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**REPORT OF GENERAL PURPOSES AND LICENSING COMMITTEE**


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**MEETING HELD ON 29 SEPTEMBER 2003**


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Chair:	* Councillor Bluston	
Councillors:	* Billson (1)	* Harriss (4)
	* Blann	* Knowles
	* Branch	* John Nickolay
	* Gate (4)	* Ray
	Ann Groves	* Versallion (5)

\* Denotes Member present  
 (1), (4), (4), (5) Denotes category of Reserve Member

49. **Attendance by Reserve Members:**  
**RESOLVED:** To note the attendance at this meeting of the following duly appointed Reserve Members:-

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor O'Dell	Councillor Gate
Councillor Mrs Bath	Councillor Billson
Councillor Janet Cowan	Councillor Versallion
Councillor Vina Mithani	Councillor Harriss

50. **Declarations of Interest:**  
**RESOLVED:** To note that there were no declarations of interests made by Members in relation to the business transacted at this meeting.
51. **Arrangement of Agenda:**  
**RESOLVED:** That all items be considered with the press and public present with the exception of the following item for the reasons set out below:

<u>Item</u>	<u>Reason</u>
Item 10 – Paternity Leave	This report is considered to contain confidential information under Paragraph 1 “exempt information” of Schedule 12a to the Local Government Act 1972 in that it refers to a particular employee of the Council.

52. **Minutes:**  
**RESOLVED:** That the minutes of the meeting held on 3 June 2003, having been circulated, be taken as read and signed as a correct record.

53. **Public Questions, Deputations and Petitions:**  
**RESOLVED:** To note that there were no public questions, petitions or deputations submitted to this meeting under the provisions of Committee Procedure Rules 18, 15 and 16 (Part 4B of the Constitution) respectively.

54. **Electoral Commission Consultations "The Cycle of Local Government Elections in England" and "The Minimum Age of Voting and Candidacy in the UK" and pilot Schemes Evaluation Report:**  
 The Committee received a report detailing a consultation being undertaken on the cycle of local Government elections. The consultation paper had been issued by the Electoral Commission (EC) which had been asked to carry out the review, in the hope of identifying options for change and simplifying the current process.

The consultation paper sought views on 8 key questions. As the matter was one affecting the democratic process in Harrow, it was thought important to obtain the Council's response to the consultation paper. The EC hopes to have collated and published the responses and any recommendations to the Government by January 2004.

The consultation paper referred to the lack of participation by voters in elections

combined with widespread public confusion and lack of knowledge about when local elections are held.

In addition, the EC had recently published a further consultation paper dealing with the minimum age to vote and candidacy on which Members' views were invited.

The Committee was also asked to note that the EC was recommending Government to adopt all-postal voting for future local elections

A Member queried the current expenditure in Harrow for the hire of venues, polling booths, staff etc and how the funds were allocated for particular elections. Responding, the officer did not have any figures for costs incurred for the hire of venues and staff. However, he explained that funding varied depending on the particular election, for example local election funding came from the Borough, whereas Parliamentary elections were funded by the Government. A Member felt that an informed decision on future elections could not be made without a cost analysis involved, as it would be difficult to assess where and how to keep costs to a minimum. The officer advised the Committee that this was one reason for considering postal voting which, it was anticipated, would significantly reduce overheads.

Some Members felt that postal votes would increase public participation, whereas some felt that together with electronic voting there was a higher risk of fraud. Suggestions were made to create a system whereby a scanned signature could be used to identify the voter. It was also put to the Committee that pressure from the head of the house, particularly amongst certain ethnic communities would be placed on the younger family members to vote a particular way, whereas, in a polling booth that person could exercise their right to vote, without being so influenced, thereby, resulting in the political composition of authorities more accurately reflecting the current make up of local areas. Some Members felt that another area of concern was in relation to those who were unable to read or write so as to complete a form. One Member felt that postal voting was a knee-jerk reaction to falling turnout in recent times and that some more thoughtful consideration needed to be taken into account once the EC had collated all the responses.

