

LICENSING AND GENERAL PURPOSES COMMITTEE

Meeting held on Monday, 21 March 2016 at the Council Offices, Farnborough at 7.00 pm.

Voting Members

Cllr A.M. Ferrier (Chairman)
Cllr S.J. Masterson (Vice-Chairman)

Cllr Liz Corps
Cllr A.H. Crawford
Cllr B. Jones
Cllr M.D. Smith
Cllr L.A. Taylor
Cllr Jacqui Vosper
Cllr R. Cooper
Cllr Barbara Hurst
Cllr A.R. Newell

21. MINUTES

The Minutes of the Meeting held on 25th January, 2016 were approved and signed by the Chairman.

22. EXTERNAL AUDIT UPDATES

The Committee received the Head of Financial Services' Report No. FIN1606, which explained that the Council's appointed auditors, Ernst & Young, would be undertaking the audit of Rushmoor's financial statements for 2015/16 in order to give an audit opinion on those statements and to provide a value for money conclusion on the Council's arrangements to secure economy, efficiency and effectiveness.

The Chairman welcomed to the meeting Mr. Andrew Brittain (Executive Director) and Mr. Adrian Balmer (Manager, Government and Private Sector) of Ernst & Young, who provided the following updates:

(1) Value for money –

Mr. Brittain advised that, as external auditor, Ernst & Young was required to consider whether the Council had 'proper arrangements' to secure economy, efficiency and effectiveness on its use of resources. For 2015/16 this would be based on the overall evaluation criterion:

"In all significant respects, the audited body had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people."

In considering the Council's proper arrangements, the auditor would draw on the requirements of the CIPFA/SOLACE framework for local government to ensure that its assessment was made against this framework and to carry out this work taking into account a variety of sources of evidence, including internal audit reports, key financial information and reports, risk registers and the Annual Governance Statement and Annual Report. The auditor would be required to determine whether there were any risks that could be considered significant and this would determine the nature and extent of any further work. Examples of potential significant risks included: organisational change and transformation; significant funding gaps in financial planning; legislative and policy changes; and, repeated financial difficulties or persistently poor performance.

The Committee was advised of the process to be followed by Ernst & Young in reporting to the Council on the audit work.

Mr. Brittain then answered Members' questions on the level of balances to be maintained by the Council and the Business Rates Retention Scheme.

(2) Audit Plan 2015/16 –

Mr. Balmer reported to the Committee on the Audit Plan which set out the proposed audit approach and scope for the 2015/16 audit and summarised the auditor's assessment of any key risks to be considered as part of the opinion work. The Audit Plan would cover the following areas:

- financial statement risks
- value for money risks
- the audit process and strategy
- independence
- audit fees for the 2015/16 audit
- communications required with those charged with governance

It was noted that the Committee would receive a progress report in June and that the audit results and value for money conclusion would be presented to the Committee in September.

(3) Local government audit committee briefing paper -

The Committee received a copy of the latest edition of the quarterly briefing paper which had been produced by Ernst & Young for local government audit committees.

The Committee's attention was drawn to the article regarding the closing of accounts. Currently, the Council's accounts had to be signed off by the end of September each year. From 2017/18 this would change to the end of July. This would impact on governance processes at the Council for receiving the auditor's report and approving the accounts.

RESOLVED: That the Head of Financial Services' Report No. FIN1606, together with the appended reports from Ernst & Young, be noted.

23. DRAFT FOOD AND HEALTH AND SAFETY SERVICE PLAN 2016/17

The Committee considered the Head of Environmental Health and Housing's Report No. EHH1604 which sought comments on the Council's draft combined Food Safety and Health and Safety Service Plan 2016/17. It was reported that the Council was required to produce annual Food Safety and Health and Safety Service Plans in accordance with guidance issued by the Food Standards Agency and the Health and Safety Executive respectively. Subject to the views of the Committee, the combined Service Plan would be submitted to the Cabinet for approval prior to a period of public consultation with local businesses and business organisations.

The Committee noted that the draft Service Plan had been prepared taking into account continuing Government reviews of regulatory services to reduce red tape, to support businesses in the current economic climate and to deliver risk based interventions. The Service Plan responded to the Council's 8- Point Plan for financial sustainability and had developed opportunities for income generation and cost recovery. In addition, by reviewing the service on an annual basis through service planning, the opportunity had arisen for officers and Members to check the service remained fit for purpose. The Service Plan also reflected a strong link to the Council's purpose and themes, recognised the Council's aim to work with others to "improve the quality of people's lives", supporting "an equal right for people to live healthy lives, in safe, clean and sustainable places".

Members' questions were answered in respect of who was responsible for reporting unsafe working practices, the Farnborough Air Show and hygiene ratings.

RESOLVED: That the Cabinet be recommended to approve the draft combined Food Safety and Health and Safety Service Plan for 2016/17 for consultation with local businesses and business organisations, as set out in the Head of Environmental Health and Housing's Report No. EHH1604.

24. OFFICER EMPLOYMENT PROCEDURE RULES

The Committee considered the Head of Democratic and Customer Services' Report No. DCS1603, which sought approval to recommend to the full Council the adoption of revised Officer Employment Procedure Rules following recent legislative changes.

