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DATE: 25 March 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 **WEDNESDAY 7 APRIL 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 FEBRUARY 2010 (Pages 5 - 20)**
- 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 24<sup>th</sup> 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. 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)**  
*See agenda item 6.*

- **Members' Services: Benchmarking Information (Minute 62 – 23.9.09)**  
*The Chairman has agreed that a report be submitted to the next meeting.*
- **London Local Authorities Act 1991: Revision to Codes of Practice for Special Treatments (Minute 58 – 23.9.09)**  
*See agenda item 7.*

**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 Tuesday 30<sup>th</sup> March 2010 and to respond.

**6 REVISION TO LICENSING POLICY 2008-11: ENFORCEMENT - RESULTS OF PUBLIC CONSULTATION (Pages 21 - 28)**

**7 LONDON LOCAL AUTHORITIES ACT 1991: REVISION TO CODES OF PRACTICE FOR SPECIAL TREATMENTS (Pages 29 - 76)**

**8 RESPONSE TO DEPARTMENT OF CULTURE, MEDIA AND SPORT CONSULTATION ON PROPOSALS TO EXEMPT SMALL LIVE MUSIC VENUES FROM LICENSING (Pages 77 - 82)**

**9 LICENSING SERVICE: WORK PLAN FOR 2010/11 (Pages 83 - 88)**

**10 RAVENSBOURNE COLLEGE PENSION ARRANGEMENTS**

To follow

**11 SCHEME OF DELEGATION TO OFFICERS**

This report was circulated under separate cover to all Members on 11<sup>th</sup> March 2010.

(The full report is available on the Council website listed under Development Control Committee on 16<sup>th</sup> March 2010.)

**12 NOMINATIONS FOR APPOINTMENT AS HONORARY ALDERMEN (Pages 89 - 96)**

**13 INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 2ND FEBRUARY 2010, EXCLUDING EXEMPT INFORMATION (Pages 97 - 100)**

**14 APPEALS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 26TH FEBRUARY AND 2ND MARCH 2010, EXCLUDING EXEMPT INFORMATION (Pages 101 - 104)**

**15 LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES OF THE MEETING HELD ON 10TH MARCH 2010 (Pages 105 - 112)**

**16 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**

**17 INVESTMENT SUB-COMMITTEE:  
EXEMPT MINUTES - 2ND FEBRUARY  
2010 (Pages 113 - 116)**

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**18 APPEALS SUB-COMMITTEE: EXEMPT  
MINUTES - 26TH FEBRUARY AND 2ND  
MARCH 2010**

Information which is likely to reveal the identity of an individual.

(Minute record on file – not attached.)

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## GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held on 16<sup>th</sup> February 2010

### Present:

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

Councillor George Taylor also attended

### 100. APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

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

### 101. DECLARATIONS OF INTEREST

There were none.

### 102. MINUTES

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

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

**RESOLVED that the Minutes of the meeting held on 16<sup>th</sup> December 2009 be confirmed.**

**103. MATTERS OUTSTANDING FROM PREVIOUS MEETINGS**

The position in relation to the following matters was noted:

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

**104. QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions had been received.

**105. MODERN.GOV MEETING MANAGEMENT SYSTEM: PRESENTATION**

Members received a presentation from Christopher Curran, Management Trainee, on the Modern.gov IT system. Modern.gov was being used by approximately 120 local authorities, including 21 London Boroughs. It was a database system that linked information and offered enhanced public accessibility. Other benefits which would be received arising from the introduction of this system were outlined. The Democratic Services Division was already using the system to produce agendas; it was intended that the public-facing website would be launched on 29<sup>th</sup> March 2010 and that there would be further features introduced later in the year. The presentation illustrated changes to the appearance of Committee papers and to information presented on the website.

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

**106. CONSTITUTION IMPROVEMENT WORKING GROUP: MINOR CONSTITUTIONAL CHANGES  
Report LDCS10031**

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

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

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

**RESOLVED that**

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

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

**107 MEMBERSHIP OF SUB-COMMITTEES 2009/10: VACANCIES**  
**Report LDCS10021**

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

**RESOLVED that**

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

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

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

**108. MEMBERS' ALLOWANCES SCHEME 2010/11**  
**Report DR10023**

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

In the light of the current economic circumstances, the Committee was of the opinion that the current allowances should be frozen for 2010/11. In this connection, a Member also felt that too many Councillors received Special Responsibility Allowances. Therefore (with a view to reducing costs), he moved a



motion “that, in future, the annual indexation of allowances be linked to the National Joint Council percentage increase for non-managerial staff rather than to the Inbucon scheme”. However, this motion was not seconded.

**RECOMMENDED that**

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

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

**109. EXECUTIVE ASSISTANTS: ANNUAL REPORT 2009/10  
Report LDCS10030**

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

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

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

**110. RAVENSBOURNE COLLEGE PENSION ARRANGEMENTS  
Report DR10024**

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

been proposed by the Council's actuary for dealing with this matter, had supported the College continuing to participate in the Bromley Fund in respect of former and existing staff but that future staff should join the Greenwich Fund.

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

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

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

**111. NOMINATIONS FOR APPOINTMENT AS HONORARY ALDERMEN**  
**Report DLDS10028**

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

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

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

**RESOLVED that**

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

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

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

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

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

**112. CLARIFICATION OF WARD COUNCILLORS ROLE IN APPLICATIONS UNDER THE LICENSING ACT 2003  
Report ES10039**

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

**RESOLVED that the report be noted.**

**113. THE VALUATION TRIBUNAL FOR ENGLAND  
Report LDCS10025**

A report was received from the Director of Legal, Democratic and Customer Services which informed the Committee of the arrangements which had recently taken effect under the Local Government and Public Involvement in Health

Act 2007 in the setting up of the Valuation Tribunal for England (VTE). The VTE had replaced the 56 Tribunals in England including the London South East Valuation Tribunal to which this Council had previously appointed representatives. All appointments to the VTE were to be made by the Lord Chancellor and there would be no involvement for this Council. The Council's appointees who had previously served on the former London South East Valuation Tribunal had all been transferred to the new Valuation Tribunal for England.

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

**114. APPEALS SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON 25<sup>TH</sup> NOVEMBER AND 4<sup>TH</sup> DECEMBER 2009, EXCLUDING EXEMPT INFORMATION**

The Minutes of the above meetings were received.

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

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

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

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

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

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

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

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

**115. AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 8<sup>TH</sup> DECEMBER 2009, EXCLUDING EXEMPT INFORMATION**

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

**Minute 35 – Financial Regulations for Schools and Colleges  
Report DR09136**

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

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

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

**116. RIGHTS OF WAY SUB-COMMITTEE: MINUTES OF THE MEETING  
HELD ON 5<sup>TH</sup> JANUARY 2010**

The Minutes of the above meeting were received.

