

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held on 16 February 2010

Present:

Councillor Tony Owen (Chairman)
Councillor Brian Toms (Vice-Chairman)
Councillors Councillor Nicholas Bennett J.P., Councillor John Canvin, Councillor Roger Charsley, Councillor John Getgood, Councillor Julian Grainger, Councillor Mrs Carole Hubbard, Councillor Denise Reddin, Councillor Tim Stevens J.P., Councillor Brenda Thompson, Councillor Michael Turner and Councillor Stephen Wells

Also Present:

Councillor George Taylor

100 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

An apology for absence was received from Councillor Mrs Pauline Tunnicliffe.

101 DECLARATIONS OF INTEREST

There were none.

102 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 16TH DECEMBER 2009

A Member drew attention to the comments which he had made at the last meeting in relation to Minute 92 (Standard Report Format) whereby the summary sheets which fronted all reports were required to contain sufficient information that would enable Members to make a judgement on whether or not they required to see the full report. He referred to the front sheets of two reports on this Committee's agenda and felt that they did not contain adequate information for this purpose and therefore did not meet the required standard report format. This Member's concerns were supported by another Member and by the Chairman who both felt that inadequately completed summary sheets forced Members to look at agendas and, thereby, defeated the objectives of introducing measures which sought to save Members' time and reduce the number of printed copies of agendas.

In response, the Democratic Services Manager acknowledged the Members' comments and indicated that every effort would be made to ensure that future reports complied with the requirements of the new report format.

RESOLVED that the Minutes of the meeting held on 16th December 2009 be confirmed.

103 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

The position in relation to the following matters was noted:

- **Councillor Web Pages (Minute 56 – 24.9.08)** – All Members of the Council had been invited to request a web-page based on one of the two approaches which had been agreed by the Committee in September 2008. Democratic Services were in the course of implementing the modern.gov. committee management system and this would provide enhanced options for Member web-pages. A presentation on that system given to the Committee was referred to in Minute 105 below. The option for Members of receiving a summary-sheet-only agenda had been introduced in November 2009.
- **Revision to Licensing Policy 2008 to 2011: Enforcement (Minute 78 – 2.11.09)** – Draft revision of “Enforcement” section had been agreed for formal public consultation – report back to the next meeting.
- **Members’ Services: Benchmarking Information (Minute 62 – 23.9.09)** – Matter had been deferred for approximately six months.
- **London Local Authorities Act 1991: Revision to Codes of Practice for Special Treatments (Minute 58 – 23.9.09)** – The officers were working on revising and improving the codes of practice with the intention of submitting a report to the Committee’s April meeting.

104 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

105 MODERN.GOV MEETING MANAGEMENT SYSTEM - PRESENTATION

Members received a presentation from Christopher Curran, Management Trainee, on the Modern.gov IT system. Modern.gov was being used by approximately 120 local authorities, including 21 London Boroughs. It was a database system that linked information and offered enhanced public

accessibility. Other benefits which would be received arising from the introduction of this system were outlined. The Democratic Services Division was already using the system to produce agendas; it was intended that the public-facing website would be launched on 29th March 2010 and that there would be further features introduced later in the year. The presentation illustrated changes to the appearance of Committee papers and to information presented on the website.

The Chairman, on behalf of the Committee, thanked Mr Curran for his clear and comprehensive presentation and suggested that any questions from Members in relation to this system should be addressed to Mr Curran following the meeting.

106 CONSTITUTION IMPROVEMENT WORKING GROUP - MINOR CONSTITUTIONAL CHANGES

Over the past year, the Constitutional Improvement Working Group had produced three reports which had proposed changes to the Council's Constitution in line with the implementation of the Local Government and Public Involvement in Health Act 2007 after the 2010 local elections. The Director of Legal, Democratic and Customer Services reported that, since the last meeting of this Committee, a further meeting of the Working Group had addressed additional minor constitutional changes and that actions were proposed as set out in the notes of the Working Group's meeting held on 1st February 2010.

