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DATE: 4 February 2010

To: Members of the
GENERAL PURPOSES AND LICENSING COMMITTEE

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

A meeting of the General Purposes and Licensing Committee will be held at Bromley
Civic Centre on **TUESDAY, 16TH FEBRUARY, 2010 AT 7.30 PM**

MARK BOWEN
Director of Legal, Democratic and
Customer Services.

***Copies of the documents referred to below can be obtained from
<http://sharepoint.bromley.gov.uk>***

A G E N D A

- 1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**
- 2. DECLARATIONS OF INTEREST**
- 3. CONFIRMATION OF MINUTES OF THE MEETING HELD ON 16TH DECEMBER 2009 (Pages 5 - 12)**
- 4. MATTERS OUTSTANDING FROM PREVIOUS MEETINGS**

The following items are listed as outstanding from previous meetings:

- **Councillor Web Pages (Minute 56 - 24.9.08)**
All Members of the Council were invited to request a web page based on one of the two approaches agreed by the Committee on 24th September 2008. Democratic Services are in the course of implementing the Modern.gov committee management system and this will provide enhanced options for Member web-pages. A presentation has been arranged for the Committee on the Modern.gov system (agenda item 6). The option for Members of receiving a summary-sheet-only agenda was introduced in November 2009.

- **Revision to Licensing Policy 2008 to 2011: Enforcement (Minute 78 – 02.11.09)**
Draft revision of “Enforcement” section agreed for formal public consultation. Report back to April 2010 meeting.
- **Members’ Services: Benchmarking Information (Minute 62 – 23.9.09)**
Matter 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 are working on revising and improving the codes of practice with the intention of submitting a report to the Committee’s April meeting.

5. QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

To hear questions received in writing by the Director of Legal, Democratic and Customer Services by 5pm on Wednesday 10th February 2010 and to respond.

6. MODERN.GOV MEETING MANAGEMENT SYSTEM - PRESENTATION

7. CONSTITUTION IMPROVEMENT WORKING GROUP - MINOR CONSTITUTIONAL CHANGES (Pages 13 - 20)

8. MEMBERSHIP OF SUB-COMMITTEES 2009/10: VACANCIES (Pages 21 - 24)

9. MEMBERS' ALLOWANCES SCHEME 2010/11 (Pages 25 - 32)

10. EXECUTIVE ASSISTANTS: ANNUAL REPORT 2009/10 (Pages 33 - 38)

11. RAVENSBORNE COLLEGE PENSION ARRANGEMENTS (Pages 39 - 44)

12. NOMINATIONS FOR APPOINTMENT AS HONORARY ALDERMEN (Pages 45 - 50)

13. CLARIFICATION OF WARD COUNCILLORS' ROLE IN APPLICATIONS UNDER THE LICENSING ACT 2003 (Pages 51 - 54)

14. THE VALUATION TRIBUNAL FOR ENGLAND (Pages 55 - 58)

15. APPEALS SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON 25TH NOVEMBER AND 4TH DECEMBER 2009, EXCLUDING EXEMPT INFORMATION (Pages 59 - 62)

The Committee’s attention is drawn particularly to resolution 2 of minute 8 (4.12.09) (Disciplinary Dismissal appeal: Ms S.W.)

16. AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 8TH DECEMBER 2009, EXCLUDING EXEMPT INFORMATION (Pages 63 - 74)

17. RIGHTS OF WAY SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 5TH JANUARY 2010 (Pages 75 - 78)

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

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below 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.

Items of Business

Schedule 12A Description

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

(Minute record on file – not attached)

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.

20. AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 8TH DECEMBER 2009 (Pages 79 - 86)

The Committee's attention is drawn particularly to resolution 4 (ii) of Minute 38/1 (Internal Audit Fraud and Investigation Progress Report).

Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held on 16th December 2009

Present:

Councillor Tony Owen (Chairman)
Councillor Brian Toms (Vice-Chairman)
Councillors Nicholas Bennett JP, Mrs Ruth Bennett,
John Carvin, Roger Charsley, John Getgood,
Julian Grainger, Charles Rideout, Mrs Brenda Thompson,
Michael Turner and Stephen Wells

85. APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillors Mrs Carole Hubbard, Mrs Denise Reddin, Tim Stevens JP and Mrs Pauline Tunnicliffe. Councillor Mrs Ruth Bennett attended the meeting in place of Councillor Mrs Hubbard.

86. DECLARATIONS OF INTEREST

Councillors Nicholas Bennett JP, Roger Charsley, Julian Grainger and Tony Owen as members of the Council's pension fund, Councillors Nicholas Bennett JP, Charles Rideout and Michael Turner as members of separate public sector pension schemes and Councillor Nicholas Bennett JP in relation to the Parliamentary Pension Scheme declared personal interests regarding item 6 (Pension Fund Annual Report 2008/09).

87. MINUTES

A Member (Councillor Getgood) made reference to Minute 81 (2.11.09) and to the constitutional changes which had been approved at the special meeting of the full Council held on 15th December 2009. Specifically, he felt that the two questions which had been asked by Councillors Mrs Ruth Bennett and Bosshard of the Adult and Community Services Portfolio Holder at the ordinary meeting of the Council held on the same night should have been disallowed as he considered that they had not complied with the procedure set out in paragraph 10.2.2 of the Constitution. He felt that a better way to have dealt with the similar issues which had been raised in the questions would have been for a statement to have been made to the full Council by the Adult and Community Services Portfolio Holder. He also pointed out that no provision existed in the current Constitution for a Council Member to request a statement from a Portfolio Holder.

Whilst Members of the Committee indicated that the questions to which reference had been made had not been "planted" at the Council meeting, it was

GENERAL PURPOSES AND LICENSING COMMITTEE
16th December 2009

accepted that, in a similar manner to motions, the Constitution should provide an opportunity at Council meetings for Council Members to request statements from Portfolio Holders and that such statements should be made in the early part of Council meetings. It was recognised that statements made by Portfolio Holders covering a number of questions on the same subject would leave more time to deal with Members' questions.

Councillor Getgood also referred to the number of interruptions which had been made by a Member at the previous evening's ordinary meeting of the full Council which he felt had represented a discourtesy to the Mayor. Whilst recognising that the Constitution provided the Mayor with powers for dealing with inappropriate behaviour of Council Members, the Committee agreed that there was a need at all times for Council Members to respect and uphold the authority and position of the Mayor.

RESOLVED that

(1) the Minutes of the meeting held on 2nd November 2009 be confirmed; and

(2) the constitutional issues referred to above in relation to questions submitted by Council Members and statements made by Portfolio Holders be drawn to the attention of the Director of Legal, Democratic and Customer Services.

88. MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

The position in relation to the following matters was noted:

- **Councillor Web Pages (Minute 56 – 24.9.08)** – Web pages had been set up for four Members so far. Democratic Services were in the course of implementing the modern.gov committee management system which would provide enhanced options for Member web-pages. The option for Members of receiving a summary-sheet-only agenda had been introduced in November 2009 and was referred to in Minute 92 below in relation to the Council's standard report format.
- **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 April 2010 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) –**
Proposals were being reviewed and revised with a view to being submitted to the Committee's next meeting.

89. QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

**90. PENSION FUND ANNUAL REPORT 2008/09
Reports LCDS09144 AND DR09125**

The Director of Resources submitted the Annual Report 2008/09 for the London Borough of Bromley Pension Fund. Under the Local Government Pension Scheme (Administration) Regulations 2008, the Council was required to publish the annual report and accounts of the Bromley Pension Fund for the year ending 31st March 2009. The Annual Report had been submitted to the external auditor on 24th September 2009 and had been noted by the Investment Sub-Committee on 3rd November 2009. In accordance with the above Regulations, the Pension Fund Annual Report had been published (on the Council's website) on 1st December 2009 subject to the approval and any amendments by this Committee.

A Member referred to paragraph 3.4 of the report of the Director of Resources and to the table on page 6 of the Annual Report 2008/09 and requested an explanation of the changes in the different categories of membership of the Fund. In response, the Director of Resources agreed to provide all Members of the Committee with a breakdown of the figures.

The Chairman of the Investment Sub-Committee drew Members' attention to the fact that Bromley's Pension Fund had, in accordance with the Local Government Finance Awards, achieved first place and the best return on equities of all Pension Funds in 2009.

RESOLVED that the Annual Report of the Bromley Pension Fund for 2008/09 be approved.

**91. INTERNATIONAL FINANCIAL REPORTING STANDARDS
Report DR09138**

The Director of Resources submitted a report which indicated that local authorities were required to adopt and comply with the International Financial Reporting Standards (IFRS) with effect from 2010-11 to bring them in line with

commercial organisations and central government bodies. These Standards had been adopted by the private sector two years ago and by health authorities last year. The report set out the reasons for the transition and the methodology to be adopted in making the change. The report had been noted by the Audit Sub-Committee on 8th December 2009.

RESOLVED that the report be noted.

92. STANDARD REPORT FORMAT
Report LDCS09146

Following a review by a Member Working Group which had been appointed by this Committee, a revised report format, accompanied by an on-screen template, had been launched in November 2008. Concerns had been expressed by some Members that the requirements of the template were not being adhered to by all officers and the Committee discussed compliance with the current standard report format having regard to a report received from the Director of Legal, Democratic and Customer Services.

A Member drew attention to a number of reports on a recent PDS Committee agenda where he considered that insufficient attention had been paid to the summary sheets, meaning that the value of the “short agenda” (just the agenda front-sheet and the summary sheets of each report) was undermined. He also commented that recommendations were often not sufficiently self-contained to be understood without reference to the whole report and needed to be sharpened up. These views were supported by some other Members, one of whom commented that Democratic Services Officers needed more time to consider reports before publication and, where necessary, should be able to reject them if they failed to comply with the required report format. To this end, he felt that report deadlines should be extended. He also suggested that reports should contain a measure to evaluate the success of proposals.

The Director of Resources commented that the Chief Officers’ Executive was considering the dissemination of reports to Members and that the Director of Legal, Democratic and Customer Services was raising with senior officers the need for good report writing.

RESOLVED that the importance of the report format be reaffirmed and conveyed to all officers involved in the production of reports.

