



LICENSING ACT COMMITTEE

Tuesday, 7 June 2022

REPORT TITLE:	APPOINTMENT OF MEMBERS TO THE LICENSING PANEL (LICENSING ACT)
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for the Licensing Act Committee to:

- i) note the process for appointing Members to the Licensing Panel (Licensing Act), the Terms of Reference of which have been approved by Council; and
- ii) agree that the Director of Law and Governance (Monitoring Officer) be given delegated authority to convene Licensing Panels (Licensing Act) for the purposes of carrying out the Council's functions to deal with applications, determinations and reviews of licences permissions and any related matter in respect of the Licensing Act 2003 or the Gambling Act 2005. Up to two (2) further members of the Licensing Act Committee may also attend with the Licensing Panel as observers.

This matter affects all Wards within the Borough.

RECOMMENDATIONS

It is recommended that:

- (1) the Terms of Reference of the Licensing Panel (Licensing Act), as referred to in paragraphs 1.1 and 1.2 of this report be noted and that each Licensing Panel be comprised of three Members drawn from the fifteen Members of the Licensing Act Committee with the Chair appointed on the day of each meeting.
- (2) the Director of Law and Governance (Monitoring Officer) be given delegated authority, in consultation with the Chair and Spokespersons to convene Licensing Panels (Licensing Act) as and when required for the purposes of carrying out the Council's functions to deal with applications, determinations and reviews of licences permissions and any related matter in respect of the Licensing Act 2003 or the Gambling Act 2005. Up to two (2) further members of the Licensing Act Committee may also attend with the Licensing Panel as observers.

- (3) the term of membership to be continued until such time as a new Licensing Act Committee is appointed.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATIONS

- 1.1 The Terms of Reference of the Licensing Committee as contained in the Constitution (approved by Council on 25 May 2022), requires the Committee to act as the administrative committee, acting under statutory delegation pursuant to the Licensing Act 2003, and responsible for making decisions as licensing authority under the Licensing Act 2003 and Gambling Act 2005.
- 1.2 The Terms of Reference allow for the convening of Sub-Committees (Licensing Panels – Licensing Act) of three (3) members of the Licensing Act Committee, with responsibility for the Council's functions to deal with applications, determinations and reviews of licences, permissions and any related matter in respect of the Licensing Act 2003 or the Gambling Act 2005.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The terms of reference of Licensing Panels (Licensing Act), 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 Licensing Panels (Licensing Act) are convened to act as the administrative committee, acting under statutory delegation pursuant to the Licensing Act 2003, and responsible for making decisions as licensing authority under the Licensing Act 2003 and Gambling Act 2005.
- 3.2 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 provision to establish a Licensing Act Committee and Sub-Committee (Licensing Panel) are set out in the Licensing Act 2003, which states that each Licensing Authority must have a Licensing Act Committee of at least ten but not more than fifteen Members. There is no provision for the appointment of deputies. Each Sub-Committee (Licensing Panel) appointed to deal with

specific applications under the Licensing Act 2003 and the Gambling Act 2005 must be made up of no more than three Members drawn from the pool of Members appointed to the Licensing Act 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 the appointed fifteen (15) Members of the Council to the Licensing Act Committee, will be those same Members as are appointed to the Regulatory and General Purposes Committee (whose appointments must be in accordance with the proportionality rules). There shall be no power to co-opt.

8.0 ENGAGEMENT/CONSULTATION

8.1 It is for the political groups to decide who they wish to nominate to the Licensing Act Committee.

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.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are none arising directly from the content of this report.

REPORT AUTHOR: **Anne Beauchamp**
(Anne Beauchamp, Democratic Services Officer)
telephone: Tel: 0151 691 8608
email: annebeauchamp@wirral.gov.uk

APPENDICES

None

BACKGROUND PAPERS

The Council's Constitution: Part 3B Committee Terms of Reference .

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council AGM Meeting	28 September 2020
Council AGM Meeting	26 May 2021
Council	6 September 2021
Council AGM Meeting	25 May 2022