

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.30 pm on 24 May 2011

Present:

Councillor Tony Owen (Chairman)
Councillor Russell Mellor (Vice-Chairman)
Councillors Nicholas Bennett J.P., John Canvin,
Roger Charsley, Simon Fawthrop, John Getgood,
Will Harmer, Gordon Norrie, Ian F. Payne,
Charles Rideout, Diane Smith, Tim Stevens,
Harry Stranger and Stephen Wells

123 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

The Chairman welcomed Councillor Mellor and Councillor Norrie as new members of the Committee.

An apology for absence was received from Councillor Roxy Fawthrop and Councillor Simon Fawthrop acted as alternate.

124 DECLARATIONS OF INTEREST

There were no declarations of interest.

125 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 7TH APRIL 2011(EXCLUDING EXEMPT MINUTES)

RESOLVED that the minutes of the meeting held on 7th April 2011 (excluding exempt information) be confirmed.

126 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

Members were given an update on the subject of Unadopted Highways in Bickley Park. The Committee was reminded that the Director of Resources, then the Director of Legal, Democratic and Customer Services, had been authorised, subject to the evidence and after consultation with the Chairman and the Vice-Chairman of the General Purposes and Licensing Committee, the Environment Portfolio Holder and the Director of Environment Services, to seek a declaration from the Courts as to the status of certain roads within the area known as "Bickley Park". A pre-action protocol letter had been sent to the Bickley Park Ltd's solicitors together with copies of the Council's supporting evidence. This evidence, subject to the redaction of certain personal data, would also be made available on the Council's website.

Residents would respond if they wished and officers would then put together a composite of responses from residents including those represented by Bickley Park Ltd which Members requested would be submitted to the General Purposes and Licensing Committee. A Councillor advised that the meeting of the Committee that considered this information should be held before the meeting of the Executive that was to be asked to make a decision on this subject.

Note: Please note that the Function Regulations and decisions based on s130 Highways Act (asserting and protecting public rights) cannot be considered by the Executive. Accordingly it is only General Purposes and Licensing Committee that can have a role in reviewing the authority it has already delegated to the Director of Resources to pursue the declaration before the court.

127 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

There were no questions from members of the public.

128 LICENSING WORK PLAN 2011 AND REVIEW OF 2010 Report ES11062

Members received a report on the performance of the Licensing Team for the year 2010/11. The Committee's agreement was sought on targets for 2011/12.

The Portfolio Holder for Public Protection and Safety referred to the Best Bar None Scheme and advised that the Scheme might include Orpington this year depending on the cost. An administrative charge levied at premises who wished to take part in the competition had been considered as all of the resultant publicity benefitted the premises in question. He had also asked for a review of licensing fees. The Council had no control over alcohol licensing fees but did have some say over other types of fees. Comparative work with other councils would be carried out during the review.

A ward Councillor raised the question of a public order nuisance caused by a public house that was sited just outside the Crystal Palace boundary. The Head of Food Safety, Occupational Safety and Licensing agreed to look matter of public nuisance around the area of the Cambridge Public House. He also advised that a review of a licence could still be applied for even though the premises was outside the Borough boundary. The officer agreed to contact neighbouring boroughs for further possible information

A ward Councillor for Biggin Hill reported that in the last year the Sevenoaks Chronicle had carried out a "sting" operation in relation to selling alcohol to underage children. However, he reported that this offence still went on and named Roundways and Tesco as two alleged offenders. The Head of Food

Safety, Occupational Safety and Licensing advised that he would contact Trading Standards and he would forward any information he acquired to Councillors Norrie, Owen and Stevens.

RESOLVED that:

- (a) the achievement of the Work Plan for 2010/11 be noted; and**
- (b) the Work Plan for 2011/12 be agreed including:**
 - (i) running the Best Bar None Scheme in Bromley and Beckenham;**
 - (ii) attending Pub Watch meetings;**
 - (iii) undertaking Proactive Visits to licensed premises;**
 - (iv) implementing the provisions of the Police Reform and Social Responsibility Bill; and**
 - (v) reviewing Licence fees.**

**129 LICENSING SUB-COMMITTEE: SCHEDULE OF MEETINGS
FROM JUNE TO DECEMBER 2011 AND OTHER MATTERS
Report RES11026**

The Committee was requested to consider the proposed schedule of meetings of the Licensing Sub-Committee for the period June to December 2011. Following the Annual meeting of Council on 18th May 2011 an amended rota was tabled taking into account the new membership of the General Purposes and Licensing Committee.

New Members were informed that meetings started at 10.00 am and 2.00 pm and Members sitting on Committees would be informed if hearings did not run into the afternoon session.