93. MEMBERS’ INDUCTION 2010
Report LDCS09135

The 2010 local elections were likely to see the appointment of a number of new Councillors, and work was already underway to prepare an effective induction

programme for new Members. The Committee discussed the proposals set out in a report received from the Director of Legal, Democratic and Customer Services and made a number of comments as follows:-

- the suggestion of a “buddy” system pairing new Members with experienced Members, possibly from the 2006 intake, was supported;
- the Leader of the Council should be involved in the presentation of Building a Better Bromley priorities;
- the Induction should cover Standards and quasi-judicial committees;
- the essential administrative tasks for new and returning Councillors could be undertaken on the Saturday or the Monday following the election, rather than immediately after a double count, but Members’ IT connections should be given high priority;
- as part of the induction process, PDS Committees should use their early meetings to review the performance centres within their remit and which would inform new Members of the key officers as points of contact;
- departments should be encouraged to organise tours and visits to their facilities as part of the induction process;
- Members should be provided with paper copies of basic information such as contact phone numbers, location maps and departmental structures; and
- the recommendations of the Constitution Improvement Working Group (Third Report, recommendation 19) were supported.

RESOLVED that

(1) the arrangements for the 2010 Member induction programme be noted;

(2) Members’ comments on the draft programme, as set out above, be taken into account as the programme is developed;

(3) the suggestion of adopting formal “buddy” arrangements be supported; and

(4) no views be expressed as to whether Bromley should pursue accreditation under the Member Development Charter.

94. DRAFT PROGRAMME OF MEETINGS 2010/11
Report LDCS09145

The draft timetable of meetings for 2010/11, attached to the report of the Director of Legal and Democratic Services, was submitted for the Committee's consideration. The draft timetable had been circulated for consultation and the principal changes from the current programme were set out.

A revised draft timetable was circulated at the meeting and included a couple of changes which had been suggested since the publication of the Committee's agenda. Consideration was also given to the comments which had been received before the meeting from the Chairman of the Public Protection and Safety PDS Committee. As a consequence, the following changes were made to the draft timetable:-

- the Public Protection and Safety PDS Committee be moved from Tuesday 22nd June 2010 to Tuesday 1st June 2010;
- the Children and Young People PDS Committee be moved from Tuesday 1st June 2010 to Tuesday 15th June 2010;
- the Adult and Community PDS Committee be moved from Tuesday 15th June 2010 to Tuesday 22nd June 2010; and
- an additional meeting of the Public Protection and Safety PDS Committee be arranged for Tuesday 6th July 2010.

RESOLVED that the revised draft timetable of meetings for the 2010/11 Municipal Year, as amended above, be approved for publication.

95. APPOINTMENT OF COUNCIL REPRESENTATIVES TO SERVE
ON OUTSIDE BODIES
Report LCDS09142

The Director of Legal, Democratic and Customer Services reported on the proposed appointment of Council representatives to serve on two outside bodies as indicated.

RESOLVED that

(1) Miss V Harwood be appointed as a Representative Trustee on the William Moyser Charity, St Mary Cray in place of Mrs V Coles (deceased) for the balance of the four-year term expiring in May 2010; and

(2) Councillor Stephen Carr be appointed to serve as the Council's Governor representative on the Diocese of Rochester Board of Education in place of Councillor Roger Charsley for the balance of the three-year term expiring on 31st December 2011.

96. LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES OF THE MEETING HELD ON 2ND DECEMBER 2009

The Minutes of the above meeting were received.

97. INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 3RD NOVEMBER 2009, EXCLUDING EXEMPT INFORMATION

The Minutes of the above meeting were received.

98. 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 item of business referred to in the following Minute 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

99. INVESTMENT SUB-COMMITTEE: EXEMPT MINUTES – 3RD NOVEMBER 2009

The exempt Minutes of the above meeting were received.

TONY OWEN
Chairman

The meeting ended at 8.26 pm.

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Report No.
LDCS10031

London Borough of Bromley

Agenda
Item No. **7**

PART 1 - PUBLIC

Decision Maker: General Purposes and Licensing Committee

Date: 16th February 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CONSTITUTION IMPROVEMENT WORKING GROUP - MINOR
CONSTITUTIONAL CHANGES**

Contact Officer: Graham Walton, Democratic Services Manager
Tel: 020 8461 7743 E-mail: graham.walton@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Legal, Democratic and Customer Services

Ward: N/A

1. Reason for report

- 1.1 The Constitution Improvement Working Group has met to consider some minor changes to the Constitution.
-

2. **RECOMMENDATION(S)**

- 2.1 **The Committee is recommended to endorse the views of the Constitution Improvement Working Group and the actions proposed to make minor changes to the Council's Constitution.**

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £N/A
 5. Source of funding: N/A
-

Staff

1. Number of staff (current and additional): None
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory requirement. The Local Democracy, Economic Development and Construction Act 2009 places a duty on local authorities to respond to petitions and to provide facilities for e-petitions.
 2. Call-in: Call-in is not applicable. This report does not involve an executive decision.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The provisions on petitions are potentially of benefit to all residents in the borough.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 In the last year, the Constitution Improvement Working Group has delivered three reports proposing changes to the Council's Constitution. Although the Working Group's main task of updating the Constitution ready for the implementation of the Local Government and Public Involvement in Health Act after the 2010 local elections has been accomplished, there are a number of minor matters that still need to be addressed. The Working Group therefore held an additional meeting on 1st February 2010 to consider these matters. A copy of the minutes from that meeting is attached.
- 3.2 The Committee is requested to endorse the decisions of the Working Group and the proposed actions set out below –

Cancellation of meetings – The Director of Legal, Democratic and Customer Services to prepare detailed wording on the postponement or cancellation of meetings in exceptional circumstances for insertion in the Constitution by Council on 29th March.

Urgency Committee - The Director of Legal, Democratic and Customer Services to prepare detailed wording on the appointment of an Urgency Committee for insertion in the Constitution by Council on 29th March.

Portfolio Holder Statements - The Director of Legal, Democratic and Customer Services to prepare detailed wording on Statements at full Council for insertion in the Constitution by Council on 29th March.

Petition Scheme - Director of Legal, Democratic and Customer Services to prepare a petition scheme for consideration by this Committee at a later date as soon as final guidance on the implementation of the legislation is available.

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

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	

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CONSTITUTION IMPROVEMENT WORKING GROUP

Notes of the meeting held at 12.30pm on Monday 1st February 2010

Present

Councillor Nicholas Bennett JP (Chairman)
Councillor John Canvin
Councillor Peter Fookes
Councillor Julian Grainger
Sheila Bennett
Mark Bowen
Chris Curran
Graham Walton

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Robert Evans
Russell Mellor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. NOTES OF THE MEETING HELD ON 20TH OCTOBER 2009

The notes of the meeting held on 20th October 2009 were confirmed.

4. MODERN.GOV IT SYSTEM: PRESENTATION

Members received a presentation from Chris Curran, Management Trainee, on the Modern.gov IT system. Modern.gov was in use by around 120 local authorities, including 21 in London. It was a database system that linked information and offered enhanced public accessibility. The Democratic Services Team was already using the system to produce agendas; it was intended that the public-facing website would be launched on 29th March and 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.

AGREED that a presentation be made to the next General Purposes and Licensing Committee meeting on 16th February 2010.

5. MINOR CONSTITUTIONAL CHANGES

(A) Cancellation of meetings

The Director of Legal, Democratic and Customer Services explained that once a meeting had been called and an agenda issued it was doubtful that it could legally be cancelled. Although, in practice, common sense had prevailed in

the recent bad weather and some meetings had not taken place, it would be preferable to insert some wording into the Constitution to remove some of the uncertainty.

AGREED that provision be made in the Constitution for meetings to be postponed or cancelled in exceptional circumstances by the Leader or Portfolio Holders in the case of executive meetings, or by the Chief Executive at the request of a Committee or Sub-Committee Chairman.

(B) Urgency

The Working Group had previously considered the need to make provision in the Constitution for urgent but not particularly sensitive decisions to be made, such as minor variations to Committee memberships.

AGREED that

- (1) a Sub-Committee be established to deal with urgent non-Executive decisions comprising the mayor, the Chairman of the General Purposes and Licensing Committee and the Leaders of the three party Groups.**
- (2) any decisions made should be reported to the next Council meeting and the next appropriate Committee meeting.**

(C) Portfolio Holder Statements

The General Purposes and Licensing Committee had asked the Working Group to consider concerns about the length of answers to Council questions and the potential need for a mechanism to require Portfolio Holders and Committee Chairmen to make statements at full Council meetings.

AGREED that provisions for requiring a statement to be made to full Council by a Portfolio Holder or a Committee Chairman be drawn up as follows -

A statement could arise in two ways -

- (i) the PH, Leader or PDS Chairman could decide to make a statement by noon three working days before the meeting of the Council (ie for a Monday meeting the previous Thursday);**
- (ii) A PDS Chairman and one other member, a Group Leader and one other or 5 members could request a statement by noon, three working days before the meeting of the Council (ie for a Monday meeting the previous Thursday)**

Statements or requests for statements on matters of urgency (ie where the matter has arisen since the deadline above) would be allowed at the discretion of the Mayor.

Notice of the intended statement would be circulated to all Members by email as soon as possible after notification to the Director of Democratic and Legal Services.

Statements would be limited to 5 minutes each with an overall time limit of 30 minutes (subject to the Mayor having the discretion to ask the meeting whether the session could be extended).

(D) Membership of Adjourned Meetings

Councillor Grainger suggested that, where a meeting was adjourned to a different date, it should be possible to allow different memberships for the two parts of the meeting, through substitutions. It was confirmed that this would not be possible, as this would still be one meeting.

It was suggested that one way to avoid this issue would be for a new meeting to be started; however, this would require a new agenda to be issued with sufficient public notice.

6. THE DUTY TO ESTABLISH A SCHEME FOR PETITIONS

The Working Group considered a draft petitions scheme which would comply with the requirements of the Local Democracy, Economic Development and Construction Act 2009, and noted that this included e-petitions. Councillor Grainger suggested that fewer signatures should be required for petitions on very local issues.

The Government had published a consultation document before bringing the provisions in the Act relating to petitions into effect. The Director of Legal, Democratic and Customer Services informed Members that one issue where it would be useful to respond would be to propose that petitions are excluded from the restrictions on political publicity under the Local Government Act 1986.

AGREED that

- (1) a petition scheme be drawn up for consideration by General Purposes and Licensing Committee;**
- (2) petitions concerning local matters which only affect a small number of residents should not be required to have the same number of signatories as those where the matter was of general interest – it could be a proportion of those estimated to be affected;**
- (3) paper petitions may have a lower threshold for action than on-line petitions.**
- (4) the Director of Legal, Democratic and Customer Services should respond to the Government's consultation suggesting that an amendment be made to the Local Government Act 1986 to exclude petitions from the restrictions on political publicity.**

7. SCHEDULE OF DELEGATIONS TO OFFICERS

The Schedule of Delegations to Officers had been updated in the light of changes to executive arrangements coming into effect after the local elections in May 2010. Under the new Constitution, any executive functions delegated to officers would need to be delegated by the Leader, and not full Council. Rather than produce two separate schemes, an extra column had been added to the existing document to indicate whether the delegation was from Council or the Leader. The document needed some further work to ensure that it was up to date.

