

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held on 27 May 2010

Present:

Councillor Tony Owen (Chairman)
Councillor Stephen Wells (Vice-Chairman)
Councillors Councillor Will Harmer, Councillor Ian F. Payne, Councillor Charles Rideout CVO, QPM, Councillor Diane Smith, Councillor Tim Stevens J.P., Councillor Pauline Tunncliffe and Councillor Michael Turner

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies were received from Councillor Roxy Fawthrop, Councillor Nicholas Bennett and Councillor Roger Charsley.

2 DECLARATIONS OF INTEREST

No declarations of interest were received.

3 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 7TH APRIL 2010

The Minutes of the Meeting held on 7 April 2010 were confirmed as a correct record.

RESOLVED that the Minutes of the Meeting held on 7 April 2010 be agreed.

4 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

The next meeting of the General Purposes and Licensing Committee be moved from 23 June 2010 to 30 June 2010.

The Committee noted that the item relating to Ravensbourne College Pension Arrangements will be submitted to the meeting on 30 June 2010.

RESOLVED that matters arising from previous meetings be noted.

5 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

6 DISCIPLINARY PROCESSES

The Assistant Chief Executive (Human Resources) introduced the report and advised the Committee that it had been brought at the request of Councillor Nicholas Bennett JP. Councillor Bennett had submitted a number of questions which were outlined at Appendix 2 of the report.

Councillor Bennett had also queried the need for the two-stage disciplinary appeal process. It was reported that Bromley was unique in its two-stage approach and Councillor Bennett had requested that the possibility of streamlining the process be considered.

In Councillor Bennett's view, the Member level appeal should be retained, the view of Chief Officers was that the officer stage be retained and the Unions had expressed the view that both stages should be retained.

The Assistant Chief Executive (Human Resources) highlighted to the Committee that in his five years at Bromley, Officers had never lost an appeal at Member stage and the Local Authority had never lost a case at Employment Tribunal.

The Assistant Chief Executive (Human Resources) highlighted that any decision would need to undergo extensive consultation.

Members considered the need to bring an independent perspective to the disciplinary process and suggested that a Chief Officer from a different Directorate from that of the employee hear the disciplinary case. The Assistant Chief Executive (Human Resources) responded that in some cases the Officer hearing a case needed a good knowledge of the employee's area of work, especially where a case concerned safeguarding issues. He did, however, stress that when there was a conflict of interest the Council routinely brought in officers from other departments.

Some Members also supported the Trade Unions' view of retaining both stages of the appeal. Members believed it was important to err on the side of caution and give employees the best possible chance to defend themselves.

Members also commented on the extensive HR support provided at disciplinary appeals. It was felt by some Members that Chief Officers should be able to present their cases without the need of an HR representative. In response to this, the Head of HR stressed that his staff did not attend all appeals but only those were deemed to be the most complex. In these cases, HR staff were able to give advice on the processes that had been followed and the support given to managers in the lead-up to the disciplinary case being brought. A Member also reported that he had had to call on HR support during an appeal hearing.

In referring to Appendix 1 of the report, the Chairman noted that in the year 2009/10, there had been a considerable increase in the number of disciplinary

cases. He was advised that the increase could be attributed to some multiple disciplinary cases that had arisen in two departments.

RESOLVED that the report be noted.

7 SUNBEDS (REGULATION) ACT 2010 - DELEGATION OF POWERS

The Head of Food Safety, Occupational Safety and Licensing introduced the report.

Members sought clarification on whether these regulations would increase the workload of the Department. In response, they were informed that the extra work created would be absorbed into the daily work of the Section.

RESOLVED that:-

- 1) the Director of Environmental Services be authorised to:-**
 - a. enforce the provisions of the Sunbeds (Regulation) Act 2010;**
 - b. appoint 'Authorised Officers'.**

- 2) the report be referred to Full Council for endorsement.**

8 LICENSING SERVICE: WORK PLAN FOR 2010/2011

The Head of Food Safety, Occupational Safety and Licensing introduced the report and notified the Committee that the Department was planning to undertake 50 unannounced visits to high risk venues and 200 planned visits to low risk premises and 25 visits to clubs. This had been arranged at the request of Councillor Julian Grainger.

Standard licensing conditions for animal welfare premises would also be reviewed and revised. These would be brought back to the Committee for approval later in the year. The Committee were also informed that recent changes in the law could potentially lead to an increased workload in respect of animal welfare and any changes in our responsibilities would be reported to Committee as necessary. .