The Chairman of the Working Group spoke in support of the proposed changes and outlined the reasons for these having been put forward. In welcoming the proposed mechanism enabling statements to be made at full Council meetings by Portfolio Holders and Committee Chairmen, a Member felt that the overall time limit of 30 minutes for this purpose should also be used for dealing with more Council questions and, to this end, suggested that the words "to be utilised for dealing with more Council questions" should be inserted after the words "30 minutes" in the second line of the final paragraph under "(C) Portfolio Holder Statements". This amendment was agreed by the Committee. In relation to paragraph 7 (Schedule of Delegations to Officers) of the Working Group's notes, another Member considered that the relevant Committees should seek clarification of the precise functions that were to be delegated.

The Committee supported the proposed actions submitted by the Working Group. In relation to the proposals affecting the "Cancellation of meetings", the creation of an "Urgency Committee" and the provision of a mechanism for "Portfolio Holder Statements" at full Council meetings, the Director of Legal, Democratic and Customer Services was to prepare suitable, detailed wording to provide for the changes which had been put forward by the Working Group for insertion in the Constitution by the full Council at its meeting to be held on 29th March 2010. The Director of Legal, Democratic and Customer Services was also to prepare a "Petition Scheme" for consideration at a future meeting

of this Committee as soon as final guidance on the implementation of the legislation was available.

RESOLVED that

(1) subject to the amended wording indicated above in relation to “Portfolio Holder Statements”, the views of the Constitution Improvement Working Group and the actions proposed to make minor changes to the Council’s Constitution be endorsed; and

(2) the revised Scheme of Delegation be considered by PDS Committees, the Development Control Committee and this Committee prior to approval by the Council and the Leader at the start of the next Council year.

107 MEMBERSHIP OF SUB-COMMITTEES 2009/10: VACANCIES

The Council meeting on 15th February 2010 had filled the vacancies which had been left on a number of Committees following the resignation of Councillor Stephen Maly from the Council at the end of 2009. This Committee was invited to deal with the vacancies relating to a number of its Sub-Committees and also to consider filling the position of Vice-Chairman of the Audit Sub-Committee which had also arisen.

RESOLVED that

(1) the following appointments be agreed for the remainder of the 2009/10 Municipal Year:

**Audit Sub-Committee: Councillor Graham Arthur;
Investment Sub-Committee: Councillor Eric Bosshard;
Rights of Way Sub-Committee: Councillor Charles Joel;**

(2) Councillor Stephen Wells be appointed as Vice-Chairman of the Audit Sub-Committee for the remainder of the 2009/10 Municipal Year.

108 MEMBERS' ALLOWANCES SCHEME 2010/11

The Regulations governing Members’ allowances required that, before the beginning of each financial year, the Council should make a scheme of allowances for that year. Paragraph 16 of the existing scheme provided for annual indexation of allowances every year by the same percentage increase as the market movement change for (managerial) officers under the PE Inbucon scheme. This indexation had been agreed in respect of the current scheme for 2009/10. An independent remuneration review had recently been concluded but its report was not yet available.

In the light of the current economic circumstances, the Committee was of the opinion that the current allowances should be frozen for 2010/11. In this connection, a Member also felt that too many Councillors received Special

Responsibility Allowances. Therefore (with a view to reducing costs), he moved a motion “that, in future, the annual indexation of allowances be linked to the National Joint Council percentage increase for non-managerial staff rather than to the Inbucon scheme”. However, this motion was not seconded.

RECOMMENDED that

(1) the current allowances be frozen and no other changes be made to the existing scheme; and

(2) the Council on 29th March 2010 approves the Members’ Allowances Scheme 2010/11 based on the current allowances for 2009/10 (attached Appendix 1).

109 EXECUTIVE ASSISTANTS: ANNUAL REPORT 2009/10

At its meeting on 21st May 2008 (Minute 13) this Committee had agreed that the five Executive Assistants should submit to this February meeting a written report of their work over the past year in justification of the receipt of their allowances. This decision had been reaffirmed by the Committee at its meeting on 18th February 2009 (Minute 102).