RESOLVED that the approach taken to modifying the Schedule of Delegations is supported, and the revised scheme be submitted to PDS Committees, the Development Control Committee and the General Purposes and Licensing Committee, prior to approval by Council and the Leader.

The meeting ended at 2.16pm.

Decision Maker: General Purposes and Licensing Committee

Date: 16th February 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **MEMBERSHIP OF SUB-COMMITTEES 2009/10: VACANCIES**

Contact Officer: Graham Walton, Democratic Services Manager
Tel: 020 8461 7743 E-mail: graham.walton@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Legal, Democratic and Customer Services

Ward: N/A

1. Reason for report

1.1 To appoint Members to vacancies on Sub-Committees following the resignation from the Council of Councillor Stephen Maly.

2. **RECOMMENDATION(S)**

2.1 **The Committee is requested to make the following appointments for the remainder of the Council year –**

Audit Sub-Committee: (nomination awaited)

Investment Sub-Committee: Councillor Eric Bosshard

Rights of Way Sub-Committee: Councillor Charles Joel

2.2 **The Committee is requested to appoint Councillor Stephen Wells as Vice-Chairman of the Audit Sub-Committee for the remainder of the Council year.**

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £N/A
 5. Source of funding: N/A
-

Staff

1. Number of staff (current and additional): None
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: No statutory requirement or Government guidance.
 2. Call-in: Call-in is not applicable. These appointments are not an executive decision.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 Councillor Stephen Maly resigned from the Council at the end of 2009, leaving vacancies on a number of committees and sub-committees. Council is being requested to make the appointments to committees at the meeting on 15th February, while this Committee may fill the vacancies on its sub-committees. The overall political balance of the Council is not affected by this resignation, and the majority group has made nominations to fill the vacancies.
- 3.2 Councillor Maly was also the Vice-Chairman of the Audit Sub-Committee. The majority group has nominated Councillor Stephen Wells, who is already a member of that sub-committee, as Vice-Chairman.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Minutes of the Annual Council meeting on 13 th May 2009

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Report No.
DR10023

London Borough of Bromley

Agenda
Item No. **9**

PART 1 - PUBLIC

Decision Maker: General Purposes and Licensing Committee

Date: 16th February 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: MEMBERS' ALLOWANCES SCHEME 2010/11

Contact Officer: Mark Gibson, Assistant Director of Resources
Tel: 020 8313 4295 E-mail: mark.gibson@bromley.gov.uk

Chief Officer: Director of Resources

Ward: Borough Wide

1. Reason for report

- 1.1 The regulations governing Members' allowances require that, before the beginning of each financial year, the Council shall make a scheme of allowances for that year and this report details the proposed allowances.
-

2. **RECOMMENDATION(S)**

- 2.1 **It is recommended that the Members' Allowances Scheme 2009/10 be submitted to Council for approval on 29th March 2009; this would either**

(a) incorporate the application of an annual indexation increase but no other change to the existing scheme.

or

(b) a freeze on the current allowances in the light of the current economic circumstances with no other changes to the existing scheme

Corporate Policy

1. Policy Status: Existing policy. The Council has made a scheme known as the London Borough of Bromley Members' Allowances Scheme.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: Estimated cost
 2. Ongoing costs: Recurring cost.
 3. Budget head/performance centre: Democratic Representation - Members' allowances
 4. Total current budget for this head: £1,079,150
 5. Source of funding: 2009/10 Budget
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement. Sections 18 &19 Local Governemnt and Housing Act 1989, S 100 Local Government Act 2000, The Local Authorities (Member`s Allowances)(England) Regulations 2003
 2. Call-in: Call-in is not applicable. Making/varying a scheme of Members' allowances is reserved to full Council and is not an exective decision.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All Members.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 Every local authority is expected to have a basic, flat rate allowance which is payable to all Members. The basic allowance recognises the time commitment of Councillors, including meetings with Council managers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of Councillors' homes. It must be the same for each Councillor and may be paid either as a lump sum or in instalments through the year.
- 3.2 The regulations governing Members' allowances require that, before the beginning of each financial year, the Council shall make a scheme of allowances for that year. The regulations also provide that before the Council makes or amends a scheme it shall have regard to the recommendations made in relation to it by an independent remuneration panel report. This requirement does not apply if the only change is the application of an annual indexation increase. Paragraph 16 of the existing scheme provides for annual indexation of allowances every year by the same percentage increase as the market movement change for officers under the PE Inbucon scheme. An independent review has recently been concluded and the report, which will be available from 9th February 2010, will be circulated to Members following publication of the Committee's agenda.
- 3.3 Following a detailed review in 2008 Members' allowances were scrutinised by a specially formed Member working party which reported through to the Council. As a result certain allowances were upgraded to reflect current Member duties and remuneration adjustments were recommended and agreed having regard to the previous independent review, the work of the working party and comparative allowances paid by other London Authorities.
- 3.4 The attached **appendix 1** shows the latest scheme as well as the agreed allowances for 2009/10 these which will be either uplifted after the pay award is agreed or else frozen depending on the Members' decision.

4. FINANCIAL IMPLICATIONS

- 4.1 Provision has been made for the indexed increases in allowances in the revenue budget to be approved by Council.

5. LEGAL IMPLICATIONS

- 5.1 The statutory provisions relating to Members' allowances are contained in The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 2003/1021).

Non-Applicable Sections:	Policy/Personnel
Background Documents: (Access via Contact Officer)	Report from the Independent Panel on Remuneration of Councillors in London

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

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Report No.
LDCS10030

London Borough of Bromley

Agenda
Item No. **10**

PART 1 - PUBLIC

Decision Maker: General Purposes and Licensing Committee

Date: 16 February 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **EXECUTIVE ASSISTANTS: ANNUAL REPORT 2009/10**

Contact Officer: Richard Millar, Democratic Services
Tel: 020 8461 7651 E-mail: richard.millar@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Legal, Democratic and Customer Services

Ward: N/A

1. Reason for report

- 1.1 As part of this Committee's decisions in relation to the Members' Allowances Scheme 2008/09 (Minute 13 – 21.5.08), it was agreed that the February meeting of this Committee should receive an annual report from each of the Executive Assistants outlining the work they have undertaken over the past year in justification of the receipt of their allowance. This decision was reaffirmed by the Committee at its meeting on 18th February 2009 (Minute 102).
-

2. **RECOMMENDATION**

- 2.1 **The Committee is requested to consider and, if appropriate, comment on the submissions received from the Executive Assistants relating to the work they have undertaken over 2009/10.**

Corporate Policy

1. Policy Status: Existing policy. The Council has made a scheme known as the London Borough of Bromley Members' Allowances Scheme.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: Estimated cost
 2. Ongoing costs: Recurring cost.
 3. Budget head/performance centre: Democratic Representation - Members' Allowances.
 4. Total current budget for this head: £1,079,150; Executive Assistants (x5) each receive an allowance of £3,573.22.
 5. Source of funding: 2009/10 budget
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement. Members Allowances' Scheme - Sections 18 and 19 of Local Government and Housing Act 1989, Section 100 of Local Government Act 2000 and The Local Authorities (Members' Allowances) (England) Regulations 2003.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Currently 5 Members.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 Following a review of the Members' Allowances Scheme 2008/09 which had been carried out by a Member Working Group, this Committee on 21st May 2008 (Minute 13) recommended, and the full Council subsequently adopted, various amendments to the Scheme.
- 3.2 As part of the Committee's decisions in relation to the Members' Allowances Scheme 2008/09, it was agreed that an annual report should be submitted to this Committee's February meeting from each of the Executive Assistants outlining the work they have undertaken over the past year in justification of the receipt of their allowance which currently amounts to £3,573.22. That decision has subsequently been reaffirmed by this Committee.
- 3.3 Submissions have been received from Councillor 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.) These are attached in **Appendix 1**. The submissions from the other three Executive Assistants, Councillors Sarah Phillips (Executive Assistant to the Leader), Catherine Rideout (Executive Assistant to the Portfolio Holder for Adult and Community Services), and Pauline Tunnicliffe (Executive Assistant to the Portfolio Holder for Public Protection and Safety), are to follow.

Non-Applicable Sections:	Policy, Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	

**Councillor Brian Humphrys,
Executive Assistant to the Portfolio Holder for Children and Young People:**

Attend all Council meetings of the CYP Portfolio Holder and his Callover meetings.

Attend all Council CYP PDS meetings as an observer.

Appointed to be a Member of the CYP Trust Board, a member of the Executive Board for YOT, a member of the School Admission Forum and also attend the Secondary Head Teachers' termly meeting with senior officers and the Portfolio Holder.

Attend the Schools Forum meetings as an observer.

Visit, with the Portfolio Holder, schools, CYP social service facilities, youth clubs and partners such as Bromley Y as well as voluntary groups.

Attend the Portfolio Holder's weekly meeting with the Director of CYP and also the annual Budget meeting with Chairmen of Governors.

Am present at award ceremonies for Governors and other groups.

I attended the Safeguarding Board conference.

Prior to my appointment, I have been for many years, and still am, on the Officer / Member Working Party for Primary and Secondary School Development as well as the Executive Working Party for SEN.

**Councillor George Taylor,
Executive Assistant to the Portfolio Holder for the Environment**

The role of an Executive Assistant is many and varied, and is dependant entirely on the personal requirements of the Portfolio Holder. Those requirements are likely to be different within each particular Portfolio Holder/ Executive Assistant relationship.

By way of illustration, whilst a Portfolio Holder for five years, I had two different Executive Assistants in that time. One was very experienced and I allowed them complete independence to get on with various projects until fruition when I made final decisions. The other was completely inexperienced. This Executive Assistant, I closely supervised and frequently used as a "sounding board" as one might a member of the public but in a far more extensive way.

In my own case as an Executive Assistant, I would describe myself as a fairly experienced local politician with a particular emphasis on the Environment. This factor has resulted in yet a third different relationship between myself as an Executive Assistant and the Portfolio Holder. The current Portfolio Holder has designated various projects to be under my complete control. The main example is The Orpington Parking Review currently being undertaken, one of great significance. My main role I would suggest is a watching brief or as an "early warning" filter and advisor. The Portfolio Holder frequently asks for me for advice and my opinion on matters too diverse and numerous to mention here. He may take on board that advice and opinion or he might reject it. But the important factor is that he frequently asks me.

