

# REGULATORY AND GENERAL PURPOSES COMMITTEE

Wednesday, 7 June 2023

## Present:

Councillors	S Bennett (Vice-Chair)	J Stewart Laing
	C Cooke	K Stuart
	G Davies	M Sullivan
	B Hall	E Tomeny
	L Luxon-Kewley	A Gardner (In place of M Jordan)
	C McDonald	D Kenny (In place of R Pitt)
	K Murphy	I Lewis (In place of A Hodson, Chair)
	M Redfern	

## Apologies:

Councillors	A Hodson (Chair)
	M Jordan
	R Pitt

## Vice-Chair in the Chair

### 1 **WELCOME AND INTRODUCTION**

The Vice-Chair welcomed everyone to the meeting and those watching the webcast.

### 2 **APOLOGIES**

The Vice-Chair confirmed apologies had been received from Councillors A Hodson (Chair) with Councillor I Lewis deputising, M Jordan with Councillor A Gardner deputising and R Pitt with Councillor D Kenny deputising.

### 3 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee were asked to declare any disclosable pecuniary and non-pecuniary interests in connection with any item on the agenda and state the nature of the interest.

No such declarations were made.

### 4 **PUBLIC QUESTIONS**

The Vice-Chair indicated that one question had been received from John Brace relating to the report in respect of the Honorary Freedom of the

Borough as to why the year had been omitted from the list of past recipients in respect of The Hillsborough 96.

In response, the Civic and Electoral Services Manager explained that this was a typing error and had been noted.

## 5 **QUESTIONS BY MEMBERS**

The Vice-Chair reported that there had been no statements or petitions received or any questions submitted from Members.

## 6 **MINUTES**

**Resolved – That the accuracy of the minutes of the meeting held on 23 March 2023 be approved.**

## 7 **MINUTES OF THE REGULATORY PANEL**

**Resolved – That the accuracy of the minutes of the meetings of the Regulatory Panel (now re-named as the Licensing Panel) held on 3 March 2023, 5 April 2023, 28 April 2023 (am) and 28 April 2023 (pm) be approved.**

## 8 **APPOINTMENT OF MEMBERS TO THE LICENSING PANEL AND THE CHARITABLE TRUSTS SUB-COMMITTEE**

The Director of Law and Governance submitted a report in respect of the appointment of Members to the Licensing Panel and the Charitable Trusts Sub-Committee.

It was reported that the Terms of Reference of the Regulatory and General Purposes Committee as contained in the Council's Constitution (approved by Council on 24 May 2023), required this Committee to appoint five of its members, politically balanced, to the Charitable Trusts Sub-Committee which has responsibility for discharging the Council's functions as corporate trustee of The Wirral Borough Council Mayor's Charity.

It was further reported that the Terms of Reference as amended at Council on 24 May 2023 also allowed for the convening of Licensing Panels of between three and five Members of the Regulatory and General Purposes Committee, exempt from political balance but not formed solely by members of one political Group, with the 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).

Members were advised that to allow effective management of applications, etc within relevant statutory timescales or otherwise in a timely manner, where the required decision was outside of officer delegated powers, a Licensing Panel could be convened consisting of between three and five Members of the Committee to consider and determine the matter. The setting up and running of Panels is an administrative function managed by the Council's Democratic Services Team and it was 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.

The allocation of five seats on the Charitable Trusts Sub-Committee would be 2 Labour, 1 Conservative, 1 Green and 1 Liberal Democrat and it would be for the political groups to decide who they wished to nominate to the places on the Charitable Trusts Sub-Committee allocated to their group.

**On a motion by Councillor Brenda Hall and seconded by Councillor Chris Cooke it was –**

**Resolved –**

- (1) That the Terms of Reference of the Charitable Trusts Sub-Committee and the Licensing Panel as referred to in paragraphs 1.1 to 1.3 of the report be noted.**
- (2) That 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) That the Director of Law and Governance (Monitoring Officer) be given delegated authority, 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 that it be agreed that the term of membership be continued until such time as a new Regulatory and General Purposes Committee is appointed.**

The Director of Law and Governance submitted a report requesting that Members of the Committee give consideration as to whether to recommend to Council that the title of Honorary Alderman be conferred on former Councillors Tony Smith and Dave Mitchell.

The Civic and Electoral Services Manager reported that former Councillor Tony Smith had been a Member of the Council from May 1995 representing Bebington Ward as a Labour Party Member and served as the Member for Upton Ward since 2004 until May 2023 and had served as Mayor of Wirral for the Municipal Years 2019-20 and 2020-21. Former Councillor Tony Smith had also been a Cabinet Member for Social Inclusion and Children's Services during his service to Wirral Council.

It was reported that former Councillor Dave Mitchell had been a Member of the Council from May 1983, representing Eastham Ward as Liberal Democrat Member until May 2023. Former Councillor Dave Mitchell had served as Mayor of Wirral for the Municipal Year 2013-14, had been the Chair of Planning Committee when the Wirral Waters development had been approved and was also a Cabinet Member for Highways and Transportation. He was also a member of the Mersey Port Health Authority, the North Western Inshore Fisheries and Conservation Authority and had also served on the Merseytravel Committee.

The Council had previously determined that former Members who had served twenty years on the Council or a predecessor Council were eligible for nomination to this award and therefore former Councillors Tony Smith and Dave Mitchell were eligible to have the title of Honorary Alderman conferred upon them.

**On a motion by Councillor Mike Sullivan and seconded by Councillor Andrew Gardner it was –**

**Resolved – That the conferment of the title of Honorary Alderman on former Councillors Tony Smith and Dave Mitchell be recommended to Council in accordance with Section 249(1) of the Local Government Act 1972.**

10 **HONORARY FREEDOM OF THE BOROUGH (POSTHUMOUS AWARD) – PAUL O'GRADY MBE DL**

The Director of Law and Governance submitted a report requesting that Members of the Committee recommend to Council that Paul O'Grady MBE DL be posthumously admitted as Honorary Freeman of this Borough at an Extraordinary Council meeting to be held on 10 July 2023.

The Civic and Electoral Services Manager reported that this was a very significant step for the Council to take. Very few people had been awarded

this status and it should only be awarded to someone who had made an exceptional contribution to the Borough. Paul O'Grady MBE DL, Comedian, Broadcaster, Actor and Writer, who was born and raised in Birkenhead and who sadly passed away on 28<sup>th</sup> March 2023 aged 67 is considered to be within this category.

In respect of a query raised, it was noted that the year The Hillsborough 96 had been granted the title of Honorary Freeman or Freewoman of the Borough was 2017, which had been inadvertently omitted from the report.

**On a motion by Councillor James Stewart Laing and seconded by Councillor Louise Luxon-Kewley it was –**

**Resolved –**

- (1) That in pursuance of the provisions of Section 249(5) of the Local Government Act 1972 and in recognition of his dedicated service to the Borough, that Paul O'Grady MBE DL be posthumously admitted as an Honorary Freeman of this Borough at an Extraordinary Council Meeting to be held on 10 July 2023; and**
- (2) That officers be requested to take the necessary actions associated with (1) above and arrange a small civic reception for family representatives of Paul O'Grady MBE DL and some invited guests on a mutually agreeable date following the Extraordinary Meeting of Council on 10 July 2023.**