

DISTRICT OF STIRLING LICENSING BOARD

STANDING ORDERS

Effective from and including 28 June 2017

District of Stirling Licensing Board

Standing Orders

The purpose of these standing orders is to ensure the orderly and effective conduct of the meetings of the District of Stirling Licensing Board ("**the Board**"). These Standing Orders will apply from and including 28 June 2017.

1. Meetings of the Board

- 1.1 The Board shall hold such and as many meetings as may be necessary for the performance of its functions and at such times, places and frequency as the Board determines.
- 1.2 In the autumn of the preceding year the Clerk to the Board shall, with the agreement of the Chairperson, produce an annual programme of meetings.

2. Chairperson

At a meeting of the Board —

- (a) the chairperson of the Board shall, if present, be the chairperson of the meeting, and
- (b) if and so long as the chairperson of the Board is not present or if the office of chairperson is vacant, the members of the Board who are present shall choose one of their number to be the chairperson of the meeting.

3. Calling Meetings

- 3.1 The Clerk to the Board is responsible for convening all meetings of the District of Stirling Licensing Board which will be held on the days, at the times and in the places fixed by the Board and as then published in its (Programme of Meetings). The Notice of Meeting will serve as the summons to attend the Board meeting.
- 3.2 In addition to the scheduled meetings of Board, special or other meetings of the Council may be convened by the Clerk to the Board as follows:-
 - (a) at the request of the Chairperson;
 - (b) by a resolution of the Board; or
 - (c) at the request of the Clerk.
- 3.3 Reports intended for Board meetings must be submitted to the Clerk in accordance with the timescales prescribed by the Clerk to the Board and issued to officers.
- 3.4 Every Notice of Meeting must state the business to be transacted at the meeting as set out in Standing Order 10.2. No other business will be dealt with unless it is submitted to Board as a matter of urgency under Standing Order 10.2.
- 3.5 Notices of Meeting, agendas and reports will be sent to all Board members in respect of the Board meeting at least three clear working days before meetings or, if convened at shorter notice, then as soon as meetings are convened.

- 3.6 Such notices, agendas and reports will be provided to each Board member in hard copy or electronically as he or she requests.
- 3.7 Public notice of the time and place of meetings, listing the business to be transacted, will be posted at the offices of the Council, Old Viewforth, Stirling at least three clear working days before the meeting. If the meeting is convened at shorter notice, then the notice will be posted at the time it is convened.

4. Public Access

- 4.1 Every meeting of the Board will be open to the public, except in special circumstances which are set out in this Standing Order 4.
- 4.2 The Board may decide, by passing a resolution at any meeting, to exclude the public when it is considering an item of business if it is likely, because of the business itself or what might be said, that information would be given to members of the public that the Board considers should be confidential and/or exempt from public disclosure. The resolution to exclude the public will make clear which part of the proceedings of the meeting it applies to and explain why the information is exempt.
- 4.3 If the Clerk believes that it is likely that exempt or confidential information (as meant by the relevant law) will be given to members of the public the Clerk may exclude the whole of a report (or any part of a report) from public viewing. Every copy of any report in that category (or part of that report) will either be marked "Not for Publication" or marked "Confidential".
- 4.4 Copies of agendas and reports for meetings of the Board will be available for the public at meetings and at the offices of the Council, Viewforth, Stirling, Local Offices and Libraries during normal office hours for 3 clear days before meetings.
- 4.5 Except at the discretion of the Chairperson, the Board will not allow the taking of photographs, use of mobile telephones, or music players during meetings, or to the radio or television broadcasting or tape recording of meetings. This excludes any provision by the Board to video stream its meetings.

5. Quorum

- 5.1 No business will be carried out at a meeting of the Board unless the requisite quorum is present.
- 5.2 The quorum for a meeting of the Board shall be 4 Board members.
- 5.3 If there is no quorum within 15 minutes from the designated start time for a meeting of the Board, the Chairperson will adjourn the meeting to another time on the same day or to another date and time.
- 5.4 If a Board meeting becomes inquorate by reason of its members leaving the meeting, the Chairperson will, in the event that a decision is required, exercise their discretion to adjourn it to another time on the same day or to another date and time.

6. Voting Rights

- 6.1 Each member of the Board (including the Chairperson of the meeting concerned) present at a meeting shall have a vote.
- 6.2 Subject to these Standing Orders, voting will be by rota of the Board members present and recorded in writing in the minutes.
- 6.3 Voting will begin when the Board has completed consideration of an individual item of business on the Agenda. Members present at the meeting and eligible to vote will vote either “for” or “against” the approval of the application or report under consideration as called for by the Chairperson. This procedure shall be subjected to variation where in respect of a particular item of business the Clerk, in consultation with the Chairperson, considers such a variation appropriate in the interests of clarity, legality, natural justice and/or compliance with the Licensing (Scotland) Act 2005 (the said Act as subsequently amended and/or varied being hereinafter referred to as “**the 2005 Act**”).
- 6.4 At a meeting of the Board, a question on which a vote is required shall be determined by a majority of votes of the members of the Board present and voting on the question and, in the case of an equal division of votes, the Chairperson of the meeting shall have a second or casting vote.

