

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 6.30 pm on 14 July 2015

Present:

Councillor Tim Stevens J.P. (Chairman)
Councillor Diane Smith (Vice-Chairman)
Councillors Teresa Ball, Nicholas Bennett J.P.,
Kevin Brooks, Mary Cooke, Ellie Harmer, David Livett,
Russell Mellor, Keith Onslow, Charles Rideout,
Colin Smith, Pauline Tunnicliffe, Michael Turner and
Stephen Wells

Also Present:

Councillor Julian Benington, Councillor Ruth Bennett,
Councillor Hannah Gray, Councillor Kate Lymer, Councillor
Peter Morgan, Councillor Tony Owen, Councillor Ian F.
Payne, Councillor Tom Philpott, Councillor Chris Pierce,
Councillor Michael Rutherford and Councillor Michael
Tickner

(Minutes 92 and 93 were considered in a joint session with
Public Protection and Safety PDS Committee.)

88 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Kathy Bance and Alan Collins, who were replaced respectively by Councillors Kevin Brooks and Colin Smith.

89 DECLARATIONS OF INTEREST

There were no declarations of interest.

90 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

91 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 27th MAY 2015

RESOLVED that the minutes of the meeting held on 27th May 2015 be confirmed.

92 POLICE PRESENTATION ON INCREASED CRIME AND DISORDER IN THE NIGHT TIME ECONOMY

The police update was given by the Borough Commander Chris Hafford, supported by PC Jonathan Booth. The police update was given against a background of increasing crime and disorder in the night time economies of both Bromley and Beckenham.

Operation Omega had been introduced as a nationwide MET policy to flood the streets with police to aid in hitting MOPAC 7 targets, and this had also been applied to Beckenham and Bromley. A colour document was distributed by the police that gave information on MPOAC 7 crime update statistics for Bromley. Most of the data referenced property offences with the exception of the data concerning violence with injury offences.

The data showed that the overall MOPAC 7 crime reduction target was to reduce overall crime levels by 5%. The data showed that the overall crime reduction percentage reduction was 3.2%. Crime had reduced in many areas, but the sectors that required improvement were criminal damage, theft of motor vehicles and violence with injury offences. The police felt that the increase in the violence with injury figures were directly correlated to alcohol consumption. The two Wards in LBB with the highest levels of VWI (Violence with Injury) were Cray Valley East and Cray Valley West.

The police had noted a general increase in crime across London, as well as significant increases in crime and disorder in Beckenham and Bromley. It was felt that in Bromley this could be linked to the relaxation of the Cumulative Impact Areas Policy in July 2013. The Committee were informed that there had been more crime in the last 12 months in Bromley Town Centre than in Woolwich, and that Safer Neighbourhood Officers had been used to help with night time responses. The Committee heard that Operation Triangle had helped, and that LBB were working towards a "Purple Flag" status for Beckenham for a well-managed night time economy.

The police had tabled a document entitled "Crime Digest for Bromley Town Centre Pubwatch". The document highlighted various incidences of crime and disorder that had occurred in Bromley Town Centre between 1st June 2015 and 13th July 2015. This was expanded upon by PC Jonathan Booth, as was another document that detailed more specific crime related data concerning selected licensed premises in Bromley. This premises had shown at least 4 minor variations of its licence in January 2014, and had morphed from what had previously been primarily a restaurant into a bar. PC Booth stated that the premises in question had extended it's opening time from midnight to 2.00am, and had now changed into a bar generating trouble and drunks. It was noted that it had recently applied for another variation. He expressed the view that if the premises had still been a restaurant, these problems would not be occurring.

The Borough Commander expressed concern that licensed premises were taking advantage of a licensing regime that was too relaxed. He was further concerned about data expressed in the form of a “trend line” that showed increasing levels of crime and disorder. He reminded Members that the police had to deal with violent offenders who were often in a crowd. The Borough Commander was also concerned about limited police resources to deal with these incidents. He informed the Committee that the police had resources of 21 officers on night duty, and that in the future even these numbers may reduce. In the future, units may have to be drawn in from outside the borough. The Borough Commander concluded by stating that it was an understatement to say that he was concerned.

