

## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of the meeting held at 7.00 pm on 26 September 2012

### **Present:**

Councillor Tony Owen (Chairman)  
Councillors Nicholas Bennett J.P., Roger Charsley,  
Roxhannah Fawthrop, John Getgood, Julian Grainger,  
Gordon Norrie, Charles Rideout and Diane Smith

### **Also Present:**

Councillor Graham Arthur, Councillor Peter Fookes and  
Councillor William Huntington-Thresher

### **32 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Will Harmer, Russell Mellor and Tim Stevens.

### **33 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **34 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 11TH JULY 2012**

**RESOLVED** that the minutes of the meeting held on 11<sup>th</sup> July 2012 be confirmed.

### **35 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions had been received.

### **36 FEEDBACK ON THE GREATER LONDON AUTHORITY ELECTIONS MAY 2012** Report RES12140

The Committee received a report on issues arising from the Greater London Authority (GLA) elections on 3<sup>rd</sup> May 2012. In addition, some comments from Councillor Tim Stevens relating to the Crofton Halls and Tubbenden Primary School polling stations in his ward were tabled.

The report contained, at appendix 2, the Electoral Commission's guidance on the conduct of tellers. The Committee considered the role of tellers and the issues that had been raised with regard to some polling stations. A small number of complaints had been received about voters feeling intimidated by

tellers, and there had been some confusion about the secure disposal of polling cards. Members commented that the purpose of tellers was to increase the number of people voting and complained that their role was not understood by the electorate or, in some cases, the electoral staff. There were reports of polling staff being hostile to tellers, for example not allowing elderly tellers to use toilet facilities within a polling station, and polling station staff preventing tellers from obtaining polling cards. Councillor Julian Grainger raised concerns about the behaviour of poll clerking teams in his ward, alleging that there appeared to be displays of political bias and frequent reports from tellers of poll clerks being hostile to them at one polling station (and, in the past, in two.) He queried whether choosing polling station staff on the basis that they lived nearby, while understandable for practical reasons, could mean that staff had an interest in the outcome of the election where they were serving.

Members proposed that a simple and prominent notice should be put up at each station explaining the role of tellers. The Returning Officer confirmed that this could be done, but asserted that the notice would have to explain that tellers had no legal status within the electoral process. He also confirmed that polling station staff would be given specific training on the role of tellers and that these issues would be raised in the normal discussions with agents.

A number of other matters were raised by members of the Committee:

- Councillor Nicholas Bennett suggested that a prominent notice should be put up at Pickhurst Infant and Junior Schools, where there were polling stations serving different wards in the two schools on the same site.
- Councillor Peter Fookes queried when the decision had been taken to stop making return visits to collect registration forms. He was informed that this decision had been made as part of the budget savings the previous year.
- Councillor Charles Rideout drew attention to the need to move polling stations in his ward away from Castlecombe Primary School to the Mottingham Community Centre.

The Chairman clarified that the delays in delivering postal vote applications referred to in the report had been due to his party, and apologised for this. He added that his party Agent had remarked on how helpful Carol Ling, the Council's Electoral Services Manager, had been throughout the process, and this was endorsed by the Committee.

The Chief Executive and Returning Officer undertook to consider the comments made by the Committee.

**RESOLVED that the contents of the report be noted and the Returning Officer be requested to consider the Committee's comments.**

**37            ESSENTIAL CAR USER ALLOWANCE CRITERIA**  
Report HHR12005

A review had been undertaken, including consultation with staff and their representatives, to ensure that the Council's Essential Car User (ECU) criteria remained fit for purpose. An "essential car user" (ECU) was any member of staff whose duties were such that it was essential for them to have a car at their disposal whenever required by the Council. They were paid a lump sum allowance each year and could claim payments for business mileage. Staff for whom car use was desirable were designated as casual car users (CCU).

Staff had been consulted on the proposed changes and their responses were set out in appendix 1 to the report. The proposals would result in a small budget saving. It was confirmed that the introduction of charges for staff car parking was a separate issue.

