

## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of the meeting held at 7.00 pm on 14 February 2013

### **Present:**

Councillor Tony Owen (Chairman)  
Councillor Russell Mellor (Vice-Chairman)  
Councillors Nicholas Bennett J.P., John Canvin,  
Roger Charsley, Peter Fookes, Julian Grainger,  
Will Harmer, Gordon Norrie, Charles Rideout,  
Diane Smith, Tim Stevens and Pauline Tunnicliffe

### **Also Present:**

Councillor Simon Fawthrop

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

Apologies for absence were received from Councillors Roxy Fawthrop, John Getgood and Ian Payne. Councillor Peter Fookes replaced Councillor John Getgood.

### **58 DECLARATIONS OF INTEREST**

The following Councillors declared an interest as members of the Local Government Pension Scheme in relation to minute 63, Workplace Pensions – Automatic Enrolment:- Councillors Nicholas Bennett, Simon Fawthrop, Julian Grainger, Russell Mellor, Gordon Norrie, Tony Owen, Diane Smith and Tim Stevens.

### **59 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 23RD OCTOBER AND THE SPECIAL MEETING HELD ON 21ST NOVEMBER 2012**

**RESOLVED** that the minutes of the meetings held on 23<sup>rd</sup> October and 21<sup>st</sup> November 2012 be confirmed.

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

No questions had been received.

### **61 STATION SQUARE, PETTS WOOD Report RES13040**

The Council had received complaints that what were claimed as established rights of way over forecourts at Station Square, Petts Wood were being

obstructed. A petition had also been received from the Petts Wood and District Residents' Association seeking the confirmation of a right of way for the whole of Station Square, Petts Wood, including shop forecourts, which it was claimed, had existed continuously for 20 years without let or hindrance.

Councillor Simon Fawthrop attended the meeting as a ward Councillor for Petts Wood and Knoll – he commented that the issue was not solely about tables and chairs on the highway, but involved a range of other hindrances. He also stated that several signatories to the petition had been excluded under the Council's petition scheme as they did not live or work in the borough – he felt that this should be considered by the Constitution Improvement Working Group. Some of the residents who signed the petition had claimed that they had exercised highway rights over the forecourts for over seventy years.

Members had been seeking a meeting of the Rights of Way Sub-Committee to deal with this issue, and sought advice from officers on that Sub-Committee's role. Officers explained that the Sub-Committee had been set up specifically in response to a need for a quasi-judicial body to consider issues relating to footpath orders under the Wildlife and Countryside Act. Councillor Nicholas Bennett informed the Committee that at its forthcoming meeting on 26<sup>th</sup> February the Constitution Improvement Working Group would be looking at the issue of requisitioning meetings and the division of responsibilities between GP&L, Portfolio Holder Executive powers and the precise role of the Rights of Way Sub-Committee.

Councillor Julian Grainger raised concerns about authorising officers to take action before all the evidence was in place, and pointed out that the Environment Portfolio Plan contained policy objectives regarding facilitating a café culture that might conflict with the aim of protecting highway rights. Officers were investigating ownership of the forecourts in Station Square, but confirmed that the issue of ownership was separate to that of highway rights.

**RESOLVED that the Committee -**

**(1) Notes that a report will be presented by the Environment Portfolio Holder to a future meeting of the Environment PDS Committee for pre-decision scrutiny concerning options in respect of privately owned forecourts over which it is claimed highway rights have arisen.**

**(2) Notes that the Portfolio Holder will be responding to the petition under the Council's petition scheme.**

**(3) Subject to the outcome of the meeting referred to in (2), authorises the Director of Resources if necessary and subject to the evidence to take any necessary action under section 130 and/or 149 of the Highways Act 1980 in respect of the complaints made in respect of Station Square Petts Wood.**

**(4) Agrees that further reports will be presented to the General Purposes and Licensing Committee as required.**

**62 PAY POLICY STATEMENT 2013/14**  
Report HHR13001

Under the Localism Act 2011 the Council was required to publish a Pay Policy Statement each year. The statement was a summary of the existing policies that would be applied throughout the year.