7. Adjournment

- 7.1 During any meeting of the Board, it shall be competent for a member at any time, to move that the meeting be adjourned for a period of time or to a date and time specified.

8. Urgent Business

- 8.1 Urgent business may be considered if the Chairperson rules that there are special reasons why it is a matter of urgency. The Chairperson must give those reasons which will be specified in the minutes. The item must be made known at the start of the meeting when the Chairperson will also confirm when it will be considered in the order of business.

9. Disclosure of Interests

- 9.1 A Board member must disclose any pecuniary or other beneficial interest in, or material to, any matter which is to be considered by the Board and in such case he or she shall;
 - (a) disclose to the Board the nature of the interest in advance of any consideration of the matter;
 - (b) neither influence nor seek to influence a decision relating to the matter; and
 - (c) take no part in any consideration of the matter.
- 9.2 If a disclosure is made at a meeting of the Board particulars of the disclosure shall be recorded in the minutes of the meeting concerned, and for so long as the matter to which the disclosure relates is being dealt with by the meeting, the person by whom the disclosure is made shall not be counted in the quorum for the meeting.

9.3 Where a question arises as to whether or not a matter for consideration by the Board relates to the interests of a Board member or a person or body connected with that Board member, the Chairperson of the Board should determine the question following advice from the Clerk.

10 Agenda

10.1 The Clerk to the Board in consultation with the Chairperson shall prepare the agenda.

10.2 The order of business shall be:

- apologies for absence and introductions, and election of a Chairperson if the usual Chairperson is absent;
- declarations of interest;
- approval of the minutes of the previous meeting as a correct record to be signed by the Chairperson;
- urgent business;
- other business as on the agenda (supported by a paper), for discussion, decision, noting or for information;
- date of the next meeting(s);

10.3 All business at Board meetings shall be conducted through the Chairperson by participants indicating to the Chairperson that they wish to speak.

11. Cancellation Of Meetings

11.1 Meetings of the Board cannot be cancelled once the public notice calling the meeting has been issued. When a meeting is cancelled in advance of the issue of the public notice, the Clerk will send notice of the cancellation to all Board members as soon as practicable.

12. Consideration of Reports and Recommendations

12.1 **Introduction** - At the discretion of the Chairperson, the nominated officer will be invited to introduce a report.

12.2 **Presentations** - where a report relates to an application in respect of a licence, or a review of the same and the applicant and/or the licence holder (or their representative) wishes to speak in respect of the matter then they will be allowed to do so in the following order: -

- (a) applicant and/or licence holder (as the case maybe) or a representative for the same;
- (b) any objectors to the application in question which may include a representative of Police Scotland, NHS Scotland and/or the Licensing Forum;
- (c) such other parties as the chairperson shall consider appropriate.

Subject to the above, the Board may adopt such procedures as they consider appropriate in relation to an item of business on the agenda.

- 12.3 **Questions** - Members will then have the opportunity to ask questions, seek clarification or request further information. Where there is no presentation or introduction the Board will move directly to this stage.
- 12.4 **Proposal** - The Chairperson will then propose a motion to determine the item of business in question.
- 12.5 **Determination** - If there is consensus, the Chairperson will ask if the Board members are in agreement with the motion and unless any member indicates otherwise, the matter will be so determined. If there is no such agreement then the matter will be determined by a vote in accordance with Standing Orders 6.

14. Disorderly Conduct

- 14.1 In order to stop disorderly conduct or other misbehaviour at a meeting, the Board can exclude members of the public whose presence or actions are stopping the good conduct of the meeting. If a member of the public interrupts any meeting, the Chairperson may warn the person that if they continue the interruption, the Chairperson may ask that they leave the Chamber.
- 14.2 In the event of a member disregarding the authority of the Chairperson, or behaving obstructively or offensively, the Chairperson will first ask the member to refrain from such behaviour, failing which a motion may be proposed and seconded to suspend the member for the rest of the meeting. The motion will be put without discussion.
- 14.3 In the event of disorderly conduct by a member of the public or a member, it will be open to the Chairperson to adjourn a meeting to another time on the same day or to another date and time.

15 Suspension and Amendment of Standing Orders

- 15.1 As long as it is consistent with any statutory provisions, any one or more of the Standing Orders can be suspended at any meeting, provided that two-thirds of the members of the Board who are present agree.
- 15.2 No alteration of these Standing Orders will be made:-
- (a) without notice being given at one meeting of the Board to be discussed at the following one, which alterations will not come into effect except on a resolution, passed by a majority of the members present and voting
 - or
 - (b) excepting that a report can be submitted to any meeting of Board by the Clerk to the Board, proposing alterations, which alterations will be inherent in the terms of a report or minute to the Board, so as to come into immediate effect on a resolution passed by a majority of the members present and voting.

16. General

- 16.1 These Standing Orders shall be interpreted subject to the 2005 Act (as defined in Standing Order 6) and any other legal requirement upon the Board.

16.2 In conducting its meetings and determining any business, the Board will give due regard to the terms of its current Statement of Licensing Policy. In the event of any inconsistency between the Statement of Licensing Policy, the terms of the 2005 Act and/or any other legal requirement upon the Board then the 2005 Act and/or any other such legal requirement shall take priority (as determined by the Clerk).