The Chairman drew Members' attention to a number of instances where the Councillor listed was not able to attend that hearing due to other commitments. He encouraged Members to contact the Democratic Services Officer if they could make up the numbers.

A question was raised as to whether the procedures at Licensing Sub-Committees could be made more informal. The Council's Legal Adviser said that whilst the Sub-Committee's decisions might not be quasi judicial, the process by which the decisions were reached was and the Committee was advised that the more formal approach of the Sub-Committee was designed to provide certainty and clarity to the method by which evidence was considered and decisions made so as to reduce the risk of legal challenge. The Head of Public Safety, Occupational Safety and Licensing agreed and advised that the legislation gave guidance on the structure and approach of

Licensing Sub-Committee and he felt that the Council had struck the correct balance.

The Committee was advised of an instance when a member of the General Purposes and Licensing Committee had been removed from a meeting of the Licensing Sub-Committee without his agreement because the officers were concerned that the agenda contained an application for a premises in his wife's ward. He disagreed with the decision of the officers and objected to not being allowed to make a judgement of his own. He commented that in the past Councillors had made judgments as to whether to sit on a Sub-Committee or not and this should continue. The Council's Legal Adviser said that once Members were appointed to a Sub-Committee their replacement was principally a matter for them subject to the need for them to comply with the Code of Conduct and to have regard to any advice provided by the Monitoring Officer. He stressed the need for both officers and Councillors to work together to ensure that Licensing Sub-Committees remained quorate and that any circumstances that might involve Members with potential prejudicial interests were considered to mitigate the risks of subsequent legal challenges.

RESOLVED that:

(a) that, subject to any changes being made as necessary by the Director of Resources with the agreement of the Members concerned, the schedule of meetings of the Licensing Sub-Committee for June to December 2011 be agreed;

(b) the Committee expressed its concern regarding the actions of officers in removing a Councillor from a Licensing Sub-Committee against his expressed wishes; and

(c) in future, it be left to Councillors to form their own view as to whether or not they should be part of the Panel of a Licensing Sub-Committee subject to consideration of any advice or guidance from the Monitoring Officer.

130 APPOINTMENT OF COUNCIL REPRESENTATIVES TO SERVE ON OUTSIDE BODIES AND PARTNERSHIP BODIES Report RES11016

The Committee was asked to agree the appointment of Council representatives to serve on Outside Bodies and Partnership Bodies in respect of (a) annual appointments for 2011/12, (b) three-year term appointments, (c) four year appointments co-terminus with the period of the Council. The Committee noted that, subject to any further nominations being received, there were no appointments where there were more nominees than places.

In relation to appointments to Beckenham and Bromley Town Centre Steering Groups, concern was raised about the importance of the area action plans and the fact that decision were being taken out of the relevant Members'

remit. It was advised that the Beckenham Business Association which Councillors, Mellor, Tickner and Wells attended, had a remit similar to the Town Centre Steering Groups.

RESOLVED that:

(a) the nominations to outside bodies and partnership bodies as set out below be agreed;

(b) it be noted that the management committee of the Haven Community Home was no longer in existence and therefore the Council was not required to appoint representatives:

(c) in relation to the vacancy for Cray Valley Library and War Memorial Institute (to 8th June 2014), that either Councillor Roxy Fawthrop or Councillor Peter Fortune be invited to fill the vacancy (this decision to be decided between them); and

(d) the Renewal and Recreation Policy development and Scrutiny Committee be asked for the view in relation to the ending of the need to appoint Councillors to the Beckenham and Bromley Town Centre Steering Groups.

131 MINUTES OF THE MEETING OF THE PENSIONS INVESTMENT SUB-COMMITTEE (EXCLUDING EXEMPT MINUTES) HELD ON 10TH FEBRUARY 2011

RESOLVED that the minutes of the meeting of the Pensions Investment Sub-Committee held on 10th March 2011 (excluding exempt information) be noted.

132 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

133 EXEMPT MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 7TH APRIL 2011

RESOLVED that, subject to an amendment to the second paragraph, the exempt minutes of the General Purposes and Licensing Committee held on 7th April March 2011 be noted.

134 EXEMPT MINUTES OF THE MEETING OF THE PENSIONS INVESTMENT SUB-COMMITTEE HELD ON N 10TH FEBRUARY 2011

General Purposes and Licensing Committee
24 May 2011

RESOLVED that the exempt minutes of the meeting of the Pensions Investment Sub-Committee held on 10th February 2011 be noted.

The Meeting ended at 7.59 pm

Chairman