Councillor Peter Fookes asked for an update on progress with the implementation of localised pay and conditions of employment. It was confirmed that employees (who numbered in the region of 3,500) had until 31<sup>st</sup> March to accept the new terms of employment and had to accept before 11<sup>th</sup> March to receive the £200 one-off payment. Currently, 969 had said yes and 363 had said no.

**RESOLVED that Council be recommended to approve the 2013/14 Pay Policy Statement as attached to the report at Appendix A.**

**63 WORKPLACE PENSIONS - AUTOMATIC ENROLMENT**  
Report RES13041

Under reforms originally introduced in the Pensions Act 2008, every employer would be required to automatically enrol their eligible jobholders into a pension scheme and to pay contributions to that scheme in respect of that worker with effect from a "staging date." Automatic enrolment was being phased in between 1st October 2012 for the largest employers, extending to 2017 for small employers. The Council's 'staging date' for its own workers, including teachers, was 1st March 2013.

The report considered how this requirement sat with the Council's current pension arrangements, including the impact on those employees who had previously decided to opt out of the Local Government Pension Scheme (LGPS) or the Teachers Pension Scheme (TPS). The Council was not able to offer any third alternative to its employees beyond either taking part in the relevant scheme or not taking part. However, the new Regulations coming into force in 2014 would allow employees the option of making 50% contributions for 50% benefits. It was confirmed that Councillors were not deemed to be employees for the purposes of the Act.

**RESOLVED that**

**(1) The transitional period be used to defer automatic enrolment for eligible jobholders who, on 1st March 2013, are not members of either the LGPS or the TPS on the basis that they have previously opted out and have the right to join the relevant scheme at any time whilst they continue in employment (as in paragraphs 3.14 to 3.16 in the report).**

**(2) Council be recommended to agree that authority be delegated to the Assistant Chief Executive (HR) and the Finance Director to:**

- (i) use postponement for workers on short-term contracts and in circumstances where it aids administrative processes;**
- (ii) take all necessary action to ensure that the Council's responsibilities under the requirements of automatic enrolment are met.**

**64 MEMBERS' ALLOWANCES SCHEME 2013/14**  
Report RES13010

The regulations governing Members' allowances required that, before the beginning of each financial year, the Council should make a scheme of allowances for that year. The report detailed the proposed allowances for 2013/14, recommending that the current allowances remain frozen. The report also provided an update on the Government's announcement that it intended, subject to statutory consultation, to withdraw the right of Councils to allow Councillors to participate in the Local Government Pension Scheme from April 2014.

**RESOLVED that**

**(1) Council be recommended to agree the proposed Members' Allowances Scheme 2013/14, including the recommendations to -**

- (i) freeze the current allowances in the light of the current economic circumstances;**
- (ii) amend the scheme to replace the reference in paragraph 16 to the PE Inbucon scheme with reference to the Council's arrangements for localised pay;**
- (iii) agree the Mayoral and Deputy Mayoral allowance at the same rate as last year.**

**(2) The Government's proposal, subject to statutory consultation, to withdraw the right of Councils to allow their Councillors to contribute to the Local Government Pension Scheme from April 2014 be noted.**

**65 EXECUTIVE ASSISTANTS: ANNUAL REPORT 2012/13**  
Report RES 13024

To support its consideration of the Members' Allowances Scheme, the Committee received annual reports from the Executive Assistants appointed by the Leader of the Council for 2012/13. The four Executive Assistants were –

- Cllr Peter Fortune (Executive Assistant, Environment)
- Cllr Richard Scoates (Executive Assistant to the Leader)

- Cllr Diane Smith (Executive Assistant, Care Services)
- Cllr Pauline Tunnicliffe (Executive Assistant, Education)

**RESOLVED that the reports from the Executive Assistants be noted.**

**66           PROGRAMME OF MEETINGS 2013/14**  
Report RES 13008

The Committee considered the draft Programme of meetings for the 2013/14 Council year. The Programme was based on the 2012/13 timetable, with the addition of an additional Council meeting in September 2013, and had been subject to extensive consultation. Members noted that some of the school term dates needed minor correction.