A Member drew attention to Minute 4 (Minutes) and to the update which the Sub-Committee had received in relation to Minute 11 of the Sub-Committee's meeting held on 27<sup>th</sup> April 2005 (Public Footpath 41: Camden Park Road, Chislehurst). He referred to two Drawing Nos. EHP/9808/1 and ETP/9808/1 and contended that the Order which had been made following the Sub-Committee's meeting in April 2005 based on Drawing No. ETP/9808/1 was wrong and did not reflect correctly the Sub-Committee's decision which he felt had been based on Drawing No. EHP/9808/1; these were two different plans. As a consequence, the Member considered that a new Order should be made.

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

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

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

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

**118. APPEALS SUB-COMMITTEE: EXEMPT MINUTES – 25<sup>TH</sup> NOVEMBER  
AND 4<sup>TH</sup> DECEMBER 2009**

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

**119. AUDIT SUB-COMMITTEE: EXEMPT MINUTES – 8<sup>TH</sup> DECEMBER 2009**

The exempt Minutes of the above meeting were received.

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

TONY OWEN  
Chairman

The meeting ended at 8.19 pm.

## London Borough of Bromley

### Members Allowances Scheme

From 1<sup>st</sup> 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 1<sup>st</sup> 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 31<sup>st</sup> 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.

*GENERAL PURPOSES AND LICENSING COMMITTEE*  
*16<sup>th</sup> February 2010*

**Schedule 1**

Special Responsibility Allowances for the year ending 31st March 2010

<b>Posts of Special Responsibility Allowance</b>	
	£
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

Report No.  
ES 10055

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** General Purposes and Licensing Committee

**Date:** 7 April 2010

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

**Title:** **REVISION TO LICENSING POLICY 2008 - 2011 - ENFORCEMENT. RESULTS OF PUBLIC CONSULTATION**

**Contact Officer:** Paul Lehane, Head of 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

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1. Reason for report

To report the results of public consultation on the revised wording for the enforcement section of the Licensing Policy 2008 - 2011 as agreed by Members on 2 November 2009.

To consider the need for further amendments to the proposed wording in light of the consultation exercise and agree the final version to be adopted by Council on 28 June 2010.

105 Responses were received – 89 in support, 3 against and 13 neutral

Appendix A - Respondents Comments

Appendix B – Enforcement section wording as agreed by Members on the 2 November 2009

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2. **RECOMMENDATION(S)**

**Members are asked to**

- 1. Consider the results of the public consultation exercise and whether further amendments are required to the proposed enforcement section of the Licensing Policy.**
- 2. Agree a final version of the enforcement policy for approval by Council at the meeting on 28 June 2010**

### Corporate Policy

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

### Financial

1. Cost of proposal: No cost
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Clive Davison / Public Protection
  4. Total current budget for this head: £3.5 m
  5. Source of funding: Existing Revenue Budgets
- 

### Staff

1. Number of staff (current and additional): 62 ( Licensing Service 8)
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: Statutory requirement. The Licensing Authority must adopt a statement of licensing policy and review it from time to time. Public consultation is required before the policy can be revised
  2. Call-in: Call-in is not applicable.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Over 800 licenced premises.
- 

### Ward Councillor Views

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

### 3. COMMENTARY

Members agreed a draft revision to the enforcement section of the Licensing Policy at the meeting on 2 November 2009 and that it should be subject to a period of public consultation. That period concluded on 26 February 2010.

The proposals were sent to

1. All known licence holders
2. Known Residents Associations
3. Responsible Authorities
4. Ward Members

Approximately 900 people were consulted and 105 responses were received.

- 89 respondents supported the proposed enforcement section (71 businesses, 13 Residents/ Associations and 5 Councillors)
- 3 respondents were against it ( all licensed businesses) and
- 13 were neutral ( 12 licensed businesses, 1 residents association)

Where comments were made by respondents these are included in Appendix 1.

The revised wording as agreed by Members on 2 November 2009 is set out in Appendix 2.

In light of the comments in Appendix 1, Members are asked if they wish to make any further alterations to the enforcement section of the Policy before referring it to Full Council for adoption on 12 May 2010.

### 4. POLICY IMPLICATIONS

The Council is required to have a Statement of Licensing Policy and to keep it under review and make alterations as appropriate. Public consultation is required before making any changes. The Policy must be approved by Full Council.

### 5. LEGAL IMPLICATIONS

See Policy implications

<b>Non-Applicable Sections:</b>	<b>FINANCIAL IMPLICATIONS PERSONNEL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	Statement of Licensing Policy 2008 – 2011, Report to GP&L 2 November 2009 ES 09139 & Consultation responses,

Responses in support of the draft wording			
Number	Respondent Group	Verbatim Comments	Officer Response ( If appropriate)
1	Club	Happy to provide any information or help. Drink driving laws have changed the drinking habits of members. Those that drink, walk to the club.	Comments not really relevant to the enforcement section of the Councils Licensing Policy
2	Residents Association	We fully support the Licensing Authority Officers in adopting a zero tolerance to offences and breach of licence conditions	
3	Residents Association	Members were fully supportive of the amendments at a recent meeting	
4	Resident	The use of the word 'substantial ' next to 'risk' will allow legal representatives for licensed premises to argue that although there might be a 'risk' it is not substantial enough to qualify. It could be that very few things would qualify as 'substantial risk'	Substantial Risk relates to breaches of licence conditions where formal action would be appropriate, if the risk were not substantial informal action would be more appropriate. The inclusion of Substantial is designed to ensure a proportional approach
5	Club	One would think that breaches of clauses 3, 4, 6,7 & 8 would lead to an immediate removal of a licence. Items 1 & 2 similarly. – 'persistent' is the key word.  Item 5 is sometimes a little more difficult. Certainly 'disorderly conduct' should never be tolerated – but sometimes it is hard to stop	The most immediate action to secure the removal of a licence is by 'Review'
6	Club	As a licensee we have a duty to maintain high standards and I agree with your proposals	
7	Resident	From time to time we clear discarded beer bottles from the nature strip fronting our homes	Comments not really relevant to the enforcement section of the Councils Licensing Policy



8	Councillor	I particularly agree with the new proposed policy on selling to underage customers and delivering alcohol to children	
9	Retail shop	I agree, however you need to consider the circumstances (of the) business. Abuse, threatening behaviour we as shop keepers go through on a daily basis and the lack of support from the authorities. There is no penalty for underage persons who drink and smoke on the streets. Why cant the authorities start punishing them too who obtain cigarettes alcohol through other willing adults	Officers will arrange to visit this trader to discuss his / her concerns
10	Licensed Premises	Are not these amendments already covered by the 2003 Act? If so, isn't this a waste of tax payers time and money? If not why has it taken seven years to realise this?	Items 1 – 8 in the draft enforcement section are offences. The policy sets out how we will approach these type of matters consistently
11	Late Night food shop	I agree with the amendments after all it is to the benefit of the shopkeeper and also the public using these premises	
Responses against the draft wording			
1	Licensed Premises	I would like to see more help for those who need the law on their side and having more change and confusion. Already have a lot to do to survive the recession	Officers will arrange to visit this trader to discuss his / her concerns  The enforcement section only has any bearing on a business if they are not complying with the Act or licence conditions. Officers are always available to offer help if contacted
2	Licensed Premises	We think that the whole idea of licensing is a waste of time and waste of money	No Comment
3	Club	I believe that the law as it stands is sufficient to carry out the requirements of the Act i believe regulations should always be left to a minimum – the licensing trade have already enough rules	The enforcement section only has any bearing on a business if they are not complying with the Act or licence conditions.

