
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

Prepared by:

Angelo Apfelbaum
Manager, Business Licensing
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

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

Licensing Appeals Committee

Terms of Reference

1. PREAMBLE

The Licensing Appeals Committee is an all-citizens Committee appointed by Council to conduct hearings of appeals under The Regional Municipality of Niagara Business Licensing By-laws.

2. MANDATE

The Licensing Appeals Committee conducts 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.

3. MEMBERSHIP

3.1 Composition

The Committee shall be composed of a minimum of three (3) and a maximum of seven (7) members with membership preference given to those with backgrounds in law, academics, enforcement and/or industry stakeholders.

In addition, members should have knowledge and understanding of the *Municipal Act* and interpretation of legislation, proven analytical and decision-making skills, and experience working on a committee, administrative tribunal, task force or similar setting.

The Committee shall not include any individual who is a current business licence holder.

When an appeal has been filed only three (3) of the seven (7) members of the Committee shall comprise the Committee for the purposes of reviewing and considering the appeal.

The Clerk shall determine the selection of the three (3) sitting members of the Committee from the pool of members based on availability.

3.2 Term

The term of the Committee shall be concurrent with the term of Council.

3.3 Privacy

The meetings of the Licensing Appeals Committee are public. Members should be aware that their names will be in the public realm and a list of membership may be provided when requested. Member information, other than name or

municipality, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

4. COMMITTEE CHAIR

The Committee members shall select a Chair from amongst its three (3) sitting members at the first meeting.

5. STAFF SUPPORT

Clerk's Office staff will provide administrative support to the Committee.

6. COMPENSATION

Members shall receive an honorarium of \$50.00 for meetings held to consider licence appeal applications. Members will be paid mileage from their place of residence to the meeting location for any other meetings.

7. MEETINGS

The Appeals Committee shall conduct its meetings on an as-required basis and in public.

The Committee shall conduct its meetings in accordance with the Rules of Practice and Procedure for the Licensing Appeals Committee and the *Statutory Powers Procedures Act*, with modifications as deemed necessary.

8. CONFLICTS

Committee members shall comply with the *Municipal Conflict of Interest Act* and shall disclose a pecuniary interest in advance of any meeting, where possible or absent him/herself from meetings for the duration of the consideration of the appeal, discussion and voting with respect to the matter.

In the event a member discloses a pecuniary interest respecting the appeal in advance of the meeting, the Clerk shall select another member to replace him/her on the Committee.

9. PRACTICES AND PROCEDURES

The Clerk shall establish administrative practices and procedures for the Committee.