

## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of the meeting held on 28 July 2010

### **Present:**

Councillor Tony Owen (Chairman)  
Councillor Stephen Wells (Vice-Chairman)  
Councillor Kathy Bance, Councillor Nicholas Bennett J.P.,  
Councillor John Carvin, Councillor Roger Charsley,  
Councillor Roxy Fawthrop, Councillor Will Harmer,  
Councillor Ian F. Payne, Councillor Charles Rideout CVO, QPM,  
Councillor Diane Smith, Councillor Tim Stevens J.P.,  
Councillor Harry Stranger, Councillor Pauline Tunnicliffe and  
Councillor Michael Turner

### **Also Present:**

Councillor Ruth Bennett and Councillor Simon Fawthrop

### **34 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**

An apology for absence was received from Councillor John Getgood; Councillor Kathy Bance attended as his alternate.

### **35 DECLARATIONS OF INTEREST**

Item 6 - Councillor Tim Stevens declared a personal interest as the Council's representative on the board of Bromley Mytime.

Item 7 - Councillor Harry Stranger declared a personal interest as Secretary of the Orpington Conservative Club.

### **36 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 30 JUNE 2010**

Minute 22 - Draft Statutory Accounts 2009/10 (page 4)

The second line of paragraph two should be amended to read 'Generally Accepted Accounting Principles (UK GAAP), there had been some'.

**Subject to the above amendment being made, the Minutes of the meeting held on 30 June 2010, excluding exempt information, were confirmed and signed as a correct record.**

**37 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS**

The outstanding matters were noted.

**38 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions had been received.

**39 COMPLAINTS - ANNUAL REPORT**  
Report LDCS10135

Consideration was given to the Draft Annual "Getting It Right" report on complaints which had been received across all departments of the Council for 2009/10. The report identified significant service shortfalls, areas in need of improvement and the trends found in 2009/10.

Members also considered the summary of complaints which had been investigated by the Local Government Ombudsman over the same period together with the Ombudsman's Annual Review for 2009/10.

A coloured copy of the final document would be made available to members of the public distributed through libraries, reception areas and on the Council's website.

Referring to the paragraph on page 43 entitled 'Liaison with the Local Government Ombudsman', the Chairman requested that a report be submitted to a future Committee meeting explaining the reason for delays in responding to the Ombudsman on planning cases and what action could be taken to improve the Council's response times.

Councillor Tim Stevens referred to the table on page 19 under the heading 'The number of complaints we have recorded'. He commented that whilst Bromley Mytime was located in the Environmental Services Department, it operated as a separate entity. He requested (and officers agreed) that, in future, the figure for Bromley Mytime be recorded as an individual category.

**RESOLVED that**

**(1) The trends identified within the report "Getting It Right 2009/10" be noted and the report be approved for publication; and**

**(2) The summary of complaints submitted to the Local Government Ombudsman, together with his Annual Review for 2009/10, be noted.**

(Note: Since the last meeting of the Committee, analysis has shown varied reasons for the delay in responding to planning complaints, which can include a lack of clarity on the processes involved in responding to the

Ombudsman; a lack of co-ordination in more complex cases involving a number of officers; and delays in postal arrangements.

In order to address these issues, it has been agreed that:

- Guidance notes on the procedure to deal with Ombudsman complaints will be prepared and put on the intranet, with a link included in the e-mail sent to officers notifying them of new complaints.
- A case conference will be organised by the Chief Planner's Secretary to be held within 5 days of an Ombudsman complaint being received about a planning issue, attended by the key officers in connection with the complaint and a representative from Corporate Complaints. At this meeting the main issues and all relevant information will be identified to be included in the response. Timescales will be set to formulate a response and provide any further information, within the target date for the response to the Ombudsman. It is anticipated that the main substance of the Council's response to the complaint would be drafted at this meeting.
- Another less significant factor arises from postal delays when documents are despatched to the Ombudsman's offices in Coventry via the DX system, which can take up to three days to arrive. In future as much information as possible will be e-mailed to the Ombudsman, with supporting documents following as hard copies.

It is anticipated that the above steps will result in an improvement in the speed of responses to the Ombudsman's enquiries in 2010/11.)

#### **40            DRAFT STATEMENT OF LICENSING POLICY 2011-2014** **Report ES10103**

The Council's current three-year policy with respect to the exercise of its licensing functions, which had come into effect on 7 January 2008, would expire on 6 January 2011. In accordance with the provisions of the Licensing Act 2003, a new policy must be adopted and published before that date.

Following a review of the policy by the Chairman and Vice-Chairman of this Committee, a revised statement of policy had been drafted and approval was sought for public consultation to be undertaken. The report set out the proposed main changes and a copy of the draft policy highlighting additions and deletions was attached as Appendix 1.

