

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.30 pm on 14 March 2012

Present:

Councillor Tony Owen (Chairman)

Councillors Nicholas Bennett J.P., Roger Charsley, Roxy Fawthrop, John Getgood, Ellie Harmer, Gordon Norrie, Ian F. Payne, Tim Stevens J.P., Harry Stranger and Michael Turner

Also Present:

Councillor Douglas Auld

182 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Will Harmer (replaced by Councillor Ellie Harmer), Russell Mellor, Charles Rideout (replaced by Councillor Michael Turner), Diane Smith and Stephen Wells.

183 DECLARATIONS OF INTEREST

There were no declarations of interest.

184 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 1ST DECEMBER 2011

RESOLVED that the minutes of the meeting held on 1st December 2011 be confirmed.

185 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

The Committee noted that the only matter listed was now closed.

186 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

187 REVISION OF LICENSING POLICY 2012 Report ES12043

At its meeting on 28th September 2011 the Committee had approved suggested changes to the Statement of Licensing Policy as the basis for statutory consultation. The main changes proposed were –

- Revisions to the Cumulative Impact Policy, based on good practice found in Brighton's Statement of Licensing Policy.
- Changes to the policy for dealing with representations, in particular petitions.
- Drawing a distinction between "minor" and "major" variations to a license.

About 1,000 letters had been sent out, and 44 responses had been received. The consultation period had now finished and Members considered the comments that had been received. In particular, Members took into account the email from Waitrose Limited concerning the inclusion of off licences in the Cumulative Impact Policy, but they concluded that the policy was reasonable and evidence-based.

RESOLVED that the responses to the public consultation exercise as summarised at paragraph 3.7 and appendix 4 of the report be noted, in particular the comments of Waitrose Limited on the legality of including Off Licences in the Special Policy of Cumulative Impact.

RECOMMENDED that Council approves the changes to the Statement of Licensing Policy set out in appendices 1, 2 and 3 for adoption.

188 GUIDANCE ON "REVIEW" HEARINGS FOR MEMBERS OF LICENSING SUB-COMMITTEES
Report ES12053

At the request of Councillor Nicholas Bennett, officers had prepared a draft guide to "Review" hearings to offer a more structured and consistent approach to decision making.

In the section on Protection of Children from Harm – under age sales (page 85) it was proposed that the suggested starting point should be "Suspend the licence for 1-3 months" (in bold) (1st time) and "Suspend the licence for 3 months or Revoke the Licence." (2nd time.)

RESOLVED that the guidelines for use by the Licensing Sub-Committee when hearing "Review" applications be adopted with the change set out above.

189 GUIDANCE ON MAKING A LICENSING APPLICATION - VOLUNTARY CONDITIONS IN THE OPERATING SCHEDULE
Report ES12049

When a licence application was made the applicant was supposed to complete an 'Operating Schedule' (Part P of the form) in which they stated how they would operate to promote the 4 licensing objectives. If there were no representations then these statements become conditions. However, these

were often written in very general terms and the Council could not make significant alternations to them - this led to very variable conditions which could be difficult to enforce.

In addition, the Council could only impose a licence condition when an application was being decided by a Licensing Sub-Committee following relevant representations. Even then, the condition had to be necessary and proportionate. Over time slightly different conditions may have been used by Sub-Committees.

The Council was not able to strictly apply a set of standard conditions to applications but it would be good practice to publish examples of well written conditions, with the expectation that new applicants would adopt those which were appropriate to their business. A first draft had been drawn up (appendix 1 to the report) which would be published on the Council's Website and sent out with requests for application packs. It was intended that the guidance would be continue to be improved by officers.

Councillor Nicholas Bennett, who had proposed the preparation of the guidance, suggested that the Council should offer a standard refusal book with numbered pages for the "challenge 25" scheme, and could consider patenting and selling it. Officers emphasised that it was difficult to insist on the use of a particular standard book, but Trading Standards did have a model which could be promoted. Councillor Bennett requested to see a copy.

