



THE WEST LOTHIAN ALCOHOL LICENSING FORUM

CONSTITUTION AND STANDING ORDERS

Article 1 – Title

(1) The name of the Local Licensing Forum for West Lothian Council (“the Council”) shall be “The West Lothian Alcohol Licensing Forum (“the Forum”).

(2) The Forum is established under section 11 of and Schedule 2 to the Licensing (Scotland) Act 2005 (“the 2005 Act”), and is governed by that Act, as amended or re-enacted, and any Regulations made thereunder.

Article 2 - Objects

(1) In accordance with section 11 of the 2005 Act, the objects of the Forum are:-

- (a) To keep under review the operation of the 2005 Act in West Lothian.
- (b) To keep under review in particular, the exercise by the West Lothian Licensing Board (“the Board”) of its functions.
- (c) To give such advice to the Board in relation to those matters as the Forum considers appropriate.
- (d) To make such recommendations to the Board in relation to those matters as the Forum considers appropriate.

(2) In pursuing its objects, the Forum must not review, or give advice, or make recommendations, in relation to the exercise by the Board of its functions in relation to a particular case.

Article 3 – Membership

(1) The Forum’s membership shall accord with the 2005 Act, and with these further supplementary provisions.

(2) The Forum shall consist of between five (5) and twenty-one (21) members.

(3) Members shall be appointed by the Council at the first meeting of the Council following each local government election.

(4) In the event of any vacancies existing at the time of those appointments being made, or arising thereafter, additional members shall be appointed by the council’s Chief Solicitor, in

accordance with the wishes of the Forum and in accordance with this Article, from time to time.

(5) In accordance with the 2005 Act, and as arrangements supplementary to that Act's provisions, membership of the Forum shall include:-

- (a) At least one of the Licensing Standards Officers for the Council;
- (b) At least one nominated representative of each of:
 - i. the Chief Constable,
 - ii. NHS Lothian,
 - iii. the council's Education Services,
 - iv. the council's Social Policy Services, and
 - v. the council's Housing Services.
- (c) Such other members to be drawn from the following groups:-
 - i. residents of West Lothian to be as far as possible representative of the area
 - ii. in relation to its geography, demographics and socio-economic composition,
 - iii. at least one holder of a premises licence and/or a personal licence in the on-sales trade in West Lothian,
 - iv. at least one holder of a premise licence and/or a personal licence in the off-sales trade in West Lothian, and
 - v. at least three representatives of young people resident in West Lothian.

(6) Members shall be identified and recruited as follows:-

- a. In relation to (5)(a), the appropriate member shall be nominated by the council's Chief Solicitor as and when required, and the council and the Forum shall accept the nomination so made.
- b. In relation to (5)(b), the named organisation shall nominate a member as and when required, and the council and the Forum shall accept the nominations so made.
- c. In relation to (6)(c), the Forum shall make such arrangements as it sees fit to identify possible members and fill any vacancies arising from time to time.

(7) Should a member nominated by an organisation under (6)(a) or (6)(b) be unable to attend a meeting, he or she shall be entitled to arrange for a substitute to attend to represent the nominating organisation.

- (8) Substitutes shall not be permitted for other categories of members.
- (9) In the event of a member nominated by an organisation under (6)(a) or (6)(b) failing to attend at or send a substitute to three or more consecutive meetings, the Forum may invite the nominating body to review the appointment and request that a new nomination be made.
- (10) In the event of a member other than one nominated under (6)(a) or (6)(b) failing to attend three or more consecutive meetings, he or she shall cease to be a member unless the Forum is satisfied, after giving the member concerned the chance to make comments, that there is good reason for the member's absence and for him or her remaining as a member.
- (11) Members retain membership until fresh appointments are made under Article 3(3) unless in the meantime he or she intimates his or her resignation, or ceases to be a member under Article 3(9) or (10), or is otherwise removed from membership of the Forum by the Council.
- (12) The proceedings of the Forum are not affected by any vacancy in the membership of the Forum or any defect in the appointment of a member of the Forum.