Several typing errors were highlighted within the report. Members were informed that the document would be checked for errors and amended before being finalised.

Although listed under the heading 'Decision Matrix Points (Appendix A), Councillor Nicholas Bennett JP stated that Members were opposed to vertical drinking and requested that a paragraph be incorporated within the document in relation to that activity. The Food, Licensing, Occupational Health and Safety Manager agreed to the request.

Concerns were raised that officers were not flexible enough in determining the validity of objections. Members were informed that legally, if one objection is deemed to be valid then it must be submitted to the Licensing Committee for consideration.

The Chairman commented that it would be useful to publish a guide advising members of the public on licensing policy and Councillor Nicholas Bennett JP suggested that a seminar on licensing policy be held for new Members.

Councillor Bennett asked the Food, Licensing, Occupational Health and Safety Manager for details of:-

- the total number of objections dealt with by officers;
- the total number of objections submitted to the Licensing Committee; and
- how many were refused/modified.

The Officer agreed and a report will be prepared for the next Committee meeting.

**RESOLVED that the draft Statement of Licensing Policy for 2011-2014 be endorsed for public consultation.**

#### **41 LICENSING OF SEXUAL ENTERTAINMENT VENUES** Report ES10102

Concerns had been expressed about the way in which lap dancing venues and other similar sexual entertainment venues were licensed. Presently such venues were defined as 'Regulated Entertainment' under the Licensing Act 2003 which effectively limits the grounds on which 'representations' can be made to the four licensing objectives set out in the Act.

The Home Office undertook consultation on proposals based on a private Members Bill to remove the licensing of lap dancing venues from the remit of the Licensing Act 2003.

The Government's proposals were included in the provisions of the Policing and Crime Act 2009 which sets out a new licensing regime for 'sexual entertainment venues'. This would bring the licensing of lap dancing and pole dancing clubs etc. under the regime set out in the Local Government (Miscellaneous Provisions) Act 1982 and would allow for wider grounds for objection and refusal including the nature of the locality.

As Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 has already been adopted, Member approval was sought to adopt the provisions of Section 27 Policing and Crime Act 2009 as they amend Schedule 3 to include Sex Entertainment Venues.

It was suggested by one Member that no sexual entertainment venues should be permitted within the Borough. The Chairman commented this would be discussed at the next meeting of the Committee when a further report would be submitted.

**RESOLVED to recommend to full Council to resolve to adopt the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 Policing and Crime Act 2009 with effect from 1 January 2011 to require the licensing of sex entertainment venues.**

**It was further AGREED that the Committee receive further reports:**

- 1) To consider whether to set a limit on the number of sex establishments (sex shops, sex cinemas and sex entertainment venues);**
- 2) On adopting standard licensing conditions; and**
- 3) On the appropriate fee.**

**42 COUNCILLOR ATTENDANCE 2009/10**  
Report LDCS10140

On 15 December 2009, full Council endorsed the recommendation of the Constitution Improvement Working Group, that a record of Councillor attendance at meetings be published at the end of each Municipal Year.

The Committee considered the end of year report for 2009/10 which included information on full Council, Committee, Sub-Committee and Executive/Portfolio Holder meetings, including members and substitutes. It also provided additional details on the attendance of Portfolio Holders, Executive Assistants and PDS Chairmen.

It was reported that page 104 (Appendix 1) listed Councillor Gordon Norrie as being absent from the full Council meeting held on 15 February 2010. It was duly noted that this was an error and that Councillor Norrie did attend the meeting.

Members were informed that the Constitution Improvement Working Group would like Councillor Attendance reports to be submitted to all future annual Full Council meetings.

Members requested that future reports include a table showing the total number of meetings attended by each Councillor. It was also suggested that end of year percentage figures should be included in future reports.

**RESOLVED that the Councillor attendance data for 2009/10 be noted.**

**43 COUNCILLORS' VAN DELIVERIES**  
Report LDCS10141

The Committee considered an updating report on the arrangements for delivering committee agendas and other post to Councillors' homes (currently every Tuesday and Thursday). Several Members had requested that the service be examined to see whether savings could be achieved by reducing the number of delivery runs.

The report examined the effects that such a reduction would have on staff and also set out options for alternative modes of delivering mail to Councillors. Officers concluded that if implemented and managed efficiently, a reduction in Councillors' mail deliveries could result in substantial savings to the Council.

Members raised no objections to the outlined proposals.

The Chief Executive suggested that a future updating report on this matter be submitted which would also examine ways in which other general Council efficiencies could be achieved (e.g. Member costs etc).