A small typing error was identified in the first line of paragraph 9, where "that" should read "than."

RESOLVED that the guidance to applicants on voluntary conditions be approved and published.

**190 NOMINATION FOR APPOINTMENT AS AN HONORARY
 ALDERMAN
 RES12050**

The Committee was asked to support the nomination of former Councillor Peter Bloomfield, who had served as member for Darwin Ward for twenty-eight years (1982-2010), as an Honorary Alderman. Former Councillor Dorothy Laird was also suggested – this would be followed up.

RECOMMENDED that Council appoints former Councillors Peter Bloomfield and Dorothy Laird as Honorary Aldermen.

**191 APPOINTMENTS TO OUTSIDE BODIES
 Report RES12049**

The Committee considered a number of vacancies that had arisen on outside body appointments.

RESOLVED that

(1) Councillor Ian Payne be appointed to serve as the Council's representative on the Diocese of Rochester Board of Education for the three year period expiring on 31st December 2014 (subject to further clarification of the role).

(2) Mrs C Truelove be re-appointed to the Hayes (Kent) Trust for the four year period expiring in May 2016.

(3) That the vacancy on the Phillips and Lubbock Foundation be deferred to the Committee's next meeting.

192 PROGRAMME OF MEETINGS 2012/13
Report RES 12039

The Committee considered the proposed Programme of Meetings for the 2012/13 Council year. The programme was loosely based on the current timetable, but contained a slight overall reduction in the number of meetings. Councillor Douglas Auld, as Chairman of the Public Protection and Safety PDS Committee, requested that his Committee be allocated two meetings on 31st May and 24th July 2012 in place of the proposed meeting on 26th June, and it was also suggested that the full Council meeting proposed for 5th November be moved back one week to 12th November 2012.

As proposed by the Constitution Improvement Working Group, the Committee also considered the start time of meetings and decided to recommend that the normal evening start time for meetings should be 7pm. As the start time for ordinary full Council meetings was set out as 7.30pm in the Council's Constitution (Council Procedure Rules, page 66) it was necessary to seek approval from Council for this change.

RESOLVED that the proposed Programme of Meetings for 2012/13 as set out in appendix 1 be approved, subject to the following changes –

(a) the proposed meeting of the Public Protection and Safety PDS Committee on 26th June 2012 be replaced by two meetings on 31st May and 24th July 2012;

(b) the proposed meeting of the Council on 5th November 2012 be moved to 12th November 2012.

RECOMMENDED that Council agrees that, from 2012/13 onwards, the normal evening start time for full Council meetings, Committees and Sub-Committees be 7pm, subject to each body retaining the flexibility to start at a different time if necessary, and further daytime meetings be permitted where there is agreement from all the relevant Members.

193 EXECUTIVE ASSISTANTS: ANNUAL REPORT 2011/12
Report RES12037

As part of the consideration of the Members' Allowances Scheme, the Committee received reports each year from those Members appointed as Executive Assistants covering the work that they had undertaken in justification of their special responsibility allowance.

Councillor Nicholas Bennett reminded the Committee that the Constitution Improvement Working Group had suggested that Members appointed to significant outside bodies should also provide a report back on their work. This had been approved by Council in December 2009.

RESOLVED

- (1) That the reports of the Executive Assistants be noted.**
- (2) That officers ensure that reports are received from Members appointed to outside bodies with significant role and budget.**

194 MEMBERS' ALLOWANCES SCHEME 2012/13
Report RES12038

The Committee considered a report on the proposed Members' Allowances Scheme for 2012/13, including the Mayoral and Deputy Mayoral allowance. It was recommended that all allowances remained frozen at current levels.

Councillor John Getgood commented that he thought that the number of allowances should be reduced, and that he could not therefore support the Scheme.

