



RUSHMOOR BOROUGH COUNCIL

LICENSING AND GENERAL PURPOSES COMMITTEE

*at the Council Offices, Farnborough on
Monday, 21st March, 2016 at 7.00 pm*

To:

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

Enquiries regarding this agenda should be referred to the Committee Administrator,
Kathy Flatt, Democratic and Customer Services, Tel. (01252 398829) or email
kathy.flatt@rushmoor.gov.uk.

A G E N D A

1. MINUTES – (Pages 1 - 4)

To confirm the Minutes of the Meeting held on 25th January, 2016 (copy attached).

2. EXTERNAL AUDIT UPDATES – (Pages 5 - 6)

To consider the Head of Financial Services' Report No. FIN1606 (copy attached) which introduces the following reports which have been prepared by the Council's external auditors, Ernst & Young:

- (1) Annual External Audit Plan for 2015-16
- (2) Sector Briefing
- (3) Value for Money Update

Mr. Adrian Balmer (Manager, Government and Public Sector) and Mr. Andrew Brittain (Executive Director) of Ernst & Young LLP will be in attendance for this item.

3. DRAFT FOOD AND HEALTH AND SAFETY SERVICE PLAN 2016/17 – (Pages 7 - 10)

To consider the Head of Environmental Health and Housing's Report No. EHH1604 (copy attached), which seeks comments on the draft combined Food/Health and Safety Service Plan for 2016/17, which will also be reported to the Cabinet on 29th March, 2016.

4. OFFICER EMPLOYMENT PROCEDURE RULES – (Pages 11 - 18)

To consider a report on proposed changes to the Officer Employment Procedure Rules to reflect recent changes to regulations (copy to follow).

5. FILM CLASSIFICATION UNDER THE LICENSING ACT 2003 – (Pages 19 - 20)

To consider the Solicitor to the Council's Report No. LEG1603 (copy attached), which seeks authority for the functions under the Licensing Act 2003 with respect to the classification of films to be delegated to the Licensing Sub-Committee (Alcohol and Entertainments). The Report further proposes that, for public consistency, any classification of films by the licensing authority should be based on current British Board of Film Classification classifications and guidelines.

6. AMALGAMATION OF THE LICENSING AND GENERAL PURPOSES AND THE STANDARDS AND AUDIT COMMITTEES – (Pages 21 - 22)

To consider the Head of Democratic and Customer Services' Report No. DCS1602 (copy attached), which proposes the amalgamation of the Licensing and General Purposes and the Standards and Audit Committees.

7. EXCLUSION OF THE PUBLIC –

To consider resolving:

That, taking into account the public interest test, the public be excluded from this 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:

Agenda Item No.

Schedule 12A Category

8

1 (Information relating to an individual)

8. **COMMUNITY AWARD 2016 - NOMINATIONS – (Pages 23 - 24)**

To consider the Head of Democratic Services' Report No. DCS1601 (copy attached) on the nominations received for the Community Award 2016.

PUBLIC PARTICIPATION AT MEETINGS

Members of the public may ask to speak at the meeting on any of the items on the agenda by writing to the Committee Administrator at the Council Offices, Farnborough by 5.00 pm three working days prior to the meeting.

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LICENSING AND GENERAL PURPOSES COMMITTEE

Meeting held on Monday, 25 January 2016 at the Council Offices, Farnborough at 7.00 pm.

Voting Members

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

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

15. MINUTES

The Minutes of the Meeting held on 30th November, 2015 were approved and signed by the Chairman.

16. SELECTION OF THE MAYOR AND DEPUTY MAYOR 2016/17

The Chief Executive reported on the outcome of the selection process for the Mayor-Elect and the Deputy Mayor-Elect for 2016/17. The Chief Executive had contacted the appropriate Members on the seniority list and reported that Cr. Sophia Choudhary was the next Member able to accept the nomination for Deputy Mayor. Through normal progression, Cr. Jacqui Vosper, currently Deputy Mayor, would progress to the position of Mayor for 2016/17.

The Committee **RECOMMENDED TO THE COUNCIL** that:

- (i) Cllr Jacqueline Mary Vosper be appointed as Mayor-Elect for the 2016/17 Municipal Year; and
- (ii) Cllr Sophia Choudhary be appointed as Deputy Mayor-Elect for the 2016/17 Municipal Year.

NOTE: Cllr Jacqui Vosper declared a prejudicial interest relating to the discussion on the nomination for Mayor-Elect and left the meeting during the discussion and voting thereon.

17. EXTERNAL AUDIT UPDATE

The Chairman welcomed to the meeting Mr. Alan Gregory and Mr. Adrian Balmer from Ernst and Young, who were attending the meeting to present the Certification of Claims and Returns Annual Report 2014/15, which had been appended to the Head of Financial Services' Report No. FIN1601.

The Certification of Claims and Returns Annual Report 2014/15 summarised the results of the certification work on the Council's major grant claim under the Housing Benefits Subsidy Scheme for the financial year 2014/15. The Report described the work carried out and the issues reported. It was noted that the Department for Work and Pensions would not be amending the Council's subsidy claim and would be awarding the full value of the claim (£37,307,517).

It was noted that, although the errors that had been reported by the audit had not resulted in any financial loss to the Council, the Housing Benefits team had taken steps to ensure that these errors would not be repeated in the future. The team had undertaken to carry out monthly checks on a sample of wage claim calculations, per assessor, to ensure that calculations were correct. These steps addressed the recommendations of the auditor, set out in section 4 of the Certification of Claims and Returns Annual Report.

Mr. Gregory paid testament to the quality of the work carried out by the Council.

RESOLVED: That the Head of Financial Services' Report No. FIN1601 and the Certification of Claims and Returns Annual Report 2014/15 be noted.

18. ANNUAL TREASURY MANAGEMENT STRATEGY 2016/17 AND PRUDENTIAL INDICATORS FOR CAPITAL FINANCE

The Committee considered the Head of Financial Services' Report No. FIN1602 which set out the Treasury Management Strategy for 2016/17, the Annual Investment Strategy, Prudential Indicators for Capital Finance, Minimum Revenue Provision Statement and revisions to treasury management practices.

The purpose of the treasury management operation was to that cash flow was adequately planned, with cash being available when it was needed. Surplus monies were invested in counterparties or instruments commensurate with the Council's low risk approach, pursuing optimum performance while ensuring that security of the investment was considered ahead of investment return. The Council was required to operate a balanced budget, which broadly meant that cash raised during the year would meet cash expenditure.

The second main function of the treasury management service was the funding of the Council's capital plans (i.e. the longer-term cash flow planning to ensure that the Council could meet its capital spending obligations). The purpose of Prudential Indicators was to set a framework for affordable, prudent and sustainable capital investment. The Report set out the Treasury Management Strategy and the Council's Prudential Indicators for 2016/17 to 2018/19 and fulfilled key legislative requirements and included the Annual Borrowing Strategy, Annual Investment Strategy and the Minimum Revenue Provision Statement. It was noted that these policies and parameters

provided an approved framework within which officers undertook the day-to-day capital and treasury activities.

The Committee was advised that the Council's in-house team continued to explore a variety of investment options. These included expanding the Council's portfolio of longer term investments and investing with Housing Associations. The latest advice from Arlingclose indicated that the Council should continue to diversify investment risk, spreading smaller amounts over an increasing number of counterparties. The Report also explored the potential for borrowing to fund future capital expenditure, dependent on the timing and extent of future investment plans, including setting limits on borrowing and prudential indicators for capital financing.

RESOLVED: That the Cabinet be recommended to approve

- (i) the Treasury Management Strategy, Annual Borrowing Strategy and Annual Investment Strategy, as set out Appendix A to the Head of Financial Services' Report No. FIN1601;
- (ii) the Prudential Indicators, set out in Appendix B; and
- (iii) the Minimum Revenue Provision Statement, set out in Appendix C.

19. CAB-SHARING ARRANGEMENTS FOR FARNBOROUGH INTERNATIONAL AIRSHOW 2016

The Committee considered the Head of Environmental Health and Housing's Report No. EHH1601, which outlined proposals for a cab-sharing scheme to run for the duration of the Farnborough International Airshow 2016.

The Committee was informed that, following discussions with the taxi trade, requests from at least 10% of the taxi trade had been received for the Council to implement a cab-sharing scheme for the duration of the trade and public days of the Airshow 2016 (11th – 17th July 2016) to be run on a similar basis to that operated during the 2014 Airshow.

It was noted that the procedure to be followed in making a cab-sharing scheme was laid down in the Taxis (Schemes for Hire at Separate Fares) Regulations, 1986. These regulations required the authority to obtain the consent of the highway authority and/or the landowner in respect of any place that was not on the highway. The authority was also required to consult the local Chief Constable of Police and local County Council, together with local taxi owners and/or their representatives. It was also required to publish the proposed scheme and invite public representations and for such representations to be considered as may be appropriate before implementing its preferred arrangements.

The taxi trade had requested that a scheme should be established for return journeys between the official Airshow rank and Farnborough mainline station and the Report set out the proposed arrangements in respect of authorised places for taxi ranks, signs on vehicles and authorised places, exclusive and shared compellability, fares and marshalling.

Members were advised that the Highways Authority and those with relevant land interests had confirmed their approval of the proposals. However, to date, statutory consultees had not made any comments. It was felt that a cab-share scheme offered the opportunity for a 'win-win' situation for taxi drivers, proprietors and passengers alike. Such a scheme provided an opportunity to improve public transport options at reduced costs to the customer whilst permitting the taxi trade to benefit and widen its market at a time of peak demand. The proposed scheme was relatively simple and straightforward and generally built upon and complimented the traffic arrangements used to accommodate the Airshow.

The Committee was also advised that, while the Council might incur some limited administrative costs in terms of necessary consultations and provision of appropriate signage, there were no significant financial implications associated with the proposed cab-share scheme. All costs could be borne by existing budgets.

RESOLVED: That the proposed cab share scheme, as set out in the Head of Environmental Health and Housing's Report No. EHH1601, be approved for public consultation and local advertisement as outlined.

20. **PAY POLICY STATEMENT**

The Committee considered the Head of Strategy, Engagement and Organisational Development's Report No. SEOD160, the purpose of which was to set out the framework within which pay was determined in Rushmoor and to provide an analysis comparing the remuneration of the Chief Executive with others employed by the Council.

The Committee was advised that the comparisons looked at the ratio between the Chief Executive and the full-time equivalent salary for a permanent member of staff employed in the lowest grade within the Council's structure. It was noted that the ratio was 7.5:1 which was slightly lower than when the exercise had been undertaken the previous year when it had been 7.6:1. A series of other ratios were contained within the report. Analysis had been undertaken by using the mean and median salaries for all staff. An alternative exercise had also been undertaken which excluded Directors and Heads of Service from the calculation and again there had been no significant change in the ratios over the previous twelve months.

The Committee **RECOMMENDED TO THE COUNCIL** that the Pay Policy Statement 2016/17 be approved for adoption.

The meeting closed at 7.35 pm.

CLLR A.M. FERRIER (CHAIRMAN)

AGENDA ITEM NO. 2

**LICENSING & GENERAL PURPOSES
COMMITTEE
21 MARCH 2016**

**HEAD OF FINANCIAL SERVICES
REPORT NO. FIN1606**

EXTERNAL AUDIT UPDATES

1 INTRODUCTION

- 1.1 Ernst & Young, the Council's appointed auditors, will be undertaking the audit of Rushmoor Borough Council'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.
- 1.2 The audit work is governed by the statutory requirements of the Local Audit and Accountability Act 2014, the National Audit Office's 2015 Code of Audit Practice and the Statement of Responsibilities issued by the Public Sector Audit Appointments (PSAA) Ltd but does not relieve management or the Licensing and General Purposes Committee, as those charged with governance, of their responsibilities.
- 1.3 The auditors have provided the following documents for discussion:
 - Audit Plan for 2015/16
 - Sector briefing
 - Value For Money update
- 1.4 Representatives from Ernst & Young will present the key points of each document to the meeting and answer questions arising.

2 2015/16 AUDIT PLAN

- 2.1 The attached Audit Plan sets out the proposed audit approach and scope for the 2015/16 audit and summarises the auditor's assessment of any key risks to be considered as part of the opinion work.
- 2.2 The 2015/16 Audit Plan covers the following areas;
 - Financial statement risks
 - Value for money risks
 - The audit process and strategy
 - Independence
 - Audit fees for 2015/16 audit
 - Communications required with those charged with governance

3 SECTOR BRIEFING

- 3.1 Ernst & Young's local government sector briefing provides an update on technical matters relevant to local government accounting and wider issues facing local government. The latest briefing covers topics such as;
- Government and economic news
 - Accounting, auditing and governance
 - Regulation news
 - Key questions for the committee
- 3.2 Of particular note to the committee will be the sections on the future earlier closure of the final accounts, which has previously been reported to Members, alongside the first steps the Finance team have taken in preparation of the change, and the revised guidance for carrying out the Value for Money audit work.

4 VALUE FOR MONEY UPDATE

- 4.1 The auditors will present the revised criteria and arrangements for carrying out the value for money assessment as part of their annual audit work.

5 RECOMMENDATION

- 5.1 Members are requested to note the contents of this report and the attached updates from Ernst & Young.

AMANDA FAHEY
HEAD OF FINANCIAL SERVICES

LICENSING AND GENERAL PURPOSES COMMITTEE
21 MARCH 2016

AGENDA ITEM NO. 3

CABINET
29 MARCH 2016

DIRECTORATE OF COMMUNITY
AND ENVIRONMENT
ENVIRONMENTAL HEALTH AND HOUSING
REPORT NO. EHH1604

DRAFT FOOD AND HEALTH & SAFETY SERVICE PLAN 2016/17

INTRODUCTION

- The Council is obliged to produce an annual Food Safety Service Plan, and a Health and Safety Service Plan, following guidance issued by the Food Standards Agency and the Health and Safety Executive respectively. This paper seeks comments on the draft combined plan for 2016/17. *Copies of the draft plan are available in the Members Resource Room or from Colin Alborough (contact details below).*
- Comments on the draft plan from the Licensing and General Purposes Committee on the 21 March will be reported to Cabinet on 29 March and then, subject to Cabinet endorsement, local business and business organisations will be consulted. Any substantial changes will be considered by the Head of Service in consultation with the Cabinet Portfolio Holder.

BACKGROUND

- The draft plan has been prepared recognising continuing Government review of regulatory services to reduce red tape, to support businesses in the current economic climate, and deliver risk based interventions.
- The service continues to respond to the Council's 8 Point Plan for financial sustainability and has developed opportunity for income generation and cost recovery by, for example, providing businesses support initiatives and training for both businesses and other local authority officers. In addition, by reviewing the service on an annual basis through service planning, the opportunity arises for officers and members to check the service remains fit for purpose. Officers from the service are also engaged in a variety of corporate projects to support the Council's Organisational Development work.
- The plan reflects a strong linkage to the Council's Purpose and Themes, recognising our wider 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".
 - **Leadership** – by providing leadership to make Rushmoor the place where our communities want to live and work by securing high standards of hygiene, and health and safety in local businesses, investigating service requests and promoting healthy lifestyles

- **Prosperity** – by sustaining and developing our local economy through appropriate, timely and business friendly interventions to the benefit of employers, employees and residents
- **Place** – by protecting and developing a safe and clean environment by promoting standards of cleanliness, hygiene and safety in food businesses and other workplaces
- **People and Communities** – by supporting our communities and meeting local needs, through evidence based programmes that meet the needs of the Borough
- **Good Value Services** – by ensuring our services remain fit for purpose and by targeting our resources where they will provide the most benefit

HEALTH & SAFETY SERVICE PLANNING

- **In reviewing the Health and Safety Service in 2015/16, the plan notes the delivery of:**
 - the planned interventions due in the year to higher risk premises with ongoing high levels of customer satisfaction.
 - our role in supporting the partners involved in the arrangements for the Farnborough Airshow 2016, including leading the Safety Advisory Group for the event through the planning stages. This is the largest event of its kind in the world with hundreds of contracting companies, yet resulted in zero reportable health and safety incidents, providing one real measure of the success of the 2014 event.
 - our licensing, registration and enforcement responsibilities in respect of special treatments (tattooing, piercing, etc.). This work included a voluntary closure and Formal Caution for one home tattooist who failed to maintain adequate hygiene standards in accordance with our Byelaws. The subsequent press release generated huge interest with 27,000 views from the Council's Facebook account.
 - our programme of ongoing audits, and an e-learning training system to support the Council's corporate health and safety arrangements.
- **Looking ahead, the key Health and Safety Service priorities for 2016/17 include:**
 - a further focus of our activity on better health and safety outcomes using systems thinking methodology, whilst continuing to reduce the proactive inspection burden on businesses.
 - in accordance with the "National Code" (which directs local authority activity), to continue to use national priorities together with local knowledge to direct our resources to best improve standards of occupational safety and health.
 - to continue to provide timely and appropriate risk based responses to customer requests, statutory notifications and so on, particularly in the current climate where businesses find regulators a trusted source of information to assist their compliance and aid growth.

- to continue to influence the delivery of Government reforms of health and safety at a national and local level (with the service manager serving local authorities nationally as Co-Chair of HELA, together with the Chief Executive of the HSE).

FOOD SAFETY SERVICE PLANNING

- **In reviewing the Food Safety Service in 2015/16, the plan notes the delivery of:**
 - 100% of the programmed food inspections for the year with continuing high levels of customer satisfaction.
 - a Hampshire-wide inter-authority audit, which found the service to be fully compliant, with many areas of best practice identified.
 - support for the national Food Hygiene Ratings Scheme which provides up to date information to residents on the hygiene of food businesses, and assists in driving up standards.
 - the development of our Primary Authority Partnership with the British Army, offering the opportunity to work more closely to better support the Army and the wider Tri-Services, in partnership, placing our relationship on a firm, regulatory footing.
- **Looking ahead, the key Food Safety Service priorities 2016/17 include:**
 - supporting businesses and providing timely, appropriate, risk based interventions in the current climate.
 - taking further appropriate enforcement actions across the Food/Health and Safety Service in line with the enforcement policy to drive up standards and support justice, whilst ensuring appropriate action to protect and promote public health.
 - continuing to support and promote the national Food Hygiene Rating Scheme to continue to incentivise better hygiene, and inform our residents and visitors.
 - developing the earned recognition model for compliant businesses within the our intervention programme in accordance with the Food Standards Agency, Framework Agreement, effectively providing light touch interventions for businesses with a good track record, and focusing on high risk premises and poor performers identified through sound risk assessment.
 - continuing to deliver our regulatory role, and our support to residents in relation to Private Water Supplies.
 - our role in supporting our partners involved in the planning of the Farnborough Airshow 2016, from the design of food safety regulations for this unique event, to the delivery of on-site interventions. There were no reports of any food poisoning incidents amongst the 200,000 visitors at the 2014 event, providing a real measure of success.

RECOMMENDATION

- The Committee is requested to comment on the draft combined Food/Health and Safety Service Plan for 2016/17 (with these comments to be verbally reported to Cabinet).
- Cabinet is requested to endorse the draft combined Food/Health and Safety Service Plan for 2016/17 for consultation with local businesses and business organisations, with any substantial changes being considered by the Head of Service in consultation with the Cabinet Portfolio Holder.

QAMER YASIN HEAD OF ENVIRONMENTAL HEALTH AND HOUSING

Contact: Colin Alborough, Environmental Health Manager
(01252 398169) email: colin.alborough@rushmoor.gov.uk

OFFICER EMPLOYMENT PROCEDURE RULES

These Officer Employment Procedure Rules embody the requirements of the Local Government and Housing Act 1989, the Local Authorities (Standing Orders) Regulations 1993, the Local Authorities' (Standing Orders) (England) Regulations 2001 and Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 which require the adoption of certain Standing Orders. These Employment Procedure Rules constitute those Standing Orders.

1. DEFINITIONS

In these Rules –

"the 1989 Act" means the Local Government and Housing Act 1989;

"the 2000 Act" means the Local Government Act 2000;

"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001 and 2015;

"Head of Paid Service" is the officer designated under Section 4(1) of the 1989 Act

"Statutory Chief Officer" has the meaning set out in Section 2 (6) of the 1989 Act and for this Council will be the Head of Finance (Section 151 Officer) and the Monitoring Officer (Solicitor to the Council);

"Non-Statutory Chief Officer" means a person who reports to the Head of Paid Service or who is directly accountable to the local authority as set out in Section 2 (7) of the 1989 Act and for this Council will be the Corporate Directors.

"Deputy Chief Officer" means a person who for most or all of his duties is required to report direct, or is directly accountable, to a statutory or non-statutory chief officer as set out in Section 2 (8) of the 1989 Act and for this Council will include all Heads of Service other than the Statutory Chief Officers;

"member of staff" means a person appointed to or holding a paid office or employment under the authority; and

"proper officer" means an officer appointed by the authority for the purposes of the provisions in this Part and for this Council will be the Head of Service with responsibility for Personnel Services.

2. RESPONSIBILITY FOR STAFF APPOINTMENTS, DISMISSAL, AND DISCIPLINARY ACTION – GENERAL PROVISIONS**General**

- 2.1 Staff within the organisation are employed, appointed, designated or engaged on behalf of the whole Council and not by parts of the organisation or individuals. All appointments shall be made on merit and in compliance with the law and any agreed policies and procedures of the Council.
- 2.2 Subject to paragraph 2.3 the functions and duties contained within Section 112 Local Government Act 1972, including the functions of appointment and dismissal of, and taking disciplinary action against a member of staff of the authority, must be discharged on behalf of the authority, by the Head of Paid Service or by an officer nominated by him or her.
- 2.3. Paragraph 2.2 shall not apply to the appointment or dismissal of, or disciplinary action against:–
- (a) the officer designated as the Head of Paid Service;
 - (b) a Statutory Chief Officer;
 - (c) a Non-Statutory Chief Officer;
 - (d) a Deputy Chief Officer; or
 - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
- 2.4 Responsibility for the appointment of the officers set out in (a) – (e) above is set out in the scheme of delegation, and a summary of the arrangements is attached at Appendix A.
- 2.5. Where the Licensing and General Purposes Committee (which shall for the purposes of the appointment include the Leader and the Cabinet member for Corporate Services) is discharging, on behalf of the authority, the function of the appointment of an officer designated as the Head of Paid Service, the full Council must approve that appointment before an offer of appointment is made to him or her.
- 2.6 Where a Panel consisting of four Members appointed by the Licensing and General Purposes Committee is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in subparagraph (b), (c) or (d) of paragraph 2.3, the Leader and/or the Cabinet Member for Corporate Services must be a member of that Panel.
- 3. RECRUITMENT OF HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**
- 3.1 Where the Council proposes to appoint a Head of Paid Service, Chief Officer or Deputy Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- (a) draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request; and
- (d) select from the applications a short list of qualified candidates and interview those included in the short list.

Procedure for Appointments

- 3.2 In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.
- 3.3 An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 2.3 must not be made by the appointor until:-
- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the proper officer has notified every member of the Cabinet:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the proper officer; and
 - (c) either –
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither s/he nor any other member of the Cabinet has any objection to the making of the offer;
 - (ii) the proper officer has notified the appointor that no objection was received by him within that period from the Leader; or
 - (iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

Appointment of Political Research Assistants

- 3.4 (a) This Procedure Rule shall apply when the Council resolves to exercise its powers under Section 9 of the Local Government and Housing Act 1989 to make appointments to posts the duties of which are to provide assistance to Members of a political group in the discharge of any of their functions as Members of the Council. No such appointment shall be made until the Council has allocated such a post to each political group which qualifies for such a post under that Section.
- (b) No such appointment shall be made in respect of any political group which does not qualify for a post under that Section. Not more than one such post shall be allocated to any political group and the terms and conditions of appointments to all such posts shall be the same.
- (c) Appointments shall be made from time to time in accordance with the wishes of the political group to which the post has been allocated and on the terms and conditions agreed by the Council subject to requirements in the Regulations that the appointments are made on an annual basis and subject to salary restrictions. Functions and responsibilities of the Council may not be delegated to such posts.

4. DISCLOSURE OF RELATIONSHIP

- 4.1 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.
- 4.2 No candidate so related to a Councillor or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him or her.
- 4.3 Subject to paragraph 4.5, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. (The content of this paragraph will be included in any recruitment information).
- 4.4 Subject to paragraph 4.5, no Councillor will seek support for any person for any appointment with the Council.
- 4.5 Nothing in paragraphs 4.3 and 4.4 above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment provided that Councillor has no role in the decision process of recruitment / appointment to that position.

5 DISCIPLINARY ACTION AND DISMISSAL

- 5.1 Any disciplinary action taken against an officer shall be carried out in accordance with the Council's agreed policies and procedures.

Head of Paid Service, Chief Finance Officer and Monitoring Officer

- 5.2 In paragraph 5.3 "Head of Paid Service", "Monitoring Officer" and "Head of Finance" are Relevant Officers and have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and "relevant independent person" has the same meaning as in regulation 4 of those Regulations.
- 5.3 No disciplinary action to dismiss may be taken in respect of the Head of Paid Service, the Monitoring Officer or the Head of Finance, except after having taken into account any advice, views or recommendations of a Panel appointed by the Council comprising relevant independent persons, the conclusions of any investigation into the proposed dismissal and any representations from the protected officer concerned as set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 5.4 Any decision to dismiss a Statutory Chief Officer must be taken by vote at a meeting of the full Council.

Non-Statutory Chief Officers and Deputy Chief Officers

- 5.5 The Head of Paid Service shall be responsible for disciplinary action and dismissal of non-statutory chief officers and deputy chief officers. In this part, "dismissor" means, in relation to the dismissal of an officer of the authority, the Head of Paid Service.
- 5.6 Notice of the dismissal of an officer referred to in sub-paragraph (c) or (d) of paragraph 2.3 must not be given by the dismissor until:-
- (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (b) the proper officer has notified every member of the Cabinet:-
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Executive to the proper officer; and

(c) either:-

- (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the Executive has any objection to the dismissal;
- (ii) the proper officer has notified the dismissor that no objection was received by him within that period from the Leader; or
- (iii) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

5.7 Councillors will not usually be involved in the dismissal of any officer below Head of Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of dismissals.

APPOINTMENT OF STAFF

Responsibility for staff appointments shall be in accordance with the following schedule:

| | |
|---|---|
| Head of Paid Service | Licensing and General Purposes Committee and the Leader of the Council and Cabinet Member for Corporate Services, subject to confirmation by the Full Council |
| Section 151 Office (Chief Finance Officer) and Monitoring Officer | Member Panel consisting of four Members, including the Cabinet Member for Corporate Services and the Leader of the Council, subject to confirmation by the Licensing and General Purposes Committee |
| Corporate Directors | Member Panel consisting of four Members, including the Cabinet Member for Corporate Services and the Leader of the Council, subject to confirmation by the Licensing and General Purposes Committee |
| Heads of Service (other than Statutory Chief Officers) | Member Panel consisting of four Members including the Cabinet Member for Corporate Services or in his/her absence another Cabinet Member |
| Deputy Chief Officers who are not Heads of Service | Head of Service, subject to confirmation by the Chief Executive or Director, and the Cabinet Member for Corporate Services |
| Other politically restricted posts | Head of Service |
| All other Posts | Head of Service |

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AGENDA ITEM NO. 5

**LICENSING AND GENERAL PURPOSES
COMMITTEE
21ST MARCH 2016**

**CHIEF EXECUTIVE'S OFFICE
SOLICITOR TO THE COUNCIL
REPORT NO LEG1603**

FILM CLASSIFICATION UNDER THE LICENSING ACT 2003

1. INTRODUCTION

Under the Licensing Act 2003, where a premises licence or club premises certificate authorises 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 Recordings Act 1984 specified in the licence, (the British Board of Film Classification (BBFC) is currently the only body which has been so designated) or by the licensing authority itself.

Thus, if a licence or certificate holder wishes to show a film that has not been classified by the BBFC, responsibility for viewing the film and making recommendations will fall on the Licensing Authority. Members will need to watch the whole film and issue a classification (applicable only within the borough of Rushmoor). For consistency, it is recommended that any classification be based on current BBFC guidance.

Whilst various powers and duties under the Licensing Act 2003 have been delegated to the Licensing Sub Committee (Alcohol and Entertainment) or to officers, there have been no delegations in respect of unclassified films.

As Members will be required to consider films with a view to the promotion of the licensing objectives, officers believe that it would be appropriate for powers relating to the classification of films to be delegated to the Licensing Sub Committee (Alcohol and Entertainments).

2 FINANCIAL IMPLICATIONS

This process does not attract a statutory fee and therefore the cost of carrying out film classification will need to be met from the existing licensing budget.

3 RECOMMENDATIONS

- (i) That functions under the Licensing Act 2003 with respect to the classification of films be delegated to the Licensing Sub-Committee (Alcohol and Entertainments).
- (ii) That, for public consistency, any classification of films by the licensing authority be based on current BBFC classifications and guidelines.

**ANN GREAVES
SOLICITOR TO THE COUNCIL**

Contact:

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Background papers:

Published information

AGENDA ITEM NO. 6

**LICENSING AND GENERAL
PURPOSES COMMITTEE
21ST MARCH 2016**

**CHIEF EXECUTIVE'S OFFICE
HEAD OF DEMOCRATIC AND
CUSTOMER SERVICES
REPORT NO. DCS1602**

**AMALGAMATION OF THE LICENSING AND GENERAL PURPOSES AND
STANDARDS AND AUDIT COMMITTEES**

1. INTRODUCTION

- 1.1 For many years the Licensing and General Purposes Committee and Standards and Audit Committee have been working on a number of governance issues. During that time, changes have been made in the way that the Standards and Audit Committee is structured which has given the Council greater flexibility in the way that its functions are delivered. The purpose of this Report is to recommend that this Committee and the Standards and Audit Committee are amalgamated from the start of the 2016/17 Municipal Year.

2. BACKGROUND

- 2.1 The current structure of committees dates back to 2001/02 as part of the introduction of the executive arrangements. At the time, the Standards Committee's structure was regulated with a majority of Co-opted Members appointed to it; indeed, for many years, one of the Co-opted Members was the Chairman. In 2012/13 new arrangements were introduced following the introduction of the Localism Act 2011, which meant that the Committee was no longer required to have Co-opted Members and the representation from the Council was strengthened. However, the Council did decide at the time to retain two of the Co-opted Members in a non-voting capacity.
- 2.2 This structure still currently applies and the governance functions are split between the two committees. However, the Standards and Audit Committee has far more limited business than this Committee.