**RESOLVED that work to develop options for increasing the efficiency of delivery arrangements be endorsed and that a further report be submitted to a future Committee meeting.**

**44 FEEDBACK ON PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS MAY 2010**  
Report LDCS10129

Members considered a report outlining the key issues relating to the joint Parliamentary and Local Government Elections which took place in May 2010. Members were asked for any feedback which the Returning Officer may find useful when arranging future elections.

Members asked the Chief Executive to pass on their congratulations to everyone involved in the election process for their hard work and the excellent job carried out.

Some concerns were raised in relation to rejected nomination papers and it was suggested that more discretion could have been used in these instances. The Director of Legal, Democratic and Customer Services advised Members that the Returning Officer had powers to correct a decision to reject but the onus was on Members to ensure that pristine papers were received as set out in the guidance provided. He assured Members that no nomination papers had been formally rejected and discretion was exercised at all times.

Councillor Simon Fawthrop questioned the need for two polling cards stating that this amounted to extra costs and wasted time and effort. He also referred to a part of the count process where bundles are transported from the count tables and placed in boxes in an area which could not be openly observed. He believed this "undermined the democratic process". He emphasised the need for the entire operation to be transparent.

The Returning Officer agreed that all parts of the count should be transparent and he would look into Councillor Fawthrop's point regarding the third phase of the count, where the votes are collated in batches, and how this could be more visible and open to scrutiny.

Councillor Nicholas Bennett JP reported the following concerns on behalf of one Councillor who was not a Member of the Committee:-

- Comments made by a Presiding Officer;
- The process by which Counters are allocated to Polling Stations and Ward tables; and
- Errors made in one Ward during the count process with regard to 'bundles'.

The Chief Executive responded by acknowledging the need for openness. He confirmed that the incident involving the Presiding Officer would be looked into and that whilst all training sessions covered the matter already, future training sessions would give additional guidance on how polling staff should conduct themselves.

On the issue of allocating officers to Polling Stations and Ward tables, the Chief Executive commented that this had not been given much thought before but was something he would give due consideration to.

With regard to the errors made during a particular Ward count, the Chief Executive reported that the candidate's agent requested a recount at the time which was duly undertaken and the error was uncovered. The Chief Executive had reviewed the matter with the Director of Legal, Democratic and Customers Services and was satisfied that the error was inadvertent.

One Member commented that when officers had completed the count on their particular Ward, they were not helping others. The Chief Executive responded by saying that the senior table took the view that it was often more efficient to manage it in the way that they had but where there were benefits, staff were moved to other tables or count areas.

One member commented that once the main votes had been counted there was a long delay before declaring and enquired whether more flexibility could be used in cases where it was obvious there was a large majority. The

Director of Legal, Democratic and Customer Services replied that the counting sheets had to be tallied but if there were instances where the result was clear and would not be affected, agreement was sought from candidates and agents to declare rather than ensure 100% accuracy.

Occasional problems were reported in relation to postal and proxy votes as some overseas travellers had not received their voting forms before leaving the country. It was suggested that in future residents should be asked if they intend to travel and if so, they should be informed that a proxy vote could be used instead.

Members were satisfied with the responses given by the Chief Executive. The Chief Executive agreed to keep Members informed on the action taken in regard to matters raised.

**RESOLVED that the report be noted.**

**45            AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD  
                 ON 10 JUNE 2010, EXCLUDING EXEMPT INFORMATION**

The Minutes of the Audit Sub-Committee meeting held on 10 June 2010, excluding exempt information, were not available as of 28 July 2010 and would be submitted for Members to note at a future meeting.

**46            APPOINTMENT OF ELECTED MEMBER TO ATTEND  
                 BROMLEY SAFEGUARDING CHILDREN BOARD**  
                 Report DCYP10116

Members considered a report which set out the statutory framework relating to the role of the Lead Member for Children and Young People Services in relation to safeguarding children.

The report set out the remit of the Bromley Safeguarding Children Board (BSCB) in acting as the key statutory mechanism for agreeing how the relevant organisations in Bromley co-operate to safeguard and promote the welfare of children and for ensuring the effectiveness of what they do.

It was proposed that the Lead Member for Children and Young People Services, or his representative, take up formal membership on the Bromley Safeguarding Children Board.

**RESOLVED that the proposal for the Executive member for Children and Young People Services, or his representative to take up formal membership of the Bromley Safeguarding Children Board be endorsed.**



**47 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 in the following Minutes 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**

**48 EXEMPT MINUTES OF THE MEETING HELD ON 30 JUNE 2010**

The exempt Minutes of the meeting held on 30 June 2010 were noted.

**49 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 10 JUNE 2010**

The Exempt Minutes of the Audit Sub-Committee meeting held on 10 June 2010 were not available as of 28 July 2010 and would be submitted for Members to note at a future meeting.

The Meeting ended at 8.36 pm

Chairman