RECOMMENDED that Council approves the proposed Members Allowances Scheme 2012/13, including –

- (a) freezing the allowances in the light of the current economic circumstances with no other changes to the existing scheme;**
- (b) agreeing the Mayoral and deputy mayoral allowances at the same rate as last year.**

(Councillor John Getgood requested that his vote against the Scheme be recorded.)

195 PAY POLICY STATEMENT
Report CEO1194

Under the Localism Act 2011 the Council was required to publish a Pay Policy Statement, which had to be approved by full Council by 31st March 2012. The statement set out the Council's existing policy on the pay of its workforce, and in particular its senior staff and its lowest paid employees.

Councillor John Getgood queried the statement at paragraph 3.3 (iv) of the document that the Council was, "...seeking to localise its terms and conditions ...". It was confirmed that proposals were being discussed, but any change would require Member approval. The Committee agreed that the words "seeking to localise" should be replaced by "considering localising."

RECOMMENDED that Council approves the Pay Policy Statement attached as Appendix A to the report, subject to changing the words "seeking to localise" to "considering localising" at paragraph 3.3 (iv).

196 RIGHTS OF WAY SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 1ST NOVEMBER 2011

The Committee received the minutes of the meeting of the Rights of Way Sub-Committee held on 1st November 2011.

197 PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON 9TH NOVEMBER 2011 AND 9TH FEBRUARY 2012, EXCLUDING EXEMPT INFORMATION

The Committee received the minutes of the meetings of the Pensions Investment Sub-Committee held on 9th November 2011 and 9th February 2012 (excluding exempt information).

198 INDUSTRIAL RELATIONS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 22ND NOVEMBER 2011 (EXCLUDING EXEMPT INFORMATION)

The Committee received the minutes of the meeting of the Industrial Relations Sub-Committee held on 22nd November 2011 (excluding exempt information).

199 AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 15TH DECEMBER 2011, EXCLUDING EXEMPT INFORMATION

The Committee received the minutes of the meeting of the Audit Sub-Committee held on 15th December 2011 (excluding exempt information).

The Sub-Committee had drawn attention to one issue in particular, which was the Information Requests audit and proposals for dealing with Freedom of Information (Fol) requests. The Director of Resources had responded that the proposals were intended to improve the service by removing impediments to mainstreaming Fol work in the departments. Additional training was being carried out for departmental coordinators on the Fol computer system and an e-form was being introduced to ensure that requests were better directed. Members were concerned that capacity for coordinating requests and holding expertise centrally was being lost, and requested that information about the new processes be circulated.

Councillor Nicholas Bennett updated Members on significant issues that had been discussed at the Audit Sub-Committee's meeting on 8th March 2012, the previous week.

200 APPEALS SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON 25TH NOVEMBER 2011 AND 26TH JANUARY 2012, EXCLUDING EXEMPT INFORMATION

The Committee received the minutes of the meetings of the Appeals Sub-Committee held on 25th November 2011 and 26th January 2012 (excluding exempt information).

201 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**

202 PENSIONS INVESTMENT SUB-COMMITTEE: EXEMPT MINUTES - 9TH NOVEMBER 2011 AND 9TH FEBRUARY 2012

The Committee received the exempt minutes of the Pensions Investment Sub-Committee meetings on 9th November 2011 and 9th February 2012.

203 INDUSTRIAL RELATIONS SUB-COMMITTEE: EXEMPT MINUTES - 22ND NOVEMBER 2011

The Committee received the exempt minutes of the industrial Relations Sub-Committee meeting on 22nd November 2011.

204 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 15TH DECEMBER 2011

The Committee received the exempt minutes of the Audit Sub-Committee meeting on 15th December 2011.

205 APPEALS SUB-COMMITTEE: EXEMPT MINUTES - 25TH NOVEMBER 2011 AND 26TH JANUARY 2012

The Committee received the exempt minutes of the Sub-Committee meetings on 25th November 2011 and 26th January 2012.

General Purposes and Licensing Committee
14 March 2012

The Meeting ended at 8.02 pm

Chairman