

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held on 20 October 2010

Present:

Councillor Stephen Wells (Vice-Chairman)
Councillors Nicholas Bennett J.P., John Canvin,
Roxy Fawthrop, John Getgood, Will Harmer, Ian F. Payne,
Charles Rideout, Diane Smith, Tim Stevens,
Harry Stranger, Pauline Tunncliffe and Michael Turner

Also Present:

67 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillor Tony Owen and Councillor Roger Charsley.

68 DECLARATIONS OF INTEREST

Councillors Nicholas Bennett JP, Roxy Fawthrop, John Getgood, Ian Payne, Charles Rideout, Diane Smith, Tim Stevens, Michael Turner and Stephen Wells declared personal interests as members of the Local Government Pension Scheme.

Councillor Harry Stranger declared a personal interest in relation to agenda item 6 (Statement of Licensing Policy 2011-14) as Secretary of Orpington Conservative Club.

69 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 27TH SEPTEMBER 2010

RESOLVED that the minutes of the meeting held on 27th September 2010 be confirmed.

70 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

Members commented that the trials of reducing the twice-weekly van deliveries to Councillors' homes had gone well, and that there was no need for any further delay in making a change to one delivery a week.

71 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

72 STATEMENT OF LICENSING POLICY 2011-14

Report ES10151

Every three years the Council had to review its Statement of Licensing Policy. The current policy ran from 7th January 2008 until 6th January 2011, when a new policy has to be adopted.

At its meeting on 28th July 2010, the Committee approved a revised statement of policy for public consultation, and over 900 copies had been distributed. Thirteen responses had been received from the consultation. These were summarised in the report and had been incorporated into the new document where appropriate. Two issues were particularly drawn to the Committee's attention –

- Greene King Pub Partners had proposed an alternative wording for the "Challenge 25" policy. The Committee agreed that it should retain the higher standard already set out in the statement and rejected the alternative wording.
- The Greater London Authority had suggested that a paragraph be added recognising that the resources of the police and emergency services would be prioritised for the Olympic and Paralympic Games in 2012. The Committee considered that the additional wording regarding the 2012 games would not add any substantial benefit, and decided that it should not be added.

Officers confirmed that no major changes had been made to the draft statement since the consultation draft had been agreed, but there were still a number of minor corrections to be made as follows –

- Page 1 – the date of Council should be corrected from 27th October to 25th October.
- Any reference to the Secretary of State's Guidance issued under S.182 of the Licensing Act 2003 referred to the October 2010 (not March 2010) version.
- The paragraph on "Accepted forms of Criminal Conviction Certificates" had been duplicated.

Councillor Charles Rideout suggested that it would be helpful to add some further wording to the statement about the right of objectors to seek a formal review of a licence. This was supported by the Committee.

Note: The following wording was subsequently added to the text at the end of the "Appeals against Licensing Sub-Committee decisions" section:

“Where an appeal to the Magistrates Court is not brought by an objector following a Licensing Sub Committee decision and problems relating to the promotion of the Licensing Objectives do subsequently arise residents can seek a formal Review of the licence. Anyone wishing to consider this is advised to contact the Licensing Team for further advice. (See Appendix C for contact details.)”

Councillor Will Harmer asked whether there was any definition of the word “vicinity” in relation to interested parties. Officers confirmed that this was a matter for each Licensing Sub-Committee to consider in the context of each application. He also asked whether there was any way to alert ward Councillors when there were substantial objections to an application from residents in their wards. Officers responded that this was a practical issue that did not need to be covered in the Statement, and they would look into providing suitable wording in the letters sent to residents to address this. Councillor Nicholas Bennett added that ward Councillors needed to be robust in advising residents when their objections were not justified. He also asked whether application forms could have an additional box covering other premises where an applicant had held a licence, but officers advised that the Council could not control the design of the form.

Note: After the meeting, it was found that the following paragraphs were omitted in error from the Statement as considered by the Committee, but should be included in the final version to be approved by Council –
“Late Night Refreshment with Alcohol for consumption off the premises

The Licensing Authority is concerned about the potential for crime and disorder and public nuisance from premises that remain open late for the sale of late night refreshment and where alcohol is sold for consumption off the premises.

Where such applications are received the Licensing Authority will consider them very closely and will expect the applicant to satisfy them that the grant of the licence would have no detrimental impact on the promotion of the licensing objectives.”

RESOLVED that the Council be recommended to adopt the Statement of Licensing Policy 2011-14, with the amendments outlined above, at the meeting on 25th October 2010.

73 PROGRAMME OF MEETINGS 2011-2012

Report LDCS10181

The Committee received the draft Programme of Meetings 2011/12. Councillor Nicholas Bennett suggested that it would be helpful to move the 2011 annual meeting back by a week from 11th to 18th May. In order to assess the other changes that would need to be made to accommodate this, and to allow a further period of consideration, it was agreed that the programme would not be approved until the next meeting.

RESOLVED that consideration of the Programme of Meetings 2011/12 be deferred until the next meeting.

**74 AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD
ON 16TH SEPTEMBER 2010, EXCLUDING EXEMPT
INFORMATION**

RESOLVED that the minutes of the Audit Sub-Committee meeting held on 16th September 2010 (excluding exempt information) be noted.

**75 PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE
MEETING HELD ON 8TH SEPTEMBER 2010 EXCLUDING
EXEMPT INFORMATION**

RESOLVED that the draft minutes of the Pensions Investment Sub-Committee meeting held on 8th September 2010, excluding exempt information, be noted.

**76 MEMBERSHIP OF THE LOCAL JOINT CONSULTATIVE
COMMITTEE**

Report LDCS10188

The Chairman agreed that this report be considered as a matter of urgency in order to make an appointment to the Committee before its next meeting on 21st October 2011.

RESOLVED that Councillor Diane Smith be appointed to the local Joint Consultative Committee to replace Councillor Graham Arthur.

**77 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE
LOCAL GOVERNMENT (ACCESS TO INFORMATION)
(VARIATION) ORDER 2006 AND THE FREEDOM OF
INFORMATION ACT 2000**

RESOLVED that the Press and public be excluded during the consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters
involving exempt information**

**78 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 16TH
SEPTEMBER 2010**

The Committee noted the exempt minutes of the Audit Sub-Committee meeting held on 16th September 2010.

**79 PENSIONS INVESTMENT SUB-COMMITTEE EXEMPT
MINUTES- 8TH SEPTEMBER 2010**

The Committee noted the draft exempt minutes of the Pensions Investment Sub-Committee's meeting on 8th September 2010.

**80 RESPONSES TO ISSUES IDENTIFIED BY AN APPEALS SUB-
COMMITTEE**

The Committee considered a number of issues arising from an Appeals Sub-Committee hearing.

The Meeting ended at 8.25 pm

Chairman