The Report advised that the Government had made legislative changes which required the Council to amend its Standing Orders (contained within the Officer Employment Procedure Rules in Part 4 of the Council's Constitution) relating to the processes for disciplinary action applying to the Council's Head of Paid Service, Monitoring Officer and Chief Finance Officer. The new statutory provisions meant that any decision to dismiss a statutory chief officer had to have the approval of the full Council by way of a vote. Before taking that decision, the Council would have to invite at least two Independent Persons to be members of a Panel and the Council had to take into account any recommendation of that Panel before taking a final decision to dismiss.

Members were further advised by the Solicitor to the Council that, in updating the new provisions contained in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, the opportunity had been taken to review and refresh the Officer Employment Procedure Rules as a whole to ensure clarity around

arrangements for appointments. It was noted that some elements of the Procedure Rules relating to general responsibilities of the Head of Paid Service had been deleted from the revised version as these general staffing responsibilities would be covered in future within the Council's Scheme of Delegation.

RESOLVED: That the Council be recommended to approve the revised Officer Employment Procedure Rules, as set out in the Head of Democratic and Customer Services' Report No. DCS1603, for adoption as part of the Council's Constitution.

25. FILM CLASSIFICATION UNDER THE LICENSING ACT 2003

The Committee considered the Solicitor to the Council's Report No. LEG1603 which sought approval for powers relating to the classification of films to be delegated to the Licensing Sub-Committee (Alcohol and Entertainments).

The Committee was advised that, under the Localism Act 2003, where a premises licence or club premises certificate authorised the exhibition of a film, it must include a mandatory condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Section 4 of the Video Recording Act 1984 specified in the licence (the British Board of Film Classification was the only body which had been so designated) or by the licensing authority. If a licence or certificate holder wished to show a film that had not been classified by the British Board of Film Classification, responsibility for viewing the film and making recommendations would fall on the licensing authority. In the circumstance of this being the licensing authority, Members would need to watch the whole film and issue a classification, which would be applicable only within the Borough of Rushmoor. Any classification would be based on current British Board of Film Classification guidance.

RESOLVED: That

(i) approval be given to the functions under the Localism Act 2003 with respect to the classification of films being delegated to the Licensing Sub-Committee (Alcohol and Entertainments); and

(ii) for public consistency, any classification of films by the licensing authority be based on current British Board of Film Classification classifications and guidance.

26. AMALGAMATION OF THE LICENSING AND GENERAL PURPOSES AND THE STANDARDS AND AUDIT COMMITTEES

The Committee considered the Head of Democratic and Customer Services' Report No. DCS1602, which recommended the amalgamation of the Licensing and General Purposes Committee and the Standards and Audit Committee to take effect from the start of the 2016/17 Municipal Year.

Members were advised that a review had recently been carried out of the decision making structure, which had been prompted by comments made over the previous two years by the Council's external auditors, Ernst & Young. The auditor's view was that effective Member oversight of governance issues was not best facilitated by the split in governance responsibilities between the two Committees and had recommended

that, in line with best practice, the oversight and consideration of governance issues, associated with internal control, risk management and financial reporting, would be best assigned to one committee.

It was therefore proposed that the committees should be amalgamated within the structure of the Licensing and General Purposes Committee. The Committee would not have co-opted members, however the role of the Independent Person to advise on issues relating to standards would remain in place.

The Committee noted that the amalgamation of Committees would result in a small saving in terms of administration and allowance costs of approximately £3,000. If approved at the full Council Meeting on 21st April, 2016, arrangements would be made for implementation to commence from the Annual Meeting of the Council. Consequential changes would need to be made to the Constitution to reflect the new arrangements, including a change to Standing Orders. It would also be necessary to suspend Standing Orders at the Annual Meeting of the Council to effect the change for 2016/17 at the Annual Meeting.

RESOLVED: That the full Council be recommended at its meeting on 21st April, 2016 to approve the amalgamation of the Licensing and General Purposes Committee and the Standards and Audit Committee to take effect from the start of the 2016/17 Municipal Year and that the necessary consequential changes be made to the Constitution.

27. EXCLUSION OF THE PUBLIC

RESOLVED: That, taking into account the public interest test, the public be excluded from the meeting during the discussion of the undermentioned item to avoid the disclosure of exempt information within the paragraph of Schedule 12A to the Local Government Act, 1972, indicated against such item:

Minute Para. No.	Schedule 12A Para. No.	Category
28	1	Information relating to an individual

28. COMMUNITY AWARD 2016 - NOMINATIONS

The Committee considered the Head of Democratic and Customer Services' Report No. DCS1601, which provided details of nominations received for Rushmoor's Community Award 2016. The Report gave details of how the scheme had been publicised and gave details of the criteria against which nominations would be assessed and compared. The Report explained that the purpose of the scheme was to recognise outstanding achievements in the Borough by local people and particularly to mark long-term commitment. It was agreed that, in future, the importance of the long-term aspect of this voluntary work in the community would be stressed as a criterion on the nomination form.

Members discussed the merits of the nominations which had been set out in an exempt appendix to the Report, taking account of the advice from the Head of

Democratic and Customer Services. After careful consideration of the nominations received, the Committee agreed that Mr. Lewis Trinder and Mr. Kevin Matthew should each be selected for the Award. In the case of Mr. Trinder, this would be in recognition of his fundraising and contribution to the community over many decades, making a real difference and providing a fine example to others. In the case of Mr. Matthew, this would be in recognition of his significant fundraising and community support over 30 years.

RESOLVED: That Mr. Lewis Trinder and Mr. Kevin Matthew be selected to receive Rushmoor's Community Award 2016.

The meeting closed at 8.12 pm.

CLLR A.M. FERRIER (CHAIRMAN)
