

**DISTRICT OF STIRLING
LICENSING BOARD**

STANDING ORDERS

Effective from 9 November 2022

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 9 November 2022.

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 The Clerk to the Board (the “Clerk”) shall, with the agreement of the Chair, produce a programme of meetings.

2. Chair

- 2.1 At a meeting of the Board —
 - (a) the Chair of the Board shall, if present, be the Chair of the meeting; and
 - (b) if the Chair of the Board is not present, the Vice Chair of the Board shall be the Chair of the meeting; and
 - (c) If neither the Chair nor the Vice Chair of the Board are present the members of the Board who are present shall choose one of their number to be Chair of the meeting.

3. Calling Meetings

- 3.1 The Clerk is responsible for convening all meetings of the Board The Notice of Meeting will serve as the public notice of the meeting.
- 3.2 In addition to the scheduled meetings of the Board, special meetings of the Board may be convened by the Clerk as follows:
 - (a) at the request of the Chair;
 - (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.
- 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 8.
- 3.5 Notices of Meeting, agendas and reports will be distributed to all Board members at least three clear working days before meetings or, if convened at shorter notice, then as soon as practical.

- 3.6 Public notice of the time and place of meetings, listing the business to be transacted, will be posted online and 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 as soon as practical.
- 3.7 No meetings of the Board can be cancelled once the Notice of the Meeting has been issued, Where a meeting is cancelled in advance of the issue of the Notice of Meeting, the Clerk will send notice of cancellation to all Board members as soon as practical.

4. Public Access

Every meeting of the Board will be open to the public.

- 4.1 All meetings of the Board will be conducted in a hybrid format and will be broadcast live to enable remote public access.
- 4.2 Before determining a matter, the Board may resolve to deliberate the matter in private. Decisions of the Board will be pronounced in a meeting open to the public.
- 4.3 Subject to the terms of Standing Orders 4.4 and 4.5, copies of agendas and reports for meetings of the Board will be available on the Council's public website and accessible to the public. Hard copies of the agendas and reports will be available for inspection at the offices of the Council, at Old Viewforth, Stirling during normal office hours for three clear days before meetings.
- 4.4 The Clerk may limit or omit any identifying or personal data from public notices, agendas and reports, to comply with the Council's duties under the UK General Data Protection Regulation and the Data Protection Act 2018, or if it is not relevant to the determination the Board is being asked to make.
- 4.5 The provisions of Paragraph 7A of Schedule 1 to the Local Government (Scotland) Act 1973 relating to materials exempt from publication shall apply, where applicable, to reports produced by the Board. The Clerk will determine whether reports can be lawfully exempted from publication. Where reports are exempted, the matter will be heard in private and the public excluded from the hearing, though the determination of the Board will be made publicly in accordance with Paragraph 4.2.
- 4.6 The taking of photographs, the use of mobile telephones or, music players, audio or broadcasting or recording of meetings are prohibited except at the discretion of the Chair. This does not apply to any provision by the Board to live stream and record its own 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 shall be one half of the total number of members, and in any case no fewer than 3.

- 5.3 If there is no quorum within 15 minutes from the designated start time for a meeting of the Board, the Chair 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 Chair must adjourn it to another time on the same day or to another date and time.
- 5.5 No member may take part in the determination of any matter unless that member has been present throughout the consideration of that item of business, including any continuation of that item of business or any site visit.

6. Voting

- 6.1 Each member of the Board present at a meeting shall have a vote.
- 6.2 Voting will be by roll call of the Board members present and will be recorded in writing in the minutes of the meeting.
- 6.3 Any question on which a vote is required shall be determined by a majority of votes of the members of the Board present and voting. In the event of an equal division of votes, the Chair of the meeting shall have a second or casting vote.
- 6.4 Where a motion is made by a member which is seconded, the order of debate will be as follows:-
 - (a) Motion moved and seconded
 - (b) Amendment(s) moved and seconded
 - (c) Debate
 - (d) Summing up of the amendment(s) – reverse order
 - (e) Summing up of the motion
 - (f) 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 in the motion. No motion for adjournment may be made within 30 minutes of a previous motion having been rejected if the Board is still considering the same item of business. A motion for adjournment shall have precedence over all other motions and if moved and seconded shall be put to the meeting without amendment save as the date and/or time for resumption of the meeting. When the adjourned meeting is resumed, the proceedings shall commence at the point which they were interrupted by the adjournment.

8. Urgent Business

- 8.1 Urgent business may be considered if the Chair rules that there are special reasons why it is a matter of urgency. The Chair must give those reasons which will be recorded in the minutes. The item must be raised at the start of the meeting. If

accepted as urgent business the Chair will 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, and which is material to, any matter which is to be considered by the Board. In such a case the member 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 and leave the meeting until such time as the matter has been determined.
- 9.2 Any disclosure made by a member shall be recorded in the minutes of the meeting concerned, the member who made the disclosure shall not be counted in the quorum for the meeting for that matter.
- 9.3 It is for a Board member to determine whether any matter requires to be declared and/or whether it prevents them from determining that item of business. Board members should have regard to the Councillor's Code of Conduct and associated guidance when determining whether they have an interest which requires to be declared.
- 9.4 A member may take advice from the Clerk when deciding whether a disclosure should be made or not on any matter.

10 Agenda

- 10.1 The Clerk to the Board in consultation with the Chair shall prepare the agenda.
- 10.2 The order of business shall be:
- apologies for absence and introductions, and election of a Chair if the usual Chair is absent;
 - declarations of interest;
 - approval of the minutes of the previous meeting as a correct record to be signed by the Chair;
 - urgent business;
 - other business as on the agenda (supported by a report), for discussion, decision, noting or for information;
- 10.3 All business at Board meetings shall be conducted through the Chair by participants indicating to the Chair that they wish to speak.

11. Consideration of Reports

11.1 Reports will be considered as follows:

- 11.1.1 **Introduction** — the nominated officer will be invited to introduce a report.
- 11.1.2 **Presentations** — where an 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, or the Licensing Standards Officer;
 - (c) such other parties as the Chair shall consider appropriate;
 - (d) 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;
 - (e) Any party who made a representation or an objection will be invited to sum up followed by the applicant. The applicant must always sum up last;
 - (f) The Chair, or another member, may then propose a motion to determine the item of business in question; and
 - (g) If there is consensus, the Chair 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 Order 6.

12. Disorderly Conduct

- 12.1 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 Chair may warn the person that if they continue the interruption, the Chair may ask that they leave the Chamber.
- 12.2 In the event of a member disregarding the authority of the Chair, or behaving obstructively or offensively, the Chair 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.
- 12.3 In the event of disorderly conduct by a member of the public or a member, it will be open to the Chair to adjourn a meeting to another time on the same day or to another date and time.

13. Suspension and Amendment of Standing Orders

- 13.1 The Standing Orders, in whole or in part, can be suspended at any meeting, provided that two-thirds of the members of the Board who are present agree.
- 13.2 No amendment 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 amendments will not come into effect except on a resolution, passed by a majority of the members present and voting; and
 - (b) A report can be submitted to any meeting of Board by the Clerk proposing amendments, which will come into effect on a resolution passed by a majority of the members present and voting.

14. General

- 14.1 These Standing Orders shall be interpreted subject in accordance with the provisions of the 2005 Act and its associated regulatory framework.
- 14.2 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 or any other legal requirement upon the Board, then the 2005 Act or other legal requirement shall take priority. Any inconsistency will be determined by the Clerk.