In addition, the EC believed that it was time to review the minimum age of voting and candidacy, particularly due to the declining participation amongst the younger voters during elections. Members shared a mixed reaction with regard to reducing the minimum age for voting and candidacy. Currently, the minimum voting age in the UK is 18 years, whereas the age to stand as a candidate is 21. The argument here, was that there were different minimum ages for different activities, thereby, creating a feeling of inconsistency. Examples of this were at 16 one can leave education, get married (with parental consent), and at 18 one can buy alcohol, be tried in an adult court, serve on a jury. Some Members felt that reducing the age to vote to 16 was too young as at this age a person may not really understand the political structure or democratic process and the implications of voting. Some suggested that reducing the age of candidacy to 18 was not feasible as one would not have had sufficient life experience. Alternatively, some Members felt that if at the age of 16 certain things were permissible such as getting married with parental consent, then in theory one is mature enough to vote. On a vote Members determined by a majority that they preferred to maintain the age for voting at 18 and by a much larger majority that the age for standing as a candidate be reduced to 18.

**RESOLVED:** That the (1) response attached as Appendix 1 to these minutes to the Electoral Commission be agreed;

(2) Electoral Commission consultation on ages for voting and candidacy be noted and their views as determined and noted in Appendix 1 be given in response;

(3) Electoral Commission recommendation to Government for future all-postal voting be noted.

55. **Licensing Act 2003, Interim Report:**

Your Committee received a report of the Chief Environmental Health Officer updating the current position on the Licensing Act 2003 and the stages in the implementation. The report listed operative dates for the new duties and also considered the approach to the Licensing Policy.

The officer informed the Committee that the Licensing Act brought together a unified system for alcohol, entertainments and night cafes. Only minor changes had been made to the original Licensing Bill published by Government in November 2002.

The officer went on to outline some of the significant implications of the Act. All premises with licensable activities (such as the supply of alcohol, late night refreshments and public entertainments) would require a premises licence, or for clubs, a club registration certificate. There were exemptions for activities associated with religious worship, school activities and morris dancing. Additionally those persons selling alcohol would have to hold a personal licence. A system of temporary event notices would enable smaller events to take place with a minimum of regulatory requirements. The initial step for the Council as licensing authority is to produce and consult on a Licensing Policy. The Policy establishes the basis for the Council's approach to deciding on licence applications.

It was also explained that the Licensing Act will transfer to the Council the responsibility for the issue of gaming machine permits for pub, clubs and similar licensed premises. This is a result of the Government's abolition of the Licensing Justices in February 2005. Local Authorities will have to establish new systems for processing applications for licences, club registrations and temporary events notices etc.

He went on to explain that a new procedure for the notification of freeholders of changes to the Licensing Register was going to be introduced. In return for an annual fee, which was yet to be determined, the Local Authority had to ensure that those registered their interests would be notified.

The Environmental Health Manager outlined the stages of implementing the Act and advised Members that the timescales were subject to change. However, he estimated that with a commencement order due about May 2004, applications would start to arrive for club registration certificates, personal and premises licences. Members were informed that the Licensing Act was due to come into effect in February 2005.

He informed Members of the requirement for the Council to produce and publish a Licensing Policy. The Policy, which would last for a period of three years, had to be completed and approved prior to the commencement of the applications in about May 2004. Attached to the report of the Chief Environmental Health Officer was a draft consultation Licensing Policy paper for Members' comments, which once it had been through all the stages referred to in the timetable, would formally require Council approval prior to next May.

Consultation on the Licensing Policy was a requirement for the new Act, and included agencies such as the Police, fire authority and premises and personal licensees. Others to be consulted were business representatives, Harrow's Chamber of Commerce, Youth Offending Team, Member's of Parliament etc.

There were significant implications for elected Members as more frequent meetings would be required, as licence applications came up for decision. Members would require prior training on the Licensing Policy once it had been approved, also on the new Act and its regulations. Member training would also cover such issues as the night time economy, crime, disorder and drug misuse. The Chair suggested offering the training to Reserve and those Ward Members who wished to subscribe to training.

A Member queried the suggestion of daytime meetings, which he felt was inconvenient not only to Members, but those who worked daytime but wished to attend and object to a licence. Responding the officer told the Committee that the Government expected daytime meetings but that evening meetings were also an option.

In responding to a question from a Member the officer advised the Committee that religious services would be exempt from Licensing requirements.

Concerns were raised over the funding, replying the officer advised that the Council's medium term financial strategy include growth to establish the service. The officer explained that the ongoing revenue costs would be offset against licensing fees and charges, which would be set by the Government.