The other role is my watching brief in all matters that might affect the Portfolio. Often I bring to the attention of the Portfolio Holder matters of which he is unaware because of his heavy workload. An example here is the intention of Kent County Council to close the A25 for six weeks at Sundridge to allow the laying of a gas pipe. This would have resulted in the diversion of all commercial large vehicles via Biggin Hill and Farnborough during January 2010 with the possibility of severe disruption if there had been inclement weather such as snow and ice. The Portfolio Holder was unaware of this intention by Kent County Council although it transpired that Bromley Council Officers were aware. Through my bringing this to the Portfolio Holder's attention he was able swiftly and successfully to apply pressure on Kent County Council and the resulting postponement of the proposed closure has brought great relief to Bromley residents, even though they may be unaware themselves of the work done behind the scenes.

Understandably this may only be a brief summary of the work completed in 2009/2010 but I hope it demonstrates the value an Executive Assistant can bring to the general wellbeing of Bromley residents, even though the benefits may be hidden and unsung.

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Report No.
RD10024

London Borough of Bromley

Agenda
Item No. **11**

PART 1 - PUBLIC

Decision Maker: General Purposes and Licensing Committee

Date: 16th February 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **RAVENSBOURNE COLLEGE PENSION ARRANGEMENTS**

Contact Officer: Mark Gibson, Assistant Director of Resources
Tel: 020 8313 4295 E-mail: mark.gibson@bromley.gov.uk

Chief Officer: Paul Dale, Director of Resources

Ward: N/A

1. Reason for report

- 1.1 This report updates Members on the future proposed pension arrangements for staff at Ravensbourne College.
-

2. **RECOMMENDATION**

- 2.1 **Members are asked to note the latest actuarial advice set out in the report and to delegate to the Director of Resources the decision to allow the College to continue to participate in the Bromley Fund in respect of former, existing and future staff and seek a Direction Order pursuant to the Local Government Pension Scheme Regulations from the Secretary of State in support of such a resolution.**

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Pension fund
 4. Total current budget for this head: £408.4 as at 31st December 2009
 5. Source of funding: N/A
-

Staff

1. Number of staff (current and additional): 143 including pensioners (39) and deferred pensioners (32) actives (72)
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable. Proposals do not involve an executive decision.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 143
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 Ravensbourne College is a scheduled body under the Local Government Pension Scheme Regulations 1997. These Regulations effectively state that the appropriate LGPS Pension Fund that the College should participate in is the one within which it lies geographically and so historically the College has been a scheduled body within the Bromley Fund. In 2010/11 the College is due to relocate to a new site which is within the London Borough of Greenwich rather than Bromley. There are a number of LGPS funds who have participating employers who are headquartered outside the strict geographical boundaries of the LGPS Fund in which they participate. There are also a number of LGPS employers, including further education establishments, who participate in more than one LGPS Fund. Informal advice from the DCLG has confirmed that a proposal to keep College staff in the Bromley Pension Fund would require a Direction Order from the Secretary of State under the administration regulations Schedule 4 paragraph 2, after the Secretary of State is satisfied that the treatment of ongoing pension liabilities have been considered and agreed upon by all interested parties.
- 3.2 Previously in May 2009 a report to GP and L detailed the 3 options proposed by the Council's actuary including obtaining a Direction Order from the Secretary of State which will 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, secondly the College leaving the Bromley Fund with all existing staff transferring to the Greenwich Fund and future staff joining the Greenwich Fund with staff already drawing their pensions or those with a deferred right to do so remaining in the Bromley Fund or thirdly the College continuing to participate in the Bromley Fund in respect of former and existing staff but future staff join the Greenwich Fund. A further report in June 2009 provided Members with the additional information relating to the age profile of staff at Ravensbourne College.
- 3.3 At the time it was thought that the third option would be feasible. However, subsequent to this and following further correspondence with DCLG and the actuary this option was not going to prove possible under the existing legislation. The actuary therefore recommends the first option to obtain a direction order. CLG have indicated that this would be considered and the college have prepared a case for such an application.
- 3.4 The Council's actuary confirms that it is in the interests of the other employers in the Fund for the College to remain in the Bromley Fund so that the college remains fully responsible for funding its pension liabilities. This option is now considered the lowest risk option for the Bromley tax payers as it ensures that the college remains in the Fund with active members contributing to any deficit funding that is needed in the future.

FINANCIAL IMPLICATIONS

4.1 See attached briefing note.

4. LEGAL IMPLICATIONS

4.1 Contained in the body of the report.

5. PERSONNEL IMPLICATIONS

5.1. The college staff will be protected as their contract allows them access to a LGPS whoever administers the fund. Both the college and LB Greenwich have been consulted on the different options and both are keen that the one recommended above is the preferred solution.

Non-Applicable Sections:	Policy
Background Documents: (Access via Contact Officer)	GP and L reports May and June 2009

Client Briefing Note

Client: London Borough of Bromley

Date 12 January 2010

Subject: Ravensbourne College

1 Introduction

- 1.1.1 The purpose of this note is to provide an update on the pension issues associated with the relocation of Ravensbourne College out of the Bromley boundary.

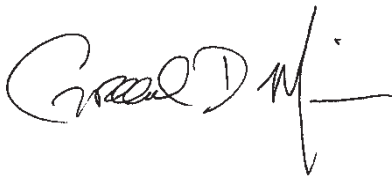
2 Background

- 2.1.1 Ravensbourne College is a scheduled body under the Local Government Pension Scheme Regulations 1997. These Regulations effectively state that the appropriate LGPS Pension Fund that the College should participate in is the one within which it lies geographically and so historically the College has been a scheduled body within the Bromley Fund. The College is however due to relocate to a new site which is within the London Borough of Greenwich rather than Bromley. At the time the Regulations were originally made we doubt they ever envisaged scheduled bodies having to change Funds due to relocation – scheduled bodies were originally the local authorities themselves.
- 2.1.2 There is therefore no specific Regulation which deals with scheduled body relocating. However the default position is that the College would have to leave the Bromley Fund and join the Greenwich Fund. Active members would have their benefits transferred from the Bromley Fund to the Greenwich Fund and the liabilities for former College employees – deferred pensioner and current pensioners would remain in the Bromley Fund.
- 2.1.3 There has been considerable correspondence with CLG in relation to any options that may be available. Due to the funding and related issues associated with a full transfer which we discuss below in section 3, the option of a partial transfer was explored with CLG whereby existing active members would remain in the Bromley Fund and new recruits would join the Greenwich Fund. Having examined the LGPS Regulations in detail the conclusion was that this would not be possible under the existing Regulations and a change in the Regulations would be required. CLG indicated that such a change in the Regulations would be unlikely.
- 2.1.4 There however is the option of applying to the Secretary of State for what is known as a direction order that would allow the College to continue to participate in the Bromley Fund as before with both former, existing and future staff receiving their benefits from the Bromley Fund.
- 2.1.5 CLG have advised that such a direction would be available.

3 The Case for the Direction Order

- 3.1.1 Our recommendation is that Bromley seek the direction order as we believe this is in the best interests of the Fund and taxpayers in Bromley.
- 3.1.2 Under the transfer option we would look at reserving sufficient assets in the Bromley Fund to fully fund the liabilities that are left behind on a “minimum risk basis”. This is a much stronger reserving basis than the normal ongoing funding basis and produces a much higher reserve than the ongoing reserve we calculate at triennial funding valuations.

- 3.1.3 The amount required to fully fund the pensioner and deferred pensioner liabilities on the “minimum risk basis” is currently of the order of £5.8m compared with an estimated asset share within the Bromley Fund for the College of around £4.2m. The ongoing reserve we use for funding purposes is of the order of £3.2m.
- 3.1.4 Thus the College would first of all have to make a capital payment of £1.6m even before having to consider the £3m or so of liability in respect of active members that would transfer to Greenwich.
- 3.1.5 However even if the College has the necessary funds to make the £1.6m payment to the Bromley Fund it is still in the interests of the Bromley Fund and the other Bromley employers, for the College to remain in the Bromley Fund.
- 3.1.6 Whilst we have assessed the reserves that would be required to fund the residual liabilities on a “minimum risk” basis following a transfer, there is no guarantee that these reserves will be sufficient as they are still based on assumptions relating to future events which are not entirely predictable.
- 3.1.7 Provided the College still has a link with the Bromley Fund then any additional (unexpected) costs would still be met by the College. Once the College has left the Fund then any (unexpected) additional costs would ultimately have to be met by the remaining employers in the Bromley Fund.
- 3.1.8 Under the LGPS Regulations and as confirmed by the recent South Tyneside case, a Fund cannot seek further contributions from a former employer to the Fund and any shortfall is ultimately funded by the remaining employers/local taxpayers.
- 3.1.9 Under the direction order route, the College remains in the Bromley Fund and picks up all pension costs thus protecting the other employers/taxpayers.
- 3.1.10 We would be pleased to discuss further if required



Graeme D Muir FFA

Report No.
LDCS10028

London Borough of Bromley

Agenda
Item No. **12**

PART 1 - PUBLIC

Decision Maker: General Purposes and Licensing Committee

Date: 16th February 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **NOMINATIONS FOR APPOINTMENT AS HONORARY ALDERMEN**

Contact Officer: Mark Bowen, Director of Legal, Democratic and Customer Services
Tel: 020 8313 4355 E-mail: mark.bowen@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Legal, Democratic and Customer Services

Ward: N/A

1. Reason for report

- 1.1 To consider nominations for appointment as Honorary Alderman for the Municipal Year 2010/11 and to review recent changes in the law.