		and regulations to content with	This amendment to a statutory policy does not impose any addition requirements of any businesses
Neutral Responses			
1	Residents Association	Have spoken to local road Steward, local residents aware and appear to have no objections or problems with this establishment	Comments not really relevant to the enforcement section of the Councils Licensing Policy
2	Late Night food shop	We do not sell any alcohol from our premises	Premises still licensed under the Act as a Late Night Refreshment

Draft wording for Enforcement Section of Licensing Policy as agreed by Members on 2 November for consultation

Variation from existing policy is shown in bold italic and underline

### **Draft Enforcement Section for Statement of Licensing Policy**

Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. **We will support businesses to comply with the law but view offences and breaches of licence conditions seriously.**

The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this. The Licensing Authority will work closely with the Police to establish protocols to ensure an efficient deployment of Police and Licensing Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that High-risk premises receive the highest priority.

The enforcement action will be:

- Targeted toward those premises presenting the highest risk
- Proportional, to the nature and seriousness of the risk those premises present
- Consistent, so that we take similar approaches in similar situations
- Transparent, so those who are subject to enforcement action know what to expect
- Accountable, so that we take responsibility for our actions.

The Licensing Authority has instructed its officers to adopt a zero tolerance approach to offences and **breaches of licence conditions**. In practice this means that licensing officers will investigate all complaints alleging breaches of the Act or licence conditions and act on all sources of reliable intelligence (including local residents and businesses) with a view to establishing if offences have been committed.

Such matters may include:

- Unauthorised licensable activities or breach of licence conditions
- Allowing disorderly conduct on licensed premises
- Sale of alcohol to children and the consumption of alcohol by children
- Sale of alcohol to a person who is drunk

Where licensing officers have such evidence they have a range of enforcement options including:

- Offering advice /guidance (verbal or written)
- Informal written warnings
- Formal cautions
- Prosecutions
- Review of Premises Licences where there are problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm
- Closure of premises that are experiencing disorder or causing a nuisance.

**The Licensing Authority encourages a graduated approach to enforcement as set out in the Environmental Health & Trading Standards generic enforcement policy however in the cases of offences relating to :-**

1. The deliberate and persistent provision of unlicensed activities especially the sale of alcohol
2. The breach of licensing conditions resulting in substantial risk to the promotion of the licensing objectives( crime and disorder, public safety, public nuisance or protection of children from harm)
3. Persistent underage sales
4. The use of licensed premises in connection with organised criminal activity
5. Allowing disorderly conduct on licensed premises
6. Delivering alcohol to children
7. Allowing the sale of alcohol to children
8. Sending a child to obtain alcohol

It is the expectation that Formal Action (including Fixed Penalty Notices, Formal Cautions, Reviews and / or Prosecution) will be the preferred approach.

Where Members of the Licensing sub-committee are required to hear an application to 'Review' a licence they will be guided by the decision of the High Court in *Bassetlaw District Council v Worksop Magistrates Court 2008 EWHC 3530 (Admin)*, that deterrence is an appropriate consideration when dealing with Reviews where that has been activity in connection with criminal activity.

Report No.  
ES 10061

London Borough of Bromley

Agenda  
Item No.

PART 1 - PUBLIC

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**Decision Maker:** General Purposes and Licensing Committee

**Date:** 7 April 2010

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

**Title:** **LONDON LOCAL AUTHORITIES ACT 1991 -  
REVISION TO CODES OF PRACTICE FOR SPECIAL  
TREATMENTS**

**Contact Officer:** Paul Lehane, Head of 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 Wards

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1. Reason for report

To consider updated and revised codes of practice for special treatments licences and to propose the introduction of a registration scheme for beauty therapists working in the Borough.

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2. **RECOMMENDATION(S)**

**Members are asked to**

1. Approve the adoption of the revised Codes of Practice as attached.
2. Agree to the introduction of a registration scheme for all beauty therapists working in the Borough.
3. Agree changes in the administration process which support local businesses including .
  - a) Simplified fees structure
  - b) Removal of requirement to place newspaper advert for new applications
4. Refer the matter to the Executive and Full Council for approval and adoption.

### Corporate Policy

1. Policy Status: N/A.
  2. BBB Priority: Safer Bromley. Vibrant Thriving Town Centres
- 

### Financial

1. Cost of proposal: Estimated cost £22k income in line with 2010 /11 budget
  2. Ongoing costs: Recurring cost.
  3. Budget head/performance centre: Public Protection - C K Davison
  4. Total current budget for this head: £ 3.5m
  5. Source of funding: Existing revenue budget
- 

### Staff

1. Number of staff (current and additional): 62 ( Licensing Service 8)
  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.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 110 businesses, all individual therapists and their customers.
- 

### Ward Councillor Views

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

### **3. COMMENTARY**

#### SUMMARY OF LONDON LOCAL AUTHORITIES ACT 1991.

- 3.1 Premises offering special treatment (including massage, manicures, sun beds, saunas, steam rooms, tattooing, acupuncture, electrolysis and piercing etc) are required to hold a licence.
- 3.2 The Council has the power to make rules and regulations relating to these premises. Officers have reviewed the current rules and guidance notes issued as part of a Licence and consider them to be outdated. They have been in place since 1991 when the London Local Authorities Act was first adopted.
- 3.3 Officers have undertaken an extensive review of the application process, fees and licence conditions and recommend :
- a) A simplified application process.
  - b) A simplified fee structure
  - c) Revised licence conditions
  - d) Introduction of a registration scheme for therapists

#### **3.4 Application Process**

Currently an application is advertised on the premises by way of a poster and by way of a Public Notice placed in a local paper. These are the responsibility of the applicant. Officers undertake consultation with the Police. Experience has shown that for this type of licence application very few objections have ever been received from a newspaper advert. In light of this we propose to remove the requirement for an applicant to place a Public Notice of their application in a local paper saving businesses approx £200 when making an application for a new licence.

#### **3.5 Simplified Fees Structure**

Current fees for new licences are based on 5 different treatments categories. A basic fee (£262) includes 1 category but there is an additional fee (£44) for each additional category to a maximum of £438. Renewals are charged at £130 or £167 with changes to treatment category.

Officers have reviewed the costs of administering the licensing system (applications / renewals and visits to inspect & investigate complaints) and propose from April 1 2010 to have 2 fee levels for new applications and renewals.

- New applications for skin piercing procedures (body piercing, tattooing) will be charged at £400 as they are higher risk, all other treatment premises will be charged at £350.

