Subject: Appointments to the Licensing Appeals Committee

Report to: Corporate Services Committee

Report date: Wednesday, February 12, 2020

Recommendations

1. That the recommendation contained in ***Confidential Appendix 1*** to Report CSD 4-2020 ***REVISED***, **BE APPROVED** confirming the citizen appointments to the Licensing Appeals Committee; and
2. That the Licensing Appeals Committee Terms of Reference (Appendix 2 of Report CSD 4-2020 ***REVISED***), **BE APPROVED.**

Key Facts

- The purpose of this report is to seek Council's approval to appoint citizen members to the Licensing Appeals Committee.
- On June 1, 2019 the Region took over licensing responsibilities from Niagara Regional Police, part of the on-boarding was to establish a Licensing Appeals Committee.
- Pursuant to the Business licensing by-laws No. 2018-75 and 2018-76 passed by Regional Council the "appeal tribunal" was defined as the all citizen tribunal appointed by Council to conduct hearings under the by-laws.
- Advertising for members of the Licensing Appeals Committee was done on Niagara Region's website and on social media with a final closing date of September 6, 2019.

Financial Considerations

Costs associated with the appointment process and the stipend for committee members are contained within the existing 2020 operating budget approved on December 12, 2019. Additional funding resources are not required.

Analysis

On June 1, 2019, business licensing responsibility was transferred from Niagara Regional Police to Niagara Region and the operation was on-boarded "as-is". The Niagara Regional Police Services Board would no longer be providing appeals review and the Region needed to establish their own appeals committee with defined terms of reference.

An advertisement calling for applications from interested citizens was placed on the Niagara Region website on June 10, 2019 with a closing date of July 5, 2019. Advertising was also placed on Facebook and LinkedIn from July 8, 2019 to September 6, 2019.
A total of 40 citizens submitted applications for the 7 available positions on the Licensing Appeals Committee. As part of the process applicants had to provide information in 4 areas of assessment:

- ***How their knowledge and skills would benefit the Committee***
- ***How their experience relates to the Committee***
- ***Why they are interested in working on the Committee***
- ***Their past experience in working with Committees***

The criteria established for the positions are:

- ***Background in law, academics, enforcement and/or industry stakeholder***
- ***Knowledge of the Municipal Act***
- ***Ability to interpret legislation***
- ***Proven analytical and decision making skills***
- ***Experience in working on or with a committee, administrative tribunal, task force or similar regulator hearings body***

Business Licensing and Clerks staff reviewed the submitted applications and their recommended appointments are included in ***Confidential Appendix 1*** to this report for consideration. ***Confidential Appendix 1 has been revised to include the bios of the recommended candidates.***

The citizen appointed Licensing Appeals Committee will only conduct hearings to decide whether or not to uphold the decision of the Licensing Officer with respect to the refusal, revocation, suspension or the addition of conditions on a business licence.

All decisions of the citizen appointed Licensing Appeals Committee shall be reported back to the Corporate Services Committee by the Region's Licensing Officer.

The Licensing Appeals Committee cannot make recommendations or provide direction to the Licensing Officer. Only the Corporate Services Committee or Regional Council may make recommendations or direct the Licensing Officer.

Alternatives Reviewed

Not Applicable

Relationship to Council Strategic Priorities

The Licensing Appeals Committee members will provide fact and evidence based decisions based on information presented to them at an appeal with respect to:

- Suspended Licences
- Revoked Licences
- Suspended Licences
- Conditions placed on a business licence

This Licensing Appeals Committee supports the following two Regional Council Strategic Priorities

- Healthy and Vibrant Community
- Sustainable and Engaging Government

Other Pertinent Reports

Not Applicable

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Submitted by:
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This report was prepared in consultation with Jeanette Bax, Business Improvement Program Manager and reviewed by Ann-Marie Norio, Regional Clerk.

Appendices

Confidential Appendix 1 Recommended Citizen Appointments to the Licensing Appeals Committee ***including Bios of recommended appointees*** *(Distributed under separate cover to members of Council only)*

Appendix 2 Terms of Reference Licensing Appeals Committee