



## **REGULATORY AND GENERAL PURPOSES COMMITTEE**

**Wednesday, 7 June 2023**

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

### **REPORT SUMMARY**

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

- i) note 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 given delegated authority to convene Licensing Panels 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.

### **RECOMMENDATIONS**

The Regulatory and General Purposes Committee is recommending to:

- (1) note the Terms of Reference of the Charitable Trusts Sub-Committee and the Licensing Panel as referred to in paragraphs 1.1 and 1.3 of this report.
- (2) authorise the Director of Law and Governance (Monitoring Officer) 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) give delegated authority to the Director of Law and Governance (Monitoring Officer), in consultation with the Chair and Spokespersons to convene Licensing Panels 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) and agree that the term of membership be continued until such time as a new Regulatory and General Purposes Committee is appointed.

## **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 24 May 2023), requires the Committee to appoint five (5) of its members, politically balanced, to the Charitable Trusts Sub-Committee.
- 1.2 The Charitable Trusts Sub-Committee has responsibility for discharging the Council's functions as corporate trustee of the Wirral Borough Council Mayor's Charity.
- 1.3 The Terms of Reference as amended at Council on 24 May 2023 also allow for the convening of Licensing Panels of between three (3) and five (5) members of the Regulatory and General Purposes Committee, exempt from political balance but not formed solely by members of one Group, 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, 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 of the Wirral Borough Council Mayor's Charity (Charity Number 518288).
- 3.2 Licensing Panels 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 to consider and determine the matter.

3.4 The setting up and running of Panels 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 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 Regulatory and General Purposes 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. Such political proportionality will therefore apply to membership of the Charitable Trusts Sub-Committee but not to Licensing Panels in light of the amended Terms of Reference approved at Council on 24 May 2023 as referred to in paragraph 1.3 above.

5.2 The table below sets out the proportionality calculations for the allocation of 5 seats on the Charitable Trusts Sub-Committee.

<b>GROUP</b>	<b>NO. OF SEATS</b>
Labour	2
Conservative	1
Green	1
Liberal Democrat	1

#### **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 Charitable Trusts Sub 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 Regulatory and General Purposes Committee in accordance with Section 8.4 of its Terms of Reference.

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Council Meeting</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>