These fees only apply to businesses applying for a new licence after 1 July 2010.

- Existing businesses are subject to an annual renewal fee which is proposed at £200 for skin piercing and £175 for all others.

We propose to reduce the fee for a variation of a licence, currently £86, to £50. This is designed to allow businesses to be flexible in adding new types of treatment to their licence whilst allowing Officers the opportunity to assess the safety or health implications and for the re-issuing of the licence document.

To facilitate short term events where a licensable activity is offered we are introducing a Temporary licence costing £50 per month.

Existing and proposed fee structure is in Appendix A

### 3.6 Revised Licence Conditions

To ensure that these premises are providing the treatments safely and hygienically a set of licence conditions have been developed that reflect the changes in the beauty industry in the last 18 years.

Rules relating to the application process are in Appendix B. A set of general conditions applicable to all premises has been developed ( Appendix C) with specific conditions for

- Massage ( Appendix D)
- Nail treatments (Appendix E)
- Tanning and UV treatments (Appendix F)
- Tattooing (Appendix G)
- Ear and nose piercing (Appendix H)
- Body piercing (Appendix I)
- Electrolysis (Appendix J)
- Sauna and steam rooms (Appendix K)
- Spa and Jacuzzis (Appendix L)

### 3.7 Registration scheme for Therapists

Therapists are currently named in the application form for a licence and approved to operate under the licence but there is no easy way for customers or Licensing Officers to identify that an individual therapist is the one that has been approved.

Therapists are required to have suitable qualifications and the Councils Licensing Team undertakes checks on these. To ensure that all therapists are qualified it is proposed to introduce a Therapist Registration scheme as part of the licensing process.

Therapist will be expected to demonstrate competence through appropriate externally verified qualifications and or experience

Similar schemes have been adopted by a number of other London Boroughs, and mean that anyone who works in a beauty premises in the Borough will be approved and issued with a photo ID. They will be required to wear the Photo ID whilst working.

The cost of introducing the therapist registration scheme will be incorporated into the revised licence fee for the premises. There is no cost for the individual therapist.

The registration scheme has benefits for customers by providing a visual confirmation that the therapist is trained and approved and it is hoped that this will assist local businesses when employing therapists in the future that the.

It is proposed that the new codes of practice and the therapist registration scheme will be introduced over a period of 24 months commencing July 2010

## 4.0 FINANCIAL IMPLICATIONS

4.1 The current level of income received for special treatment licence fees is approximately £20k per annum.



4.2 Assuming the same volume of licences, the proposed fees would generate approximately £25k in a full year. As the new fees will not be introduced until July 2010, the estimated income will be just over £22k.

## 5.0 LEGAL IMPLICATIONS

Section 7 of the London Local Authorities Act 1991 requires the applicant to send to the Police and the London Fire and Emergency Planning Authority a copy of the application no later than the day it is made. No application shall be considered unless this requirement is met BUT the Council, if it thinks fit, can do so if it has consulted these bodies. There is also a 28 day period within which the Council must have regard to any observation from these bodies and so an application could not be determined before that time.

Any other requirement for publicity and the requirement of a fee (including the newspaper advertisement) originate from the power granted to the Council to make regulations. It is these regulations the report is addressing.

The legal advice is that the changes to the Rules, Codes of Practice and fees should be referred to the Executive and Full Council for approval and adoption.

<b>Non-Applicable Sections:</b>	POLICY IMPLICATIONS  PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	London Local Authorities Act 1991

## Special Treatment Licence Fees

Current		Proposed	
Application fee (includes 1 treatment category) Additional category	£262 £44	Tattooing and Body piercing  All other treatments (including ear & noise piercing)	£400  £350
Newspaper Advert ( not a fee but a cost to the businesses)	£200	Not applicable	£0
Typical cost of a new application	£506	Typical cost of a new application	£350 - 400
Renewal Fee ( no change in treatments)  Renewal with changes	£130  £167	Tattooing and Body piercing  All other treatments (including ear & noise piercing)	£ 200  £175
Variation to treatments	£86	Variation to treatments	£ 50
Transfer	£86	Transfer	£100
Temporary Licence	Not available	Temporary Licence	£50 per month

## Special Treatment Licence Fees

Current		Proposed	
Application fee (includes 1 treatment category) Additional category	£262 £44	Tattooing and Body piercing  All other treatments (including ear & noise piercing)	£400  £350
Newspaper Advert ( not a fee but a cost to the businesses)	£200	Not applicable	£0
Typical cost of a new application	£506	Typical cost of a new application	£350 - 400
Renewal Fee ( no change in treatments)  Renewal with changes	£130  £167	Tattooing and Body piercing  All other treatments (including ear & noise piercing)	£ 200  £175
Variation to treatments	£86	Variation to treatments	£ 50
Transfer	£86	Transfer	£100
Temporary Licence	Not available	Temporary Licence	£50 per month

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# **London Borough Bromley Special Treatment Regulations that apply to the application/ renewal process**

## **The Law**

### **London Local Authorities Act 1991, as amended by the London Local Authorities Act 2000**

Regulations made by the London Borough of Bromley under Section 10(1) of the London Local Authorities Act 1991, prescribe standard conditions applicable to all Special Treatment premises located in the London Borough of Bromley.

Effective from 7 April 2010

## **Definitions**

1. 'Approval of the Council' or 'Consent of the Council' means the approval or consent of the council as licensing authority in writing. "Approved", "Accepted", "Permitted", means approved, accepted or permitted by the Council in writing
  
2. "Council" means London Borough of Bromley as the appropriate licensing authority
  
3. 'Establishment for Special Treatment' has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended)
  
4. 'Licence' means a Special Treatment Licence granted under section 6 of the London Local Authorities Act 1991 (as amended)
  
5. 'Officer' means any person authorised by the Borough Council in writing. (This may include Officers of the London Fire and Civil Defence Authority)
  
6. 'Premises' means any premise within the Councils area licensable for special treatments and includes all installations, fittings and other items connected with the business.
  
7. 'The Act' means the London Local Authorities Act 1991 (as amended).
  
8. The Licensing of a premises for special treatment relates only to the provisions under the London Local Authorities Act ( as amended)It does not convey any approval or consent which may be required under any other legislation , byelaw, order or regulation.

## **Modification of Regulations**

1. These Regulations may be dispensed with or modified by the Council at its discretion
2. Where in these Regulations there is any reference to the consent of the Council being required, such consent may be subject to specific conditions or restrictions.
3. If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council requires, the application must be advertised.

4. In the event of any conflict between the Regulations and the conditions contained in the Licence, the conditions in the licence take precedence.

## **Standard Conditions**

In addition to the above regulations general licensing conditions and those specific to the premises are also applicable .They should be read in conjunction with this document.

### **Application Forms:**

All applications for special treatments licences must be made on the forms provided by the Council.

Grant of a licence: form number **mst 1**

Renewal of a licence: form number **mst 2**

Variation of a licence: form number **mst 3**

Transfer of a licence ; form number **mst 4**

The application form must be signed by the applicant, or a solicitor, or other duly authorised agent acting on behalf of the applicant.

