

LICENSING AND GENERAL PURPOSES COMMITTEE MINUTES

26 NOVEMBER 2012

Chairman: * Councillor Mano Dharmarajah

Councillors:

* Sue Anderson (5)	* John Nickolay
* Kam Chana (3)	* Phillip O'Dell
* Ramji Chauhan	* Varsha Parmar
* Mrinal Choudhury	* Bill Phillips (7)
* Susan Hall	* Anthony Seymour
Ajay Maru	* Mrs Rekha Shah (1)
* Amir Moshenson	

* Denotes Member present
(1), (3), (5) and (7) Denote category of Reserve Members

86. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

Ordinary Member

Councillor Manji Kara
Councillor Kairul Kareema Marikar
Councillor William Stoodley
Councillor Krishna Suresh

Reserve Member

Councillor Kam Chana
Councillor Mrs Rekha Shah
Councillor Sue Anderson
Councillor Bill Phillips

87. Declarations of Interest

RESOLVED: To note that the following interest was declared:

Agenda Item 9 - Information Report: Changes to Licensing Act 2003 Via the Police Reform & Social Responsibility Act 2011 and the Live Music Bill
Councillor Sue Anderson declared a non-pecuniary interest in that she was employed by NHS Harrow. She would remain in the room whilst the matter was considered and voted upon.

88. Minutes

RESOLVED: That the minutes of the meeting held on 6 September 2012 be taken as read and signed as a correct record.

89. Public Questions, Petitions and Deputations

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting.

90. Membership of the Pension Fund Investment Panel

RESOLVED: That the changes to the Membership of the Pension Fund Investment Panel set out in the report be agreed.

RECOMMENDED ITEMS

91. Proposed 'Virtual Licensing Panel' Procedure

The Committee received a report of the Corporate Director Environment and Enterprise, which set out the proposed procedure for 'Virtual Licensing Panels'. An officer stated that there had been an omission in the recommendation, and it should have specified that the recommendation would require the approval of Council.

The officer advised that:

- following recent changes to the Licensing Act of 2003, both the police and the Environmental Health Authority were now able to object to the granting of a Temporary Event Notice (TEN) on the basis of any of the Licensing Objectives;
- once an objection notice was received, the licensing authority was obliged to hold a hearing to consider the objection, unless all parties and the authority agreed that a hearing was unnecessary and decided whether or not to issue a counter notice (which would mean that the event could not go ahead);
- rather than having to convene a licensing panel in order to impose the agreed conditions, this could be done via a conference call or 'virtual Licensing Panel made up of members the Licensing Panel Pool (who were not ward councillors for the ward in which the premises was located and subject to any declaration of interests);

- the 'virtual licensing panel', as licensing authority, would be asked to agree that a) a hearing was unnecessary; b) that it did not wish to issue a counter notice, and; c) that it considered it appropriate for the promotion of the licensing objectives to impose the conditions on the TEN. Officers could then notify the decision to the parties and issue the statement of conditions. This procedure would save both time and money involved in convening a Licensing Panel hearing. A hearing would only be necessary where the Members of the 'virtual licensing panel' did not agree to any of above points a-c.

Following questions from Members, the officer advised that:

- under the amended Licensing Act, like the police, the Environmental Health department at the council were now deemed to be Responsible Authorities;
- the 'Virtual Licensing Panel' would be conducted during office hours and take the form of a conference call, with the 3 Members of the Licensing Panel, Licensing officer(s), Legal officer(s) and a Democratic Services officer taking part in the conference call;
- the conference call could be made either to a mobile or landline number and officers would confirm whether Members taking part in the conference call would incur telephone charges;
- the 3 Members of the 'Virtual Panel' would be invited to participate on a rota basis from the Licensing Panel Pool;
- it was not possible to attach further conditions to a TEN, and only those already imposed on a premises would apply;
- annually, the Council received in the region of 500 requests for TENs and about 400 of these received objections;
- the Licensing section maintained a public register which set out data relating to any infringements or nuisance caused by any licensed premises in Harrow.

In view of the very limited time available for agreeing a TEN, Members agreed that Virtual Licensing Panels were a good idea. One Member suggested that one day of the week could be identified as the day for possible Virtual Licensing Panel hearings and relevant Members on the Licensing Panel Pool Rota could ensure that they set aside this date in their diaries. Committee Members agreed to proceed with 'Virtual Licensing Panels', for a trial period, subject to further information about the practicalities and logistics of arranging a conference call being provided to Members.

Resolved to RECOMMEND: (to Council)

That the 'virtual licensing panel' procedure in relation to section 106A of the Licensing Act 2003 relating to imposition of conditions on standard temporary

event notices in cases where the objection(s) seek the imposition of conditions and all parties agree that a hearing was unnecessary, be approved.

RESOLVED ITEMS

92. Flexible Retirement Policy

The Committee received a report of the Assistant Chief Executive, which set out a review of, and proposed changes to, the discretionary functions under the flexible retirement aspects of the Local Government Pension Scheme (LGPS).