Responding to the presentation, Paul Lehane, the Head of Food Safety, Occupational Safety and Licensing reminded the Committee that there had been two recent informal meetings (with ward members for Bromley Town and Copers Cope on 23rd June 2015 and the Tories on meeting on 24th June 2015) which had been helpful to officers in gaining an understanding of ward councillor views on the operation of the night-time economy and crime and disorder. Twelve action points had been identified and would help to shape the licensing policy for the period 2016 to 2021 -

1. The need to engage with BID Teams
2. The development of closer working between the Planning Department and other PDS Committees
3. The need to improve lines of communication with Members
4. To make the best use of street pastors
5. To look at the street environment in Bromley
6. To give members a case study of a poor performing business
7. Ensuring that DPS/Personal Licence holders would be present at all times
8. The limitation of vertical drinking establishments
9. A general requirement for door staff for pubs and clubs operating after midnight
10. A requirement to retain the Cumulative Impact areas of Beckenham and Bromley
11. Support for strong enforcement for problem businesses
12. Retaining staggered closing

The response of the Council to these issues would be delivered through the licensing policy, decision making and partnership working.

Mr Lehane outlined a proposed vision for the Council’s Licensing Policy as follows:

- 1) It was the desire of Bromley Town Ward Councillors to see a continuing development of a responsible and flourishing night time economy that would benefit the economies of Bromley North and South.
- 2) However, Members would support strong enforcement action against irresponsible businesses that undermined the licensing objectives, and had a negative effect on the night time economy.

3) Beckenham Town Centre was working in a way that promoted the Licensing Objectives, and because of this, any applications for new licences or variations would have to be considered very carefully to ensure that the current balance was not upset.

4) It was proposed that in Orpington the development of “café” type establishments would be promoted and that vertical drinking establishments would be discouraged.

Mr Lehane stated that he needed Member input on the Vision, and highlighted the importance of Member decision making, and its subsequent impact on crime and disorder. He asserted that representations from the police should be given significant weight and that the Licensing Objectives should not be undermined. New Licensing Policy conditions would include the introduction of strict conditions that would describe the exact type of operation that could be undertaken, and that Planning Permission would be required first.

The Town Centre Manager, Cheryl Curr, then appraised Members about the aim to achieve the “Purple Flag” award for Bromley Town Centre, and the benefits of achieving the award.

The Chairman noted the issues concerning the problems that cabs had in parking in East Street in Bromley North because of yellow line restrictions. He felt that the yellow lines should be removed, and replaced with recognised cab ranks/boxes for cab parking. The Portfolio Holders for Environment and Renewal and Recreation both supported this aim, as did other Members present, and the Chairman of the Renewal and Recreation PDS Committee Payne suggested that it would be a good idea to set up not just taxi ranks, but also a taxi marshalling service.

Cllr Michael Tickner commented that half of the turnover for Beckenham Town Centre was from the night time economy. He felt that it would be sensible to apply what had worked in Beckenham to Bromley. He also added that it was important to spot phoney applications to prevent businesses from changing from acceptable uses into more troublesome venues. He supported a hard crackdown on problem businesses and was of the opinion that all premises should have door staff after 11.30pm. Cllr Tickner was in favour of getting people home using a “staggering” process, and so “staggered” closing should be supported. He also advocated more support for taxi ranks and for the Night Bus. He suggested that a strategy should be adopted to try and attract older people into the night time economy to attain more balance in terms of age and maturity.

Officers expressed the view that door staff should be paid by the licensed premises to act as street marshals wearing hi-vis jackets to help with dispersal of customers. This was a practice that had proved successful in Beckenham. The Borough Commander advised the Committee that ASB Closure Notices had proved to be an effective enforcement tool. A Member asked if staggered closing was currently being employed, and if it was

possible to stop admitting people after a certain time. Officers answered that this was normally controlled by door staff, but could be added to policies and reviews in the future. The problem with trying to enforce a “staggering policy” was one of fairness and balance. Members were in favour of marshalling and street pastors.

Cllr Michael Rutherford stated as a Bromley Town member that matters should be kept in context, and that Members should bear in mind the new developments proposed at St Mark’s Square, and that it was important to give new businesses a chance. He requested that the police not object to applications pertaining to restaurants and theatres. He advocated a considered and measured approach. PC Booth clarified that the police sometimes objected to applications in order to ensure that relevant conditions were applied.