2. **RECOMMENDATION(S)**

- 2.1 **The Committee provide the Director of Legal, Democratic & Customer Services with nominations for appointment as Honorary Aldermen.**
- 2.2 **Agree that Group Leaders may agree (acting jointly) further nominations to be submitted to the Director of Legal, Democratic & Customer Services following the Council elections, if necessary.**
- 2.3 **That the Appointment Ceremony of Honorary Aldermen for the Municipal Year 2010/11 be held at a special meeting of the Council immediately before the Annual meeting;**
- 2.4 **Members' views are sought on adopting the title of Honorary Alderwoman, as permitted by the Local Democracy Economic Development and Construction Act 2009.**

Corporate Policy

1. Policy Status: Existing policy. The Council has adopted a Scheme for the Appointment of Honorary Aldermen, which allows the appointment to be made for former Members who have, in the view of the Council, rendered eminent service to the Council as past Members of the Council.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: Estimated cost There is presently no budget available. However, given the modest number of appointments likely and if the Appointment Ceremony is linked to the Annual Council meeting, costs are not likely to exceed £1,000, which can be contained within existing budgets.
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £N/A
 5. Source of funding: Existing Budgets
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: It is estimated that less than 20 hours would be spent on dealing with current nominations.
-

Legal

1. Legal Requirement: No statutory requirement or Government guidance. Discretionary - Section 249 of the Local Government Act 1972
 2. Call-in: Call-in is not applicable. The report does not involve an executive decision.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Members and former Members of Bromley who may meet, or at a future point meet, the eligibility criteria
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 On 17th March 2008, the Council agreed a Scheme for the Appointment of Honorary Aldermen. A copy is appended to this report as **Appendix 1**.
- 3.2 Following that, a Special Council meeting was held on 23rd June 2008 to make and celebrate the first appointments as Honorary Aldermen at Bromley.
- 3.3 Following this it was agreed that consideration would be given on whether or not to make further appointments as Honorary Aldermen in the lead up to the 2010 Election.
- 3.4 A number of experienced Members have indicated they will not be standing for election again and it falls to the Committee to consider whether it wishes to make any nominations from this group of Members.
- 3.5 In addition, given the nature of politics, some standing Members may not be re-elected in May 2010 and it is suggested that the Committee agrees that the Group Leaders, acting jointly, may agree further nominations following the Election if necessary.
- 3.6 In 2008 a special Ceremony was held and consideration needs to be given as to how the appointment of Honorary Aldermen is dealt with following the Elections.
- 3.7 A Special Meeting of the Council must be called for that purpose and Members may wish to consider the following options:
- 1) calling a “freestanding” special meeting as happened in 2008. Given the modest number of appointments likely, this is not recommended;
 - 2) a special meeting called immediately before the first ordinary Council meeting of the new Municipal Year. This may detract from the significance of the appointments and, for that reason is not recommended;
 - 3) linking the appointment meeting to the Council’s Annual meeting. This could be held either before or after the Annual meeting. As the Councillors’ services apply to the time before the new Council, it is considered more appropriate if the last act of the out-going Mayor is to Chair the Special Meeting which makes the appointments as Honorary Aldermen and this is the action officers would recommend.
- 3.8 Finally, the Local Democracy Economic Development and Construction Act 2009 has authorised Councils to adopt the additional title of Honorary Alderwoman and Members’ views are sought on whether they would wish to do so.

4. POLICY IMPLICATIONS

- 4.1 Set out in the summary sheet.

5. FINANCIAL IMPLICATIONS

- 5.1 Set out in the summary sheet .

6. LEGAL IMPLICATIONS

- 6.1 Set out in the summary sheet and the Council’s adopted Scheme.

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	

LONDON BOROUGH OF BROMLEY

**HONORARY ALDERMAN
SCHEME OF ENROLMENT**

1. **Qualifications Required for Enrolment**

A person shall be deemed to be eligible for consideration to be nominated to the position of Honorary Alderman if he or she:

- i) has rendered a minimum of 12 years service as a member of the London Borough of Bromley; and
- ii) has rendered eminent, or notable, service generally or by service as Mayor, or a Chairman of a major Council Committee or holding one or more senior positions on the council in any political group.

2. **Method of Enrolment**

- 2.1 Applications for nomination as an Honorary Alderman shall be made by a Member of the Council and submitted, in writing, to the Director of Legal & Democratic Services for consideration by the General Purposes Committee.
- 2.2 Prior to the submission of any application for nomination, the person nominated shall be asked by the Member nominating him or her if he or she is willing to accept nomination for enrolment as an Honorary Alderman.
- 2.3 Election to the position of Honorary Alderman shall be by a resolution of the Council, passed on the recommendation of the General Purposes Committee, by not less than two-thirds of the Members voting thereon at a meeting of the Council specially convened for the purpose by the Mayor with notice of the object.
- 2.4 Following the election of a person to the position of Honorary Alderman, the Director of Legal & Democratic Services will arrange for the name of the person to be admitted to the Roll of Honorary Aldermen, which shall be established for such purpose.

3. **Rights and Privileges**

- 3.1 An Honorary Alderman shall be entitled to the following rights and privileges:
 - i) to enjoy the courtesy title of "Honorary Alderman" and to be addressed as such;
 - ii) to attend as an observer at meetings of the Council or any other meetings to which the press and public are admitted and to have a seat reserved for this purpose;
 - iii) on request, to receive a copy of the Council Summons and Agenda and a copy of the Council's Year Book.
 - iv) to review invitations to all Civic events to which members of the Council are invited;
 - v) to walk in Civic Processions in a position immediately senior to serving Members;
 - vi) to wear the Badge of Office of Honorary Alderman on Civic occasions.

- vii) on death, to have the Borough flag flown at the Civic Centre at half mast.
 - viii) to enjoy such other privileges as the Council may confer upon them from time to time.
- 3.2 In the event of an Honorary Alderman resuming membership of the council, he or she shall cease to be entitled to be addressed as “Honorary Alderman” or to attend or take part in any Civic ceremonies of the Council as an Honorary Alderman.
- 3.3 It shall be competent for the Council in any particular case to withdraw the title of “Honorary Alderman” and the attached rights and privileges on the recommendation of the General Purposes Committee. Such withdrawal of the title shall be by resolution of the Council, passed by not less than two-thirds of the Members voting thereon at a meeting of the Council specially convened for the purpose by the Mayor. On the passing of such resolution, the Chief Executive shall delete the name of the person concerned from the Roll of Honorary Aldermen and advise that person accordingly.

Report No.
ES10039

London Borough of Bromley

Agenda
Item No. **13**

PART 1 - PUBLIC

Decision Maker: General Purposes and Licensing Committee

Date: 16th February 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CLARIFICATION OF WARD COUNCILLORS ROLE IN APPLICATIONS UNDER THE LICENSING ACT 2003**

Contact Officer: Paul Lehane, Manager Food Safety, Occupational Safety and Licensing
Tel: 020 8313 4216 E-mail: paul.lehane@bromley.gov.uk

Chief Officer: Nigel Davies Director of Environmental Services

Ward: All

1. Reason for report

- 1.1 To advise Members of a change in the Law which clarifies their role in respect of licence applications made under the Licensing Act 2003.
-

2. **RECOMMENDATION(S)**

- 2.1 **Members are asked to note this report.**

Corporate Policy

1. Policy Status: Existing policy. Statement of Licensing Policy 2008-2011
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: C K Davison
 4. Total current budget for this head: £1.8m
 5. Source of funding:
-

Staff

1. Number of staff (current and additional): 35 in the performance centre
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

1. Legal Requirement: Statutory requirement. Licensing Act 2003 amended by Policing and Crime Act 2009
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All Ward Councillors
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Part 3 of the Policing and Crime Act 2009 relates to Alcohol Misuse and introduces a number of new and revised provisions into the Licensing Act 2003 and other Acts concerned with alcohol.
- 3.2 The most significant of these is in Section 33 which amends the definition of an 'Interested Party' in Sections 13(3) and 69(3) of the Licensing Act 2003. Interested parties have rights to make representations in respect of applications for licences and apply for a Review of a Licence.
- 3.3 The new definition of an 'Interested Party' now includes 'Members of the relevant licensing authority'. This confirms the position that Bromley had previously adopted in recognising Ward Members as having the right to make representations in respect of an application for a licence.
- 3.4 In addition, Ward Members now have the right to make an application to Review a Licence. As with any application to Review a Licence, there must be evidence of failure to promote one or more of the licensing objectives. It is proposed to prepare guidance for all Councillors on how to effectively make an application to review a licence.
- 3.5 For the sake of completeness the other changes introduced by the Policing and Crime Act 2009 are:
- A. Persistently selling alcohol to children (Section 147A Licensing Act 2003) . The number of occasions on which alcohol is sold to a child has been reduced to 2 from 3. Conviction under this Section carries a higher penalty (£10,000) than that under Section 147 single sale of alcohol (£5,000).
 - B. Confiscation of alcohol from a young person - Changes to police powers in the Confiscation of Alcohol (Young Persons) Act 1997.
 - C. Offence of persistently possessing alcohol in a public – introduces a new offence for the Police to enforce.
 - D. Changes to Violent Crime Reduction Act 2006. Directions to individuals who represent a risk of disorder – power to require a person to leave a public place can now be applied by a Police Officer to a person aged over 10 years (was 16 years).
 - E. Mandatory licensing conditions – These are currently before Parliament for approval. A report will be made to this Committee when the final conditions are known.

4. FINANCIAL IMPLICATIONS

- 4.1 The number of additional review applications expected as a result of these amendments is likely to be very low (possibly 1 or 2 a year). All costs associated with Review applications are borne within existing budgets.

5. LEGAL IMPLICATIONS

- 5.1 The position of Ward Councillors as 'Interested Parties' under the Licensing Act has been clarified beyond doubt. They can make representations to a licence application based on the licensing objectives and seek a review of a licence in their own right.

Non-Applicable Sections:	Policy Implications, Personnel Implications
Background Documents: (Access via Contact Officer)	Policing and Crime Act 2009

Report No.
LDCS10025

London Borough of Bromley

Agenda
Item No. **14**

PART 1 - PUBLIC

Decision Maker: General Purposes and Licensing Committee

Date: 16 February 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: THE VALUATION TRIBUNAL FOR ENGLAND

Contact Officer: Richard Millar, Democratic Services
Tel: 020 8461 7651 E-mail: richard.millar@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Legal, Democratic and Customer Services

Ward: N/A

1. Reason for report

- 1.1 This report informs the Committee of the arrangements which have recently taken effect setting up the Valuation Tribunal for England and replacing the Valuation Tribunals which previously existed, including the London South East Valuation Tribunal to which this Council appointed representatives.
-

2. **RECOMMENDATION**

- 2.1 **The Committee is requested to note the changed arrangements in relation to Valuation Tribunals and that this Council has no involvement in the appointment of representatives to the newly created Valuation Tribunal for England.**

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £1,639,715 (2009/10)
 5. Source of funding: N/A
-

Staff

1. Number of staff (current and additional): There are 10 full time equivalent posts devoted to committee work within the Democratic Services Team.
 2. If from existing staff resources, number of staff hours: Liaison with outside bodies about Council appointments forms a small proportion of one post within the Demoratic Services Team.
-