**RESOLVED that**

**(1) The Programme of meetings for 2013/14 be approved.**

**(2) Should the date of the 2014 local elections be changed the alternative arrangements for May 2014 as set out in paragraph 3.4 in the report be approved.**

**67           APPOINTMENTS TO OUTSIDE BODIES**  
Report RES13009

The Committee considered a number of appointments to outside bodies.

**RESOLVED that**

**(1) Councillor William Huntington-Thresher be appointed to the Orpington BID Board for the remainder of the Council year (subject to the outcome of the ballot currently taking place.)**

**(2) Mr AJ Duncan, Mrs G Scales and Mr MJ Winsor be re-appointed to as nominated trustees of the Beckenham Parochial Charities for the four year term of office from 24<sup>th</sup> January 2013.**

**(3) That the views of the Care Services Portfolio Holder and Director of Education and Care Services be sought on the role of the Council's representative on the Oxleas Trust Council of Governors.**

**(4) That Councillor Julian Grainger be appointed to serve as the Council's representative on the Diocese of Rochester Board of Education for the remainder of the three year period expiring on 31<sup>st</sup> December 2014.**

**68 LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES OF THE MEETING HELD ON 5TH SEPTEMBER 2012**

The Committee received the minutes of the Local Joint Consultative Committee meeting held on 5<sup>th</sup> September 2012.

**69 PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON (A) 19TH SEPTEMBER 2012 AND (B) 15TH NOVEMBER 2012 (EXCLUDING EXEMPT INFORMATION)**

The Committee received the minutes of the Pensions Investment Sub-Committee meetings held on 19<sup>th</sup> September and 15<sup>th</sup> November 2012 (excluding exempt information.)

Councillor Julian Grainger informed the Committee that, at the recent Pensions Investment Sub Committee, Members had been informed that the market value of the Fund had increased compared to the same period last year. However, primarily due to the impact of low gilt yields actuarial revaluations of twenty other local government schemes had resulted in an increase in their deficits. As the Bromley scheme was about to have its triennial revaluation it seemed likely that there would be a similar increase in the deficit despite the cash value increasing. Although there were other factors that would influence the final valuation, an increase in the fund's deficit could lead to a higher rate of return being required, or a longer recovery period.

**70 INDUSTRIAL RELATIONS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 25TH OCTOBER 2012 (EXCLUDING EXEMPT INFORMATION)**

The Committee received the minutes of the Industrial Relations Sub-Committee meeting held on 25<sup>th</sup> October 2012 (excluding exempt information.)

**71 AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 14TH NOVEMBER 2012 (EXCLUDING EXEMPT INFORMATION)**

The Committee received the minutes of the Audit Sub-Committee meeting held on 14<sup>th</sup> November 2012 (excluding exempt information.)

Councillor Peter Fookes requested a further explanation from officers of the statement on page 3 of the minutes that new requirements on academies meant that the responsible officer could only be a non-paying Governor of the Trust.

**72 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 item 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**

**73 PENSIONS INVESTMENT SUB-COMMITTEE: EXEMPT MINUTES (A) 19TH SEPTEMBER 2012 & (B) 15TH NOVEMBER 2012**

The Committee received the exempt minutes of the meetings of the Pensions Investment Sub-Committee held on 19<sup>th</sup> September and 15<sup>th</sup> November 2012.

**74 INDUSTRIAL RELATIONS SUB-COMMITTEE: EXEMPT MINUTES - 25TH OCTOBER 2012**

The Committee received the exempt minutes of the meeting of the Industrial Relations Sub-Committee held on 25<sup>th</sup> October 2012.

**75 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 14TH NOVEMBER 2012**

The Committee received the exempt minutes of the meeting of the Audit Sub-Committee held on 14<sup>th</sup> November 2012.

The Meeting ended at 7.21 pm

Chairman