

REGULATORY AND GENERAL PURPOSES COMMITTEE

Thursday, 17 June 2021

REPORT TITLE:	APPOINTMENT OF MEMBERS TO THE REGULATORY PANEL AND THE CHARITABLE TRUSTS SUB-COMMITTEE
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to allow the Regulatory and General Purposes Committee to:

- i) agree the process for appointing Members to the Charitable Trusts Sub-Committee, the Terms of Reference of which have been approved by Council; and
- ii) agree that the Director of Law and Governance (Monitoring Officer) be delegated authority to convene Licensing Panels (Regulatory) for the purposes of carrying out 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)

This matter affects all Wards within the Borough.

This matter is not a Key Decision.

RECOMMENDATIONS

It is recommended that:

- (1) the Terms of Reference of the Regulatory Panel and the Charitable Trusts Sub-Committee, as referred to in paragraphs 1.1 and 1.3 of this report be noted.
- (2) the Director of Law and Governance (Monitoring Officer) be authorised to carry out the wishes of the Group Leaders in allocating Members to membership of the Charitable Trusts Sub-Committee and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.
- (3) the Director of Law and Governance (Monitoring Officer) be delegated authority, in consultation with the Chair and Spokespersons to convene Licensing Panels (Regulatory) as and when required for the purposes of carrying out 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 FOR RECOMMENDATIONS

- 1.1 The Terms of Reference of the Regulatory and General Purposes Committee as contained in the Constitution (approved by Council on 28 September 2020), requires the Committee to appoint five (5) of its members, politically balanced, to the Charitable Trusts Sub-Committee.
- 1.2 The Charitable Trust Sub-Committee has responsibility for discharging the Council's functions as corporate trustee of the following charitable organisations:
 - 1.2.1 E F Callister Youth Club, and
 - 1.2.2 Wirral Mayor's Charity
- 1.3 The Terms of Reference also allow for the convening of Sub-Committees (Licensing Panels – Regulatory) 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).

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The terms of reference of both the Charitable Trusts Sub-Committee and Licensing Panels – Regulatory, and the relevant rules of procedure are set out within the Constitution of the Council. As such no other options can be considered.

3.0 BACKGROUND INFORMATION

- 3.1 Once appointed to the Charitable Trusts Sub-Committee Members will be responsible for discharging the Council's functions where it acts as corporate trustee, which currently relates to the following two charitable organisations:
 - (a) EF Callister Youth Club (Charity No.: 520017); and
 - (b) Wirral Mayor's Charity (Charity No.: 518288)
- 3.2 Licensing Panels (Regulatory) are convened to allow the consideration by Members of 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), such as skin piercing, hackney carriage and private hire vehicle, driver and operator licenses.
- 3.3 To allow effective management of applications, etc within relevant statutory timescales or otherwise in a timely manner, where the required decision is outside of officer delegated powers, a Licensing Panel can be convened consisting of between

3 and 5 members of the Committee (politically balanced) to consider and determine the matter.

- 3.4 The setting up and running of Panels is an administrative function managed by the Council's Committee Services and it is proposed to Members that they delegate authority to the Director of Law and Governance (Monitoring Officer) to convene such Panels as and when required in consultation with the Chair and Spokespersons.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising directly from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The Committee's Terms of Reference require compliance with the requirements of sections 15 to 17 of the Local Government and Housing Act 1989, and the relevant regulations concerning political balance on committees and sub-committees.
- 5.2 The determination of political balance must, so far as reasonably practicable, give effect to the principles:
- (a) that not all the seats on the body to which appointments are made are allocated to the same political group;
 - (b) that the majority of seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) subject to (a) and (b), that the total number of seats on all the ordinary committees of a relevant authority allocated to a particular political group reflects that group's proportion of the membership of the authority; and
 - (d) subject to (a) and (c), that the number of seats on each body allocated to a particular political group reflects that group's proportion of the membership of the authority.
- 5.4 Panels of 3 or 4 Members have been considered but are judged to be restrictive in terms of achieving sufficient political balance for decision making purposes (e.g. a Panel of 3 Members would give an allocation of 2 Labour and 1 Conservative). Therefore a Panel of 5 Members would be more representative. The table below sets out the proportionality calculations for the allocation of 5 seats on both the Charitable Trusts Sub-Committee and Licensing Panels (Regulatory).

GROUP	NO. OF SEATS
Labour	2
Conservative	2
Liberal Democrat	1
Green	0
Independent	-

5.5 There are no members of the Independent Group on the Regulatory and General Purposes Committee as they have advised that they do not wish to take up their seat on this Committee.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising directly from this report.

7.0 RELEVANT RISKS

7.1 There is a requirement under the Council's Constitution that Members be appointed to the Charitable Trusts Sub-Committee and that Licensing Panels are convened to carry out the Council's functions.

8.0 ENGAGEMENT/CONSULTATION

8.1 It is for the political groups to decide who they wish to nominate to the places on the Regulatory Panel and the Charitable Trusts Sub-Committee allocated to their group.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. This report has no impact on equalities.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

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APPENDICES

None

BACKGROUND PAPERS

The Council's Constitution: Part 3B Committee Terms of Reference (Pages 86-88).

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council AGM Meeting	28 September 2020
Council AGM Meeting	26 May 2021