Legal

1. Legal Requirement: Statutory requirement. Valuation Tribunal for England established under Section 219 of the Local Government and Public Involvement in Health Act 2007.
 2. Call-in: Call-in is not applicable. The report does not require an Executive decision.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 On 1st October 2009 English Valuation Tribunals, established under the Local Government Finance Act 1988, were abolished and, in accordance with the powers under Section 219 of the Local Government and Public Involvement in Health Act 2007, were replaced by the establishment of the Valuation Tribunal for England (VTE). Prior to this change in arrangements, Bromley was one of seven London Boroughs – Bexley, Croydon, Greenwich, Lambeth, Lewisham and Southwark being the others - who had appointed representatives to serve on the London South East Valuation Tribunal (LSEVT) which formed part of 56 Tribunals in England which dealt with appeals against valuations of property for non-domestic rating or council tax and council tax liability issues.
- 3.2 At the time of the change in arrangements, there were seven representatives appointed by Bromley (through this Committee) serving on the London South East Valuation Tribunal: two Council Member positions (Councillors Katy Boughey and Judi Ellis) and five non-Council Member positions (former Councillor Mrs Buckley, and Messrs Backway, Cornwall, Gibson and Wooldridge). All these appointees have been transferred to the new Valuation Tribunal for England.
- 3.3 In future, this Council will have no involvement in the appointments to the VTE. All appointments to the VTE will be made by the Lord Chancellor, on the advice of the Judicial Appointments Commission and in accordance with the provisions set out in the Constitutional Reform Act 2005 (as amended by the Local Government and Public Involvement in Health Act 2007). The expectation is that the Judicial Appointments Commission will run competitions as and when required to recruit new members (including the President and Vice-Presidents). Candidates for appointment will be assessed against a range of skills and competencies required of VTE members and chairmen. The competitions will recruit members to serve in the localities required by the VTE. Appointment as a member is for an (automatically renewable) period of five years, subject to the statutory retirement age (currently 72). An appointment will be automatically renewed at the end of each five-year period unless the Lord Chancellor considers that a member of the Tribunal has failed to perform his functions satisfactorily and should be removed from office. It is for the Secretary of State to determine the terms and conditions on which members of the Tribunal are appointed, including the level (if any) of allowances (including travelling and subsistence) payable to the members of the Tribunal. Hearings will be held throughout the country and members of the Tribunal will normally sit at locations reasonably convenient for their homes.
- 3.4 In the light of the above information, the Committee is, therefore, requested to note that this Council will no longer be making appointments to the former London South East Valuation Tribunal.

4. LEGAL IMPLICATIONS

- 4.1 These are contained in the body of the report.

Non-Applicable Sections:	Policy, Financial, Personnel Implications.
Background Documents: (Access via Contact Officer)	

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APPEALS SUB-COMMITTEE

Minutes of the meeting held on 25th November 2009

Present

Councillors Nicholas Bennett JP, John Canvin and Judi Ellis

1 APOINTMENT OF CHAIRMAN

RESOLVED that Councillor Nicholas Bennett JP be appointed Chairman of the meeting.

(Councillor Nicholas Bennett JP in the Chair.)

2 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

There were no apologies – all Members of the Sub-Committee were present.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

RESOLVED that the Press and public be excluded during the consideration of the item of business referred to in the following Minute 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**

5 DISCIPLINARY DISMISSAL APPEAL: Ms S.W.

In accordance with the Council's Disciplinary Procedure, the Appeals Sub-Committee gave consideration to an appeal which had been made by a member of staff employed within the Adult and Community Services Department against dismissal from the Council's employment on the grounds of gross misconduct.

6 ADJOURNMENT OF MEETING

Having regard to the length of the Hearing and mindful that a substantial part of the disciplinary appeal process had still to be considered, Members of the Sub-Committee, having consulted with the appellant and her representative, and with the management side,

RESOLVED that the meeting be adjourned and reconvened on 4th December 2009 at 2.00 pm in Bromley Civic Centre.

Chairman

The meeting started at 2.00 pm and adjourned at 7.03 pm.

APPEALS SUB-COMMITTEE

Minutes of the meeting held on 4th December 2009 (continuing from the adjourned meeting held on 25th November 2009)

Present:

Councillors Nicholas Bennett JP (Chairman), John Canvin and Judi Ellis

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

RESOLVED that the Press and public be excluded during the consideration of the item of business referred to in the following Minute 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**

8 DISCIPLINARY DISMISSAL APPEAL: Ms S.W

Further to Minute 5 (25.11.09), and in accordance with the Council's Disciplinary Procedure, the Sub-Committee reconvened to consider and determine an appeal which had been made by a member of staff employed in the Adult and Community Services Department against dismissal from the Council's employment on the grounds of gross misconduct.

RESOLVED that

(1) the decision of the Director of Adult and Community Services, taken on 2nd July 2009, to terminate Ms S.W's employment with the London Borough of Bromley with effect from 31st July 2009, be upheld; and

(2) the following issues be drawn to the attention of the General Purposes and Licensing Committee and, where appropriate, 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.

Chairman

The meeting started at 2.00 pm and ended at 7.40 pm.

AUDIT SUB-COMMITTEE

Minutes of the meeting held on 8th December 2009

Present:

Councillor Michael Tickner (Chairman)
Councillors Reg Adams, Nicholas Bennett JP
(for part of the meeting), Ruth Bennett,
Simon Fawthrop and Stephen Wells (for part of the meeting)

Councillor Peter Fookes was also present
(for part of the meeting)

26. APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

There were no apologies for absence but the Chairman reported that both Councillor Nicholas Bennett JP and Councillor Stephen Wells would be arriving late as they were currently attending other meetings.

27. DECLARATIONS OF INTEREST

Councillors Reg Adams and Mrs Ruth Bennett declared personal interests as school governors.

Councillor Simon Fawthrop declared a personal interest as a parent of a child attending a Bromley school.

Councillors Mrs Ruth Bennett and Simon Fawthrop declared a personal interest in relation to item 8 (Internal Audit Progress Report).

28. MINUTES

RESOLVED that the Minutes of the meeting held on 22nd September 2009, excluding those containing exempt information, be confirmed.

29. QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

30. MATTERS OUTSTANDING FROM THE LAST MEETING

The Chairman went through the matters arising listed on the agenda page – the present position involving where action had subsequently been taken since the last meeting or where further action was awaited was noted. Arising from:-

(i) Minute 7(ii) (16.6.09), it was reported that a further audit of Emergency Accommodation and Rent Accounts would be carried out in January 2010 and a report thereon submitted to the Sub-Committee's next meeting in March 2010 when the Head of Revenue and Exchequer Services would again be in attendance; and

(ii) Minute 21 (22.9.09), the action which had been taken in consultation with the Chairman was noted and a further report thereon would be submitted to a meeting of the Executive and Resources PDS Committee in the New Year which would consider the issue of expenses based on the findings from this Sub-Committee.

31. 2009/10 AUDIT PLAN

This plan was presented by representatives of the Council's external auditor, PriceWaterhouseCoopers (PWC) LLP and included an analysis of key risks, PWC's audit strategy, reporting an audit timetable and other matters. The Plan outlined PWC's audit approach for the period of 1st April 2009 to 31st March 2010, including the 2009/10 final accounts audit which the external auditor would undertake in the summer of 2010. The audit would be performed in accordance with the Audit Commission's Code of Audit Practice (the Code) (last updated in July 2008) which was supported by the Statement of Responsibilities of Auditors and of Audited Bodies (the Statement) (which was last updated in April 2008).

It was indicated that during 2009/10 PWC would look to build on the progress which had been made in their first 12 months as the Council's auditors and to support the Council with its vision to build a better Bromley. An integral part of PWC's audit approach was to tailor their work to support the Council in its delivery of its broader agenda and to assess the significant operational and financial risks that were relevant to their responsibilities under the Code and the Audit Commission's standing guidance. In accordance with Audit Commission requirements, the audit fee letter which had been issued by PWC on 10th March 2009 had set out their indicative fees for 2009/10 and these were set out in more detail in the plan including the support which had been provided in relation to the adoption of the International Financial Reporting Standards (IFRS) on which a separate report was referred to the Sub-Committee (Minute 32 refers). It was noted that the fees were still subject to final agreement with the Council's officers.

The PWC representatives responded to various questions asked by Members in relation to the Plan. Particular reference was made to the arrangements for fraud assessment, to those areas and processes on which PWC would focus and which would take account of the issues of fraud which were currently being perpetrated, not only in the field of local government but also in the commercial environment, as well as considering internal risk in relation to payroll expenses, income and third party contracts.

RESOLVED that the 2009/10 Audit Plan be received and noted.

**32. INTERNATIONAL FINANCIAL REPORTING STANDARDS
(IFRS)
Report DR09138**

The Director of Resources submitted a report, which was also to be considered by the General Purposes and Licensing Committee on 16th December 2009, which indicated that local authorities were required to adopt and comply with the International Financial Reporting Standards (IFRS) with effect from 2010-11 to bring them in line with commercial organisations and central government bodies. These Standards had been adopted by the private sector two years ago and by health authorities last year. The report set out the reasons for the transition and the methodology to be adopted in making the change.

The impact of the adoption of the IFRS would be to prepare and present the Financial Statements in accordance with IFRS, improve systems and processes and the basis of recording certain accounting transactions and avoid potential censure by regulatory authorities such as the Audit Commission. These Standards were to be adopted worldwide. Whilst a number of authorities who had Private Finance Initiative deals would encounter a heavy workload updating their accounts, there were no such deals in Bromley. The Sub-Committee was informed that some of the notable potential issues identified so far, as set out in the report, had far reaching consequences beyond the accounting sector and for which there would be training requirements for appropriate staff.

It was pointed out that Segmental Reporting (IFRS8) introduced the concept of the “Chief Operating Decision Maker”(CODM) that would enable the reader of the accounts to see the “business” through the eyes of management. It was indicated that the CODM could be either the full Council in its role in approving the final accounts or the Executive who approved the budget and made decisions on budget monitoring. It was noted that further guidance thereon was awaited.

RESOLVED that the report be noted.

**33. INTERNAL AUDIT PROGRESS REPORT
Report DR09132**

Consideration was given to a report received from the Director of Resources outlining the recent internal audit activity across the Council and updating Members on matters which had arisen since the Sub-Committee's last meeting.

Over the period April 2009 – October 2009 the number of audit reports which had been issued together with those that were work in progress equated to approximately 63% of the audit plan. Some slippage had been primarily due to staff absences and the period covering the summer holidays but was also attributable, in part, to the concentration of resources in completing the National Fraud Initiative work, the results of which would be considered by the Sub-Committee later in the meeting. Members were advised that there would be further slippage against the annual plan as a result of an Audit Manager having been seconded for a six month period to the post of Performance Manager reporting directly to the Assistant Director of Resources (Audit and Technical), the responsibility for performance management having been transferred from the Chief Executive to the Director of Resources.

