

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.30 pm on 28 September 2011

Present:

Councillor Tony Owen (Chairman)
Councillor Russell Mellor (Vice-Chairman)
Councillors Nicholas Bennett J.P., John Canvin,
Roger Charsley, Roxy Fawthrop, Peter Fookes,
Will Harmer, Gordon Norrie, Ian F. Payne,
Charles Rideout, Diane Smith, Tim Stevens,
Harry Stranger and Stephen Wells

151 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillor John Getgood – Councillor Peter Fookes attended as his substitute.

152 DECLARATIONS OF INTEREST

The following Councillors declared personal interests as members of the Council's pension scheme – Councillors Nicholas Bennett, Roger Charsley, Roxy Fawthrop, Russell Mellor, Gordon Norrie, Tony Owen, Ian Payne, Charles Rideout, Diane Smith, Tim Stevens and Stephen Wells.

153 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 27TH JULY 2011

RESOLVED that the minutes of the meeting held on 27th July 2011 be confirmed.

154 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

The Committee noted matters outstanding from previous meetings.

155 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

One question had been received regarding the Council's capital monitoring arrangements, but as the Executive were already dealing with this matter the Chairman had referred this to them for response.

156 REVISIONS TO STATEMENT OF LICENSING POLICY
Report ES11115

At the previous meeting Members had requested a review of the current statement of Licensing Policy following Brighton's success with their Cumulative Impact Policy refusing a new premises licence for a Sainsbury's Supermarket. The report proposed some changes to the Statement in relation to Cumulative Impact policy, and also in relation to making Representations/Petitions and Planning and Building Control.

The Committee discussed the proposed changes, and in particular whether it was helpful to add, as proposed in the report (appendix 1, page 16), (i) the word "material" before "variations" to distinguish from minor variations, and (ii) the phrase "such as restaurants" to give an example of applications that were unlikely to add significantly to saturation. Members also questioned the use of the word "significantly", but it was confirmed that this was part of the original wording.

In considering the proposed changes to "Making Representations" (appendix 2, page 19), Members requested that further consideration be given to provision for e-petitions and other forms of electronic submissions. The existing wording suggesting that individual representations might be given more weight than a petition was alluding to the possibility that more thought had to go into the former. It was confirmed that the requirement for each sheet of a petition to carry full details about the site and the objections was to ensure that petitioners were clear about what they were signing.

RESOLVED that

- (1) The proposed changes set out in appendices 1, 2 and 3 of the report be approved, with the addition of the word "usually" prior to the word "not as informative as individual correspondence..." at page 19 of Appendix 2 to the report.**
- (2) Public consultation be undertaken on the proposed changes.**
- (3) A further report be received in due course for consideration and referral to full Council.**

157 AUDIT OF FINANCIAL STATEMENTS 2010/11
Report RES11089

The Committee received the Council's 2010/11 statutory accounts for approval in accordance with the requirements of the Accounts and Audit (England) Regulations 2011. The report also detailed the conclusions and significant issues arising from the work carried out in relation to the audit of the 2010/11 accounts.

Mr Matthew Williams from the Council's auditors, PricewaterhouseCoopers LLP attended the meeting to respond to any issues raised by Members.

The Vice-Chairman commented that he was pleased to see that the funding level of the Council's pension fund had risen by 3% to 84%, and congratulated the Pensions Investment Sub-Committee for this improvement.

RESOLVED that

(1) The Council's statutory accounts for 2010/11 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) The Chairman be authorised to sign the letter of representation for 2010/11 on behalf of the Council.

(5) The Annual Governance Statement which accompanies the statutory statement of accounts be approved.

158 APPOINTMENT OF COUNCIL REPRESENTATIVES TO SERVE ON OUTSIDE BODIES AND PARTNERSHIP BODIES – CRAY VALLEY LIBRARY AND WAR MEMORIAL INSTITUTE
Report RES11098

The Council appointed four nominative trustees to the Cray Valley Library and War Memorial Institute. Trustees were to be nominated by the ward councillors, and served for fixed four year terms. At its last meeting on 27th July 2011, the Committee had appointed Mr Graham Collins to join Councillors Stephen Carr and Peter Fortune and Mrs. K. Bond as a trustee. Since that meeting, Mrs Bond had resigned leaving a further vacancy. Councillor Peter Fortune, Councillor for the Cray Valley East ward, had advised that Councillor Roxhannah Fawthrop (also a ward Councillor for Cray Valley East) had agreed to serve as a nominative trustee.

RESOLVED that Councillor Roxhannah Fawthrop be appointed to serve as a nominative trustee for the Cray Valley Library and War Memorial Institute for the remainder of the four year term ending in 2014.

159 AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 7TH JUNE 2011, EXCLUDING EXEMPT INFORMATION

The Committee received the minutes of the meeting of the Audit Sub-Committee meeting on 7th June 2011 (excluding exempt information).

160 REVIEW OF LICENSING FEES
Report ES11100

Following pre-decision scrutiny by the Public Protection and Safety PDS Committee on 26th July 2011, the Public Protection and Safety Portfolio Holder had approved changes to the Council's licensing fees.

The Committee agreed to receive the report as a matter of urgency to enable them to be considered prior to their proposed implementation date of 1st October 2011.

RESOLVED that the review of Licensing fees be noted and endorsed.

**161 GOVERNMENT PROPOSALS TO DEREGULATE THE
LICENSING OF 'ENTERTAINMENT' LICENSING - LICENSING
ACT 2003**

The Committee received a briefing note informing them that the Government had issued a consultation paper on their proposal to remove the requirement to licence "Regulated Entertainment" (Schedule 1 of the Licensing Act 2003.) The effect of the proposals was that most of the activities currently requiring a licence would no longer be controlled, such as plays, films, indoor sporting events, live and recorded music and dance performances. Performances with an audience of 5,000 or more, boxing and wrestling, and dance performances that might be classed as sexual entertainment (but were exempt from separate sexual entertainment venue regulations) would still be licensed.

The main impact of these proposals related to the 'Public Nuisance' licence objective from uncontrolled music (live or pre-recorded). As Entertainment activities would not require a licence there would be no opportunity for Responsible Authorities, Residents or Members to make any representations about noise nuisance as part of any licence application for alcohol, and no conditions could be imposed on a licence in respect of noise.

The Committee agreed to consider the report as an urgent item as their next meeting was not until the end of the consultation period, which was on 3rd December 2011.

RESOLVED that the consultation be noted.

**162 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**

163 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 7TH JUNE 2011

The exempt minutes of the meeting of the Audit Sub-Committee held on 7th June 2011 were received.

164 ADMISSION OF LIBERATA UK LTD INTO PENSION FUND

The Committee approved an application by Liberata UK Ltd for an admission agreement under the Local Government Pension Scheme Regulations to enable staff who transferred under TUPE arrangements to participate in the Council's Pension Scheme.

165 MANAGEMENT GRADE PAY REVIEW 2011

The Committee received a report on the 2011 annual pay review for management grade officers.

The Meeting ended at 7.52 pm

Chairman