The Chairman raised the issue of premises retaining their licences even when fees were left unpaid. It was suggested that the Department should make representations to the Department for Culture, Media and Sport and Members should make representations through political channels to ensure that when a licence holder failed to pay the annual fee then their licence would no longer be valid.

One Member questioned whether the intended extra visits would fall within the existing budget and officers confirmed this to be the case. Another Member queried whether the extra work could be met within existing staffing arrangements and this was also confirmed.

Members were invited to attend training courses that were available in respect of licensing. These provided a good introduction to the Licensing Act and the Licensing Hearing process. If any Members were interested, they could contact the Head of Food Safety, Occupational Safety and Licensing to register their interest.

RESOLVED that:-

- 1) **the report be noted; and**
- 2) **representations be made both through the Department for Culture, Media and Sport and political channels to ensure that when annual fees remain unpaid then licenses become invalid.**

**9 LICENSING SUB-COMMITTEE-SCHEDULE OF MEETINGS
(JUNE TO NOVEMBER 2010)**

The Chairman notified Members that there would be no hearing on 1 June 2010. He also asked Members to inform the Democratic Services Manager of any changes that were needed to the rota.

New Members were informed that meetings started at 10.00 am and 2.00 pm and Members sitting on Committees would be informed if hearings would not run into the afternoon session.

It was also suggested that due to recent changes in the make-up of the Council, that the Committee's previous decision regarding proportionality of the Licensing Sub-Committees be overturned.

RESOLVED that:-

- 1) **subject to any amendments, the Schedule of Meetings of the Licensing Sub-Committee for June-November 2010 be approved; and**
- 2) **the Committee's previous decision regarding proportionality of the Licensing Sub-Committee be revoked.**

**10 APPOINTMENT OF COUNCIL REPRESENTATIVES TO SERVE
ON OUTSIDE BODIES AND PARTNERSHIP BODIES**

The Democratic Services Manager reported that additional nominations had been received since publication of the agenda. These were:-

- 1) Green Belt Panel

Councillor David McBride nominated by the Liberal Democrat Group.

- 2) Crystal Palace Community Development Trust
Councillor Tom Papworth nominated by the Liberal Democrat Group.
- 3) Upper Norwood Association for Community Care
Councillor John Canvin nominated by the Liberal Democrat Group.
- 4) Bromley Victim Support
Councillor John Canvin nominated by the Liberal Democrat Group;
Councillor Peter Fookes nominated by the Labour Group.
- 5) Broomleigh Housing Association
Mr Martin Curry nominated by the Liberal Democrat Group.
- 6) William Moyser Charity
Miss Vera Harwood nominated by the Liberal Democrat Group.
- 7) The Local Strategic Partnership Executive
Councillors Stephen Carr; Graham Arthur; Ernest Noad; Peter Morgan;
Neil Reddin; Colin Smith and Julian Benington.
- 8) Bromley Arts Council
Councillor Tom Papworth nominated by the Liberal Democrat Group.

The Committee noted that sufficient nominations had already been received for Broomleigh Housing Association and the William Moyser Charity and it was therefore agreed that the additional nominations received for these would not be supported. The other nominations outlined above were supported.

RESOLVED that the Council representatives outlined in Appendix 1 of the report be agreed subject to the amendments and additions outlined above.

11 PETITION SCHEME

It was noted that as the report had been unavailable for this meeting, a report would be presented to the Executive and Resources PDS Committee on 9 June 2010 and would then be followed on to Executive on 16 June 2010 in order to be referred to Council on 28 June 2010. The Chairman also commented that there would be an opportunity for political groups to review the Petition Scheme in between the meeting of the Executive and full Council.

**12 AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD
ON 23 MARCH 2010, EXCLUDING EXEMPT INFORMATION**

The Minutes of the Meeting held on 23 March 2010 were noted.

**13 INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETING
HELD ON 4 MAY 2010, EXCLUDING EXEMPT INFORMATION**

The Minutes of the Meeting held on 4 May 2010 were noted.

**14 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 listed 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.

**15 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 23 MARCH
2010**

The Exempt Minutes of the meeting held on 23 March 2010 were noted.

**16 INVESTMENT SUB-COMMITTEE: EXEMPT MINUTES - 4 MAY
2010**

The Exempt Minutes of the meeting held on 4 May 2010 were noted.

The Meeting ended at 7.04 pm

Chairman