**RESOLVED that**

**(1) The comments received from staff and their representatives on the proposed changes to the ECU criteria and the response of the Assistant Chief Executive (HR) be noted.**

**(2) The revised criteria set out in paragraph 3.7 be adopted for implementation with effect from 1<sup>st</sup> November 2012.**

**38            TEACHER APPRAISAL AND CAPABILITY ARRANGEMENTS**  
Report ED12037

Revised arrangements for managing teacher performance had come into force in September 2012. The Committee considered a report which set out the changes and proposed amendments to the Council policies and procedures already in place. The proposals had been considered and supported by the Education Policy Development and Scrutiny Committee on 11<sup>th</sup> September 2012.

**RESOLVED that**

**(1) The comments of the Education PDS Committee on 11<sup>th</sup> September be noted.**

**(2) The model policy be adopted by all Community and Voluntary Controlled schools and in respect of centrally based teaching staff employed by the local authority.**

**(3) A minor change to the current Capability Procedure be agreed enabling the informal capability process to be dealt with as part of the appraisal process, as set out in paragraphs 3.6 and 3.8 of the report.**

### **39 ANALYSIS OF STAFF LEAVERS**

Following a request from Members at the Executive and Resources PDS Committee on 14<sup>th</sup> June 2012, the Committee received a report summarising information about staff leaving the Council, including their reasons for leaving and their destinations. The Chairman remarked that the views of staff leaving the Council were always particularly useful in pinpointing problems that needed to be addressed to improve the organisation, but Members were disappointed that the return rate for the exit questionnaire was not higher.

All staff were encouraged to use the appraisal process to raise concerns with their managers (and more senior staff above them if necessary) so that any issues could be dealt with at an early stage.

**RESOLVED that the contents of the report be noted and referred to the Improvement and Efficiency Sub-Committee.**

### **40 AUDIT OF FINANCIAL STATEMENTS 2011/12** Report RES12154

The Committee received the Council's 2011/12 statutory accounts for approval in accordance with the requirements of the Accounts and Audit (England) Regulations 2011. The report also covered the conclusions and significant issues arising from the work carried out in relation to the audit of the 2011/12 accounts. Ms Janet Dawson of PricewaterhouseCoopers LLP (PwC) attended the meeting.

The Committee considered the figures relating to exit packages in the Notes to the Core Financial Statements, and sought clarification of whether these settlements had been approved by Members. The Chief Executive confirmed that, under executive delegation, these settlements had been agreed by him in consultation with relevant Executive Members and that, in many cases, the related issues had been reported to the Executive, albeit with estimated figures. The figures included a number of components, including redundancy, pay in lieu of notice and the cost of pension entitlements. Members agreed that further detail be examined in part 2 by the Audit Sub-Committee.

The Chairman noted the comments from PwC in the section of their report on "Significant audit and accounting matters" relating to assets held for sale that the Council should ensure that it continued to monitor progress with the sale of these assets and that they genuinely remained assets that were held for sale. It was agreed that this should be referred to the relevant Policy Development and Scrutiny Committee (Executive and Resources PDS Committee).

A Member questioned whether a section on value for money was included in the auditors' report. Ms Dawson confirmed that they were required to consider whether the council had in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources but with a lighter touch approach than under the previous Use of Resources assessment.