Submissions from Councillors Brian Humphrys (Executive Assistant to the Portfolio Holder for Children and Young People) and George Taylor (Executive Assistant to the Portfolio Holder for the Environment) were included in the report of the Director of Legal, Democratic and Customer Services; the submissions which had been received from Councillors Sarah Phillips (Executive Assistant to the Leader), Pauline Tunnicliffe (Executive Assistant to the Portfolio Holder for Public Protection and Safety) and Catherine Rideout (Executive Assistant to the Portfolio Holder for Adult and Community Services) were circulated at the meeting.

RESOLVED that the submissions provided by the Executive Assistants covering their work during 2009/10 be noted.

110 RAVENSBOURNE COLLEGE PENSION ARRANGEMENTS

In accordance with the Local Government Pension Scheme Regulations 1997, Ravensbourne College was a scheduled body within the Bromley Fund. In 2010/11 the College was due to relocate to a new site which was within the London Borough of Greenwich and informal advice which had been received from the Department for Communities and Local Government (DCLG) had confirmed that, in these circumstances, a proposal to keep College staff in the Bromley Pension Fund would require a Direction Order from the Secretary of State. At its meeting on 24th June 2009 (Minute 25) this Committee, having considered three options which had been proposed by the Council’s actuary for dealing with this matter, had supported the College continuing to

participate in the Bromley Fund in respect of former and existing staff but that future staff should join the Greenwich Fund.

The Director of Resources reported that, since that meeting, further advice which had been received from the DCLG and the actuary had indicated that this option was not feasible under the existing legislation. The actuary had now considered that it was in the best interests of the Fund and taxpayers in Bromley if a Direction Order was obtained from the Secretary of State which would allow the College to continue to participate in the Bromley Pension Fund as before with both former, existing and future staff receiving their benefits from the Bromley Fund. The advice and recommendation of the actuary was attached to the Director's report.

Members were of the opinion that further consideration needed to be given to the implications of the actuary's advice and recommendation and compared with the possible benefit that could result from the transfer of the College from the Bromley Pension Fund to Greenwich. In particular, clarification was required of the issues contained in paragraph 3.1.5 of the actuary's client briefing note.

RESOLVED that a decision on this matter be deferred pending the receipt of a further report from the Director of Resources detailing the implications of the actuary's recommendation compared with the possible alternative option of transferring the College from the Bromley Fund to the Greenwich Fund.

111 NOMINATIONS FOR APPOINTMENT AS HONORARY ALDERMEN

In March 2008 the Council had agreed a Scheme for the Appointment of Honorary Aldermen and the first appointments as Honorary Aldermen in Bromley had been made and celebrated at a Special Council Meeting held on 23rd June 2008. It had been agreed that in the lead up to the 2010 local elections, consideration would be given as to whether or not further appointments should be made as Honorary Alderman.

In addition to the possibility that some standing Members might not be re-elected at the May 2010 local elections, it was known that some long serving Members would not be seeking election again. A report was received from the Director of Legal, Democratic and Customer Services which sought the Committee's views as to whether further appointments of Honorary Aldermen should be made, the method for considering nominations and the arrangements for the conferment of the appointments for which purpose a Special Meeting of the Council must be convened.

Members' views were also requested as to whether the Council wished to adopt the additional title of "Honorary Alderwoman" which was permitted under the Local Democracy Economic Development and Construction Act 2009.

RESOLVED that

(1) further nominations be invited from the three Party Groups for the appointment of Honorary Aldermen, the nominations to be submitted to the Chairman (or the Director of Legal, Democratic and Customer Services);

(2) the five-Member Working Group (based on proportionality) comprising Councillors Canvin, Getgood, Owen, Toms and Wells be reappointed to consider nominations for the conferment of the title of Honorary Alderman and to make recommendations thereon to this Committee's meeting on 7th April 2010;

(3) the Party Group Leaders may agree (acting jointly) further nominations to be submitted to the Director of Legal, Democratic and Customer Services following the Council Elections, if necessary;

(4) the Appointment Ceremony of Honorary Aldermen for the Municipal Year 2010/11 be held at a special meeting of the Council convened immediately before the Annual Council meeting on 19th May 2010; and

(5) the title of "Honorary Alderwoman" be not adopted.

