

**LICENSING (SCOTLAND) ACT 2005
SECTIONS 10-12 AND SCHEDULE 2**

ABERDEENSHIRE LOCAL LICENSING FORUM

CONSTITUTION AS AT 1st APRIL 2018

1. NAME

- 1.1. The name of the Forum shall be the ABERDEENSHIRE LOCAL LICENSING FORUM.

2. GEOGRAPHICAL BOUNDARY OF FORUM

- 2.1. The geographical boundary of matters that the Forum shall deal with shall coincide with the boundaries of Aberdeenshire recognising that there are 3 Divisional Licensing Boards, one in each of North, South and Central Aberdeenshire

3. TERMS OF REFERENCE

- 3.1 The terms of reference of the Forum are as follows:-

- a) To keep under review –
- (i) The operation of the 2005 Act in Aberdeenshire, and
 - (ii) In particular, the exercise by the Aberdeenshire Divisional Licensing Boards of their functions, and

Give such advice and make such recommendation to any of those Boards in relation to those matters as the Forum considers appropriate.

- b) To consider the implications of relevant local data and statistics provided to the Forum by Police Scotland and the local Health Board;
- c) To meet each of the North/Central/South Aberdeenshire Divisional Licensing Boards at least once per year, jointly or severally; and
- d) To advise the Aberdeenshire Divisional Licensing Boards on any matters of policy and other areas of concern.
- 3.2 The Forum is not permitted to advise the Aberdeenshire Divisional Licensing Boards on individual licensing applications.

4 MEMBERSHIP

- 4.1 In terms of the Licensing (Scotland) Act 2005 (“the Act”), the Forum shall consist of not fewer than five and not more than twenty-one members from the various representative groups specified in the Act.

- 4.2 In order to be eligible for membership of the Forum, a person must be:-
- a) aged 18 years or above;
 - b) able to demonstrate an interest in the licensing system; and
 - c) currently employed in or be a duly appointed representative of one or more of the following groups, namely:-
 - the emergency services
 - persons having functions relating to health
 - education and social work
 - holders of premises licences and personal licences
 - persons resident within the Forum area; or
 - young people in the area of North/Central/South Aberdeenshire;
- 4.3 Any member who no longer meets the eligibility criteria for the Forum set out in section 4.2 above is no longer eligible to be a member of the Forum.
- 4.4 Members of the Forum will initially be appointed by the Director of Business Services following consultation with the Chair, Vice Chair and Opposition spokesperson of Business Services Committee of Aberdeenshire Council.
- 4.5 Once established, the Forum itself may appoint new members to the Forum subject to the maximum number set out at paragraph 4.1 above. New members must meet the criteria set out at paragraph 4.2 above. Applications to become a member shall be submitted in writing to the Secretary at least fourteen days before a meeting of the Forum. Applicants shall be admitted only on the approval of a majority of the members present and voting at a meeting.
- 4.6 Any vacancy in membership shall be filled at the next meeting of the Forum occurring thereafter. Applications for membership shall be submitted in writing to the Secretary at least fourteen days before a meeting of the Forum. Applicants shall be admitted only on the approval of a majority of the members present and voting at a meeting.
- 4.7 If any member of the Forum fails to attend three successive Forum meetings, with or without submitting apologies, the Forum may terminate their membership provided that the termination of the membership must be an item on a meeting agenda and must be carried by a two-thirds majority vote of those present and voting. A period of leave of absence of up to six months for the Forum Member may be granted and minuted at any meeting of the Forum. This period may be reviewed by the Forum.
- 4.8 All changes in membership and all details of additional members appointed to the Forum shall be forwarded to the Head of Legal and Governance.
- 4.9 All Licensing Standards Officers are appointed as members of the Forum and may rotate attendance.
- 4.10 The Convenor of each Divisional Licensing Board shall be a member of the Forum to allow for contact between the Forum and the Boards on a regular basis. The Board Convenors will not have voting rights on the Forum.

- 4.11 Other interested parties, as invited by the Forum, shall be entitled to participate actively in the meetings of the Forum and present the Forum with information as required. No voting rights shall apply to such invited parties.
- 4.12 Members of the Forum shall retire annually and are eligible for re-election for the following year.

5. OFFICE BEARERS

- 5.1 A Convenor and a Secretary shall initially be appointed at the first meeting of the Forum.
- 5.2 To avoid a conflict of interest, the Convenors of the Aberdeenshire Divisional Licensing Boards are not eligible for appointment as an officer bearer of the Forum.
- 5.3 Officers of the Forum shall retire annually and are eligible for re-election for the following year.

6. MEETINGS

- 6.1 The Forum shall meet quarterly at a date and time appointed at the previous meeting.
- 6.2 The Forum shall meet each of the North/Central/South Aberdeenshire Divisional Licensing Boards at least once per year, jointly or severally, as set out at paragraph 3.1(c) of this Constitution.
- 6.3 The Secretary, whom failing Committee Officer support provided by Aberdeenshire Council, shall, at least seven days in advance, provide written notification, by way of Agenda, specifying the date, time and place of such meetings to all members of the Forum.
- 6.4 Public notice of the meeting of the Forum shall be given by posting details on Aberdeenshire Council's website one week in advance.
- 6.5 Forum Members who are not able to attend a meeting shall submit apologies to the Secretary in advance of the meeting.
- 6.6 Members of the press and public are entitled to attend Forum meetings.
- 6.7 Meetings of the Forum are to be chaired by the Convenor, whom failing, a pro-tem Convenor shall be nominated and appointed by those members present at the meeting.

7. QUORUM

- 7.1 The quorum for a meeting shall be one half of the number of members (but in any case not fewer than 3). No business can be determined at a meeting unless a quorum is present.

