

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.00 pm on 4 February 2014

Present:

Councillor Tony Owen (Chairman)
Councillor Russell Mellor (Vice-Chairman)
Councillors Nicholas Bennett J.P., John Canvin,
Roger Charsley, Roxhannah Fawthrop, John Getgood,
Julian Grainger, Ellie Harmer, Diane Smith, Tim Stevens,
Harry Stranger and Michael Turner

Also Present:

Councillor Simon Fawthrop and Councillor Will Harmer

127 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence had been received from Councillors Gordon Norrie and Charles Rideout.

128 DECLARATIONS OF INTEREST

Councillor Michael Turner declared an interest in relation to minute 131 (Arrangements for the 2014 Elections) as a churchwarden of St Andrews Church, Burnt Ash Lane.

During consideration of minute 137 (Review of Councillor IT and Telephones) Councillor Simon Fawthrop declared an interest as an employee of British Telecom.

129 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

130 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 25TH SEPTEMBER 2013

RESOLVED that the minutes of the meeting held on 25th September 2013 be confirmed.

131 ARRANGEMENTS FOR THE 2014 ELECTIONS Report CEO1400

The Committee received a report from the Chief Executive in his role as Returning Officer for the European Parliamentary election and the Local Government elections to be held on 22nd May 2014.

The Chief Executive confirmed that the guidance on tellers set out in the report was provided by the Electoral Commission, and he explained to the Committee that, from his perspective as Returning Officer, tellers did not have a formal role in the conduct of the elections. Members pointed out that tellers helped to increase turnout and were sometimes able to help direct voters to the correct polling station. The Chief Executive undertook to ensure that presiding officers were briefed on the role of tellers and able to use their discretion to see that reasonable facilities were available for them.

The report set out three options for the timing of the count. The favoured option was to start the verification for both elections on the Friday morning, with the local count following on the Friday afternoon and the European count on Sunday afternoon/evening. This would minimise the risk of errors and mean that better facilities would be available for all concerned.

Members commented on a number of local issues at particular polling stations. The changes involving Tubbenden Primary School, Orpington and St Georges Church Hall, Albemarle Road (replacing Bromley Road Infant School) were welcomed. The Chief Executive undertook to ensure that clear signs were erected at the Pickhurst Schools to direct voters to the correct polling station.

It was confirmed that payments for election staff were made in accordance with a London-wide agreement, that the new electoral roll would be available on 17th February and that signatures on nominee forms would be accepted even where the initials did not exactly match the electoral roll.

RESOLVED that the contents of the report be noted.

**132 LICENSING ACT 2003 - LICENSING CONDITIONS AT REVIEW
HEARINGS**
Report ES14021

Following a Licensing Sub-Committee hearing on 10th January 2014 Councillors Nicholas Bennett and Julian Grainger had raised a number of questions for consideration by the Committee –

- a. Can a Licensing Sub Committee consider imposing conditions at a Review hearing on a licensing objective(s) other than the objective(s) which originally prompted the Review application?
- b. If so what evidence can the panel consider?
- c. Who can a Licensing Sub-Committee ask questions of at a hearing?
- d. Would this Committee consider a policy statement relating to the imposition of a condition prohibiting the sale of high strength beers lagers and ciders on Review of an off licence.

The emails setting out these concerns in detail were attached as appendix 1 to the report, while appendix 2 contained an article written by Philip Colvin QC addressing some of the issues. The report itself summarised the issues and explained how they applied to Licensing Sub-Committee meetings.

On the particular issue of the sale of high strength beers, lagers and ciders, Members were against setting a blanket policy of imposing restrictions on new licenses or at Reviews. It was already open to a Licensing Sub-Committee to impose such a condition at a Review where the Police had made a relevant representation and where it was considered to be an appropriate and proportionate response. The Chairman pointed out that this issue could be examined further if necessary as part of the review of the Statement of Licensing Policy due for 2016.

RESOLVED that the answers to the questions put by Cllrs Nicholas Bennett and Julian Grainger, and the advice leading to them, be noted and the Statement of Licensing Policy be not amended in respect of reviews of off-licences and the sale of high strength beers, lagers and ciders.

133 DESIGNATION OF PITCHES AND GOODS FOR STREET TRADING
Report ES14005

On 10th April 2013 the Committee had agreed changes to permitted locations and goods for street trading, subject to formal consultation and the views of ward Councillors. The consultation had now been completed with no comments having been received and it was proposed to issue all established street traders with a full three year licence (details were set out in Appendix 1 to the report).

The Chairman reported that he had received complaints from a local resident about the pitch outside Beckenham Crematorium, that the stallholder's vehicle was blocking the footpath. Officers had investigated this and warned the trader not to leave the vehicle's doors open.