112 CLARIFICATION OF WARD COUNCILLORS' ROLE IN APPLICATIONS UNDER THE LICENSING ACT 2003

The Director of Environmental Services reported that the Policing and Crime Act 2009 relating to alcohol misuse had introduced a number of new and revised provisions into the Licensing Act 2003, including the amendment of the definition of an "Interested Party". As a consequence, the position of Ward Councillors as "Interested Parties" under the Licensing Act had been clarified beyond doubt. They could now make representations to a licence application based on the licensing objectives and seek a review of a licence in their own right.

RESOLVED that the report be noted.

113 THE VALUATION TRIBUNAL FOR ENGLAND

A report was received from the Director of Legal, Democratic and Customer Services which informed the Committee of the arrangements which had recently taken effect under the Local Government and Public Involvement in Health Act 2007 in the setting up of the Valuation Tribunal for England (VTE). The VTE had replaced the 56 Tribunals in England including the London South East Valuation Tribunal to which this Council had previously appointed representatives. All appointments to the VTE were to be made by the Lord Chancellor and there would be no involvement for this Council. The Council's appointees who had previously served on the former London South East

Valuation Tribunal had all been transferred to the new Valuation Tribunal for England.

RESOLVED that the changed arrangements in relation to Valuation Tribunals be noted.

114 APPEALS SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON 25TH NOVEMBER AND 4TH DECEMBER 2009, EXCLUDING EXEMPT INFORMATION

The Minutes of the above meetings were received.

Arising from the Disciplinary Dismissal Appeal case which had been considered by the Appeals Sub-Committee, the Chairman of that Sub-Committee expanded on the issues which had given cause for concern and on which it had been considered should be drawn to the attention of this Committee.

The Assistant Chief Executive (Human Resources) addressed the Committee and responded to the five issues which had been outlined by the Appeals Sub-Committee. He pointed out that processes already existed for properly managing staff who were seconded to partner bodies but accepted that coordination methods could be improved. He indicated that partner organisations would be reminded of the requirement for meeting performance appraisals and training needs of seconded staff and that managers would also need to provide annual appraisals carried out in relation to supervisory staff. In relation to management turnover, the Committee was informed that, whilst across the Council staff turnover was reasonable, in the area of social care in general (including mental health) the turnover was high which reflected a problem nationally. The Assistant Chief Executive (HR) additionally commented that the support of staff on secondment required proper contract monitoring of the partner organisation by departmental management.

RESOLVED that the following issues be referred to the Adult and Community Services PDS Committee for further review:-

(i) consideration be given to extending the training of line managers to include staff seconded to partnership bodies and to the monitoring of the effectiveness of those arrangements;

(ii) a better identification is required of the training needs appropriate to specific posts, particularly for new managers and that there should not be an assumption that managers appointed to posts have all the necessary skills and practical training required;

(iii) in similar disciplinary matters, evidence needs to be made available of annual appraisals carried out of supervisory staff, including those on secondment;

(iv) further consideration needs to be given to management turnover and the use of locum staff as part of recruitment and retention issues; and

(v) the Commissioners' responsibility for monitoring service provision should include the effectiveness of the management and supervision of London Borough of Bromley staff seconded to partner agencies and the protocols covering secondment arrangements.

115 AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 8TH DECEMBER 2009, EXCLUDING EXEMPT INFORMATION

The Minutes of the above meeting were received. Reference was made to the following Minute:

Minute 35 – Financial Regulations for Schools and Colleges Report DR09136

The Sub-Committee had been informed that the current Financial Regulations for Schools and Colleges had been revised and been issued to schools and colleges for comment in July 2009. Following consultation, feedback on the draft regulations had been considered and the final version of the Regulations would be circulated to schools and colleges for implementation following approval. Details of the amendments had been considered by the Sub-Committee. A copy of the Financial Regulations for Schools and Colleges had been placed in the Members' Room and could also be accessed on the Council's website.

