

**APPOINTMENTS TO THE LICENSING COMMITTEE**

<b>COUNCIL</b> 25 October 2017	<b>CLASSIFICATION:</b> Open  If exempt, the reason will be listed in the main body of this report.
<b>WARD(S) AFFECTED</b>  N/A	
<b>GROUP DIRECTOR</b>  Tim Shields, Chief Executive	

## **1. SUMMARY**

- 1.1 This is a procedural report that seeks to appoint new members to the Licensing Committee to fill two vacancies. One vacancy is as a result of maternity leave and the other is as a result of a vacancy which the Committee has carried since the AGM in May 2017. The Licensing sub-committees are comprised of members from the Licensing Committee and given the number of Licensing sub-committees per month, the two vacancies have put pressure on the remaining Committee members which is not sustainable long-term.
- 1.2 At the Annual General Meeting (AGM) seats are allocated to this Committee according to the political proportionality rules as set out in the Local Government and Housing Act 1989 ('The 1989 Act') This places a duty on the Council to proportionally allocate seats to political groups based on their size. The political balance for this Committee currently is 13 majority group members (Labour), 1 Conservative Member and 1 Liberal Democrats Member. The vacancy since the AGM is as a result of the Liberal Democrat Party not being able to take up their allocated position.
- 1.3 The Chair of the Licensing Committee, Cllr Plouviez has written to the Leader of the Liberal Democrats Party requesting for the vacant post to be fulfilled or allow her the opportunity to offer the position to another Councillor. Consent was given for the authority to make any appointment it wishes to do.
- 1.4 The 1989 Act also allows for exceptions to the political proportionality rules by way of regulations (the Local Government (Committees and Political Groups) Regulations 1990), under two circumstances. One of these circumstances is when, after official notification has been given to a political group, it fails to express its wish to take up an allocated seat. In this instance the Council, may make such an appointment to that seat as it thinks fit. The other occasion is when the political group has expressed its wishes not to take up the allocated seat to the proper officer.
- 1.5 Although Cllr Sharer has expressed his wish for the Liberal Democrat Party not to take up the seat it is advised, as the formal process has not been followed, in terms of the political group expressing its wishes to the proper officer, as required under the 1990 Regulations that the Council makes such an appointment to that seat as it thinks fit by way of the political group not expressing its wishes to take up the allocated seat.
- 1.6 With regard to the maternity cover Cllr Moule will replace Cllr Cameron.

## **2. RECOMMENDATIONS**

### **2.1 Council is requested to:**

**Agree the appointments of Councillor Patrick Moule and Councillor Sophie Conway to the Licensing Committee for the remainder of the Municipal Year (2017/2018).**

## **3. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES**

- 3.1 There are no direct financial implications emanating from this report, but new committee members are reminded of the need for adherence to financial governance frameworks, internal and external, within which the Council operates.

## **4. COMMENTS OF THE INTERIM DIRECTOR, LEGAL**

- 4.1 The Licensing Act 2003 ('the 2003 Act') set-up the requirement to have a statutory Licensing Committee, with Section 6 of the 2003 Act stating that the Committee must consist of at least 10, but not more than 15 members.
- 4.2 The Council on 20<sup>th</sup> December 2004 resolved to have a single Licensing Committee in order to determine all licensing functions, such as sex establishments and massage and special treatment licences, as well as those of the Licensing Act 2003 which is known as the Council's Statutory Licensing functions.
- 4.3 Although the 2003 Act, does not require the Council to follow the political proportionality rules as it does for other Council committees regulated under the Local Government Act 1972, as the Council has established a single Licensing Committee the requirements of allocating seats to political groups as set-out in Local Government & Housing Act 1989 ('the 1989 Act') will apply.
- 4.4 Section 17 of the 1989 Act provides for exemptions to the requirement of having political balance representation by way of regulations. The Local Government (Committees & Political Groups) Regulations 1990 ('the Regulations') set-out the exemptions to the requirement of having a political balance.
- 4.5 Regulation 13 enables the wishes of a political group to be expressed to the "proper officer" (for this purpose the proper officer is the Chief Executive as set out on the Councils Constitution) of not having to take up the allocated seat. It needs to be a formal notice which in this instance it wasn't.
- 4.6 Accordingly, it recommended to allow the seat to be allocated under regulation 15 which states that where a political group has failed to express its wishes within three weeks of being given notice of the seat from the proper officer (in

accordance with Regulation 14 see para 4.7 below), the authority or committee may make such an appointment to that seat as they think fit.

- 4.7 For purposes of clarity the Council notified the Liberal Democrats party as to the allocation of the seat via the AGM held on 24 May 2017.

## **APPENDICES**

None

## **BACKGROUND PAPERS**

None

<b>Report Author:</b>	Tess Merrett, Governance Services Manager <a href="mailto:Tess.merrett@hackney.gov.uk">Tess.merrett@hackney.gov.uk</a> 020 8356 3432
<b>Legal Comments on behalf of the interim Director of Legal</b>	Butta Singh, Senior Solicitor for Licensing and Corporate <a href="mailto:butta.singh@hackney.gov.uk">butta.singh@hackney.gov.uk</a> 0208 356 6295
<b>Financial comments on behalf of the Group Director Finance and Corporate Resources</b>	James Newman, Head of Finance <a href="mailto:James.newman@hackney.gov.uk">James.newman@hackney.gov.uk</a> 020 8356 5154

t