RESOLVED that

(1) Changes to designations under section 24 (1) of the London Local Authorities Act 1990 ("the Act") as summarised in Appendix A to the report be approved.

(2) The changes take effect on 1st April 2014.

134 2014/15 PAY AWARD

Under the Council's Local Pay Award determination process the Committee was required to make a recommendation on the 2014/15 pay award to full Council. The Committee received a report summarising the context and

reasoning for the proposed award, noting a small change in the proposal to address the overlap between parts of the BR14 and MG6 grades.

The Chairman invited Glenn Kelly, Staff Side Secretary, to address the meeting. He pointed out that staff had had eight years of pay freezes and below inflation increases, as well as the introduction of car parking charges and reductions in essential car user allowances, and their living standards had declined significantly. With staff numbers decreasing the overall wage bill had reduced significantly, and the Council had reserves available that could support a reasonable increase for staff. Staff in the three main trade unions, and non-union staff, had voted overwhelmingly to reject the offer and to support the national claim for a £1 an hour minimum increase to achieve the Living Wage. He also criticised the first awards made to exceptional performers, claiming that 13% of senior managers had received a payment, but only 2% of BR graded staff and no school staff.

The Director of Human Resources responded to the Staff-Side Secretary, explaining the proposed award was reasonable and almost certain to be higher than the national pay award. Indeed, Unison had already accepted a 1% deal for the next two years in Scotland. The current proposals would add about £1m to the Council's annual wage bill, but a £1per hour minimum increase would cost in the region of £5m, requiring an additional £4m to be found.

The Committee considered the proposals and concluded that in the context of the financial challenges facing the Council they were reasonable. They could not support using capital reserves for paying increased salaries. Some Members queried the definition of the Living Wage, as it appeared to contain an allowance of up to 11% for leisure costs. They also questioned whether Mr Kelly had a mandate to represent staff, and whether the Council should be paying for him to do this.

In summing up his case, Mr Kelly explained that he had been elected to his role by staff to represent them, and he faced re-election every three years. He challenged Members to hold a staff ballot on future pay awards. He concluded by stating that the staff's demand was not excessive, amounting to only half of what they had lost in recent years.

RESOLVED that

(1) Full Council be recommended to approve the following "bottom loaded" pay increase proposal:

- 1.7% increase for staff earning less than £21k per annum (fte)**
- 1.2% increase for staff earning £21k or more but less than £44k per annum (fte)**
- 1% increase for staff on £44k per annum or more (fte)**

(2) Members reject the Trade Union pay claim for a “minimum increase of £1 an hour on scale point 5 to achieve the Living Wage and the same flat increase on all other scale points”.

(Councillor John Getgood stated that, on principle, the Council’s workers, including contractors, should be on a living wage, and requested that his contrary vote be recorded.)

135 MEMBERS' ALLOWANCES SCHEME 2014/15
Report CSD14022

Before the beginning of each financial year the Council was required to approve a scheme of allowances for all Councillors. Allowances for the Mayor and Deputy Mayor, although not formally part of the scheme, were usually considered at the same time. Since 2009, the economic circumstances and the pressure on the Council’s budgets had meant that Councillors had opted to keep the allowances frozen at the same level, and the Committee agreed that this should continue into 2014/15

RESOLVED that Council be recommended to approve the Members’ Allowances Scheme 2014/15 and the Mayoral and Deputy Mayoral Allowances for 2014/15, based on maintaining the allowances at their current levels.

136 EXECUTIVE ASSISTANTS: ANNUAL REPORT 2013/14
Report CSD14030

Since 2008, the Committee had received an annual report summarising their work from each Executive Assistant in conjunction with its consideration of the Members’ Allowances Scheme. The Committee received reports from Councillor Peter Fortune (Executive Assistant for Environment), Councillor Richard Scoates (Executive Assistant to the Leader) and Councillor Diane Smith (Executive Assistant for Care Services).

RESOLVED that the reports submitted by Executive Assistants for 2013/14 be noted.

137 REVIEW OF COUNCILLOR IT AND TELEPHONES
Report CSD14022

In addition to the Members’ Allowances Scheme, the Council provided a range of computer and telephone equipment and services to support Councillors in their work. These arrangements had been reviewed and new, simplified arrangements were proposed, to take effect after the 2014 election, based on the provision of tablet devices and either a basic Council mobile phone or a fixed phone allowance, and removing a range of provision that had grown up over several decades. This would also provide savings over the course of the next Council.

The proposals had been drawn up by the New Technology Working Group, chaired by Councillor Will Harmer. Councillor Harmer stated that the proposals would bring Members into line with practice elsewhere in other organisations and would provide savings; he was confident that Members would soon appreciate the benefits of using a tablet, including the ability to write notes on-screen.