Members considered the Sub-Committee's recommendation on this matter and

RECOMMENDED that the proposed revised Financial Regulations for Schools and Colleges (referred to in the report of the Director of Resources to the Audit Sub-Committee on 8th December 2009) be approved and adopted by the Council with effect from April 2010.

116 RIGHTS OF WAY SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 5TH JANUARY 2010

The Minutes of the above meeting were received.

A Member drew attention to Minute 4 (Minutes) and to the update which the Sub-Committee had received in relation to Minute 11 of the Sub-Committee's meeting held on 27th April 2005 (Public Footpath 41: Camden Park Road, Chislehurst). He referred to two Drawing Nos. EHP/9808/1 and ETP/9808/1 and contended that the Order which had been made following the Sub-Committee's meeting in April 2005 based on Drawing No. ETP/9808/1 was

wrong and did not reflect correctly the Sub-Committee's decision which he felt had been based on Drawing No. EHP/9808/1; these were two different plans. As a consequence, the Member considered that a new Order should be made.

The Director of Legal, Democratic and Customer Services' representative noted these comments and, whilst he could not comment on whether a mistake had been made, indicated that it would be for the Rights of Way Sub-Committee to look at the matter afresh and to consider whether or not a new Order was required to be made.

117 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the Press and public be excluded during consideration of the items of business referred to in the following Minutes as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summary
refers to a matter
involving exempt information**

118 APPEALS SUB-COMMITTEE: EXEMPT MINUTES - 25TH NOVEMBER AND 4TH DECEMBER 2009

It was noted that the record of the exempt Minutes of the above meetings, not published in view of the sensitive information which had been discussed at the meetings, were retained on file.

119 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 8TH DECEMBER 2009

The exempt Minutes of the above meeting were received.

RESOLVED that the support of London Councils be enlisted in making representations to the Metropolitan Police Authority that fraudulent crime is included amongst the key performance indicators for the Police and that significant resources are allocated to this particular area of work

The Meeting ended at 8.19 pm

Chairman

Appendix 1

London Borough of Bromley

Members Allowances Scheme

From 1st April 2010, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003 (2003 No. 1021) [as amended by SI 2003 No. 1692], the London Borough of Bromley will operate the following Members Allowances Scheme.

1. This Scheme is known as the London Borough of Bromley Members Allowances Scheme and will operate from 1st April 2010 until amended.

2. In this Scheme:

“Councillor” means a member of the London Borough of Bromley who is an elected Member;

“Member” for the purposes of this Scheme shall mean elected Councillors;

“year” means the 12 months ending 31st March.

3. The Council in agreeing this Scheme also considered the recommendations of the Independent Panel commissioned by the Association of London Government on the remuneration of Councillors in London entitled “The Remuneration of Councillors in London 2010 Review” report published February 2010.

Basic Allowance

4. Subject to inflation increases (calculated in accordance with paragraph 16) a basic annual allowance of £10,872.02 shall be paid to each Councillor.

Special Responsibility Allowances

5. (1) An annual Special Responsibility Allowance will be paid to those Members who hold special responsibilities. The special responsibilities are specified in Schedule 1 (attached).

(2) During periods after an election when any position of special responsibility is unfilled, the relevant Special Responsibility Allowance shall be payable to the new holder of the position from the day after the previous holder ceases to be responsible.

- (3) The amount of each Special Responsibility Allowance is specified against that special responsibility in Schedule 1. The conditions set out in paragraphs 5(2), 5(4) and 14 apply.
- (4) Where a Member holds more than one position of special responsibility then only one Special Responsibility Allowance will be paid. Subject to sub-paragraph (5), Members may be paid quasi-judicial allowances in addition to a Special Responsibility Allowance.
- (5) All Members of the Plans Sub-Committees, Adoption Panel and Licensing Sub-Committee will be paid a quasi-judicial allowance at an annual rate of 2.5% of the Leader's Special Responsibility Allowance. For 2010/11 this will be £638.34 per annum, subject to inflation increases (calculated in accordance with paragraph 16). Where a Member has membership of only one Plans Sub-Committee, the allowance will be set at half that amount, (1.25%) £319.18.

