

COUNCIL

6 September 2021

SUBJECT:	MEMBERSHIP OF REGULATORY AND GENERAL PURPOSES COMMITTEE AND REGULATORY LICENSING PANELS
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for Council to appoint a Member to a vacant Committee place following the decision of the Independent Group to forgo that place on the Regulatory and General Purposes Committee and to disapply the requirement for political proportionality of Regulatory Licensing Panels.

It should be noted that a proposal to remove political balance requirements from a committee or sub-committee will not take effect if any Member of the Council present votes against it.

RECOMMENDATIONS

It is recommended that:

- (1) The vacant position on the Regulatory and General Purposes Committee be:**
 - (a) allocated to the Conservative Group; and**
 - (b) the monitoring officer as proper officer be authorised to carry out the wishes of the Leader of that Group in allocating a Member to membership of the Committee with effect from the date at which the proper officer is advised of the name of that Member**
- (2) The terms of reference of the Regulatory and General Purposes Committee be amended so as to provide that the sub-committees forming Licensing Panels (Regulatory) will be:**
 - (a) exempt from political balance requirements; but**
 - (b) not formed solely by members of one Group,****so as to read at Part 3(b) of the Constitution:**

11.4 Licensing Panels (Regulatory)

Sub-Committees of between three (3) and five (5) members of the Regulatory and General Purposes Committee, *which shall consist of members of more than one political group but shall otherwise not be subject to political balance (Council minute [NN] 2021/22 refers)*, with responsibility for the Council's functions to deal with applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005).

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To fill a vacant position on the Regulatory and General Purposes Committee in accordance with the Political Balance Regulations and in order that the Committee may operate at its capacity.
- 1.2 To remove the requirement for political balance from sub-committees forming Regulatory Panels to allow greater flexibility and to ensure maximum involvement and utilisation of the Committee's membership in undertaking hearings into regulatory licensing matters.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Council could choose not to fill the vacancy which would leave the Committee with one less Member than the allocated number of places on the Committee. - The Chair and members of the Committee have stated that the maximum number of members are required to enable it to properly fulfil its duties and provide for regular and responsive Panel hearings.
- 2.2 The Council could appoint a different member or class of member to the vacant seat. - The discussion between the Groups has provided this as a route to provide the extra member of the committee requested
- 2.3 Council may choose not to remove the requirement for political balance of Regulatory Licensing Panels. - This would restrict the number of members or the means by which members may be chosen who can be drawn to form the panels.

3.0 BACKGROUND INFORMATION

Vacant Committee Place

- 3.1 At the Annual Meeting of the Council it was agreed to appoint Members to its Committees with the allocation of places as set out in an appendix to that report.
- 3.2 The Regulatory and General Purposes Committee is a committee of 15 places, politically balanced, and had been established accordingly with the following number of Political Group places:

Labour	7 seats
Conservative	5 seats
Liberal Democrat	1 seat
Green	1 seat
Independent	1 seat
- 3.3 The Licensing Act Committee is composed of the fifteen Members of the Council, who will be those same Members as are appointed to the Regulatory

and General Purposes Committee (whose appointments must be in accordance with the proportionality rules).

- 3.4 Once Council has agreed the size and make-up of Committees, the political balance requirements of the Local Government (Committees and Political Groups) Regulations 1990 results in the proper officer formally notifying the Group Leaders of the allocation by the Authority to that Group for the purpose of enabling a Group to reply to express its wishes on individual membership. It is for this reason the resolution at Council is worded in this way.
- 3.5 If a Group does not wish to take up a committee place, or has failed to express its wishes within a period of three weeks following the sending of the notice by the proper officer, the vacancy is referred back to Council and the authority may then make such appointment to that seat as they think fit. This also means that there is no ability for one Group to gift or grant their place on a politically balanced body to another Group; it is a decision of full Council to decide what to do with the then empty committee place
- 3.6 The Independent Group, having been asked for the name of the Member to take up their one place, has confirmed that they do not wish to take up their place on this committee. This means that the Council must now decide what to do with the vacant committee place.
- 3.7 This matter was discussed amongst the Group Leaders, who agreed that regulatory and licensing meetings should be taken up by those with the skills, available time to commit to panel hearings and interest in these matters. After discussion of possible candidates, the favoured option was that the vacancy be allocated to the Conservative Group, and as such are content for the Regulatory and General Purposes Committee and the Licensing Act Committee to comprise the following membership.

