

14. Local Licensing Forums

341. Section 10 of the Act requires every council to establish a Local Licensing Forum for their area. Section 11 sets out the general functions of such Forums and Section 12 of the Act sets out certain duties placed on Licensing Boards in respect of Forums.

342. Schedule 2 to the Act sets out the mandatory requirements for membership of Local Licensing Forums. This guidance is intended to help councils establish Local Licensing Forums. It is not exhaustive and councils will wish to adopt their own individual working practices and explore innovative ways in which Forums can carry out their work, so long as they are consistent with the provisions of the Act.

Role of Local Licensing Forums

343. The role of the Forum is to keep under review the operation of the licensing system in their area and to give advice and recommendations to the Licensing Board. This does not include reviewing or offering advice or recommendations in relation to any particular application or case before the Board. To facilitate this, the Forum is to be provided with copies of any relevant statistics which have been requested from any relevant source by the Board.

344. The Board has a duty to "have regard" to the Forum's views and must offer reasons where it takes decisions against the advice of the Forum.

345. The Act requires that a local Licensing Standards Officer must also be a member of the Forum, providing an important link to the operation of the system. Board members may also be invited to attend or to speak to the Forum. There is a mandatory requirement for a minimum of one formal meeting between the Board and Forum annually.

346. Links should also be established with the Local Alcohol Action Teams who are responsible for developing the local alcohol action plans to reduce alcohol related harm. A member of that team might be invited to sit on the Forum.

The effective Forum: independent, expert, trusted

347. An effective Local Licensing Forum should be widely recognised as being both independent and expert. As such it will enjoy the trust of all those whose interests are affected by licensing.

348. To ensure independence, the Forum must develop an identity that is clearly separate from the Licensing Board or any other interest or group of interests. It must have the capacity to be impartial. However, councils may wish to consider whether one member of the Licensing Board should also sit on the Local Licensing Forum as a member so as to provide a direct link with the Board.

349. To gain expertise, Forums will comprise a balanced representation of relevant interests and collectively will have knowledge to demonstrate expertise in licensing

matters. The forum will be able to identify key licensing issues affecting their area and will be able to develop constructive advice on how to address them.

350. The Local Licensing Forum must also strive to develop the trust of the licence holders and the licensing board by producing impartial and effective advice to the Board.

An inclusive approach to involvement

351. Schedule (2) of the Act specifies the composition of a Local Licensing Forum, but in broad terms the aim is a balanced representation of all 'constituencies of interest':

- Holders of premises licences and personal licences;
- The chief constable for the police area in which the Forum's area is situated;
- Persons having functions relating to health, education or social work;
- Young people; and
- Persons resident within the Forum's area.

352. These are the five main 'target audiences' which the Council must reach and engage in the process of setting up the Forum. A range of techniques will be needed to suit the different needs of these audiences:

- Many licence holders and representatives of youth organisations and persons having functions relating to health, education or social work can be reached through representative organisations
- In Public agencies care should be taken to target the most appropriate officer, who might not necessarily be the chairperson or chief executive.
- An innovative approach should be taken to engaging local communities, in addition to engagement through publicity, community councils, housing associations, and other local organisations. Publicity tools councils may wish to consider in establishing a Forum may include:
 - The local press and any associated public meetings.
 - Leaflets to explain the role of the Forum and to give notice of public meetings.
 - Leaflets and posters can be placed in shops, gyms, libraries and public buildings to reach the general public.
 - Leaflets can be included with letters sent to licence holders, the police and other organisations, individuals and community organisations.
 - A dedicated page might be created on the Council's web site, with a prominent link from the home page, to give details of how the Forum will be set up and, in time, to become the Forum's own web page.

353. Having contacted everyone with an interest, the next step is to ensure that they all share the same core knowledge about licensing in general and the functions of a Local Licensing Forum in particular. The challenge is to convey complex information while still motivating people to want to be part of it. The information which needs to be covered includes:

- The Scottish Executive Guidance on the Act ; and
- The functions laid down in the Act for Local Licensing Forums

354. The constitution and role of the Local Licensing Forum, including the fact that members are appointed to represent constituencies of interest. This is an unfamiliar role for many people. Making sure potential members and members understand their role is crucial to the effective operation of the Forum.

