

Cheltenham Borough Council

Licensing Committee – 2 September 2020

Licensing Committee - Appointment of Vice-chair of "Miscellaneous" sub-committee

Report of the Licensing Team Leader

1. Background

- 1.1 The Licensing Committee is one of two regulatory committees with a broad range of responsibilities and delegated powers. Its primary role is to determine contentious licensing applications, deal with all licence holder disciplinary issues, to suspend and/or revoke licences, to act as lead consultee to the Cabinet on all licensing matters and to establish licensing sub-committees. A list of the committee's delegated functions is set out in part 3C of the Council's constitution – Committee Functions.
- 1.2 In July 2020, the vice-chair of the "Miscellaneous" licensing sub-committee, Councillor Dennis Parsons, stood down as a member of the Licensing Committee.
- 1.3 Councillor Wendy Flynn was nominated by the Liberal Democrat group to replace Councillor Parsons as a member of the Licensing Committee.
- 1.4 This report therefore seeks a resolution by the committee to officially appoint Councillor Wendy Flynn as a member of the Licensing Committee and the "Miscellaneous" licensing sub-committee and for the Committee to nominate a permanent new vice-chair of the "Miscellaneous" licensing sub-committee.
- 1.5 **The Committee is recommended to:**
- 1.5.1 **Appoint Councillor Wendy Flynn as a member of the full Licensing Committee; and**
- 1.5.2 **Appoint Councillor Wendy Flynn as a member of the "Miscellaneous" licensing sub-committee; and**
- 1.5.3 **Appoint a vice-chair of the "Miscellaneous" licensing sub-committee.**

1.6 Summary of implications

Legal

As outlined in the report.

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2. Appointment Of Person Presiding

- 2.1 Part 4C of the authority's constitution deals with committee procedures.
- 2.2 Under rule 9 of the abovementioned part states:

9.1 If the Council has not made the appointment, the Committee Chairman and Vice-Chairman shall be elected from the Members of the Committee.

9.2 If the Council made the appointment, any subsequent changes to the Committee Chairman and/or Vice-Chairman during the period up to the next Selection Council shall be made by Members of that committee.

- 2.3 The process for nomination of, in this case, a vice-chair, is set out under rule 10 of part 4C and is as follows:

The Proper Officer or the Monitoring Officer or other Officer present (in that order) shall call upon a Member present to move that a Member be appointed and shall exercise the powers of the Person Presiding to regulate that discussion and to maintain order at the Meeting, but shall not be entitled to vote.

The motion, and any amendments, shall be put to the Meeting in accordance with the normal rules for electing the Chairman or making appointments, as appropriate.

In the event of an equality of votes, the Officer regulating the discussion may adjourn the Meeting for up to ten minutes to enable informal discussions to take place. If, after the Meeting has reconvened, there is still an equality of votes after a further vote has been taken the Officer regulating the discussion shall, unless the Meeting resolves to adjourn to another time, determine the matter by lot.

3. Performance management – monitoring and review

- 3.1 All Committee Members and substitutes must be fully trained before they can participate in any meetings of the Licensing Committee or its sub-committees and until then can only attend as observers. Existing Members are expected to attend refresher training when provided.
- 3.2 The effectiveness of the new meeting arrangements and committee structure will be measured against its success in addressing the issues identified under the review's rationale.

Background Papers

Constitution (Updated: Friday, 3rd April, 2020)

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