Applications for renewal must be made at least 1 months before the expiry date of the existing licence.

A transfer of licence includes transferring the licence into another persons name

A variation of a licence would be to add additional treatments or if alterations are made to the premises. In this case plans would need to be submitted ( see section on Plans)

## **Advertising the Licence Application**

For new applications and transfers of licences the applicant must display a notice at or near the premises in a place where it can be easily and read by persons in the street or adjoining public places. It must remain in this position for **14 days**. The 14 days begins on the date the application is delivered to the Council or if delivered by post, the date shown on the postmark.

This form is provided by the Council and entitled "Notice of Application for Grant/Transfer of a licence to use a premises as an establishment for special treatment" (**mst 6**)

The applicant must send a notification to the Council that the notice has been displayed . This should be sent with the completed application form. This form is entitled "Notification of Exhibition of a Notice at the Premises" (**mst 5**)

## **FEES**

A fee is payable on application and is dependant of what type of licence is being applied for. It must be sent with the completed application form. A copy of the fee list is available.

## **APPLICANTS:**

An application for a licence must be made by the person who lawfully occupies or who will occupy the premises to be licensed, by virtue of a freehold interest, a lease, an assignment of a lease, an underlease, an agreement for a lease or a tenancy ( evidence of which may be required by the Council).

## **PLANS AND SPECIFICATIONS**

The applicant must submit a copy of the plan of the premises, to the Council for new applications. For renewal variation and transfer unless there are structural alterations or a changes in internal layout to the premises plans will not need to be submitted. The scale for the plans must be 1:100 unless otherwise requested in writing. The Council must given written approval for the change in scale.

The specification for the plans are as follows

1. The plans must be up to date and each floor of the building must be on a different sheet.
2. It must show external and separating walls.
3. Internal walls and columns.
4. Partition walls and partitions.
5. Doorways and openings in external and internal walls and in partitions, indicating the direction of opening.
6. All stairways, indicating the direction of rise.
7. Any steps, ramps, or changes in floor, indicating the direction of rise.
8. All opening in floors or walls for lifts, escalators, elevators, conveyors, chutes etc .
9. Ventilation.
10. Indicate the use of each room
11. Washing facilities and showers
12. Toilet facilities

## **APPLICATION TO THE POLICE AND FIRE BRIGADE**

An application for grant, renewal, transfer or variation of a licence must be made using the specified Council forms to the Police and the Fire Brigade at the same time as the application to the Council. In the case of a new application this must include a copy of a 1;100 scale drawing of the premises as specified above. If on renewal variation or transfer of the licence there are structural changes then plans will also need to be submitted to both the Police and Fire Brigade.

## **APPEALS**

The applicant is aggrieved that their application was refused or feels that the terms. restrictions or conditions of the licence are unreasonable, the applicant may appeal to the Magistrates Court. This must be done within 21 days of the decision being notified to them in writing, by the Council. Where there is an existing licence this will remain in force until the time for bringing an appeal has expired or the appeal has been abandoned or determined.

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# **London Borough Bromley Special Treatment Regulations that apply to all premises**

## **The Law**

### **London Local Authorities Act 1991, as amended by the London Local Authorities Act 2000**

Regulations made by the London Borough of Bromley under Section 10(1) of the London Local Authorities Act 1991, prescribe standard conditions applicable to all Special Treatment premises located in the London Borough of Bromley.  
Effective from 1 June 2010.

## **Definitions**

1. 'Approval of the Council' or 'Consent of the Council' means the approval or consent of the council as licensing authority in writing. "Approved", "Accepted", "Permitted", means approved, accepted or permitted by the Council in writing or electronic form
2. "Council" means London Borough of Bromley as the appropriate licensing authority
3. 'Establishment for Special Treatment' has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended)
4. 'Licence' means a Special Treatment Licence granted under section 6 of the London Local Authorities Act 1991 (as amended)
5. 'Officer' means any person authorised by the Borough Council in writing. (This may include Officers of the London Fire and Civil Defence Authority)
6. 'Premises' means any premise within the Councils area licensable for special treatments and includes all installations, fittings and other items connected with the business.
7. 'The Act' means the London Local Authorities Act 1991 (as amended).
8. The Licensing of a premises for special treatment relates only to the provisions under the London Local Authorities Act ( as amended) It does not convey any approval or consent which may be required under any other legislation , byelaw, order or regulation.

## **Modification of Regulations**

1. These Regulations may be dispensed with or modified by the Council at its discretion
2. Where in these Regulations there is any reference to the consent of the Council being required, such consent may be subject to specific conditions or restrictions.
3. If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council requires, the application must be advertised.
4. In the event of any conflict between the Regulations and the conditions contained in the Licence, the conditions in the licence take precedence.

## **Standard Conditions**

In addition to these regulations standard licensing conditions have been approved for the following treatments and should be read in conjunction with this document.

1. Massage and Reflexology
2. Body Piercing
- 3 Ear and Nose piercing
4. Nail Treatments
5. Tattooing
- 6 Tanning and UV treatments.
- 7 Sauna and Steam rooms
- 8 Spa and Jacuzzis

## **General licence conditions for all licensed premises**

### **TERMS OF LICENCE**

Licences are granted for a term of twelve months.

### **DISPLAYING THE LICENCE**

The Licence shall be displayed in a prominent position within the licensed premises at all times.

### **OPENING TIMES**

The opening and closing times shall be clearly displayed in a prominent position within the premises to which the public have access.

If the premises are closed for business then a sign to that effect must be clearly visible on it.

### **PRICE LIST/TARIFF**

A price list of all the treatments offered, including VAT must be displayed in a prominent position within the premises. This price list must be available to an authorised officer, on request.

### **PLANNING CONSENT**

All applicants must contact the Council's Planning department to check whether planning permission is required. The issue of a special treatment licence does not indicate that planning consent has been granted by the Council for the premises to be used for such treatments. It is the applicant's responsibility to obtain planning consent separately. The Licensing Department of the Council will notify its Planning Department of any application for a special treatment licence that it has received.

### **LICENCE**

(a). The licence is personal to its holder. The licence cannot be transferred by the licence holder to any other person unless the licence holder makes an application for transfer to the Council.

(b). The licence is only valid in respect of the premises named on the licence. The licence cannot be transferred by the licence holder to any other premises.

(c). The establishment specified in the licence may only carry out treatments that are specified on the licence unless a licence to vary to made to the Council.

### **CRIMINAL HISTORY**

(b) You have a duty to inform the council of any criminal convictions obtained during the licensing period.

### **INSURANCE**

(a). The licensee shall arrange for suitable Employer's Liability, Public Liability and Professional Indemnity insurance covering the range of special treatments offered.

(b). the appropriate insurances must be kept on the premises and be available for inspection by visiting officers.