Some Members expressed reservations about having to read documents on a screen, but it was emphasised that tablets were designed for reading and were more suited to this than conventional computer/laptop screens. Members would be able to retain their existing IT equipment, or use their own equipment, to complement the new tablet devices. The Council would dispose of any unwanted equipment.

Another issue was telephone tariffs, and whether the proposed £10 per month allowance was at the correct level; the Council was currently looking at changing contracts but was certainly able to obtain better rates than private customers. There was also concern that some residents might be reluctant to call a mobile number rather than a landline, fearing higher charges.

The Committee requested that the report be circulated to all Councillors, and that any comments received be added to those made by the Executive for consideration by full Council.

(During consideration of this item Simon Fawthrop declared an interest as an employee of British Telecom.)

RESOLVED that

(1) The report be circulated to all Councillors.

(2) Council be recommended to approve the new arrangements for Councillor IT and telephone support as set out in paragraphs 3.5 and 3.7 of the report, subject to the Council considering any comments received not only from the Executive but from any Councillor.

138 PROGRAMME OF MEETINGS 2014/15
Report CSD14024

The Committee considered the draft programme of meetings for 2014/15. The following minor corrections were noted –

- 14th January 2015 – add meeting of the Executive
- 20th January 2015 – Replace Education Budget Sub-Committee with Bromley Economic Partnership
- 18th February 2015 – Delete Improvement and Efficiency Sub-Committee
- 27th May 2015 – Replace Education PDS Committee with General Purposes and Licensing Committee

RESOLVED that the proposed programme of meetings for 2014/15, with the corrections set out above, be approved.

Note: After the meeting further corrections were identified –

- 27th January 2015 should read Education PDS (not Environment PDS)
- 28th January 2015 should read General Purposes & Licensing (not Education PDS)
- 25th March 2015 add Adoption Panel

139 LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES OF THE MEETINGS HELD ON (A) 8TH OCTOBER 2013 AND (B) 11TH DECEMBER 2013

The Committee received the minutes of the meetings of the Local Joint Consultative Committee held on (A) 8th October 2013 and (B) 11th December 2013.

140 AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 6TH NOVEMBER 2013, EXCLUDING EXEMPT INFORMATION

The Committee received the minutes of the meeting of the Audit Sub-Committee held on 6th November 2013 (excluding exempt information.)

141 INDUSTRIAL RELATIONS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 10TH OCTOBER 2013 (EXCLUDING EXEMPT INFORMATION)

The Committee received the minutes of the meeting of the Industrial Relations Sub-Committee held on 10th October 2013 (excluding exempt information.)

142 PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON (A) 18TH SEPTEMBER 2013, (B) 7TH OCTOBER 2013 AND (C) 7TH NOVEMBER 2013 (EXCLUDING EXEMPT INFORMATION)

The Committee received the minutes of the meetings of the Pensions Investment Sub-Committee held on (A) 18th September 2013, (B) 7th October 2013 and (C) 7th November 2013 (excluding exempt information.)

143 APPEALS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON (A) 13TH NOVEMBER 2013 AND (B) 3RD DECEMBER 2013, EXCLUDING EXEMPT INFORMATION

The Committee received the minutes of the meetings of the Appeals Sub-Committee held on (A) 13th November 2013 and (B) 3rd December 2013, excluding exempt information.

144 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**

145 AUDIT SUB-COMMITTEE: EXEMPT MINUTES OF THE MEETING ON 6TH NOVEMBER 2013

The Committee received the exempt minutes of the meeting of the Audit Sub-Committee on 6th November 2013.

146 INDUSTRIAL RELATIONS SUB-COMMITTEE: EXEMPT MINUTES OF THE MEETING ON 10TH OCTOBER 2013

The Committee received the exempt minutes of the meeting of the Industrial Relations Sub-Committee on 10th October 2013.

147 PENSIONS INVESTMENT SUB-COMMITTEE: EXEMPT MINUTES OF THE MEETINGS HELD ON (A) 18TH SEPTEMBER 2013, (B) 17TH OCTOBER 2013 AND (C) 7TH NOVEMBER 2013

The Committee received the exempt minutes of the meetings of the Pensions Investment Sub-Committee on (A) 18th September, (B) 17th October and (C) 7th November 2013.

148 APPEALS SUB-COMMITTEE: EXEMPT MINUTES OF THE MEETINGS ON (A) 13TH NOVEMBER 2013 AND (B) 3RD DECEMBER 2013

The Committee received the exempt minutes of the meetings of the Appeals Sub-Committee on (A) 13th November and (B) 3rd December 2013.

The Meeting ended at 8.42 pm

Chairman