Cllr Tony Owen stated that all that was needed existed already in the current licensing policy, and that a distinction had not been made with respect to binge drinking establishments. He expressed the view that successive Licensing Sub-Committees had chosen to ignore officer and police advice. Cllr Owen declared that the Council had not helped the police and that the matters were not just a matter of police enforcement. He felt that the Council had let the police and the public down.

The Chairman reiterated the views expressed by Cllr Rutherford that a balanced and considered approach was required. Cllr Pauline Tunnicliffe expressed the view that it may be a good idea to see what had worked in Beckenham, and transfer this to Bromley. She expressed concern over what appeared to be a problem with adequate police resource. Cllr Stephen Wells was not convinced that ideas that had worked in Beckenham could be successfully transferred to Bromley. He expressed the view that the night time economies of Beckenham and Bromley were different. He stated that a model needed to be built first, and then the plan would be to move towards the model with all relevant stakeholders doing their part. The Chairman commented that it was possible that areas of good practice in Beckenham could be transposed to Bromley.

Councillor Alexa Michael, the Chairman of the Public Protection and Safety PDS Committee asked to what degree drugs and other substances such as legal highs contributed to anti-social behaviour. PC Booth responded that there were some individuals who combined alcohol with drugs such as cocaine, and they could make them volatile and violent.

Cllr Russell Mellor was of the opinion that Bromley was close to saturation point as far as off licences were concerned, and that most drunks emanated from the bars rather than the restaurants. He suggested that when granting licences for restaurants, it may be prudent to incorporate time restrictions on the serving of alcohol as part of the licence. Cllr Ian Payne wanted to see more engagement with street pastors, and tougher enforcement against those who caused ASB. The Chairman felt that more reviews were required, and that there was a need to take more action.

Cllr Nicholas Bennett felt that the statistics mirrored what was going on in the rest of the country and felt that Members would benefit from a deeper view of the statistics. He advocated the promotion of more restaurants in Bromley which would encourage more adults into the night time economy. It was always the case that the responsible authority could repeal a decision if required, and a premises could always be called in for review if required.

Cllr Bennett also questioned whether all the effort that was being put into achieving the purple flag status was really beneficial. Cheryl Curr responded that the Purple Flag award took into consideration various factors such as footfall, revenue generated, and crime reductions. These factors would be evaluated before the Purple Flag scheme could be awarded. The cost for an application was £1,500. Cllr Payne stated that the award was nationally recognised and took into account levels of crime and wellbeing; it was a scheme that businesses were investing in and it was good for the marketing of the Beckenham economy.

Cllr Charles Rideout expressed concern about the lack of resources available to the police, and stated that LBB should support the police in any way they could. Cllr Brooks stated that LBB should promote rather than just threaten, and Cllr Colin Smith countered that what was required was simply greater enforcement and more reviews.

Cllr Tunnicliffe asked how long it took to arrange a review. Mr Lehane responded that it took time for the Police to gather robust evidence which would allow Members to make the right decisions. In case of serious crime the Police could apply for an "Expedited" review, the first hearing of which took place within two days and the full hearing within 28 days. A standard review application would be determined within two months.

The Chairman enquired if there were any establishments that were getting near to the stage when a review was likely. There was such a premises that was getting close to that stage and the details were noted.

The Chairman concluded with the following points:

- More reviews were required
- A tougher message needed to be sent out concerning crime and disorder
- There was a requirement for serious enforcement
- Marshalling was to be encouraged
- Yellow Lines to be removed that hindered cab ranks, and cab ranks/boxes to facilitate parking for cabs
- LBB had to act robustly with partners

RESOLVED that the Police update be noted.

93 LICENSING ACT 2003: DRAFT LICENSING POLICY 2016 - 2021
Report ES15039

The Committee considered a report setting out a new draft statement of Licensing Policy as part of the statutory five yearly review – a draft policy was ready for public consultation.

RESOLVED that subject to correction of any minor errors the draft statement of Licensing policy be agreed for public consultation.

