

## **Local Licensing Forum Background Information**

### ***Introduction***

In December 2005, the Licensing (Scotland) Act 2005 was passed, representing a complete overhaul of the liquor licensing system in Scotland. Section 10 of the Act came into force on 1 May 2007 and required each Council to establish a Local Licensing Forum for its area. Glasgow City Council's Executive Committee approved the establishment and membership of the Local Licensing Forum for the city on 15th June 2007, which included 2 community residents who would represent the Forum's area. An election was co-ordinated by the Council's Community Council Resource Centre in respect of the community resident positions. The process of seeking nominations was carried out via Community Councils in the city as they were recognised as the most competent bodies to comment on licensing matters generally.

Following the local authority elections in May 2012, it was necessary to re-establish the Local Licensing Forum for the city. At its meeting on 14 June 2012, the Council's Executive Committee approved the re-establishment and membership of the Local Licensing Forum. I attach a copy of the approved membership of the Forum as Appendix 1 for information. The Council's Community Council Support Team will once again be co-ordinating the process to identify up to 3 community residents who will represent the Forum's area from the North West, North East and South areas of the city.

To assist the election process of community residents, detailed below is some general information regarding the operation of the Local Licensing Forum in the city:-

### ***Role of Local licensing Forum***

Section 11 of the Act sets out the general functions for Local Licensing Forums in Scotland and the following Terms of Reference for the Local Licensing Forum in Glasgow is based on its provisions:-

- to keep under review the operation of the Licensing (Scotland) Act 2005 in the City of Glasgow;
- to keep under review the exercise by the Licensing Board of its functions under the Act; and
- to give such advice and make such recommendations to the Licensing Board in relation to those matters as the Forum considers appropriate.

**The Forum cannot review, give advice or make recommendations to the City of Glasgow Licensing Board in relation to any particular case.**

The Licensing Board must, in exercising its functions, have regard to any advice given, or recommendation made to it by the Local Licensing Forum in relation to the exercising of its functions. Where the Licensing Board decides not to follow the advice or recommendation of the Forum, it must provide the Forum with reasons for its decision.

One particular obligation on the Licensing Board is to consult with the Forum regarding the preparation of its Statement of Licensing Policy in which the Board sets out its approach to liquor licensing under the current regulatory system. The next edition of the Licensing Board's Statement of Licensing Policy will be considered by the Local Licensing Forum in 2013.

### ***Membership of the Local Licensing Forum***

The membership of the Forum should be both independent and expert. The Forum should comprise not less than 5 and not more than 21 members with a balanced representation of relevant interests. The Act requires that at least one of the members must be a Licensing Standards Officer for the Council area, and the other members should be individuals appointed by the Council who, so far as possible, are representative of the interests of persons or descriptions of persons who have an interest which is relevant to the Forum's general functions. Those persons include:-

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

### ***Code of Conduct for meetings of the Local Licensing Forum***

Although the Council and Committee Standing Orders are applied to meetings of the Local Licensing Forum in Glasgow so far as they are relevant, a Code of Conduct has also been prepared to provide members with specific guidance on how meetings of the Forum will be conducted.

A copy of the Code of Conduct is attached as Appendix 2 to this document, which gives guidance to members on such issues as the arrangements and frequency of meetings, the quorum, voting, election and role of the Convener etc. Please note that this Code of Conduct will require to be approved at the first meeting of the Forum.