Key points in this respect include:

- Members are *not* on the Forum to express their own views, pursue their own enthusiasms or pet projects, or resolve personal issues
- Members who belong to a particular organisation are *not* on the Forum to express or promote the views of that organisation
- Members must take active steps to stay in touch with the constituency they represent so that they can convey *its* views to the Forum
- Being an enthusiast with a capacity to generate ideas, or being a committed member of an organisation and having experience gained from involvement in its activities, give members *the potential* to be key to the success of the Forum

355. Past experience is the base from which members start. The learning curve in the role and responsibilities of a representative on the forum can be ascended by:

- preparing a 'person specification' and/or 'job specification' for prospective Forum members
- preparing a Code of Practice for current Forum members
- ensuring consistency of representation by appointing 'substitutes' who can fill in for members who are temporarily unavailable
- insisting on regular attendance and taking appropriate steps when attendance falters
- publicising agendas and minutes, perhaps on the website, and taking steps to encourage people to feed their views to their representatives
- providing opportunities for members to meet people or groups from the constituencies they represent to discuss matters of interest

Choosing representatives

356. There are a number of ways in which representatives may be chosen:

- Seek nominations from the 5 interest groups during or following the formative stage discussions
- Invite all interested parties to a plenary meeting, split up into the 5 interest groups, and have facilitators lead discussion to agree the appropriate number of nominations from each group
- Invite written applications for the appropriate number of places, and assess candidates on the basis of the skills and experience they can offer, perhaps backing up the written submissions with interviews.

357. Each method has its merits, but none is a magic solution. If the time has not been taken to lay the groundwork thoroughly by explaining the functions of a Local Licensing Forum and the roles and responsibilities of Forum members, no selection process *in itself* can guarantee an effective Local Licensing Forum.

358. Whichever method is chosen, it helps to remind interested parties that there are many ways to contribute and their turn on the Forum may come in the future if not now. Members are *appointed* to the Local Licensing Forum by the Council. This means that the Council needs to approve both the structure and the individuals proposed to fill that structure.

Achieving a culture of participation

359. Having created the pre-conditions for participation, the next step is to manage meetings in an effective way. The key factors are:

- **Preparation**
 - Opportunities should be offered for all the members to help compile agendas or raise items for discussion. If suggestions cannot find space on formal agendas, some other way may be found to deal with them. This will foster a sense of ownership of the business to be handled. Agendas should not be over-loaded. Tackling a realistic and achievable volume of business will help build a satisfying sense of accomplishment. Careful attention should be paid to the order of business, to ensure that the most important items can definitely be concluded. As already mentioned above, agendas and papers should be circulated well in advance of meetings.
- **Convening Techniques**

The convener has the responsibility for making sure that *all* members are involved in discussions. This will mean taking active steps to restrain the confident, if there is a danger of them dominating proceedings, and to draw out the more reticent who might otherwise stay silent. There are some techniques that can be deployed including:

- **"Round Robins"**: The Convenor asks members to spend a few minutes thinking about an issue and jotting down notes and ideas. Putting simple questions can help to focus thoughts. The Convenor then asks each member in turn for one idea, avoiding repetition, and recording the ideas on a flip chart. The process continues until everyone's ideas are recorded.
- **"Brainstorming"**: This is particularly useful in generating 'new angles' on a topic. Unlike 'round robins', one person's idea may spark off new thinking as another person picks up and develops the first idea. The technique relies on people's ability not to judge ideas until a later stage in the process. The Convenor needs to ensure that some members do not monopolise the purpose.
- **Planning for Real**: This is the same technique as that used at public consultation meetings. Members use maps and voting cards to contribute ideas without the need to explain and justify them verbally and while preserving their anonymity. It is only applicable to situations where physical proposals are being discussed.
- **Small Group Activities**: The Forum breaks up into smaller groups to discuss a particular topic and then report back later. This helps members who are happier speaking in small groups.

360. Whatever techniques are employed, the Convenor must pay close and constant attention to how well the group is working together. From time to time, it will be advisable to instigate a discussion which lets members air their views about how well things are progressing and whether they feel their involvement is worthwhile and enjoyable.

Management of business

361. The Convenor must be mindful of time and regulate discussion so as to make sure that meetings get through their agendas. Repeated failure to finish the business will undermine belief in the value of what the Forum does. Care needs to be taken that discussions reach clear conclusions and/or stipulate clear actions to be taken, specifying who is responsible for taking matters forward. There should be regular reporting back to the Forum about steps taken as a result of previous discussions and what the outcome was. Pursuing the twin aims of achieving good leadership and developing a culture of participation is a challenging and complex task. Success will not be an overnight phenomenon, but rather the result of patiently negotiating a learning curve and applying consistent effort over an extended period of time. It is therefore important to guard against unrealistic expectations

Communication

362. Good communications are essential for the successful operation of the Forum, both in relation to its own internal business and its place in the opinions of the public. There is a need to systematically identify what communication needs exist, and then draw up an *action plan* which states:

- how those needs are going to be met
- who has responsibility for the various actions required
- what resources are needed and who will supply them

363. Once again, it is important that the Forum members debate these matters and come to an agreement, especially as some aspects affect personal privacy.

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