The Sub-Committee was informed that 91% of the audits that had been completed against this year's plan had been within the budgeted time allowed against a performance indicator requirement of 90% and that the feedback from clients remained very positive. Whilst there were some concerns over the non-achievement of the performance indicator that required 95% of the audits to be completed within two months of commencement of fieldwork, it was noted that, as a result of measures by Internal Audit management, there had been some improvement in the situation. Particular attention was drawn to the following issues in the report:

(i) Review of Fostering

An Internal Audit review of fostering had given rise to one Priority One recommendation and 11 other lower priority recommendations. It was reported that there had been a positive management response in relation to the implementation of these recommendations. The total 2009/10 budget for fostering equated to the cost per child placed with a foster carer of approximately £30,000. Whilst recognising that this was a significant sum, Members were mindful that the alternative cost of a child placed in residential care could be between £150,000 and £200,000. Members were also conscious that children at risk was a matter of huge public interest and were concerned to ensure that proper and regular supervisory visits of carers were being undertaken and recorded by social workers. Members emphasised the need for the Internal Audit recommendations to be followed up.

(ii) Mobile Phones

Arising from the original audit priority one recommendation on the need for an agreed mobile telecommunications policy covering responsibilities of officers and mobile phone users, the Sub-Committee at its last meeting (Minute 22 (vii)) had requested a report back on the feasibility of staff being paid a fee to use their own mobile phone in place of those currently issued by the Council. As a result, figures were submitted which showed only a potentially marginal difference between such a proposal and the cost of the existing arrangements and needed to be considered in conjunction with the possible advantages and disadvantages of such a scheme as indicated. The Director of Resources commented that sensible and flexible arrangements were required but did not support two systems and felt that the possible use of smart cards could prove very difficult.

The Chairman felt that there could be greater savings than had been indicated in staff being paid a fee to use their own mobile phone since he considered that not all of the current 1,200 staff holders of mobile phones would need blackberrys. Members felt that further investigation of this proposal was required and that the outcome of the feasibility, having regard to the costs involved, should be reported by the Chief Executive to a future meeting of the Executive and Resources PDS Committee.

(iii) Council Tax Collection

Arising from a priority one finding on Council Tax recovery action in relation to both errors in processing and to substantial delays, the Sub-Committee had requested at its last meeting (Minute 22 (v)) a further report on Council Tax collection showing the percentage payment of each method and the number of summonses that had been issued over the past year. The Head of Revenue and Exchequer Services attended the meeting and, in support of the information which had been submitted to Members, outlined in detail the process and timetable for the collection of Council Tax. He pointed out that problems could arise if the recovery work was not undertaken promptly and the correct procedures followed. Where the process failed, the Council's final remedy was to bring Committal proceedings against the debtor in the Magistrates' Court. This was a time consuming and costly process and did not guarantee that the debt would be paid. As a consequence, in order to prevent cases from being referred to Committal proceedings, a Debt Collection Company had recently been engaged on a trial basis with some success and the arrangement could be extended further. Whilst Liberata, who collected the Council Tax on the Council's behalf, had been encouraged to make improvements in this area, it was pointed out that they had achieved the contractual requirement of 97% in-year Council Tax collection which had ensured that this Council had, for the second year running, achieved the sixth best collection performance of the 33 London authorities.

Members were still not satisfied with regard to this matter and felt that further information was required at the Sub-Committee's next meeting. There was no information about the the time elapsing between each stage of the collection process. It was considered that the table at paragraph 3.3.6 showing the payment breakdown had inaccuracies in the totals and was, in its existing format, unhelpful and should be revised to show: (i) the number of domestic and other payers, (ii) the percentages of payment types, (iii) the number of defaulters over both three and six month periods, (iv) the stages that summonses would be issued and the number of summonses that resulted in payment, (v) the cost of issuing summons and (vi) the total administrative costs involved.

(iv) Debtors

At the last meeting (Minute 22 (vi)) consideration had been given to a priority one finding that had related to debt recovery and reference had been made to a number of disputed cases that had not been resolved in a timely manner. Members had expressed considerable concern over this situation and had requested a detailed analysis of the £1.21m debt which had been outstanding for over a year including the service areas and the debtors to which it applied. At the end of October 2009 £6.9m had been owed to the Authority of which £1.1m had been owed for over one year. The Sub-Committee received details of the service areas to which each debt related, the breakdown of debt and the stages in the recovery process and the list of debtors with sub-totals for each debt. The Head of Revenue and Exchequer Services responded to various questions thereon from Members. The lengthy process involved in many cases in the recovery of debt from public utilities was pointed out. Long term disputes were again being reviewed and might be removed or cancelled if they could not be resolved. In cases where all possible remedies were exhausted, ultimately a debt would have to be written-off.

Members expressed concern over the number of schools where debt was outstanding and, in response to questions thereon, were informed of the measures undertaken to seek the recovery of sums outstanding. Whilst private companies were charged interest on outstanding debt in line with the late payment of commercial debts legislation, no such interest charge was applied in relation to schools' debt nor was any action taken to recover it through the Courts. Members were opposed to different forms of punitive action being applied between private and public owned bodies and sought further details on the practicality of the principles of the late payment of commercial debts legislation being applied across the board irrespective as to whom the debt applied.

(Councillor Nicholas Bennett JP declared a personal interest in this item as a School Governor for the Langley Park School for Girls.)

(v) Duplicate Payments

Further to the £70,000 of potential duplicate payments on which Internal Audit had reported at the last meeting, additional potential duplicate payments had been subsequently identified by Internal Audit and the Accounts Payable Team. Currently £68,841.82 had been confirmed as duplicate of which £51,773.69 had been recovered by the Accounts Payable Team; approximately £23,000 remained to be confirmed as true duplicates. In response to questions regarding measures put in place to prevent duplicate payments, Members were informed that procedures within the Property and Accounts Payable Team had been tightened to prevent duplicates occurring relating to the CONFIRM capital management system that generated the commitment to pay against valuations. Additional measures were also in place to both prevent and detect duplicates within Accounts Payable for other types of invoice. The Director of Resources commented that the old creditors system had now been updated providing tighter controls and that the iProc electronic ordering system would prevent an invoice being matched against an order twice and the duplicate detection process used by Internal Audit was now being utilised within Accounts Payable to check for duplicate payments on a monthly basis.

(vi) Priority One Procedure

All priority one recommendations made were reported to and subsequently followed-up by this Sub-Committee. Appendix H to the report of the Director of Resources set out for Members' information those instances where a priority one should be issued, although the list could be added to depending on the circumstances encountered in an audit, and also provided the procedure for priority ones that internal auditors were required to follow. Members were assured that priority one recommendations were carefully considered, vetted and tracked and felt that the information submitted was both helpful and useful.

(vii) Annual Awards for Internal Auditors

At its meeting on 16th June 2009 (Minute 8) the Sub-Committee had requested that proposals be drawn up for future consideration in connection with the institution of an annual award for internal auditors. Of the three options now submitted, Members favoured option 3 whereby the award to an auditor would relate to the most outstanding audit in the year which had resulted in a discovery of a fraud, major overpayment, and improved efficiency/value for money, and where the auditor had also completed assigned audits to the satisfaction of auditees. The Assistant Director of Resources (Audit and Technical) would annually submit two or three

AUDIT SUB-COMMITTEE
8th December 2009

nominations for consideration by the Sub-Committee. It was felt that the auditor selected by the Sub-Committee should receive their commendation in the form of a presentation by the Mayor at a meeting of the full Council. Members felt that this award should serve as recognition by the Sub-Committee of the effort made by the whole Internal Audit team and would also include the fraud investigators based at Greenwich. There would be no cost involved.

(viii) Waivers

In accordance with the requirements of Rules 3 (the need to waive the requirements for competitive bids) and 13.1 (negotiated contracts) of the contracts procedure, the Sub-Committee received details (set out in Appendix I to the report) of the first six monthly list of waivers across the Authority covering the period April 2009 to September 2009. In response to a comment from the Chairman in relation to the number of waivers on the list, the Assistant Director of Resources (Audit and Technical Services) felt that the list was unlikely to be as long in the future. Further to questions raised by Members, the Director of Resources undertook to look into and to confirm the details of the waiver relating to the re-modelling of a classroom at a school. Members recognised that many of the waivers which had been pursued by the Children and Young People Services Department covering sums between £50,000 and £100,000 related to the need for urgent residential placements. The Head of Finance for Children and Young People's Services confirmed this position and that such placements were included in quarterly reports submitted to the Portfolio Holder for Children and Young People as part of the budget monitoring process. Members considered the information received to be both helpful and useful.

(ix) Housing Benefit Fraud

Further to Minute 22 (ix) (22.9.09) the Chairman, together with the Assistant Director of Resources (Audit and Technical) had visited in October the Council's fraud investigators based at Greenwich and this had provided a valuable insight into the operations of the unit. The Sub-Committee was to consider later in the meeting a proposal to extend and increase the scope of this partnership with the London Borough of Greenwich which had been in place since April 2002. It was noted that £574,371 had been identified in fraudulently claimed payments for the seven month period to October 2009. Of this, 40% was recoverable in rebate from Central Government and a further 29.3% had been repaid so far in the current financial year.

(x) Risk Management

The Bromley website relating to "Corporate Governance" had been updated to reflect the new Code of Corporate Governance which had been approved by the Council earlier in the year. Business continuity plans had been identified in this year's Annual Governance Statement as one of the governance issues and details were set out of the work which had been subsequently undertaken by Emergency Planning. The Sub-Committee also received schedules of the current high net risks and the corporate risks. A full review of all risks was scheduled to be carried out by the end of January 2010 in preparation for the 2009/2010 Annual Governance Statement review.

RESOLVED that

- (1) the report be noted;**
- (2) a report be submitted to the Executive and Resources PDS Committee on the feasibility of offering an annual allowance to officers to use their own mobile phone in place of those issued by the Council;**
- (3) a further report be submitted to the next meeting covering the issues indicated above relating to Council Tax collection;**
- (4) a further report be submitted on the practicalities of use of the late payment of commercial debts legislation being applied to all debtors irrespective of whether they are in the private or public sector, including the possible pursuit of school debt through the Courts;**
- (5) the priority one definition and procedure, as submitted, be noted;**
- (6) the proposal for the institution of an annual award for internal auditors, as set out in option three of the report of the Director of Resources, be supported.**
- (7) the Director of Resources be requested to update the Sub-Committee on the details relating to the granting of a waiver from the contracts procedure rules in respect of the re-modelling of a classroom at a school; and**
- (8) the continuing achievements of the counter-fraud benefit partnership with the London Borough of Greenwich be noted.**

**34. USE OF CASH PAYMENTS COUNCIL-WIDE AND SPECIFICALLY IN THE CHILDREN AND YOUNG PEOPLE DEPARTMENT
Report DCYP09173 and DR09137**

At its last meeting (Minute 22 (iii) – 22.9.09), following an audit of petty cash accounts which had been carried out in Children and Young People Services, the Sub-Committee had expressed concern over the extent that notes and coins were being used in the Children and Young People Department, having regard to the lack of proper audit controls, management time and the security risk. Members had requested that a report be submitted to this Sub-Committee as well as to the Children and Young People PDS Committee exploring possible alternatives to the use of petty cash, together with a report on the amount of petty cash payments made across the Council in the last financial year and proposals for achieving at least a 50% reduction in such cash usage Council-wide over the next year.