**RESOLVED that**

- (1) The Council's statutory accounts for 2011/12 be approved.**
- (2) In accordance with the requirements of the Accounts and Audit (England) Regulations 2011, following approval, the Chairman of this Committee shall sign and date the statutory statements on page 1 as a formal record of the Committee's approval.**
- (3) The external auditor's report be noted.**
- (4) Chairman of this Committee be authorised to sign the letter of representation for 2011/12 on behalf of the Council.**
- (5) The Annual Governance Statement which accompanies the statutory statement of accounts be approved.**
- (6) The exit packages summarised in the Notes to the Core Accounts be considered as a confidential item by the Audit Sub-Committee.**
- (7) The comments regarding Assets held for sale (page 2 of the PwC report) be referred to the Executive and Resources PDS Committee.**

**41 Revised Statement of Gambling Licensing Policy for 2013 - 2016 - Public Consultation**  
Report ES13132

The Council was required to review its gambling licensing policy at least every three years. The next three year period was between 7<sup>th</sup> January 2013 and 6<sup>th</sup> January 2016, and a draft policy had been published for public consultation between 13<sup>th</sup> August and 10<sup>th</sup> September 2012.

The Committee noted the comments received during the consultation period and recommended that full Council approve the proposed 2013-16 policy, subject to a minor correction in Part B, General Principles, to delete the word "unmet" in the final sentence.

**RESOLVED that the progress of the public consultation be noted and the agreed version of the policy, with the deletion of the word "unmet," be forwarded to full Council on 12<sup>th</sup> November 2012 for formal adoption.**

**42 Revised Statement of Licensing Policy 2011-2016 - Results of public consultation**  
Report ES12131

At its meeting on 11<sup>th</sup> July 2012 the Committee had approved a draft revised statement of licensing policy for public consultation following changes to the Licensing Act 2003 introduced by the Police Reform and Social Responsibility Act 2011. Public consultation had been carried out between 13<sup>th</sup> August and

10<sup>th</sup> September 2012 – the three responses received were set out in the report.

The Committee noted the comments received during the consultation period and recommended that full Council adopt the proposed revised policy.

**RESOLVED that the responses received from the public consultation process be noted and the agreed version of the policy be referred to full Council on 12<sup>th</sup> November 2012 for formal adoption.**

**43 Update on Appeals - Licensing Act 2003**  
Report ES12133

The Committee received a report updating them about the outcome of recent appeals to the Magistrates Court against the decisions of the Licensing Sub-Committee. Three appeals had successfully been defended by the Council concerning the Beckenham Convenience Store, 268 High Street, Beckenham, the Bridge Bar (formerly Langtry's), 2-8 High Street, Beckenham and the Beech Tree, Wellington Road, Orpington. Two further appeals were awaiting determination by the Court – these related to "Your Local" 75 High Street, Bromley and TR Supermarket, Edgehill Road, Chislehurst.

Councillor Nicholas Bennett thanked the officers for doing a very professional job with regard to the Beech Tree, but he questioned whether the Council was claiming its full costs effectively. The Director of Resources' representative agreed to look into this and report to Members of the Committee.

**RESOLVED that the success in defending three appeals, and the fact that a further two appeals are awaiting determination, be noted.**

**44 APPOINTMENTS TO OUTSIDE BODIES**  
Report RES12163

The Committee was asked to consider appointments for the Keston Village Hall Trust, which fell due on 10<sup>th</sup> December 2012. The Committee was also reminded that appointments to the Oxleas NHS Foundation Trust and the Diocese of Rochester Board of Education remained unfilled from recent meetings.

**RESOLVED that**

**(1) Mr M Baker, Mr P Friend and Mr Peter Luckens be appointed as nominative trustees to the Keston Village Hall Trust for the four year term of office from 10<sup>th</sup> December 2012.**

**(2) The appointments to the Oxleas NHS Foundation Trust Council of Governors for the remainder of the three year period ending in May 2015 and the Diocese of Rochester Board of Education for the remainder of the three year period expiring on 31<sup>st</sup> December 2014 be deferred for further consideration.**

**45 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 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**

**46 AFFINITY SUTTON PENSION ARRANGEMENTS**

The Committee considered an approach from Affinity Sutton concerning the Council's Pension Fund, and agreed to refer the matter to the Pensions Investment Sub-Committee.

The Committee also considered a suggestion that paper copies of agendas should not be provided as a matter of course at Committee meetings, following the practice of the Education PDS Committee.

The Meeting ended at 8.08 pm

Chairman