### **PERSON IN CHARGE OF LICENSED PREMISES**

(a) The licence holder or some responsible person nominated by them, shall be in charge and on the premises for the whole time that it is open for business to the public. This nomination shall be in writing and available for inspection by an authorised Officer of the Council at any reasonable time.

(b) The person in charge must be familiar with these regulations and a copy of them must be kept on the premises.

### **PERSONS ADMINISTERING TREATMENT**

Only therapists approved by the London Borough of Bromley shall provide treatments. All therapists must wear a photographic ID badge issued by the London Borough of Bromley whilst working on the licensed premises in the Borough and have the certificate that is issued with the badge available at all times for inspection by an authorised officer of the Council.

### **LICENCE CHANGES**

(a) Only treatments which are specified on the licence may be provided. If any alteration is required an application to vary the items, conditions or restrictions to the terms must be made to the Council and accompanied by the appropriate fee.

Amendments to a licence will include additional treatments offered and alterations to the internal layout/structure of the premises or change of premises. structural alterations must be accompanied by an updated plan of the premises.

(b). The licensee shall notify the Council in writing of any change in the name or private address of the licensee(s) or any other particulars of the company

(c). Any company (within the meaning of the Companies Act 2006) shall at once notify the council in writing of any changes to the registered companies address or acquisition.

(d). Proposed changes in the name or title of the premises licensed as a special treatment establishment shall be notified to the Council and shall not be put into effect until an amended licence is issued.

(e). Application for transfer of the licence holder must be made to the Council accompanied by the appropriate fee.

(f). The Licensee shall, on ceasing to carry on the business of special treatments, notify the Council, in writing within 7 days.

### **RENEWAL OF THE LICENCE**

Application for renewal shall be made to the Council at least two months prior to the expiry date of the current licence. This must include the appropriate fee.

### **NOTICES AND ADVERTISEMENTS**

(a). All notices and advertisements issued by or on behalf of the establishment shall bear the trade name, style or title specified in the licence.

(b). The licensee shall not advertise in a public convenience

(c). The licensee shall not publish or allow to be published on their behalf any advertising in words or pictures in publications of an erotic nature, or in any publication or other media which in themselves suggest that there is an erotic element in any treatment provided.

(d) No poster, sketch, painting or any form of advertisement or display shall be displayed outside or within the premises if the Council regards it as unsuitable for exhibition to the public. If the

licensee is notified in writing that the Council objects under this rule to any of items listed above, then the items must be removed from the premises or outside the premises.

#### **ADMISSION OF COUNCIL OFFICERS**

Authorised Officers of the Council may, shall be admitted to the premises at all reasonable times. This includes Officers of the London Fire and Emergency and the Planning Authority (Section 15(1) London Local Authorities Act 1991 and the Police.

#### **CONTROL OF WASTE**

##### **GENERAL WASTE**

- (a). Waste and other refuse must not be allowed to accumulate in the premises, except so far as is unavoidable for the proper functioning of the business.
- (b). Adequate provision must be made for the removal and storage of waste and other refuse.
- (c). Closable containers must be provided for this purpose, which are appropriately constructed, kept in sound condition, and where necessary easy to clean and disinfect

##### **CONTROLLED WASTE/CLINICAL WASTE**

- (a) Controlled waste must be disposed of appropriately & not placed within the ordinary refuse.
- (b) Licensees must ensure that risks from it are properly controlled by developing suitable systems of handling, storage and disposal of controlled waste.

#### **STRUCTURE AND CLEANLINESS**

- (a). All internal walls, doors, windows, partitions, floors and floor coverings, ceilings, heating lighting and ventilation, in any part of the premises used by the client and operator must be able to be kept clean and be maintained in good repair and condition.
- (b) All hand wash stations and shower facilities must be provided with materials for hygienic washing and drying.
- (c) Animals are prohibited in the treatment rooms

#### **CLEANLINESS OF FURNITURE AND FITTINGS**

- (a) All furniture and fittings in the treatment area shall be kept clean and in such good repair as to enable them to be cleaned effectively.
- (b) All tables, couches and seats used by clients in the treatment area and any surface on which equipment is placed immediately prior to treatment shall have a smooth impervious surface that is wiped down regularly with a suitable disinfectant.
- (c) Where tables or couches are used, they shall be covered by a disposable paper sheet /towel or similar which shall be changed for each client

#### **CLEANLINESS OF EQUIPMENT**

- (a) A documented cleaning schedule shall be provided by the licensee and retained at the premises for inspection
- (b) Where necessary, adequate facilities must be provided for the
  - i) cleaning, disinfecting and sterilization of work tools, equipment, protective clothing, gowns, towels etc.
  - ii) Adequate storage for all items must be provided so as to avoid, as far as possible the risk of contamination.
- (c). Before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment:
  - i) Is clean and in good repair, and, so far as is appropriate, is sterile;
  - ii) Has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilized.
- (d). A licensee shall ensure that any needle, metal instrument, or other item of equipment used in treatment or for handling instruments and needles used in treatment so far as is appropriate, is in a sterile condition and kept sterile until it is used.

### **ELECTRICAL SAFETY**

(a) The electrical installation for the premises shall be inspected, tested and maintained in accordance with the British Standard 7671. A Periodic Inspection Report shall be obtained from a "competent person" at the appropriate intervals (e.g. up to a maximum of five years or a shorter period as specified on the Report) and submitted to the Council.

(b) The inspection certificate shall be signed by a person who shall be one of the following: -

(i) a professionally qualified Electrical Engineer;

(ii) a member of the Electrical Contractors' Association;

(iii) an approved contractor of the National Inspection Council for Electrical Installation Contracting, or

(iv) a qualified person acting on behalf of one of the above (in which event it shall be stated for whom he/she is acting).

### **ELECTRICAL APPLIANCES**

(a) An inspection and test shall be carried out on all portable electrical appliances within the premises in order to comply with the Electricity at Work Regulations 1989. The inspection shall also include fixed appliances used for treatment of the public. The tests shall ensure that the electrical appliances comply with these Regulations and the relevant parts of British Standard 7671.

(b) A certificate shall be submitted to the Council at the time of application (i.e. at 12 monthly intervals) by a competent person described under the **Electrical Safety section**.

### **GAS APPLIANCES**

(a). All gas appliances and installations at the premises shall be inspected for safety at intervals not exceeding 12 months by a ~~Corgi~~ registered Gas Safe engineer.

(b). The inspection certificate shall be kept at the premises and made available for inspecting officers of the council.

### **PRESSURE SYSTEMS**

Any equipment operating under pressure shall be inspected for safety by a competent person. All pressure systems shall be operated in accordance with the current version of the Pressure Systems (Safety) Regulations 2000.

### **FIRE SAFETY**

The establishment must comply with any requirements of the Council or Fire Authority in respect of fire, including proper means of escape in case of fire and fire-fighting equipment. A fire risk assessment must be carried out in accordance with the Regulatory Reform (Fire Safety) order 2005.

The means of escape in case of fire shall be maintained and free from obstruction at all times when the public or staff are present on the premises.

