no sustainability implications arising from this report.

6 Recommendations

The Council is recommended to

- (i) Note the changes to partner representatives on the Forum (Appendix 1) and the updated Terms of Reference and Code of Conduct for Forum members (Appendix 3)
- (ii) Approve the appointment of the named applicants to serve on the Midlothian Local Licensing Forum (Appendix 2).

14th November 2014

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Background papers:

Appendix 1

Membership of the Midlothian Local Licensing Forum

Representative of Residents within the Forum's Area

Jim Church
Alistair Macintosh
Derek Couper
Alasdair Gow
Ross Craig

Representatives of Holders of Premises Licences/Personal Licences

David Logan	Ship Inn, Dalkeith
Alan McCorquodale	Eskbank Trading, Dalkeith
Adam Bolton	Laird & Dog Lasswade
Gemma Shand	Personal license holder
Logan Bryce	Sainsburys (Salters Road)
Patrick Kenny	The Mayflower

Representative of functions relating to Health, Education or Social Work

John Thayers	Midlothian and East Lothian Drug and Alcohol Partnership (MELDAP)
Dr Fiona Watson/ John Boyce	NHS Lothian
Jim Sherval	Deputy Director in Public Health, NHS Lothian

Representative of the Chief Constable

Jim Leslie	Police Scotland
Chief Inspector Kenny Simpson	

Licensing Standards Officer

Vacant post TBC

Applications for membership of the Midlothian Local Licensing Forum

1. Representatives of Residents within the Forum's Area

Name	Why do you want to be part of the Forum?	Please give a brief statement about what you can bring to the Forum detailing membership of any organisations or network groups / community partnerships you are part of
Alasdair Gow	I would like to put myself forward as a representative for the licensing forum. Until I retired at the end of last year I worked for the social work department in Midlothian as a Team Leader in Adult Services my main role was to manage the substance misuse team and as such I have gained knowledge in the issues and effects around alcohol, with a particular interest in the damage to the brain caused by excessive and/or long term alcohol consumption. I believe that my background would enable me to make a valuable contribution to the forum	Many years' experience of working in adult and children's' social work services have given me a great deal of experience of the effects that alcohol and other substance misuse has on the individual, the family and the wider community and I feel that knowledge and experience would be of value to the forum and the community of Midlothian
Ross Craig	I am committed to taking a more active role in community matters. I am concerned about the role that alcohol plays in society	I studied law at university and I have worked in the Public Sector with experience of sitting on committees. I am a 'lay' person in the field of licensing but I have an interest in the safety of my local community.

2. Representatives of Holders of Premises Licences/Personal Licences

Name	Why do you want to be part of the Forum?	Please give a brief statement about what you can bring to the Forum detailing membership of any organisations or network groups / community partnerships you are part of
Gemma Shand, Personal license holder	I would like to bring my experience of completing the Licensing Act as part of a colleague's induction into the supermarket I work in plus I will also be able to help the community by helping make decisions that can affect them for the better. I have had my licence since 2010 and have worked in the City centre and also outside the centre and have seen a lot of the impacts irresponsible drinking has on people and people around them and I have also seen on numerous occasions colleagues refusing customers alcohol when they are already drunk which shows that the training we deliver is to great standards and does limit the level of alcohol people are able to consume. I believe very strongly in responsible drinking and promotion of alcohol and feel that my beliefs, experience and training can help this forum deliver great results.	I have been delivering Scottish licensing training for 3 years in the Edinburgh and surrounding area. I am a local resident who has seen a lot of anti-social behaviour and would love to be part of something that can change something for the better.
Logan Bryce, Sainsburys (Salters Road)	To be part of the process which can deliver a safer environment to the local community.	I believe I have gathered a wealth of experience during my working career. From serving in the military to volunteering for Oxfam I believe I understand the challenges society faces each day and how this impacts on business. Recently I completed my Hons degree in psychology with the Open University which has widened my understanding of social policy.
Patrick Kenny, The Mayflower	I want to understand more about the forum and be part of the decision making process	7 years experience running pub in the local area and over 10 years as chair of local community council.

Appendix 3

Midlothian Local Licensing Forum (LLF)

Terms of Reference and code of practice for Forum members

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1 Introduction

The Licensing (Scotland) Act 2005 requires every Council to establish a Local Licensing Forum for their area.

The Forums are independent from the Licensing Board and the members of the Forum have to be elected by the Council. The Council is required to provide administrative support to the Forum.

It is the role of the Forum to keep under review the operation of the licensing regime and the exercise of licensing powers in Midlothian and to give advice and recommendations to the Midlothian Licensing Board.

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

2 Definitions

“Act” in this Terms of Reference means the Licensing (Scotland) Act 2005.

“The Midlothian Licensing Forum” or “Forum” means that body established by Midlothian Council in accordance with Section 10 of the Licensing (Scotland) Act 2005.

“Licensing Board” or “the Board” means the Midlothian Licensing Board.

“Licensing Standards Officer” means a person employed by Midlothian Council and qualified as required by the provisions of the Licensing (Scotland) Act 2005.

“Midlothian” means that area administered by Midlothian Council incorporated under the Local Government Etc (Scotland) Act 1994

3 Objectives

The Forum will identify key issues affecting licensing in Midlothian and will develop and deliver constructive advice and recommendations on how to address these.

The Forum will establish an identity that is clearly separate from the Licensing Board. The Forum will strive to build trust with license holders and the Licensing Board by giving impartial and effective advice and practical recommendations to the Board.