Childcare and Dependent Carers Allowance

6. The Council has agreed that no allowance will be paid for childcare or dependent carers.

Co-optees Allowance

7. The Council has agreed that no allowance will be paid for co-optees.

Pensions

8. All Councillors under the age of 75 are entitled to apply for membership of the Local Government Pension Scheme. Both Basic Allowance and Special Responsibility Allowance, including quasi-judicial allowances, will be treated as amounts in respect of which pensions are payable.

Travel and Subsistence Allowance

9. The Basic Allowance covers all intra-Borough travel costs and subsistence. All other necessarily incurred travel and subsistence expenses for approved duties as set out in the Regulations (Regulation 8(a) to (h)) will be reimbursed under the same rules and entitlement as applies to staff. Travel by bicycle will also be paid at the same rates as applies to staff. Claims for reimbursement are to be made within one month of when the costs were incurred.

Ability to Decline An Allowance

10. A member may, by writing to the Director of Legal and Democratic Services, decide not to accept any part of his entitlement to an allowance under this Scheme.

Withholding of Allowances

11. The Standards Committee may withhold all or part of any allowances due to a Member who has been suspended or partially suspended from his/her responsibilities or duties as a Member of the Authority. Any travelling or subsistence allowance payable to him/her for responsibilities or duties from which they are suspended or partially suspended may also be withheld.
12. Where the payment of an allowance has already been made in respect of a period in which a Member has been suspended or partially suspended, the Council may require the allowance that relates to that period of suspension to be repaid.

Members of more than one Authority

13. Where a Member is also a member of another authority, that Member may not receive allowances from more than one authority for the same duties.

Part-year Entitlements

14. If during the course of a year:
 - (a) there are any changes in the Basic and/or Special Responsibility Allowances,
 - (b) a new Member is elected,
 - (c) any Member ceases to be a Member,
 - (d) any Member accepts or relinquishes a post in respect of which a Special Responsibility Allowance is payable, or
 - (e) the Standards Committee resolves to withhold any allowances during the suspension of a Member,

the allowance payable in respect of the relevant periods shall be adjusted pro rata to the number of days.

Payments

15. Payments shall so far as is reasonably practicable normally be made for Basic and Special Responsibility Allowances in instalments of one-twelfth of the amount specified in this Scheme.

Inflation Increase

16. The allowances set out in this Scheme shall be increased annually by the same percentage increase as the market movement change for officers under the PE Inbucon scheme, such increase to take effect from the start of the Municipal Year. This inflation index will apply until further notice unless the Scheme is revised after consideration of any new Independent Panel report. Where the only change to the Scheme in any year is that effected by such an annual adjustment in accordance with this index, the new uprated allowance rates will apply without further consideration by an Independent Panel.

Notification Fee to Information Commissioner

17. The Council shall reimburse, or pay on their behalf, the annual fee payable by all Councillors to the Information Commissioner.

Schedule 1

Special Responsibility Allowances for the year ending 31st March 2010

Posts of Special Responsibility Allowance	
	£
Leader of the Council	30,600.00
Portfolio Holders (x6)	20,400.00
Executive Assistants (x5)	3,573.22
Executive Members without Portfolio (x2)	3,573.22
Chairman of Portfolio PDS Committees (x6)	7,410.00
Chairman of Development Control Committee	9,179.61
Vice-Chairman of Development Control Committee	1,971.47
Chairman of Plans Sub-Committees (x4)	2,772.35
Chairman of General Purposes and Licensing Committee	9,179.61
Vice-Chairman of General Purposes and Licensing Committee	1,971.47
Chairman of Audit Sub-Committee	1,971.47
Chairman of Investment Sub-Committee	1,971.47
Leader of Main Opposition Party	7,577.78
Leader of Minority Opposition Party	3,673.53
Quasi-Judicial Allowances:-	
Members of two Plans Sub-Committees	669.99
Members of one Plans Sub-Committee	335.00
Members of Adoption Panel	669.99
Members of Fostering Panel	669.99
Members of Licensing Sub-Committee	669.99

Note: the Basic Allowance is currently set at £10,872.02