



Council

1 July 2019

Subject: Membership of the Licensing Committee / Regulatory Committee - Appointment of Additional Members

Report by:

Monitoring Officer

Contact Officer:

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Purpose / Summary:

To appoint additional Members to the Licensing Committee (and Regulatory Committee due to Constitutional requirements) in order that the Committee meets the statutory requirements of the Licensing Act 2003, and to reaffirm the Chairman / Vice-Chairmanship, in light of having had to re-appoint to the Committee.

To re-appoint the Vice-Chairman of the Corporate Policy and Resources Committee following the resignation of Councillor Kinch from the position.

RECOMMENDATION(S):

- 1) That the number of Members to be appointed to serve on the Licensing Committee and Regulatory Committee be noted;
- 2) That the allocation to different political groups of seats on the Licensing Committee and Regulatory Committee, as set out in Appendix 1, be noted;

- 3) In accordance with the provisions of section 16 of the Local Government and Housing Act 1989 and the wishes expressed by political groups, Members detailed at Sections 3.3 and 3.4 be appointed to serve to on the Council's Licensing Committee and Regulatory Committee for the 2019/2020 civic year;**
- 4) That the Chairman and Vice-Chairmanship appointments made at Annual Council on 20 May 2019, in respect of the Licensing Committee and Regulatory Committee, be re-affirmed; and**
- 5) That Councillor Anne Welburn be appointed Vice-Chairman of the Corporate Policy and Resources Committee with immediate effect.**

IMPLICATIONS

Legal:

Appointments must be made with regard to the provisions of section 15 of the Local Government and Housing Act 1989 and the Licensing Act 2003

Financial : FIN/45/20/TJB

None from this Report

Staffing : None

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

Equality and Diversity including Human Rights :

NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).

Data Protection Implications: None

Climate Related Risks and Opportunities: None

Section 17 Crime and Disorder Considerations: None

Health Implications: None

Title and Location of any Background Papers used in the preparation of this report :

*Wherever possible please provide a hyperlink to the background paper/s
If a document is confidential and not for public viewing it should not be listed.*

Risk Assessment : None

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

x

1 Background and Introduction

1.1 Council at its Annual Meeting : -

- * noted the political balance of the Committees
- * agreed the membership of the Committees; and
- * agreed the Chairmen / Vice-Chairmen of the Committees

1.2 In determining the political balance, Officers have to give due regard to the provisions of section 15 of the Local Government and Housing Act 1989 (Duty to allocate seats to political groups).

1.3 However in respect of Committees, undertaking functions granted by the Licensing Act 2003 – in this Authority’s case – “The Licensing Committee” the provisions of section 15 of the Local Government and Housing Act 1989 do not apply, rather those of the Licensing Act 2003 apply.

1.4 The Licensing Act 2003 stipulates the Committee responsible for undertaking functions granted by the Licensing Act 2003 must comprise a minimum of 10 Members.

1.5 As this Authority has also stipulated constitutionally that the Licensing Committee (bound by the Licensing Act) and the Regulatory Committee (bound by the provisions of section 15 of the Local Government and Housing Act 1989) will have identical Membership and the same Chairman and Vice-Chairman, then both rules must be applied across both Committees.

1.6 The balance agreed by Annual Council did not take account of the requirements of the Licensing Act, with only 9 Members being appointed.

1.7 Council are therefore required to note the revised amended political balance for the Licensing Committee (and Regulatory Committee); agree the membership of those two Committees including the additional members, and re-affirm the Chairman and Vice-Chairman of these Committees in light of having had to re-appoint them.

2. The Allocations

2.1 In accordance with the provisions of section 15 of the Local Government and Housing Act 1989 (Duty to allocate seats to political groups), the Council is required to give effect, so far as reasonably practicable, to the following specified principles:

- (a) that not all the seats on a Committee/Sub-Committee are allocated to the same political group;
- (b) that the majority of the seats on a Committee/Sub-Committee are allocated to a particular political group where the number of

persons belonging to that group is a majority of the authority's membership;

- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary Committees which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary Committees of that authority as is borne by the number of Members of that group to the membership of the authority;
- (d) subject to paragraphs (a) to (c) above, that the number of seats on the Committee/Sub-Committee which are allocated to each political group bears the same proportion to the number of all the seats on that Committee/Sub-Committee as is borne by the number of members of that group to the membership of the authority.

2.2 Sub-par (b) above applies as there is a group with a majority of seats on the Council.

2.3 In order to give effect, so far as is **reasonably practicable**, to the principles specified above and in consultation with Group Leaders as required by the delegation, it has been determined that the best fit to meet the political balance rules and the Licensing Act requirements is for the: -

- **Licensing Committee and Regulatory Committee to comprise 11 Members**

2.4 Applying group numbers to the seats available on the Committees gives the allocation set out in Appendix 1, which is supported by the Group Leaders as the most reasonably practical in the circumstances.

3. The Membership

3.1 In accordance with the provision of section 16 of the Local Government and Housing Act 1989, it is the duty of the Council to make appointments to Committees in accordance with the wishes expressed by political groups following the determination under section 15 (the allocation of seats to political groups).

3.2 Section 3.3 and 3.4 detail the wishes expressed by the political groups in respect of the Licensing Committee and Regulatory Committee.

3.3 Licensing Committee (11 Members)

Councillor Liz Clews
Councillor David Cotton
Councillor Tim Davies
Councillor Jessie Milne
Councillor Caralyne Grimble
Councillor Paul Howitt-Cowan

Councillor Angela Lawrence
 Councillor Cordelia McCartney
 Councillor Judy Rainsforth
 Councillor Jim Snee
 Councillor Lewis Strange

3.4 Regulatory Committee (11 Members)

Councillor Liz Clews
 Councillor David Cotton
 Councillor Tim Davies
 Councillor Jessie Milne
 Councillor Caralyne Grimble
 Councillor Paul Howitt-Cowan
 Councillor Angela Lawrence
 Councillor Cordelia McCartney
 Councillor Judy Rainsforth
 Councillor Jim Snee
 Councillor Lewis Strange

3.5 As agreed as part of the Annual Review of the Constitution during 2017/2018, the same Members comprise both the Licensing Committee and the Regulatory Committee.

3.6 This revised Membership also now meets the statutory requirements of the Licensing Act 2003.

4 Chairman and Vice-Chairmanship - Licensing Committee and the Regulatory Committee

4.1 Council are also the responsible body for the appointment of Chairmen and Vice-Chairmen to each Committee.

4.2 In light of both the Licensing Committee and the Regulatory Committee having to be re-appointed due to the amended political balance, it would seem opportune and appropriate to re-affirm the Chairman and Vice-Chairmanship of each of these committees as detailed below.

Licensing Committee	Councillor Jessie Milne	Councillor Angela Lawrence
*Regulatory Committee	Councillor Jessie Milne	Councillor Angela Lawrence

5. Other Matters – Vice-Chairmanship of the Corporate Policy and Resources Committee.

5.1 As detailed above, Council are the responsible body for the appointment of Chairmen and Vice-Chairmen to each Committee.

5.2 Annual Council, at its meeting on 20 May 2019, appointed Councillor Stuart Kinch to the position of Vice-Chairman of the Corporate Policy and Resources Committee.

5.3 Since that time Councillor Kinch has advised the administration that he wishes to relinquish the role at the earliest opportunity due to family commitments.

5.4 Councillor Kinch will remain a member of the Committee, but Council are asked to appoint Councillor Mrs Anne Welburn to the position of Vice-Chairman of the Corporate Policy and Resources Committee.