The Licensing (Scotland) Act 2005 lists the licensing objectives as;

1. Preventing crime and disorder
2. Securing public safety
3. Preventing public nuisance
4. Protecting and improving public health
5. 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.

4 Functions

The Local Licensing Forum has the following general functions—

- (a) keeping under review the operation of the Licensing (Scotland) Act 2005 in the Forum's area; and in particular, the exercise by the Midlothian Licensing Board of its functions, and
- (b) giving such advice and making such recommendations to the Midlothian Licensing Board in relation to those matters as the Forum considers appropriate.

(Note: The Local Licensing Forum cannot review, or give advice, or make recommendations, in relation to the exercise by a Licensing Board of their functions in relation to a particular case.)

5 Membership

Forum membership should consist of between 5 and 21 persons as determined by the Council from the following categories

- Holders of premises licenses and personal licenses
- A Licensing Standards Officer
- The Chief Constable for the Forum's area
- Persons having functions relating to health, education or social work
- Young people
- Persons resident within the Forum's area

In order to be eligible for membership of the Forum, a person must be:

- a) able to demonstrate an interest in the licensing system;
- b) currently employed in or be a duly appointed representative of one or more of the above groups

Where there is a gap in representation of one of the above groups representative organisations may be approached to nominate a suitable person.

6 Convener

As laid out in Schedule 2 of the Licensing (Scotland) Act 2005, Forum Members will elect a Convener at their first meeting in each calendar year.

The Convener holds office until the next election.

Meetings of the Forum are to be chaired by the Convener.

If the office of the Convener is vacant or for any reason unable to act, a meeting of the Forum may be chaired by any other Member present.

The names of those present at each meeting, as well as those who have submitted apologies will be recorded and minutes produced of each meeting. The minutes will

include a brief note of topics dealt with and a record of all decisions taken by the forum. This information will be lodged with the local authority and circulated to each member prior to the following meeting.

Previous minutes will be approved at the next meeting and before concluding the agenda discussed for next meeting.

The Convener has the responsibility for ensuring that meetings are conducted in an orderly fashion and for making sure that **all** Members are involved in discussions.

7 Meetings & Special Meetings

As laid out in the Licensing (Scotland) Act 2005, there shall be 4 meetings of the Local Licensing Forum plus an additional meeting with the Licensing Board per calendar year.

Notice of the place, date and time of a meeting of the Forum will normally be given to every member at least five days and in any event not less than 3 clear days before the meeting.

Notice of meeting will include: the date, time & place of the meeting, information on availability of agenda and accompanying reports etc.

Meetings will be fixed by the Forum, in consultation with the Clerk so as to ensure that appropriate support was available.

Forum members unable to attend any meeting should intimate their apologies to the Convener /Clerk prior to that meeting. Any member unable to attend in person may appoint a substitute who can express their views to attend on their behalf.

All members may put forward suggestions for agenda items. The Convenor is responsible for establishing a mechanism whereby members may table items for discussion.

7.1 Special meetings

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 Convenor will determine the date and place of the Special Meeting.

7.2 Quorum

The quorum for a meeting of a Forum is one half of the number of members (but in any case not fewer than 3). No business will be conducted at any meeting unless that meeting is quorate.

If after 10 minutes from the appointed start time for a meeting a quorum is not present, the Convener will adjourn the meeting to a time he or she may then or afterwards fix in discussion with the Clerk. It should be recorded that owing to a lack of the necessary quorum no business could be transacted.

7.3 Press/Public

Members of the press and public will be entitled to attend Local Licensing Forum Meetings.

7.4 Voting

All decisions arising before the Forum shall be decided by a majority of the Members present and voting thereon. The numbers voting for and against any motion will be recorded in the Minute. In the case of an equality of votes, the person presiding at the meeting shall have a casting vote. Voting shall normally be by a show of hands. If the meeting so decide, voting shall be by ballot which shall be undertaken by the Convener to ensure secrecy of the vote. A decision to proceed by ballot shall require a majority of those Members present and voting before the ballot

8 Conduct of Members and attendance at meetings

Members are expected to make every effort to attend meetings. However, should they be unable to attend they should intimate their apologies to the Convenor prior to the meeting. The member may nominate a substitute to take their place and express their views. Members who fail to attend 3 consecutive meetings without good reason will be automatically removed from the list of members.

Members must respect all other members of the Forum, members of the Licensing Board and all Midlothian 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.

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.

8.1 Resignation and Dismissal

Members wishing to resign their appointment may do so in writing, giving four weeks notice, to the Clerk of the Forum and to the Convenor.

Where it is put to the Forum that one of their members has acted contrary to the provisions of the Terms of Reference and code of practice for Forum members, or in such a manner so as to bring the Forum into disrepute, they may by majority vote recommend dismissal of that member to Midlothian Council.

In voting regarding the recommendation of dismissal of a member, each member of the Forum will have one vote with the Convenor having a casting vote in the event of a tie. Where it is the Convenor 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.

Where the Forum agrees to dismiss a member that member will immediately lose the right to attend Forum meetings except where attending as a member of the public. The Convenor should inform the Clerk of the Forum of the decision as soon as practicable.

9 Alterations to Constitution and or amendments to rules

The Forum shall have the power to alter the Terms of Reference and code of practice for forum members 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 fourteen 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 Terms of Reference and code of practice for forum members if such alteration would conflict with the terms of the Act.

10 Contact details

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