

LICENSING AND GENERAL PURPOSES COMMITTEE MINUTES

1 MARCH 2010

Chairman: * Councillor Mrs Lurline Champagnie

Councillors:

* Husain Akhtar	* Ashok Kulkarni
† Don Billson	* Mrs Vina Mithani
* Mrinal Choudhury	* John Nickolay
* G Chowdhury	* Phillip O'Dell
† Mano Dharmarajah	* Raj Ray
* Thaya Idaikkadar	* Tom Weiss
* Nizam Ismail	* Jeremy Zeid

* Denotes Member present

† Denotes apologies received

135. Declarations of Interest

RESOLVED: To note that there were no declarations of interests made.

136. Minutes

RESOLVED: That the minutes of the meeting held on 23 November 2009, be taken as read and signed as a correct record subject to the following amendments:

The first bullet point on Minute Item 132 be amended to read:

- venues suggested by the Members of the Committee, including Harrow Town Cricket Club, Rayners Lane, would be added to the list of potential sites;

The fourth bullet point in Minute 132 be amended to read:

- plans for the location of portacabins at the McDonalds site, off Shaftesbury Circle, Harrow, would be circulated after the meeting and a risk assessment report would be circulated as soon as this was available.

137. Public Questions, Petitions and Deputations

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

RESOLVED ITEMS

138. Early Retirement - Delegation of Authority for Approval

An officer presented a report that requested the Committee to review exercising discretionary delegations relating to the Local Government Pension Scheme Early Retirements.

The officer reported that the suggested recommendation in the report arose following a request from members at the 23 November 2009 meeting of the Early Retirement Sub-Committee. The recommendation required approval from the Licensing and General Purposes (L&GP) Committee to expand the remit of delegation under Regulations 18 and 30 to include cases where there was a potential financial strain on the pension fund.

In response to questions by Members of the Committee, officers advised that:

- an officer sub-group that included the Section 151 Officer, Monitoring Officer and Human Resources and Development officer considered to the merits of each individual request for early retirement. They would consider the business case for the request and the financial benefit to the authority in agreeing to the request for early retirement;
- the Early-Retirement Sub-Committee ratified the recommendations made by officers;
- officers would produce an annual report which outlined the decisions made by the officer sub-group for consideration by the Licensing and General Purposes Committee;
- any financial strain on the pension fund was reported in the triennial valuation. The Section 151 officer had dual responsibility for the pension fund. One of the responsibilities included reporting any financial strain on the fund to the Pension Fund Investment Panel;
- the "85 year rule", which provided for existing employees where their age and amount of service accrued in the scheme exceeded 85 years, did not apply to new members of the pension fund. A financial strain

on the pension fund could occur if a member of the fund retired before the age of 60;

- if an employee took early retirement and was re-employed by another authority they could make pension contributions for the new role and subsequently receive two pensions.

The Chairman added that responsibilities were allocated to Councillors and officers who had a particular level of expertise in the subject area.

Following a discussion on this item, the Committee noted that agreeing to the recommendation would rescind Councillor involvement. Some Members felt that it was important to maintain the partnership established with officers and the element of accountability and impartiality that Councillors had in the process.

RESOLVED: That the current arrangements with regard to Early Retirements be retained.

139. Changes to the Allocation of Responsibilities for the Licensing and General Purposes (L&GP) Committee

Report withdrawn.

140. Application for Registration of Land at Strongbridge Close Estate as a Town or Village Green

An officer presented a report which requested for the Committee to consider and reject the application for registration of land at Strongbridge Close Estate, Rayners Lane as a town and village green.

The officer explained that under Regulation 3 of the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 (the Commons Act), an application made in form 44 must be supported by a statutory declaration and accompanied by supporting evidence. She advised that the application made on 11 July 2008 had not been supported by sufficient information that would enable the land to be registered. It was added that the application was incomplete, and as such, officers' recommended rejection of the application on these grounds.

In response to questions from Members, the officer clarified that:

- the authority had given the applicant a reasonable opportunity to provide evidence in support of the application. The application had not been duly made under section 15 of the Commons Act 2006 as the applicant had failed to define "locality" for the purposes of the application;
- in the absence of delegations and in their role as a neutral arbiter, the Committee were required to make a decision following consideration of the report and officer recommendations;

- the Committee were not required to consider any planning applications or decisions in relation to the land that had previously been made;
- if an application was deemed to be invalid, the applicant could make a fresh application within two years after the use of the land had ceased;
- the land subject to the application was owned by a third party and redevelopment works on the site had commenced. If the application to register the land was successful, the courts could potentially require that the building works should be removed;
- for the purposes of the Commons Act 2006, use of the land must be as of right and not by force, in secret or without permission.
- if the application was rejected, the applicant would be advised of the Committee's decision. They would have the opportunity to make a fresh application provided this was within two years of the date that use of the land ceased.

A Member of the Committee proposed that the officer recommendation be rejected. This motion was seconded and defeated when voted upon.

The Committee then voted upon the recommendation by officers which was agreed.

RESOLVED: That

- (1) the application for registration of land at the Strongbridge close estate as a town or village green be rejected;
- (2) officers be authorised to write to the applicants to formally confirm this.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.00 pm).

(Signed) COUNCILLOR MRS LURLINE CHAMPAGNIE
Chairman