

ABERDEEN LOCAL LICENSING FORUM

Constitution

1. NAME

1.1. The name of the Forum shall be the ABERDEEN CITY 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 Aberdeen City.

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 Aberdeen City, and
- (ii) In particular, the exercise by the Aberdeen City Licensing Board of its functions, and
- (iii) Give such advice and make such recommendation to the Board 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, the local Health Board, and local drugs and alcohol groups;

c) To have a joint meeting with the Licensing Board at least once per year; and

d) To advise the Licensing Board on any matters of policy and other areas of concern.

3.2 The Forum is not permitted to advise the Licensing Board 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.

The following are required members of the Forum:

- a) At least one person must be employed as a Licensing Standards Officer for the council's area.
- b) At least one must be a person nominated by the Health Board of the Forum's area.

4.2 The Forum may also invite/co-opt additional representatives to join as member to enable it to fulfil its function.

4.2.1 In order to be eligible for membership of the Forum, a person must be:-

a) aged 16 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 Aberdeen City;

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 Local Licensing Forum.

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 Clerk of the Forum 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 Clerk of the Forum 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 co-opted 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 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 Clerk of the Forum.

4.9 All Licensing Standards Officers are appointed as members of the Forum and may rotate attendance.

4.10 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.

5. OFFICE BEARERS

5.1 A Convener and Vice Convener shall initially be appointed at the first meeting of the Forum.

5.2 Officers of the Forum shall retire annually and are eligible for re-election for the following year. The maximum length of service for Office Bearers will be three years in any one position.

5.3 In the event that an Office Bearer is unable to fulfil the role, the Forum will be given at least 7 days' notice of the intention to remove the Officer Bearer from their position and may reappoint a replacement Office Bearer from the membership.

6. MEETINGS

6.1 The Forum shall meet quarterly at a date and time appointed at the previous meeting.

6.2 The Clerk of the Forum will provide an agenda 7 days in advance of the meeting.

6.3 Forum Members who are not able to attend a meeting shall submit apologies to the Clerk in advance of the meeting.

6.5 Members of the press and public are entitled to attend Forum meetings. Members of the public and press may speak and participate in discussion at the discretion of the Convener or whoever is chairing the meeting.

6.6 Meetings of the Forum are to be chaired by the Convener.

6.7 In the event that the Convener and Vice Convener are unable to attend a meeting, the Forum may appoint an acting Convener to chair the meeting who would be classed as an Office Bearer in terms of section 7 for the purpose of that meeting.

7. QUORUM

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

7.2 One Office Bearer must be present at any meeting where a vote is to take place.

7.3 Each member present at a meeting will be entitled to one vote. In the event of an equality of votes, the Convener (or Vice Convener if chairing the meeting or any member Chairing the meeting) will be entitled to cast a casting vote.

7.4 If after 10 minutes from the appointed start time for a meeting, a quorum is not present, the Convener 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 Convener'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 Convener will attempt to reach agreement among Forum members but if this is not possible the Convener's decision will be final.

8.2 Conduct of Forum Members

8.2.1 There will be at least one meeting each year which will focus on the review and development of the Forum in order to enhance the Forum's ability to fulfil its function.

8.2.2 Every member of the Forum shall have the opportunity to participate and be heard. Members of the press and public are entitled to attend Forum meetings. When a member is speaking, 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 Convener, or being guilty of obstructive or offensive conduct, a recommendation may be moved and seconded to suspend such member for the remainder of the sitting. The recommendation shall be put without discussion and, if carried on a two-thirds majority, such a member shall leave the meeting forthwith. This recommendation shall take immediate precedence over any business which is taking place.

8.3 Agendas and Minutes

8.3.1 Any items to be included in the agenda for meetings of the Forum shall first be submitted to the Clerk of the Forum no later than 14 days prior to the date of any scheduled meeting.

a) Other items may be included in the agenda at the discretion of the Convener.

b) The agenda for each meeting will be circulated to members no less than 7 days in advance of the meeting.

8.3.2 The Clerk of the Forum, shall take a Minute of every meeting of the Forum, the draft shall be circulated to the members. The minutes will include:-

a) the names of those present at each meeting, as well as those who have submitted apologies; and

b) brief notes of topics dealt with, but not the details of discussions.

8.3.3 Minutes shall be approved at the next meeting and before concluding the agenda discussed for the next meeting. Approved minutes shall be published on Council's website.

8. Adjournment of Meeting

8.6.1 The Forum may adjourn any meeting to such time as the Convener 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.

8.7 Sub-Committees

8.7.1 The Forum may establish working groups comprising members of the Forum and such other persons with particular expertise as may be appropriate, to undertake specific pieces of work to support in carrying out any of its functions.

8.7.2 The quorum of all Sub-Committees and working groups will be half of its total membership.

9. ANNUAL GENERAL MEETING

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

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

a) an annual report from the Convener;

b) the appointment of the office bearers; and

c) the appointment of members.

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

10.1 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, 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 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.