Labour	7 seats
Conservative	6 seats
Liberal Democrat	1 seat
Green	1 seat

Regulatory Licensing Panels

- 3.8 Regulatory Panel hearings are formed under the following terms of reference, set out at 11.4 of Part 3(B) of the Constitution, that:

Licensing Panels (Regulatory)

Sub-Committees of between three (3) and five (5) members of the Regulatory and General Purposes Committee, politically balanced, with responsibility for the Council's functions to deal with applications,

determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005).

- 3.9 This change to the political balance of the parent Regulatory Committee will have an affect **on** the make-up of the Regulatory Panels. In addition, until this last municipal year the make-up of the individual panels has traditionally been treated as a flexible resource under the approach of each being a sub-committee of the whole committee, with delegated authority to the proper officer to determine who should attend on the day, and therefore who should remain absent, to meet varying commitments of members' diaries. This is not an ideal solution but rather an accommodation of necessary practice with the law as it was changed in 1989. The change in political balance and direct appointment of a member by full Council provides an opportunity to address this, therefore, and to adopt what is considered to be a preferred practice to remove the Regulatory Committee's Panels from political balance.
- 3.10 In doing so, this will allow the Council to regularise the situation whereby a Panel can be formed of those members of the Committee available and in a better situation to attend to consider the licence or regulatory matter required to be considered by a hearing before a Panel at the required time.
- 3.11 To retain a sense of balance, however, it is felt that the Panels should not be made up of members of just one political Group.
- 3.12 Delegated authority will be sought for the Director of Law and Governance to appoint Members to a sub-committee to form a Licensing or Regulatory Panel, in consultation with the Chair and Group spokespersons wherever practicable, to enable hearings to take place. In practice, this may be formed through a rota of Committee members for democratic services officers to call upon, based upon availability, skill set and/or other criteria agreed with the Committee, to enable individual meetings to be called to hold hearings into various licensing and regulatory matters as required.
- 3.13 It should be noted that it remains the case that no member of the Committee may participate in the debate or vote in a meeting of the Committee or a Panel until or unless that member has attended the prescribed licensing and regulatory training.
- 3.14 This situation does not have an effect on the Panels of the Licensing Act Committee. This is because the Licensing Act Committee is a separate statutory committee of the Authority under which legislation the Committee is not bound by political proportionality regulations and whose licensing panels are made up in a different albeit similar way to that described above.

4.0 FINANCIAL IMPLICATIONS

4.1 There are none arising directly from this report.

5.0 LEGAL IMPLICATIONS AND DELEGATED AUTHORITY

5.1 The process to deal with the vacancy on the Regulatory and General Purposes Committee and to remove political balance on Regulatory Licensing Panels are set out in the Local Government and Housing Act 1989 (LGHA) and the Local Government (Committees and Political Groups) Regulations 1990 as referred to in the report above.

5.2 Section 17 of the LGHA permits an ordinary committee or sub-committee to not comply with political balance rules but only where approved by the Authority in such manner as may be prescribed by regulations made by the Secretary of State and without any Member of the Authority voting against them.

6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS

6.1 There are none arising directly from this report.

7.0 RELEVANT RISKS

7.1 There is a risk that if Committee places aren't filled and the political balance of Regulatory Licensing Panels is not disapplied the burden placed on those other Members of a Committee becomes more onerous.

8.0 ENGAGEMENT / CONSULTATION

8.1 The Group Leaders were consulted over the vacant position on the Committee as described in the report above.

8.2 The proposals concerning the formation of Regulatory Licensing Panels have been the subject of discussion with and amongst the Chair and Group Spokespersons of the Regulatory and General Purposes Committee.

9.0 EQUALITIES IMPLICATIONS

9.1 There are none arising directly from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are none arising directly from this report.

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BACKGROUND PAPERS

Previous reports on the appointment of committees and the Council's Constitution.
Terms of Reference of the Regulatory and General Purposes Committee
Local Government and Housing Act 1989
Local Government (Committees and Political Groups) Regulations 1990

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Regulatory and General Purposes Committee	17 June 2021
Council	26th May 2021