### **WC FACILITIES**

The Licensee shall ensure that there are adequate WC facilities for both staff and public and they must be

(a) maintained in good order and kept clean.

(b) Each WC has easy access to washing facilities with the provision of hot and cold running water, soap and towels.

(c) There must be an intervening ventilated space between WCs and treatment rooms

### **WASH BASINS**

(a). An adequate number of wash-hand basins must be available and suitably located in every treatment room or adjoining room and toilet facility.

(b). Wash-hand basins must be properly drained and provided with hot and cold mains water. Soap and towel

### **SINKS**

Provision for the cleaning of equipment must be made where necessary separate to the requirement for wash-hand basins.

### **SHOWERS**

In premises providing body treatments involving the application of heat by saunas, solarium, steam bath or other baths suitable and sufficient showering facilities shall be provided (or appropriately mixed) running water

### **VENTILATION**

There must be suitable and sufficient means of natural or mechanical ventilation in each treatment room, and wherever practicable this should be direct to the external air.

The ventilation system must be constructed to enable all parts requiring cleaning, or replacement to be readily accessible.

Extract units must be positioned so as not to cause noise or other nuisance to neighbouring properties.

### **LIGHTING**

Lighting must be suitable and sufficient to ensure safe operation of the premises.

### **HEATING**

The licensee must ensure that suitable and sufficient heating is provided and maintained throughout the premises.

### **INFECTION CONTROL**

(a) Procedures for the decontamination, disinfection and sterilisation of equipment shall be provided at the premises where necessary

(b) Glass bead sterilisers; UV light boxes; hot air ovens and water boilers **must not** be used for sterilisation purposes

(c) Autoclaves must be used for sterilisation where necessary. This must be strictly in accordance with manufacturers instruction and with the current version of Medical Devices Agency MDA DB2002 (6) MDA DB9804. Checking and maintenance in accordance with HTM 2010.

### **PERSONAL HYGIENE**

(a) Any person carrying out a treatment must ensure that: -

i) His/her hands are kept clean and washed immediately prior to carrying out any treatment

ii) Maintain a high degree of personal cleanliness and shall wear suitable, clean and appropriate protective clothing.

iii)–No person shall be permitted to administer treatments while afflicted by either a known or suspected ailment, or being a carrier of a disease likely to be transmitted during treatment

iv) Any open sores, cuts boils or other open wounds on the practitioners must be effectively covered with a waterproof impermeable dressing. )

v) He/she does not smoke or consume food or drink during the course of the treatment

### **PRIVACY OF CLIENTS**

Separate male and female changing facilities shall be provided where both sexes are treated.

### **CONDUCT OF PERSONS AT PREMISES**

All persons concerned in the conduct of the premises used for special treatments must be regarded as fit and proper persons to hold such a licence. In respect of this, the licensee must:

- i) Ensure that no indecent and/or sexual acts are carried out at the premises;
- ii) Exclude any persons who have committed such an act on the premises;
- iii) Ensure all therapists in the premises are decently attired;
- iv) Ensure that no persons under the influence of drink or drugs are allowed on the premises.
- v) The licensee shall not permit or suffer the door of any room or place in the premises to be locked whilst any person is within it.
- vi) The licensee shall not cause to be published any advertising in words or pictures suggesting that there is an erotic element in the treatment provided.
- vii) Unless prior written consent from the Council has been given, the licence holder shall not employ anyone to be involved in, or have an interest in, the running of the business:
  - a) Whose licence has been revoked, or to whom a licence has been refused on the grounds that such a person is unsuitable to hold a special treatments licence;
  - b) Who has had an application for a licence under other legislation concerning treatment of the public refused or revoked;
  - c) Who is not a fit and proper person.

## **RECORD KEEPING**

### **Client records**

A licensee shall keep client records obtained by means of a client consultation before each treatment and the following details recorded.

- i) Name and address of all persons receiving treatments,
- ii) The type of treatment given
- iii) The name of the person giving the treatment
- iv) Date the treatment was given
- v) Assessment of any contra-indications
- vi) Informed consent of the client

### **Aftercare Advice**

Suitable and sufficient, written and/or verbal aftercare advice must be given to all clients for all treatments administered.

### **General record keeping**

Records must be kept on the premises and available for inspection for two years.

A record of consigned controlled waste shall be retained at the premises

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## **STANDARD CONDITIONS MESSAGE AND REFLEXOLOGY**

### **1.0 Definitions**

#### 1.1 Massage:

To manually manipulate (someone's body), usually for medicinal or relaxation purposes.

#### 1.2 Types of massage:

Swedish massage (occasionally referred to as traditional massage)

Sports Massage

Aromatherapy Massage

Beauty Massage

Indian Head Massage

Shiatsu Massage

Rolfing

1.3 Reflexology: Uses of pressure and massage on the reflex points on the feet.

### **2.0 Client consultation**

2.1 A full client consultation must be carried out at the time of a first visit, prior to any treatment.

This is to include the following:

Medical history

Does the client have:

- Eczema
- Psoriasis
- Haemophilia
- Heat disorders/disorders
- High/low blood pressure
- Epilepsy
- Diabetes
- Allergies

Is the client:

- Taking medication or blood thinning agents
- Breast feeding
- Pregnant

Where any of the above conditions exist, written consent from the clients GP must be given before any electrolysis is carried out

2.2 Area to be treated

2.3 Treatment plan

2.4 Date of treatment

2.5 Date of birth of the client

2.6 Proof if ID shown where necessary

2.7 Explanation of the procedure involved

- 2.8 Record that aftercare advice/leaflet given
- 2.9 Name of therapist who carried out the treatment
- 2.10 This record should be signed by the client or parent/guardian where under 16 as a declaration of agreement to treatment having understood all the associated risks.

### **3.0 Infection control**

- 3.1 Hands must be washed immediately prior to and after treatment
- 3.2 Couches, tables and trolleys must be wiped with a suitable disinfectant between clients. If towels are used a clean towel must be used for each client.
- 3.3 Couch roll should be changed between clients

### **4.0 Age**

Anyone under the age of 16 must be accompanied by a parent or guardian and the client record signed by the parent/guardian..

### **5.0 Challenge 25 Policy**

Any person wishing to be massaged will need to provide proof of their age if they look under 25.

Licensees must advertise this policy so that all clients are aware that they may be challenged about their age if they look under 25.

**Proof of age will be either a driving licence or passport XXXX.**

Where a challenge is made, it must be recorded and proof age also noted on the client record card.

### **6.0 Training**

Only therapists approved and registered by the London Borough of Bromley can undertake massage and reflexology.

### **7.0 Information and Record keeping**

7.1 Records kept must include steps taken to verify the age of the client. E.g. photocopy of proof of age where appropriate

7.2 All records must be held on the premises for a period of two years and be available for inspection by an authorised officer.

## **STANDARD LICENSING CONDITIONS NAIL TREATMENTS**

### **1.0 Definitions**

#### **1.1 Nail Treatments**

Defined as any, or all, of the following: manicure, pedicure, nail extensions or artificial nails of any kind. Any treatment of the hands, feet, finger nails or toenails which may include scrubbing, massage, cutting, filing, varnishing and cuticle removal.

