

## **LICENSING ACT COMMITTEE**

**Wednesday, 7 June 2023**

<b>REPORT TITLE:</b>	<b>APPOINTMENT OF MEMBERS TO THE LICENSING ACT SUB-COMMITTEE</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### **REPORT SUMMARY**

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

- i) note the process for appointing Members to the Licensing Act 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 given delegated authority to convene Licensing Act Sub-Committees 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 attend as observers.

This matter affects all Wards within the Borough.

### **RECOMMENDATIONS**

The Licensing Act Committee is recommending to:

- (1) note the Terms of Reference of the Licensing Act Sub-Committee, as referred to in paragraphs 1.1 and 1.2 of this report and that each Licensing Act Sub-Committee 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) give delegated authority to the Director of Law and Governance (Monitoring Officer), in consultation with the Chair and Spokespersons to convene Licensing Act Sub-Committees 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 attend as observers.
- (3) continue the term of membership 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 24 May 2023), 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 Licensing Act Sub-Committees 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 Act Sub-Committees, 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 Act Sub-Committees 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 Sub-Committees is an administrative function managed by the Council's Democratic Services and it is proposed to Members that they delegate authority to the Director of Law and Governance (Monitoring Officer) to convene such Sub-Committees 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 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 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.

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## **APPENDICES**

None

## **BACKGROUND PAPERS**

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

## **TERMS OF REFERENCE**

This report is being considered by the Licensing Act Committee in accordance with Section 9.3 of its Terms of Reference.

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Council</b>	<b>6 September 2021</b>
<b>Council AGM Meeting</b>	<b>25 May 2022</b>
<b>Council AGM Meeting</b>	<b>24 May 2023</b>