The Divisional Director of Human Resources and Development and Shared Services stated that the discretionary functions of the LGPS relating to flexible retirement had been introduced in 2006 following changes implemented by Her Majesty's Revenue and Customs (HMRC). These changes allowed scheme members to receive their pension benefits while continuing in employment at reduced hours or at a lower grade. This process allowed the Council to reduce costs, was more cost effective than redundancy and enabled the retention of skills and experience of the employee.

The Divisional Director added that:

- the proposed recommendation was seeking to amend the policy so that waiving of any early retirement actuarial reduction would only be considered in exceptional circumstances;
- the requirement for a 10% saving on the costed salary was the council's own requirement;
- there had been no significant increase in the take-up of this discretionary scheme since the last review in 2010;
- the scheme should be attractive to employees as it allowed an employee in the LGPS to take all or part of their pension early, whilst continuing to work;
- the amended flexible retirement policy would remove obstacles for employees wishing to take flexible retirement with consequent financial and non financial benefits for the council.

Following questions and comments from Members, officers advised that:

- under the current policy, the waiving of any early retirement actuarial reduction (either in part or in full) was not possible. However, under the amended policy, this would be possible in exceptional circumstances, for example, in cases of extreme hardship. Each case would be referred to Members and be judged on its individual merits;

- although agreeing to waive an early retirement actuarial reduction carried an element of risk, this would be mitigated by ensuring the reasons behind each decision would be carefully recorded. Furthermore, paragraphs 2 and 3 of the officer's recommendation required that there should be a sound business case for granting early retirement. He added that the flexible retirement policy was a further option for eligible staff to consider at a time when the Council was seeking to reduce costs;
- the grade of the post in question would determine the level of savings to be made, which would in most cases be a moderate amount;
- most other London Boroughs had a similar approach and similar rules relating to their early retirement policy, in that they were not overly prescriptive;
- people were living longer and the age of retirement was being extended. The council's flexible retirement policy was in keeping with Government initiatives to change the culture amongst those who were considering either early retirement or continuing to work;
- although council staff had not yet been consulted about the proposed changes to early retirement policy, it was likely that the changes would be welcomed by staff as the policy made it easier for employees to choose flexible retirement and removed a number of barriers, without any detriment to the employee;
- the reason for the low take up of early retirement may have been the recent Voluntary Severance Scheme operated by the Council and a number of redundancies.

The Divisional Director added that the policy would be welcomed as it allowed staff to make adjustments to their working lives whilst continuing to contribute their skills and expertise in the workplace and enabled the Council to maintain capacity to deliver important frontline services.

RESOLVED: That

- (1) all requests for flexible retirement be considered;
- (2) approval only be granted if it was in the Council's best interest to do so and where the service could demonstrate operational efficiencies;
- (3) there would have to be a sufficient reduction in the employee's grade or hours to ensure that the pension fund was reimbursed for any shortfalls;
- (4) the waiving of any early retirement actuarial reduction (either in part or in full) would only be considered in exceptional circumstances;
- (5) flexible retirements must be approved by a Director and agreed by;

- a. the Officer Sub-Group and Members of the Early Retirement Sub-Committee where there was a strain on the pension fund; or
- b. the Divisional Director of Human Resources & Development & Shared Services where there was no strain on the pension fund.

93. Information Report: Changes to Licensing Act 2003 Via the Police Reform & Social Responsibility Act 2011 and the Live Music Bill

The Committee received a report which set out changes to the Licensing Act 2003 due to the implementation of the Police Reform and Social Responsibility Act (PRSR 2011) and the Live Music Bill, which would be implemented shortly. An officer advised that the following changes would now apply:

- licensing authorities and Primary Care Trusts and local Health Boards would become Responsible authorities;
- the Live Music bill exempted certain types of venues and performances from existing licensing requirements for the performance of live music;
- venues authorised to supply alcohol with a capacity of less than 200 people, at which music would be performed between the hours of 8.00 am and midnight, would no longer require a licence for the performance of live music;
- up to two performers would be able to perform live unamplified, or minimally amplified, music without the need for a licence;
- hospitals, hospital accommodation, schools and colleges would be able to host live music performances without the need for a licence.

Following questions from Committee Members, the officer advised that:

- religious worship or educational performances of music and dance did not require a licence and that this had always been the case;
- if the performance was deemed to be ancillary to religious worship, then it would be permitted, however, if it was judged to be entertainment, then licensing laws would apply;
- the late night levy was a form of tax. 70% of the levy, minus the cost of collection, was to be spent on crime and disorder. However, this 70% was given to Scotland Yard's budget. There was no guarantee that this money would be spent in Harrow. The council intended to negotiate terms with the Borough Commander to ensure that Harrow police continued to have a dedicated licensing Sergeant as these officers had a good overview of the borough and licensing related

issues. It may be possible to fund this post through the remaining 30% of the levy.

It was noted that the Home Office's suggested figures for the late night levy set out in the report contained some erroneous figures, however, these figures had been supplied by the Home Office.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.10 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman