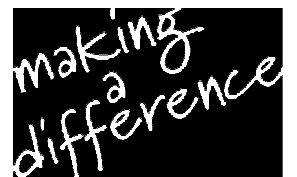


Standards Committee

Monday 22nd October
2012
5.15 pm

Committee Room 1
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
www.redditchbc.gov.uk

**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact
Ivor Westmore
Democratic Services**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 (Extn. 3269) Fax: (01527) 65216
e.mail: ivor.westmore@bromsgroveandredditch.gov.uk**

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on Walter Stranz Square.

Standards

22nd October 2012

5.15 pm

Committee

Committee Room 1, Town Hall

Agenda

Membership:

Cllrs: Michael Braley (Vice-Chair) Derek Taylor
Phil Mould

Urgent Meeting

In accordance with the Council's Constitution and in consultation with the Chair of the of the Standards Committee, this meeting is being convened at less than 5 clear days' notice for reasons of urgency.

The reasons for urgency are as follows:

- (i) Councillor Pat Witherspoon, who had registered an objection to an application for the variation of a Premises Licence, has subsequently confirmed her wish to attend and speak at the Licensing Hearing on Monday, 22nd October 2012. In the light of this and her having a disclosable pecuniary interest, it was not possible to provide the necessary five clear days' notice of the authority's intention to convene a meeting of the Standards Committee prior to the Licensing Hearing.
- (ii) Councillors Greg Chance and Debbie Taylor, Ward Councillors for the Premises to be discussed at the Licensing Hearing on 22nd October, also have disclosable pecuniary interests and have confirmed their wish to attend and speak on behalf of local residents. Again, it was not possible to provide the necessary five clear days' notice of the authority's intention to convene a meeting of the Standards Committee prior to the Licensing Hearing.

1. Apologies	To receive the apologies of any Member who is unable to attend this meeting.
2. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
3. Applications for Dispensation (Pages 1 - 6)	To consider applications for the granting of dispensations to Councillors Greg Chance, Debbie Taylor and Pat Witherspoon to allow them to participate in a meeting of the Licensing Sub-Committee. (Reports attached)

Application to the Standards Committee by Councillor Greg Chance for a dispensation under s33 (2) (c) and (e) of the Localism Act 2011 to allow him to participate in a meeting of a licensing sub-committee, to hear an application to vary a premises licence at the Queen's Head, Bromsgrove Road, Redditch on Monday 22 October 2012 whilst having a disclosable pecuniary interest in the matter to be considered.

Section 31 (4) of the Localism Act 2011 provides that if a member is present at a meeting of the authority or of any committee of the authority and has a disclosable pecuniary interest in any matter to be considered at the meeting, the member may not participate in any discussion of the matter at the meeting or participate in any vote taken on the matter at the meeting and the Redditch Borough Council Code of Conduct requires such a member to leave the meeting.

Section 33 of the Localism Act 2011 provides that on written application to the Monitoring Officer, the relevant authority may grant a dispensation relieving the member from either or both of these restrictions (participation and/or vote).

On Monday 22 October 2012 a meeting of a Licensing Sub-Committee will hear an application for the variation of a premises licence under the Licensing Act 2003. The premises is located within the Central Ward of the Borough.

Councillor Greg Chance is a Ward Councillor for Central Ward and by virtue of his home being adjacent to the premises would be prohibited from participating in the meeting as having a disclosable pecuniary interest in the matter being considered.

The Licensing Act 2003 allows parties who have made representations relating to the Application to be heard, or to request that their Ward Councillor represent them at the hearing.

In order to exercise this role and participate in the meeting Councillor Greg Chance has applied to the Monitoring Officer for a dispensation from the Standards Committee to enable him to participate at the hearing to represent residents who have asked him to represent them.

Section 33 (2) provides that a dispensation may be granted only if, after having regard to all of the relevant circumstances, the authority considers that one of the grounds for dispensation applies.

The relevant grounds are contained in paragraphs:

(c) considers that granting the dispensation is in the interests of persons living in the authority's area

(e) considers that it is otherwise appropriate to grant a dispensation.

The Committee is asked to decide whether to grant a dispensation under one of these provisions in all the circumstances of this matter as set out above.

Application to the Standards Committee by Councillor Debbie Taylor for a dispensation under s33 (2) (c) and (e) of the Localism Act 2011 to allow her to participate in a meeting of a licensing sub-committee, to hear an application to vary a premises licence at the Queen's Head, Bromsgrove Road, Redditch on Monday 22 October 2012 whilst having a disclosable pecuniary interest in the matter to be considered.

Section 31 (4) of the Localism Act 2011 provides that if a member is present at a meeting of the authority or of any committee of the authority and has a disclosable pecuniary interest in any matter to be considered at the meeting, the member may not participate in any discussion of the matter at the meeting or participate in any vote taken on the matter at the meeting and the Redditch Borough Council Code of Conduct requires such a member to leave the meeting.

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Councillor Debbie Taylor is a Ward Councillor for Central Ward and by virtue of her home being adjacent to the premises would be prohibited from participating in the meeting as having a disclosable pecuniary interest in the matter being considered.

The Licensing Act 2003 allows parties who have made representations relating to the Application to be heard, or to request that their Ward Councillor represent them at the hearing.

In order to exercise this role and participate in the meeting Councillor Debbie Taylor has applied to the Monitoring Officer for a dispensation from the Standards Committee to enable him to participate at the hearing to represent residents who have asked him to represent them.

Section 33 (2) provides that a dispensation may be granted only if, after having regard to all of the relevant circumstances, the authority considers that one of the grounds for dispensation applies.

The relevant grounds are contained in paragraphs:

(c) considers that granting the dispensation is in the interests of persons living in the authority's area

(e) considers that it is otherwise appropriate to grant a dispensation.

The Committee is asked to decide whether to grant a dispensation under one of these provisions in all the circumstances of this matter as set out above.

Application to the Standards Committee by Councillor Pat Witherspoon for a dispensation under s33 (2) (c) and (e) of the Localism Act 2011 to allow her to participate in a meeting of a licensing sub-committee, to hear an application to vary a premises licence at the Queen's Head, Bromsgrove Road, Redditch on Monday 22 October 2012 whilst having a disclosable pecuniary interest in the matter to be considered.

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Section 33 of the Localism Act 2011 provides that on written application to the Monitoring Officer, the relevant authority may grant a dispensation relieving the member from either or both of these restrictions (participation and/or vote).

On Monday 22 October 2012 a meeting of a Licensing Sub-Committee will hear an application for a variation of a premises licence under the Licensing Act 2003.

Councillor Pat Witherspoon has made a written representation under the Licensing Act in respect of the licensing application to be heard by the Sub-Committee. The Licensing Act allows a party to then address the hearing in support of their representation but as an elected Councillor with a disclosable pecuniary interest in the matter, Cllr Witherspoon would be precluded from speaking unless a dispensation were granted by this Committee.

The Licensing Act 2003 allows parties who have made representations relating to the Application to be heard, or to request that their Ward Councillor represent them at the hearing.

In order to exercise this role and participate in the meeting Councillor Pat Witherspoon has applied to the Monitoring Officer for a dispensation from the Standards Committee to enable him to participate at the hearing to represent residents who have asked him to represent them.

Section 33 (2) provides that a dispensation may be granted only if, after having regard to all of the relevant circumstances, the authority considers that one of the grounds for dispensation applies.

The relevant grounds are contained in paragraphs:

- (c) considers that granting the dispensation is in the interests of persons living in the authority's area
- (e) considers that it is otherwise appropriate to grant a dispensation.

The Committee is asked to decide whether to grant a dispensation under one of these provisions in all the circumstances of this matter as set out above.