

PERTH AND KINROSS LICENSING FORUM

Constitution

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1. Title

1.1 The Forum shall be known as the Perth and Kinross Licensing Forum.

2. Introduction

2.1 Perth and Kinross Licensing Forum has been established to represent the views of people concerned with the operation of the alcohol licensing system in the geographical boundaries of Perth and Kinross 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 Perth and Kinross area. The Forum is also responsible for giving advice and recommendations to Perth and Kinross Council 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 'Perth and Kinross Licensing Forum' or 'the Forum' means that body established by Perth and Kinross Council ('the Council') in accordance with Section 10 of the Act.

3.3 'Licensing Board' or 'the Board' means Perth and Kinross Licensing Board.

3.4 'Licensing Standards Officer' or 'LSO' means a person employed by the Council and qualified as required by the provisions of the Act.

3.5 'Perth and Kinross' means that area administered by the Council incorporated under the Local Government etc. (Scotland) Act 1994.

4. Objectives of the Perth and Kinross Licensing Forum

4.1 To keep the alcohol 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 on relevant matters, except individual licensing applications.

- 4.3 The Forum will try to ensure that the interest 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 of constituencies they represent in order to discuss matters of interest and ascertain the views of their constituents.
- 4.4 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 by the Board.
- 4.5 The Licensing (Scotland) Act 2005 lists the licensing objectives as:-
- preventing crime and disorder
 - securing public safety
 - preventing public nuisance
 - protecting and improving public health
 - protecting children and young persons 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 review the operation of the alcohol licensing regime and the exercise of licensing powers in Perth and Kinross, 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 with the Perth and Kinross Council area.
- 5.5 It is inappropriate for any member to use the Forum to pursue their own interest 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 relevant statistical information provided by the Board, for the purpose of reviewing a licensing policy statement or supplementary statement.

6. Membership

- 6.1 Membership of the Forum must always be between five and 21 people. The number of members will be subject to review by Perth and Kinross Council on the application of the Forum, the Licensing Board or Perth and Kinross Council's Head of Legal and Governance 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 a member who is a 'young person')
- b) able to show that he or she has an interest in the licensing system
- c) currently employed in or be a duly appointed representative of one more of the following groups namely –

- persons resident within Perth and Kinross
- holders of premise licenses and personal licenses
- Chief Constable Police Scotland or representative
- persons having functions relating to health, education or social work
- young people
- person nominated by Tayside Health Board

- 6.3 A Licensing Standards Officer will be appointed by Perth and Kinross 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 Perth and Kinross 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 or any other member of the Board.

- 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 Perth and Kinross 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 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 and at the first meeting in each calendar year, the Forum will elect a Convener from its 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. In the event of a tied vote, the election of Convener will be elected by the drawing of lots.

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 elected to do so.

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 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 at least four meetings in each calendar year.

8.2 The Forum will meet with the Board at least once in each calendar 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 Perth and Kinross Council.

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 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.

- 8.8 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 not business was transacted due to the lack of the necessary quorum.
- 8.9 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.
- 8.10 All members may put forward suggestions for agenda items. The Convener is responsible for arranging this.
- 8.11 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
- 8.12 A copy of the minute of the previous meeting will be sent to all members seven days in advance of the next meeting.
- 8.13 Minutes of the previous meeting should be approved as a correct record at the next meeting.
- 8.14 A copy of the minutes of each meeting will be kept by Perth and Kinross Council.
- 8.15 Perth and Kinross 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 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 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.
- 10.2 Members should be open about their decisions and the reasons behind them.
- 10.3 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. Resignation and Dismissal

- 11.1 Members wishing to resign may do so, in writing, to the Head of Legal and Governance Services and the Convenor.
- 11.2 Where it is put to the Forum that one of their members has acted contrary to the provision of this constitution, or in such a manner so as to bring the Forum into disrepute, they may, by majority, vote recommended dismissal of that member to Perth and Kinross 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 purpose of the vote. The Forum may use the secret ballot procedure for these votes.

12. Alterations to Constitution and Powers to Make or Amend Rules

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.

13. Contact Details

- 13.1 Licensing Manager
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