94 DRAFT GAMBLING POLICY 2016 - 2019 - GAMBLING ACT 2005
Report ES15055

The Council's Gambling Policy was due for review and a draft of the policy for 2016/19 was circulated. This had been revised to meet current guidance, license conditions and the code of practice from the Gambling Commission. It was proposed that the revised policy would be made available for public consultation until 30th August 2015.

RESOLVED that

(1) The draft gambling policy attached to the report be subject to public consultation until 30 August 2015.

(2) Feedback from the consultation be received at the next meeting on 17 September 2015.

95 FEEDBACK ON 2015 UK PARLIAMENTARY (GENERAL) ELECTION
Report DCS15092

The Committee received a report from the Acting Returning Officer, the Chief Executive, giving them feedback on key issues relating to the UK Parliamentary (General) Election held on 7th May 2015. The report covered Registering to Vote (this was the first major election since the introduction of Individual Electoral Registration in June 2014), nominations and candidates, ballot papers, postal voting, proxy voting, polling places, polling day, tellers, the count, appointment, training and payment of staff and post-count issues.

Members raised the following issues –

- In connection with the change of a polling place from Southborough Primary School to Southborough Lane Baptist Church, it was suggested that posters should be put up at the old venue to re-direct voters.
- There were occasions when the same polling place was used, but arrangements were poorer following a change in management at the

venue – such as at La Fontaine Primary School (previously the Education Development Centre.) The polling station had been moved to the rear of the building and the car park had not been open. The Chief Executive responded that he was aware of the issues, and had been given assurances before the Election which had not been carried out.

- At the Pickhurst Schools site, there had still been confusion about the polling stations for the two wards, despite additional notices being put up. There had also been an issue with posters from a school project on the General Election.
- There were reports that polling staff had encouraged voters to leave their voting cards behind in the polling booth, or had collected cards, frustrating the tellers. At one station a number of discarded poll cards had been found in the toilets. The Acting Returning Officer emphasised that poll staff were strictly neutral, and that the role of tellers was covered in the training provided to all staff. Staff were encouraged to collect discarded poll cards for safe disposal, but not to ask voters to hand them in.
- A Member commented that schools were intended to be secure places where children could be safely educated without distractions. It was unfortunate that schools had to be used for the election, and disruption or closures had to be minimised. The Chief Executive stated that schools were always kept open if possible, but that the safety of the children was paramount.

The Chairman commented that the counts in Bromley had taken considerably longer than in some constituencies, but he had been assured that staffing resources were not a problem in Bromley. The Chief Executive apologised for the problems that had delayed the conclusion of the Orpington count.

RESOLVED that the contents of the report be noted and the Committee's thanks to the Acting Returning Officer and his staff for a well-run election be recorded.

96 SHARED PARENTAL LEAVE POLICY

The Shared Parental Leave Regulations were a new legal entitlement for eligible parents of babies that were due, or children placed for adoption, on or after the 5th April 2015. The Regulations provided an opportunity for parents to take advantage of additional flexibility in the way they chose to care for a new arrival to the family. All eligible employees had a statutory right to take Shared Parental Leave (SPL). In addition, subject to meeting specific eligibility criteria, there might be an entitlement to some Shared Parental Pay (ShPP).

The report provided details of the Regulations and sought Members' approval of a Council Policy to ensure that the Council discharged its statutory duties

as an employer and that applications for SPL and ShPP were processed consistently and equitably.

RESOLVED that the Shared Parental Leave policy in respect of all staff employed by the Council and Local Authority including those staff in Community and Voluntary Controlled maintained schools be agreed.

97 PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 19TH MAY 2015

The minutes of the meeting of the Pensions Investment Sub-Committee held on 19th May 2015 were received.

98 APPEALS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 5th JUNE 2015, EXCLUDING EXEMPT INFORMATION

The minutes of the meeting of the Appeals Sub-Committee held on 5th June 2015 (excluding exempt information) were received.

99 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 summary
refers to matters
involving exempt information**

100 APPEALS SUB-COMMITTEE: EXEMPT MINUTES - 5TH JUNE 2015

The exempt minutes of the Appeals Sub-Committee meeting held on 5th June 2015 were received.

The Meeting ended at 8.57 pm

Chairman