Article 4 - Chair and Vice-Chair

- (1) At the first meeting in each calendar year the Forum shall elect one of its members to be the Chair of the Forum. The Chair will hold office until the next election the following calendar year, or until he or she intimates his or her resignation, or until he or she is otherwise removed as Chair by the Council.
- (2) The Forum may at the same time elect a Vice-Chair from amongst the remaining members. The Vice-Chair will hold office until the next election the following calendar year, or until he or she intimates his or her resignation to the Council, or until he or she is removed as Vice-Chair by the Council.
- (3) The Chair and Vice-Chair may act as such for a maximum period of four years in succession only. Thereafter neither is eligible for re-election to those posts for four subsequent years in succession, except that a member who has held the office of Vice-Chair shall not be prohibited from being elected to the office of Chair.
- (4) Where a Chair or Vice-Chair resigns or otherwise ceases to be a member or to hold that office during their terms of office, it is for the members of the Forum to re-elect a replacement at the earliest opportunity. This replacement will hold office for the duration of the remaining year and be eligible for re-election at the following election, subject to this Article.
- (5) The Chair or Vice-Chair must intimate in writing his or her resignation to the Clerk.

Article 5 - Arrangements for Meetings

- (1) The Forum shall meet every eight weeks where there is appropriate business to be considered and in any event must hold at least four meetings per calendar year.

(2) On at least one occasion in each calendar year, the Forum shall meet with the Board, the arrangements for that meeting to be made by the Clerks to the Forum and Board in consultation with their respective Chairs.

(3) Meeting arrangements shall be fixed by the Forum from time to time as required, failing which by the Chair in consultation with the Clerk.

(4) The Chair may call a Special Meeting of the Forum, stating in writing the business to be considered. Such a Special Meeting shall take place on a date and time to be arranged by the Clerk, which shall be not less than 7 days, and not more than 21 days, of the date the Special Meeting is called. At a Special Meeting, no business shall be considered other than that notified by the Chair.

(5) The Chair shall have power to change the date or time of a meeting in exceptional circumstances, but not to cancel a meeting.

(6) Meetings shall be notified and advertised as follows:-

(a) Items of business for inclusion on the agenda should be submitted to the Clerk at least 10 days before each meeting.

(b) Notice of the place, date and time of a meeting of the Forum will be sent to every Member electronically, or by some other means by prior arrangement with the Clerk, together with an agenda of business and any accompanying reports, not later than 7 days before the meeting.

(c) Public notice of the meeting will include the date, time and place of the meeting, and information on where to obtain an agenda and any accompanying reports.

(d) Meetings shall be advertised through the websites of the council, the Forum (if separate), and Alcohol Focus Scotland, and in other ways as may be determined by the Forum from time to time. Dates of meetings for each calendar year shall be notified by the Clerk to the West Lothian Association of Community Councils and all community councils active in West Lothian.

(7) The Order of Business on the agenda for a meeting shall be as follows:-

(a) The names of those present at each meeting, as well as those who have submitted apologies, will be recorded by the Clerk.

(b) Minutes of the previous meeting and of any special meeting convened, having been circulated prior to the meeting, will be submitted, held as read and corrected if necessary. Matters arising from the minute may be dealt with where they are not otherwise on the agenda for the meeting.

(c) Items of business as per the agenda of business will be dealt with.

(d) Items of business that the Chair has accepted for consideration as a matter of urgency will be dealt with.

(8) 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. This information will be circulated to each member prior to the following meeting, for approval. Members should submit apologies to the Clerk, and, where permitted under Article 3(7), members should

notify the Clerk of any substitute to be in attendance, in good time so that the incidence of inquorate meetings is kept to a minimum.

(9) Business which has not been specified in the agenda or reports and other documents not sent with the agenda may be intimated to the Clerk at the start of the meeting and considered at the end of the meeting, provided that the Chair rules that it is relevant and competent. No business or report or other documents will be considered.

(10) The Forum may change the Constitution from time to time, subject to notice of the proposed change having been given in the agenda for the meeting, and subject to the proposed changes having been set out in writing and circulated to members with that agenda.

(10) All meetings shall be held in public.

Article 6 - Conduct of Meetings

(1) Meetings of the Forum shall be chaired by the Chair or by the Vice-Chair in the Chair's absence. In the event that neither is the members present shall elect one of their number to chair the meeting.

(2) The Chair's responsibilities shall include:-

- (a) Ensuring that meetings are conducted in accordance with the Forum's Constitution and Standing Orders and best practice.
- (b) Ensuring that the agenda of the meeting is properly dealt with and that clear decisions are reached.
- (c) Permitting fair and reasonable debate, ensuring that the views and opinions of all those entitled to participate are allowed to be expressed, and that those views contribute to the outcome of the meeting.
- (d) Ruling on the competency and relevancy of additional items of business not included on the agenda for the meeting.
- (e) Ensuring that members comply with the Constitution and Standing Orders, and the Forum's Code of Conduct.

(3) Any questions regarding the remit or proceedings of the Forum are to be determined by the Chair, after consultation with the Clerk.

