

THE MORAY LOCAL LICENSING FORUM

CONSTITUTION

In this Constitution references to “the Council” mean The Moray Council and references to “the Chief Executive” are to the Chief Executive of The Moray Council. References to “the Board” mean The Moray Licensing Board.

Title

Article 1 The name of the organisation shall be The Moray Local Licensing Forum, hereinafter called “the Forum”.

Objects

Article 2 The objects of the Forum shall be:

To keep under review the operation of The Licensing (Scotland) Act 2005 in the Moray area and, in particular, the exercise by the Moray Licensing Board of their functions, and

Giving such advice and making such recommendations to that Board in relation to those matters as the Forum considers appropriate.

Membership

Article 3 The Forum shall consist of twenty 20 members.

Members of the Forum shall be appointed by The Moray Council at the first meeting of the council following each ordinary election of the Council.

Members of the Forum will include;

- a) The Licensing Standards Officer for The Moray Council;
- b) One Representative of each ;
the Chief Constable, Health, Education, Social Work, Building Standards, Environmental Health, Grampian Fire and Rescue Services;
- c) A Representative from The Moray District Licensed Trade Association;
- d) The Director of Moray Council on Addictions;
- e) Two Representatives of the community and residents of Moray;
- f) Four holders of Premises Licenses and three holders of Personal Licenses; and
- g) A representative of Young People of the Moray Area.

The proceedings of the Forum are not affected by any vacancy in the membership of the Forum or any defect in the appointment of a member of the Forum.

Tenure

Article 4 A member of the Forum retains membership for the duration of the Forum unless, he or she intimates his or her resignation to the Council, or he or she is removed from the Forum by the Council on a recommendation of the Forum.

Meetings of the Forum

Article 5 The Forum must hold at least four meetings per calendar year. At least one of those meetings will be with the Moray Licensing Board in attendance.

The quorum for a meeting held by the Forum will be no fewer than half of the number of members at that time appointed, but never fewer than three.

If after ten minutes from the appointed start time for a meeting a quorum is not present, the Convener will adjourn the meeting to a time that he or she may then or

afterwards fix in discussion with the Council. It should be recorded that owing to a lack of the necessary quorum no business could be transacted.

Meetings shall be held in public. The names of those present at each meeting , as well as those who have submitted apologies will be recorded and minutes produced of each meeting. This information will be lodged with the Council and circulated to each member prior to the following meeting, for their approval at the following meeting.

Public notice of the meeting of the Forum will be given by advertisement in a newspaper circulating in the area.

Notice of the place, date and time of a meeting of the Forum will be given to every member not later than two 2 weeks before the meeting.

Public notice of the meeting will include the date, time and place of the meeting, and information on where to obtain an agenda and any accompanying reports etc.

Meetings should be fixed by the Forum, in consultation with the Chief Executive or his nominated representative to ensure administrative support is available.

Non Attendance at Meetings

Article 7 Forum members unable to attend any meeting should intimate their apologies to the Chief Executive or his nominated representative prior to that meeting.

Members should be invited to submit apologies to the Chief Executive his or nominated representative in good time so that the incidence of inquorate meetings is kept to a minimum.

A Forum member who is a member by reason of their employment/position in an organisation may be represented at a meeting of the Forum by a substitute. For the avoidance of doubt those are members listed at Article 3 a and b, c d and e. Other Forum members appointed in terms of Article f and g may not nominate a substitute.

Appointment and Role of a Convener & Vice Convener

Article 8 At the first meeting in each calendar year the Forum must elect one of its members to be the Convener of the Forum. This Convener will hold office until the next election the following calendar year.

The Forum can at the same time elect a Vice Convener who is chosen from among the remaining members. The Vice Convener will hold office until the next election the following calendar year.

Meetings of the Forum are to be chaired by the Convener. In the event that the Convener is unavailable, and the Vice Convener is unavailable, any other member of the Forum may act as Convener.

The Vice Convener will convene and chair meetings of the Forum and carry out the same duties as the Convener in the absence of the Convener.

The Convener has the responsibility for making sure that all members are involved in discussions.

Any questions regarding the remit or proceedings of the Forum are determined by the Convener, having taken any necessary legal advice.

An elected Convener may act as such for a maximum period of four years in succession only. He or she may not be eligible for election by their fellow Forum members for four subsequent years in succession.

Removal of a Convenor or Vice Convenor

Article 9 Where a Convenor or Vice Convenor is retiring at some point during their term of office, it is for the members of the Forum to re elect a replacement at the earliest opportunity. This will be immediately or at the outset of the next meeting. This replacement will hold office for the duration of the remaining year and be eligible for re election at the following election and be subject to the usual rules.

The Convenor or Vice Convenor must intimate his or her resignation to the Chief Executive or his nominated representative.

The Convenor or Vice Convenor may be removed from office by a decision taken by an absolute majority of the Forum. An absolute majority means more than half the total number of committee members at that time appointed must vote in favour.

Appointment , Removal and Suspension of Members in General

Article 10 Where an individual falls under the category eligible for membership of the Forum as stated in Article 3 he or she may submit an application to the Chief Executive or his nominated representative requesting membership.

Membership of the Forum is at the discretion of the Council and if the Council, after consultation with the Forum, decides to rescind or suspend the membership of an individual they may do so. Examples, though by no means an exhaustive list, of instances where this course of action may be taken are; repeated non attendance at meetings, non participation in meetings; and disruptive behaviour.

Voting in Meetings

Article 11 The Forum will operate under the principle of one vote per member irrespective of the reason of their appointment.

In the case of an equality of votes, the person chairing the meeting shall have a casting vote. Voting shall be by a show of hands, unless the meeting so decide, in which case voting may be by ballot which shall be undertaken by the person chairing the meeting to ensure secrecy of the vote.

A decision to proceed by ballot shall require to be supported by a majority of those members present and voting before the ballot may be undertaken.

Members can vote only once on any motion. Decisions will be taken by a simple majority. A simple majority means that more members vote for a proposition than against, and no account is taken of members who abstain.

Members can only vote in person (there is no proxy vote). The numbers voting for and against any motion will be recorded in the Minute.

Conduct at Meetings

Article 12 Members of the Forum must conduct themselves in a courteous, orderly and respectful manner, and must respect the authority of the Convenor at all times. In particular, they must not behave in a manner which would constitute a criminal offence or contempt of court.

The members must respect and act at all times in compliance with all equalities schemes published by the Council.

The Convenor has the authority to order any member of the Forum whose behaviour does not meet the standards specified to be excluded for the duration of the meeting.

The Convener does not have the authority to exclude a member of the Forum from subsequent meetings of the Forum.

If any disturbance threatens the orderly conduct of business, the Convener may close the meeting, or adjourn or suspend it for a specified period to allow order to be restored. If, in these circumstances, the Convener leaves after ordering that the disturbance stop, this will have the effect of suspending the meeting. The Convener may reconvene the meeting as soon as he/she considers it appropriate to do so.

Convener

Secretary

Date