A Member queried the prevention of sale of or supply of alcohol to children, and asked how this was going to be monitored. Responding the officer told the Committee that the Act gave specific powers to Trading Standards Officers to investigate under age-sale of alcohol.

Members raised the question of funding, in particular, the noise abatement team and their system of work particularly in the early hours of the morning. The officer told Members that the out of hours team would continue to investigate noise complaints from all types of premises. He added that the Government's Guidance on the Licensing Act clearly expected the Police to use their powers to take action where licensed

premises were causing noise complaints.

Following a debate, and recommended amendments to the draft Policy, it was

**RESOLVED:** That (1) comments made to the Draft Licensing Policy be noted;

(2) the provisional implementation timetable for the Licensing Policy be approved;

(3) a Special meeting of the General Purposes and Licensing Committee for 20 November 2003 be agreed;

(4) to reschedule the meeting of the General Purposes and Licensing Committee on 2 December 2003 to January 2004, but the setting of the date be deferred until the Special meeting scheduled for 20 November 2003;

(5) to approve the consultees subject to the amendments;

(6) to instruct the Chief Environmental Health Officer to continue to review the proposals regarding the extent of the new powers as they become clear and report these to the Committee for decision.

56.

**Paternity Leave:**

Further to an application by an individual employee to be granted in the excess of the minimum statutory paid leave entitlement in the circumstances of adopting a group of three children, it was

**RESOLVED;** That the Committee grant, for the purposes of adoption, in this instance, six weeks special leave at full pay to incorporate statutory entitlements.

(The statutory entitlement is one week full pay and one week statutory paternity pay which is currently £100 per week).

57.

**Extensions To and Termination of the Meeting:**

In accordance with the provisions of Committee Procedure Rule 14 (Part 4B of the Constitution) it was

**RESOLVED:** At (1) 10.00pm to continue until 10.05pm

(2) 10.05pm to continue until 10.10pm

(3) 10.10pm to continue until 10.15pm

(4) 10.15pm to continue until 10.20pm

(5) 10.20pm to continue until 10.25pm

(Note: The meeting, having commenced at 7.30 pm, closed at 10.25 pm).

(Signed) COUNCILLOR HOWARD BLUSTON  
Chair

APPENDIX 1**Q1 Should there be a more uniform pattern of local government electoral cycles in England? If so, why?**

The Committee felt that there should not be a uniform pattern of local government electoral cycles in England.

**Q2 To what extent should local preferences be taken into account when considering future arrangements for local government electoral cycles?**

The Committee felt that it was not the job of a London Borough to suggest what pattern of local government elections is held elsewhere, where local circumstances need to be taken into consideration.

However, it can be noted that the continuation of all out elections every 4 years in London is supported. A move away from this system would be unnecessarily be confusing for electors. The London model with Greater London Authority/ Mayor for London elections every 4 years, 2 years after the council elections gives the electorate a say about their local services at the ballot box every 2 years

We are not able to report on any elector-based demand for more frequent elections or a different pattern.

On the other hand, news reports there are elections “across the country” where there are no elections in London does cause some confusion, and Electoral Services take a stream of phone calls from would-be electors waiting on a poll card.

**Q3 Should the current four-year term of office for local Councillors be retained? If not, why?**

Yes.–The four year term could be said to provide a reasonable balance between an accountability to the electorate and providing enough time for an administration to implement their policies.

**Q4 In areas with more than one tier of local government, should elections to different levels continue to be staggered, or held at the same time? Why?**

They should continue to be staggered.

**Q5 In developing options for change to the current local government electoral cycle, should the Commission consider the possible future combination of local government elections in England with other national or European elections? If so, why?**

No. It has been suggested that there is an element of confusion from voters when combined elections take place. It also seems desirable, if electors are to focus on the relevant local issues at a local government election, for the election not to be combined with either elections for other tiers of local government or with other national or European Union elections where possible.

**Q6 Do you have any comments or further evidence on the evidence which we have gathered? In particular, we would value any practical experience or local examples of the issues discussed.**

No.

**Q7 In addition to the arguments outlined above, are there any other relevant issues which we should take into account?**

No

**Q8 In considering the simplification of the local government electoral cycle, which issues or arguments are the most important? Why?**

In order to legitimise local democracy, maximizing election turnout is most important. A confusing and poorly understood pattern of elections would be to the detriment of turnout.