(4) The quorum for a meeting of the Forum is one half of the number of appointed Forum members, and substitutes in attendance shall be counted for that purpose.

(5) If after fifteen minutes from the appointed start time for a meeting a quorum is not present, the Chair shall adjourn the meeting to a time that 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. The business on the agenda for an inquorate meeting shall be carried forward to the agenda for the next meeting.

(6) After a meeting has started if the number of Members present or able to participate in consideration of an item of business falls below the quorum the Clerk will draw this to the

attention of the Chair and if after a lapse of 5 minutes a quorum cannot be found the meeting will be adjourned immediately to a time that 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. The business on the agenda for an inquorate meeting shall be carried forward to the agenda for the next meeting.

(7) The Chair shall determine the order of business, and shall rule if necessary in relation to urgent business being added to the agenda.

(8) If a vote is necessary in disposing of an item of business, a motion and an amendment shall be required. Every motion and amendment requires a seconder, and if there is no seconder the motion or amendment falls, and is not debated or recorded.

(9) Except with leave of the Chair, members shall be permitted to speak on one occasion only in any debate, for such period as the Chair shall determine, except that the mover of the motion shall be permitted to sum up briefly to conclude the debate.

(10) The Forum will operate under the principle of one vote per member present, irrespective of the reason or method of their appointment, and no proxy votes shall be allowed.

(11) Voting shall be by in public, by a show of hands, unless at least one member requests that the vote proceed by a roll-call vote.

(12) Decisions will be taken by a simple majority of those voting.

(13) In the event of a tie, the Chair shall have a casting vote which he or she may use at his or her absolute discretion.

(14) The numbers voting for and against any motion will be recorded in the Minute and the names of members so doing shall be recorded where there is a roll call vote.

Article 7 - Conduct at Meetings

(1) While the remit of the Forum is to discuss general licensing matters and not specific cases, if any Member has a direct financial or non financial interest in any matter to be considered at a meeting of the Forum and is present at the meeting at which the matter is to be considered, he or she must be as soon as practicable after the meeting starts disclose that he or she has an interest. That Member is then precluded from taking part in the consideration of that matter and he or she must leave the meeting while the matter is under discussion.

(2) Members must comply with the Code of Conduct adopted from time to time by the Forum.

(3) In any event they shall conduct themselves in a courteous, orderly and respectful manner, they must respect the authority of the Chair at all times, and they must refrain from any conduct which is abusive, offensive or disruptive. In particular, they must not behave in a manner which would constitute a criminal offence or contempt of court.

(4) When the Chair speaks any member who is speaking shall stop.

(5) Members must respect and act at all times in compliance with all equalities schemes published by the Council.

(6) The Chair has the authority to order any member of the Forum whose behaviour does not meet the standards specified to be excluded for the duration of the meeting.

(7) The Chair does not have the authority to exclude a member of the Forum from subsequent meetings of the Forum.

(8) If any disturbance threatens the orderly conduct of business, the Convener may close the meeting, or adjourn or suspend it for a specified period to allow order to be restored. If, in these circumstances, the Chair leaves after ordering that the disturbance stop, this will have the effect of suspending the meeting. The Chair may reconvene the meeting as soon as he or she considers it appropriate to do so.

Article 8 – Committees

(1) The Forum may establish Committees to deal with specific issues or items of business.

(2) The remit, membership, duration and Chair and Vice-Chair of a Committee shall be set, and amended from time to time, by the Forum.

(3) The Forum may not delegate decision-making powers to a Committee, such Committees shall be advisory only.

(4) Committees shall act always within the statutory remit and objects of the Forum and shall not take any action or do any thing which conflicts with the decisions or policies of the Forum.

(5) The number and frequency of Committee meetings shall be fixed by the Committee as are required to fulfil its remit.

(6) The Chair of the Committee shall ensure that all members of the Committee are notified of a meeting of the Committee, and are provided with a note of the business of the meeting and a copy of any papers to be considered of the meeting, at least 7 days before it takes place.

(7) The names of those present at each meeting, as well as those who have submitted apologies will be recorded and minutes produced of each Committee meeting for approval.

(8) Minutes of Committee meetings shall be included on the agenda for the following meeting of the Forum for information, and the Chair of the Committee shall provide a verbal update to the Forum at each meeting of the business of the Committee.

(9) The powers and duties of the Chair of meetings of the Forum shall apply to the Chair of a Committee at Committee meetings.

(10) The rights and responsibilities of members at meetings of the Forum shall apply to members of the Committee at Committee meetings.

ADOPTED 17 AUGUST 2011