
NOTICE OF MOTION – MEMBERSHIP OF LICENSING BOARD

To: **Council – 18 April 2013**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Ward: **N/A**

Summary: **To consider a notice of motion relating to the membership of the Licensing Board that was referred by full Council on 7 February 2013 to the Constitutional Review Working Party**

For Decision

1.0 Introduction and Background

- 1.1 At the Council meeting held on 7 February 2013 the following motion on notice was proposed by Councillor Worrow, and seconded by Councillor Cohen:

“I ask Council to call upon the group leaders to agree in principle that any member of the Local Authority’s Licensing Board, currently serving a driving ban for an alcohol related offence, should be removed from the licensing board until the ban is fully served.”

- 1.2 It was agreed at that Council meeting not to debate the motion, whereupon the motion was referred to the appropriate committee; in this case, the Constitutional Review Working Party. Subsequent to consideration by the Constitutional Review Working Party, the matter was referred to Standards Committee.

2.0 The Current Situation

- 2.1 Appointments to local authorities’ licensing boards or committees are governed by the Licensing Act 2003; hence the political balance rules as set out in Sections 15 and 16 of the Local Government and Housing Act 1989 do not need to apply to them.
- 2.2 However, Thanet Council, like some other Councils, has chosen to include its licensing board as one of the committees on which seats are allocated to Political Groups in accordance with the proportionality provisions of the Local Government and Housing Act 1989.
- 2.3 Effectively, that means that the number of seats held by a Political Group on the Licensing Board must be in the same proportion to the total number of seats on the Board as the number of members of that Political Group on the Council is to the total number of Members on the Council.
- 2.4 Under Section 13 of The Local Government (Committees and Political Groups) Regulations 1990, nominations to the Licensing Board, as with all committees to

which proportionality rules apply, are notified to the proper officer on behalf of a Political Group as follows:

- a. orally or in writing by the leader or deputy leader of the Group; or
- b. in a written statement signed by a majority of the members of the Group.

2.5 In the event of different wishes being notified, those expressed at (b) above will prevail.

2.5 It is therefore within the gift of a Political Group to decide who is appointed to the seats on the Licensing Board allocated to that Group and it is for Council to formally note those nominations.

2.6 The Licensing Act 2003, which stipulates that a licensing committee (*or board*) must consist of at least ten, but not more than fifteen, members of an authority [Part 2, Section 6], does not make any reference to any grounds which would disqualify a Member from membership of the Board.

3.0 Recommendation of Standards Committee

3.1 At its meeting on 3 April 2013, Standards Committee endorsed the recommendation of the Constitutional Review Working Party, made at its meeting on 7 March 2013:

“That no further action be taken in relation to the motion on notice, on the grounds that each political group has sole responsibility for appointments to seats which have been allocated to it under the political balance rules of Sections 15 and 16 of the Local Government and Housing Act 1989”.

4.0 Corporate Implications

4.1 Financial and VAT

4.1.1 None arising

4.2 Legal

4.2.1 The Licensing Board of the Council is governed by the Licensing Act 2003, the allocation of seats on the Licensing Board to political groups, by Sections 15 & 16 of the Local Government and Housing Act 1989, and the appointments to those seats, by Section 13 of the Local Government (Committees and Political Groups) Regulations 1990.

4.2.2 Therefore, it is highly questionable whether it would be legally or constitutionally enforceable to place a restriction on membership similar to the one proposed in the motion.

4.3 Corporate

4.3.1 None arising

4.4 Equity and Equalities

4.4.1 None apparent

5.0 Recommendation

- 5.1 That no further action can be taken in relation to the motion on notice, on the grounds that each political group has sole responsibility for appointments to seats which have been allocated to it under the political balance rules of Sections 15 & 16 of the Local Government and Housing Act 1989.

6.0 Decision Making Process

- 6.1 It is for Council to ultimately decide on matters referred to the Constitutional Review Working Party and Standards Committee.

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Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	<i>Harvey Patterson, Corporate & Regulatory Services Manager, Ext 7005</i>