- 7.2 If after 10 minutes from the appointed start time for a meeting, a quorum is not present, the Convenor shall adjourn the meeting. It shall be recorded that, owing to a lack of the necessary quorum, no business could be transacted.

8. CONDUCT OF MEETINGS

8.1 Convenor's Duties

- 8.1.1 To preserve order and ensure that every Forum Member has a fair hearing.
- 8.1.2 To decide on all matters of competency and relevancy.
- 8.1.3 To decide between two or more members of the Forum indicating a wish to speak by calling on the member who has first caught his or her eye.
- 8.1.4 The ruling of the Convenor on all matters within his or her jurisdiction as Convenor is final.

8.2 Conduct of Forum Members

- 8.2.1 Every member of the Forum shall address the Convenor when addressing the meeting.
- 8.2.2 When the Convenor speaks, he or she shall be heard without interruption; all other members shall give way.
- 8.2.3 In the event of any Forum Member disregarding the authority of the Convenor, or being guilty of obstructive or offensive conduct, a motion may thereupon be moved and seconded to suspend such member for the remainder of the sitting. The motion shall be put without discussion and, if carried on a two-thirds majority, such a member shall leave the meeting forthwith. This motion shall take immediate precedence over any business which is taking place.

8.3 Motions and Amendments

- 8.3.1 Every motion requires to be moved and seconded. The proposer and seconder shall be recorded in the minutes. If no counter-motion is tabled, the motion is to be put to the meeting. Numbers for/against/abstaining must be minuted. If there is no opposition, the motion is minuted as carried.
- 8.3.2 During debate on a motion, the mover may, with consent of the seconder, modify or withdraw the motion.
- 8.3.3 Each member of the Forum may only move or second one motion or amendment at a time (unless they withdraw their original motion).
- 8.3.4 Motions and amendments moved but not seconded shall not be put to the meeting nor shall they be recorded in the Minutes unless so required by the Member.
- 8.3.5 If there is only one amendment to a motion, the vote will be between the motion and the amendment, and whichever is carried shall be the finding of the meeting.

- 8.3.6 If there is more than one amendment, then unless the Convenor otherwise decides, the last amendment is out against that immediately preceding, and, whichever is carried is put against the next preceding and so on until one amendment remains and this is then put against the motion with the amendment voted on first, and whichever is carried shall be the finding of the meeting.
- 8.3.7 Each voting member present at a meeting shall be entitled to one vote.
- 8.3.8 Voting shall, unless the Convenor rules otherwise, be by show of hands. If the Forum so decides, voting shall be by ballot which shall be undertaken by the Convenor to ensure the secrecy of the vote. A decision to proceed by ballot shall require a majority of those members present and voting before the ballot may be undertaken.
- 8.3.9 In the case of an equality of voting, the Convenor shall have a casting vote, except where the subject of the vote relates to the appointment of (a) new or additional members; or (b) to any particular office, when the decision shall be by lot.

8.4 Minutes

- 8.4.1 The Secretary or Committee Officer, as the case may be, shall take a Minute of every meeting of the Forum, which shall include:-
- a) the names of those present at each meeting, as well as those who have submitted apologies;
 - b) brief notes of topics dealt with, but not the details of discussions;
 - c) a record of all motions and amendments, including names of proposers and seconders, and the outcome, i.e. carried or rejected, and numbers of votes for, against and abstentions.
- 8.4.2 The Secretary or Committee Officer, as the case may be, shall circulate the draft Minutes along with the following meeting's Agenda.
- 8.4.3 Previous minutes shall be approved at the next meeting and before concluding the agenda discussed for the next meeting. Approved minutes shall be published on Aberdeenshire Council's website.
- 8.4.4 The Secretary or Committee Officer, as the case may be, shall hold copies of the Minutes, signed by the Convenor, and copies of Agendas in a file, to act as the Forum's Minute Book.
- 8.4.5 Copies of Minutes, signed by the Convenor, should be stored in Aberdeenshire Council's Committee Management System.

8.5 Rescission of Previous Resolutions

- 8.5.1 No resolution of the Forum shall be altered or revoked within six months of its adoption.

8.6 Adjournment of Meeting

8.6.1 The Forum may adjourn any meeting to such time as the Convenor may then or otherwise fix.

8.6.2 When an adjourned meeting is resumed, proceedings commence at the point at which they were broken off at the adjournment.

9. ANNUAL GENERAL MEETING

9.1 The Annual General Meeting of the Forum shall take place in March each year.

9.2 The business of the Annual General Meeting shall include:-

- a) an annual report from the Convenor;
- b) the appointment of the office bearers; and
- c) the appointment of members;

10. SPECIAL MEETINGS

10.1 A Special Meeting of the Forum can be called at any time by the Convener or by requisition of 2/5ths of the Forum Membership. 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.

11. APPOINTMENT AND REMOVAL OF OFFICE BEARERS

11.1 The appointment of a Convenor and Secretary of the Forum shall be made annually at each Annual General Meeting of the Forum.

11.2 The Office Bearers may be removed from office at any of the Forum meetings or at a Special Meeting convened for the purpose at the requisition of 2/5ths of the Forum Membership, provided due intimation of such proposed alteration shall have been sent to each member at least seven days before such meeting.

12. ALTERATIONS TO CONSTITUTION AND POWERS TO MAKE OR AMEND RULES

12.1 The Forum shall have the power to alter the Constitution of the Forum 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 the purpose at the requisition of 2/5ths of the Forum Membership, provided due intimation of such proposed alteration shall have been sent to each member at least seven 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 Constitution if such alteration would conflict with the terms of the Act. All changes must be approved by the Business Service Committee of Aberdeenshire Council prior to implementation of change.