3. REVIEW

- 3.1 A review has recently been carried out of the structure which has been prompted by comments that have been made over the last couple of years by the Council's external auditors, Ernst & Young. Their view is that effective Member oversight of governance issues is not best facilitated by the split in governance responsibilities and have recommended that, in line with best practice, the oversight and consideration of governance issues, associated with internal control, risk management and financial reporting, is best assigned to one committee.

- 3.2 In these circumstances, and the current working arrangements, it is therefore proposed that the committees are amalgamated within the structure of the Licensing and General Purposes Committee. Whilst the Committee would not have co-opted members, the role of the independent person to advise on issues relating to standards is still in place.
- 3.3 If the Council agrees to the amalgamation of committees there will be a small saving in terms of administration and allowance costs of about £3,000. Consequential changes will need to be made to the Constitution to reflect the new arrangement, including a change to Standing Orders. It will also be necessary to suspend Standing Orders at the Annual Meeting of the Council to effect the change for 2016/17.

4. CONCLUSIONS

- 4.1 Over the years, the split in the responsibilities of the two committees has worked well, but the recent change in circumstances means that it would seem appropriate to amalgamate the committees. If the Council agrees the proposal at its meeting on 21st April, 2016 arrangements would be made for implementation to commence from the Annual Meeting of the Council.

5. RECOMMENDATION

- 5.1 The Committee is requested to consider recommending the Council to amalgamate the Licensing and General Purposes Committee and the Standards and Audit Committee and to make the necessary changes to the Constitution.

ANDREW COLVER
HEAD OF DEMOCRATIC AND CUSTOMER SERVICES

Contact: Andrew Colver (01252 398820)

AGENDA ITEM NO. 8

**LICENSING AND GENERAL
PURPOSES COMMITTEE
21ST MARCH 2016**

**CHIEF EXECUTIVE'S OFFICE
HEAD OF DEMOCRATIC AND
CUSTOMER SERVICES
REPORT NO. DCS1601**

COMMUNITY AWARD 2016 – NOMINATIONS

1. INTRODUCTION

- 1.1 The Committee will recall that the Community Award Scheme recognises outstanding achievements of residents of the Borough. Last year, the Award was made to Mrs. Joy Cross. The purpose of this Report is to provide details of the nominations submitted to enable Members to decide whether an award should be made this year.

2. PURPOSE AND CRITERIA

- 2.1 Over the last few months the scheme has been advertised within the Borough and Members have been invited to submit nominations. The award is open to all local people who have made an outstanding contribution to the Borough. However, it has been agreed that service to the Council is not a reason for being presented with the award. In addition, service in a professional capacity shall not normally be considered.
- 2.2 Guidelines or measures have been established in order to assist the assessment of nominations, as follows:

- **Outstanding service to the community**

- ◆ Over what period of years
- ◆ Number of people served
- ◆ Amount of time spent in service work
- ◆ Response from those served
- ◆ Special skills needed

- **Outstanding service to an individual or individuals**

- ◆ Type of work undertaken
- ◆ Over what period of years
- ◆ Amount of time spent in service work
- ◆ Special skills needed

- **Outstanding service to the voluntary sector**

- ◆ Those organisations supported
- ◆ Nature of the support given
- ◆ Over what period of years
- ◆ Amount of time spent in service work

2.3 Appended to this Report is a schedule setting out the ten nominations that have been submitted and the key reasons for them.

2.4 As the appendix contains personal information, in accordance with the Data Protection Act, it is only being made available to members of the Committee.

3. ARRANGEMENTS FOR MAKING THE AWARD

3.1 It is important that, in order to ensure that the award has integrity, the nominations made and the Committee's discussions are kept confidential.

3.2 The award will be an engraved piece of glassware referring to the "Rushmoor Community Award" and will be presented by the Mayor at the first ordinary Council Meeting after the Annual Meeting.

4. CONCLUSIONS AND RECOMMENDATIONS

4.1 The costs of the scheme are low and it provides an opportunity for the Council to recognise formally the achievement of local people committed to serving the community through publicity and a lasting memento.

4.2 The Committee is asked to discuss the nominations submitted and to consider whether to make a Community Award in 2016.

ANDREW COLVER
HEAD OF DEMOCRATIC AND CUSTOMER SERVICES

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