In presenting the report which had been considered by the Children and Young People PDS Committee on 2nd December 2009, the Head of Finance for Children and Young People Services referred to the amount of cash payment which had been handled across the Council over the past year and to the alternatives to the use of petty cash that were currently being explored, including HR Self Service, Procurement Cards and Pre-Payment Cards. The Director of Children and Young People Services was currently considering the use of pre-paid cards as an alternative to cash for care leavers and the potential benefits for both the user and the Council were set out. Setting up a pre-paid programme for the use of these cards required the Director to establish a new set of procedures as well as card issuing processes to ensure that Council funds were protected from potential fraud but it was felt that pre-loaded cards would provide more flexibility and better management information. A Corporate Project Team was looking at the use of “loaded” cards and their appropriate use and application with different client groups across the Council. A project group for Children and Young People Services had been set up with a view to overseeing the anticipated roll out of a pre-paid card facility over the next 12 months in accordance with the implementation timetable set out in the report.

Members commended the Head of Finance for Children and Young People Services on the excellent progress which had been made in pursuing this matter since the Sub-Committee’s last meeting and, in supporting the

proposals which had been submitted, requested a further update on the implementation of measures to reduce cash usage across the Council by at least 50% over the next year.

RESOLVED that

(1) the report of the Director of Children and Young People Services and the proposals contained therein to reduce petty cash expenditure be noted; and

(2) a further report be received on the implementation of measures to reduce cash usage across the Council by at least 50% over the next year.

**35. FINANCIAL REGULATIONS FOR SCHOOLS AND COLLEGES
Report DR09136**

The Director of Resources reported 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, following approval, would be circulated to schools and colleges for implementation early in the New Year. Details of the amendments were set out for the Sub-Committee's consideration. 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.

RESOLVED that the revised Financial Regulations for Schools and Colleges, as set out in the report of the Director of Resources, be approved and referred to the Children and Young People PDS Committee for information.

RECOMMENDED that the General Purposes and Licensing Committee recommends for approval and adoption by the Council the proposed revised Financial Regulations for Schools and Colleges with effect from April 2010 .

**36. 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 summaries
refer to matters
involving exempt information**

37. EXEMPT MINUTES: 22ND SEPTEMBER 2009

The exempt Minutes of the meeting held on 22nd September 2009 were confirmed.

38. INTERNAL AUDIT FRAUD AND INVESTIGATION PROGRESS REPORT

The Sub-Committee received details of recent internal audit activity on investigations across the Council and an update on matters arising from the Sub-Committee's last meeting; noted and agreed a local protocol for working practices between the Council's Internal Audit and the Police for investigating fraud in the future; and, in noting the results to date of the National Fraud Initiative 2008/09, congratulated the staff of the Internal Audit Section on the savings which had been achieved.

MICHAEL TICKNER
Chairman

The meeting ended at 11.00 pm.

RIGHTS OF WAY SUB-COMMITTEE

Minutes of the meeting held on 5th January 2010

Present:

Councillors Bloomfield, Martin Curry, Gordon Norrie,
Michael Turner and Stephen Wells

Councillor Julian Benington was also present

1. APPOINTMENT OF CHAIRMAN FOR REMAINDER OF 2009/10 MUNICIPAL YEAR

RESOLVED that Councillor Bloomfield be appointed Chairman of this Sub-Committee for the remainder of the current Municipal Year.

(Councillor Bloomfield in the Chair)

2. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

No apologies had been received.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

The Minutes of the meeting held on 27th April 2005 were received.

The Director of Legal, Democratic and Customer Services' representative provided the Sub-Committee with an update in relation to Minute 11 (Public Footpath 41: Camden Park Road, Chislehurst). He reported that the Order had been made on 18th October 2005. Formal consultation with interested parties had been conducted between September and November 2006 as a result of which a number of objections to the Order had been received. Three of these had been made on the basis that Camden Park Road was a vehicular highway and the public rights should not be limited to a pedestrian right of way. A further objection had been made on the basis of dog fouling nuisance and another, by Camden Park Estates Limited, had been a technical objection that the Order plan did not properly reflect the Sub-Committee's decision as to the overall length of the footpath to be added to the definitive map. During this consultation process, other legal issues had come to light which had a bearing on whether or not the Order should proceed to confirmation. Correspondence with the solicitors acting for the estate company had ended in January 2008 and a further response from the solicitors to correspondence relating to the Order had never been received.

RIGHTS OF WAY SUB-COMMITTEE
5th January 2010

The Director's representative pointed out that there were legal issues which would need to be the subject of a further, confidential report to the Sub-Committee and a decision would need to be made whether or not a new Order was appropriate.

Members noted the updated position and, having been assured that the Minutes of the Sub-Committee's last meeting had previously been submitted to its "parent" committee, the General Purposes and Licensing Committee (18th May 2005),

RESOLVED that the Minutes of the meeting held on 27th April 2005 be confirmed.

5. QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

The following questions had been received from Ms Jean Seager – Biggin Hill Riders' Group.

"(1) How many new bridleways, if any, have been created in this part of the Borough since Shire Lane in 2005?"

(2) Can the officers confirm their commitment that all sections of the community – walkers, cyclists, horseriders and disabled people – should have equal access to the countryside?"

Chairman's response:

"(1) 5 new bridleways have been created in this part of the Borough since 2005.

(2) The Rights of Way Improvement Plan adopted by the Council and finalised in November 2007 includes in Section 7 (Objectives and Opportunities) as a second aim to 'Improve access to the Rights of Way network for all user groups to create a more socially inclusive network'.

In response to the questioner's further request, the Chairman undertook to ensure that she was provided with details of where the five new bridleways were situated and when they had been opened.

**6. FOOTPATH 275B JAIL LANE TO MAIN ROAD, BIGGIN HILL – APPLICATIONS FOR DEFINITIVE MAP MODIFICATION ORDER TO UPGRADE TO BRIDLEWAY
Report ES10002**

The Wildlife and Countryside Act 1981 required the Council, as the surveying authority for public rights of way, to keep the Definitive Map and

Statement under continuous review. The Director of Environmental Services reported that, under the above Act, two applications had been received for a Definitive Map Modification Order to upgrade Footpath (FP) 275B to bridleway status based on use by horseriders over a number of years. The route of FP275B was outlined and delineated on a coloured plan circulated at the meeting. Following the receipt of the two applications, a consultant, Sue Rumfitt Associates, had been appointed to carry out investigations into and analysis of the claims. The consultant's report containing conclusions and recommendation, attached to the report of the Director of Environmental Services, was considered by the Sub-Committee.

The two duly made applications for Definitive Map Modification Orders – one which had been submitted on behalf of the Tatsfield Bridleways Association and the other which had been received from a member of the Biggin Hill Riders' Group – both related to the same route and both had claimed that the route, presently recorded as a footpath, should be defined as a bridleway. The consultant had subsequently interviewed both applicants and witnesses who had submitted evidence and had considered all the map evidence available. Mindful that two options were open to the Authority in determining this matter, the consultant had recommended that, in respect of both the northern section of the route and the southern section of the route, there was a case for making a Definitive Map Modification Order to "upgrade" the public footpath in question to public bridleway status. Both the consultant's fees and the advertising costs had been met from within the Director of Environmental Services' budget.

In considering the implications of the proposal, in conjunction with the consultant's conclusions and recommendation, various questions were asked by Members, in particular, in relation to the standard that the footpath would be maintained if it were to be used as a bridleway. In response, the Director of Environmental Services' representative commented that the Council had an obligation to maintain all such ways, whatever their highway status, to a reasonable standard for all recognised users and that the level of maintenance in this case might have to be higher than it was at present if the footpath were to become a bridleway.

Having regard to all the available evidence and to the consultant's findings, the Sub-Committee was of the opinion that, on the balance of probabilities, sufficient evidence had been adduced in support of the claims to enable the Council to accede to the request to make the requisite Definitive Map Modification Order. As a consequence, it was unanimously

RESOLVED that the Director of Legal, Democratic and Customer Services, in consultation with the Director of Environmental Services, be authorised to make a Definitive Map Modification Order under Section 53 (c) (ii) of the Wildlife and Countryside Act 1981 to 'upgrade' Footpath 275B to a bridleway.

**7. PROPOSED DIVERSION OF PART OF FOOTPATH 180 AT ITS
JUNCTION WITH CROCKENHILL ROAD INCLUDING AN
ADDITIONAL LENGTH OF FOOTPATH RUNNING PARALLEL TO
CROCKENHILL ROAD
Report ES10003**

A detailed report was received from the Director of Environmental Services which sought authority to enable the Council to make a Public Path Diversion Order under the provisions of Section 119 of the Highways Act 1980 for part of Public Footpath 180, the Order to include an additional length of footpath. The proposed diversion Order was required in order to formalise the change to the route of Footpath 180 that had taken place and the inclusion of the additional length of footpath in the Order would reinforce the status of that section of the route as public highway. Details were also submitted as to how the proposed diversion would meet the required criteria of Section 119 of the Highways Act 1980. The background and circumstances relating to this matter were outlined.

A local Ward Member (Councillor Curry), who was also a member of this Sub-Committee, commented that this proposal was fully supported by the local Ward Members and by local residents. In response to a Member's question, the Director of Environmental Services' representative indicated that, as part of the extensive consultation which had been carried out, the Ramblers' Association was content with the arrangement for the diversion as shown on drawing EHP/10254/1. It was pointed out that, provided no objections were received, the Order could be confirmed in six months. The Sub-Committee unanimously

RESOLVED that the Director of Legal, Democratic and Customer Services, in consultation with the Director of Environmental Services, be authorised to take the necessary steps to make a Public Path Diversion Order for part of Footpath (FP) 180 as shown on drawing no. EHP/10254/1 and, if no objections are received, or any such objections are withdrawn, to confirm the Order.

Chairman

The meeting started at 7.00pm and ended at 7.16pm.

Agenda Item 20

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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