For the purposes of this COP nail treatments do not include any form of Chiropody carried out by a Chiropodist.

### **2.0 Chemical usage**

2.1 All substances held on the premises and used in the special treatments must be held in properly labelled containers.

2.2 The use of products containing Methyl methacrylate (MMA) is prohibited.

### **3.0 Electric drills/files**

3.1 The use of electric drills/files on a client's natural nail is prohibited.

3.2 Electric drills/files may only be used on the surface of the artificial nail and must not be used to blend the artificial nail to the natural nail.

3.3 Only persons with specific training in the use of electric drills/files, and who are competent in their use, are permitted to use them.

### **4.0 Client consultation**

4.1 A full client consultation must be carried out at the time of a first visit. This should establish any contra-indications to treatment and include a medical history and an assessment of the condition of the hands and nails or feet and toe nails as appropriate. Any reactions to treatment and advice should be noted. A record of subsequent treatments must be kept.

4.2 Aftercare/homecare advice appropriate to treatment must be given.

4.3 Consultation records must be held at the premises **for two years** and available for inspection by an authorised officer; copies of aftercare advice must be available for inspection.

### **5.0 Infection control**

5.1 All reusable metal equipment such as cuticle clippers and cuticle knives must be washed and scrubbed in general purpose detergent (e.g. washing up liquid) and water. The equipment must be dried and sterilized. Best practice is to sterilise equipment in an

autoclave . Where an autoclave is not available chemical sterilisation ( **but glutaldehyde is banned** ) is acceptable, this must be carried out in accordance with the manufacturers instructions with regard to dilution of any solution and contact time. The equipment should be stored in a clean dry airtight container until use. Any equipment that cannot be either sterilised or disinfected is considered single use and must be disposed of after each client. Used equipment must be stored separate to clean sterilised equipment.

5.2 All work surfaces must be cleaned after each client with a suitable general purpose detergent or disinfectant.

5.3 Towels or couch roll must be changed between clients.

5.4 Nail technicians must wash their hands thoroughly before each client is treated and must either sanitise the clients hands prior to treatment with a suitable skin sanitising product or request them to wash their hands/feet.

## **6.0 Ventilation**

Where nail extensions are carried out suitable air filtering and extraction must be provided to remove dust and chemicals from the air and preferably fitted at work top level. Suitable dust and chemical filters should be fitted and the equipment operated and maintained in good working order in accordance with manufacturers instructions.

## **7.0 Qualifications**

Only therapists approved and registered by the London Borough of Bromley can undertake nail treatments.

## **8.0 Age**

No one under the age of 16 will be permitted to have nail treatments without a parent or guardian being present and signing the consent form.

## **9.0 Challenge 25 Policy**

Any person wishing to be massaged will need to provide proof of their age if they look under 25.

Licensees must advertise this policy so that all clients are aware that they may be challenged about their age if they look under 25.

**Proof of age will be either a driving licence or passport XXXX.**

Where a challenge is made, it must be recorded and proof age also noted on the client record card.

## **STANDARD CONDITION FOR TANNING/UV LIGHT TREATMENTS**

### **1.0 Definitions**

#### 1.1 Ultra Violet Light

Defined as 3 different wavelengths of ultraviolet radiation. UVA, UVB and UVC. UVC waves should not be present in sun tanning equipment.

#### 1.2 Sun Tanning Equipment

The use of ultraviolet light emitted from tubes to reproduce the effect of ultraviolet radiation from the sun on the skin in order to tan the skin. Includes sunbeds and upright tanning booths, face tanning and leg tanning equipment .

#### 1.3 Tanning accelerants and or amplifiers

Defined as any cream, lotion or other substance which increases or purports to increase the amount of U V light absorbed by the production of melanin within the skin.

#### 1.4 Remote facilities

All facilities shall be considered to be operated remotely where the therapist is out of audible range of the treatment room and the client would be unable to be summoned for help.

### **2.0. Qualifications**

Only Therapists approved and registered by the London Borough Bromley can operate a tanning salon

### **3.0 Health and Safety Procedures**

3.1 Sun tanning equipment must be in a separate room or area so that the light emitting from it does not shine into any other part of the establishment exposing staff or other clients to radiation.

3.2 Adequate Ventilation must be provided to treatment rooms and cubicles.

3.3 Shower or sink facilities must be available to allow the client to wash off any skin creams and make-up ~~(These can increase the skin's sensitivity to Ultra Violet light).~~

3.4 An automatic timer must be fitted to the equipment so that the user is unable to increase the time spent using the tanning equipment.

3.5 An emergency device must be fitted within easy reach of a person using the equipment. This device will switch off the Ultra Violet lamps and audibly summon assistance .

3.6 The electrical safety, including the adequate earthing and insulation of all equipment, should be examined annually by a qualified engineer who should report in writing the result of his inspection. Equipment must be regularly serviced in accordance with the manufacturers instructions and a record of such services and copies of the electrical

engineers report must be kept on the premises for inspection if required. In accordance with the latest Institute of electrical Engineers (IEE) requirements.

3.7 Suitable goggles for the protection of the eyes of users of the equipment must be provided

3.8 Fans must be adequately guarded.

3.9 A notice providing accurate information on the health risks from exposure to Ultra Violet light must be clearly displayed near each sunbed. (obtained from *the Health & Safety Executive document IND (G) 209 and also by ISRM*).

#### **4.0 Client Consultation Procedures**

4.1 All clients must fill out a consultation card prior to first sunbed use and any contra-indications identified. Clients whose skin is prone to UV damage must be advised not to use tanning equipment

4.2. ~~No one under the age of 16 to use the equipment. Proof of age must be provided where the client looks 18 or under. This must be recorded on the record card.~~

4.3 Client record cards must be kept detailing each and every sunbed session including duration of session.

4.4 Consultation records must be held at the premises for a period **of two years** and be available for inspection by an authorised officer.

#### **5.0 Challenge 25**

Any person wishing to be massaged will need to provide proof of their age if they look under 25.

Licensees must advertise this policy so that all clients are aware that they may be challenged about their age if they look under 25.

**Proof of age will be either a driving licence or passport XXXX.**

Where a challenge is made, it must be recorded and proof of age also noted on the client record card.

#### **6.0 Tanning Accelerators**

6.1 Licence holders must hold product information for any tanning accelerators they sell.

6.2 Tanning accelerators must comply with the Cosmetic Products (Safety) Regulations 1996

#### **7.0 Control of Infection**

7.1 The surface of the sunbed must be disinfected after each use in accordance with manufacturers instructions and with cleaning materials specified by the manufacturer.

7.2 All goggles must be disinfected between clients or single use disposable goggles provided.

#### **7.0 Record Keeping**

7.1 Records must be kept of the hours of use of each machine and these records shall show any maintenance and details of when tubes are replaced. Tubes must be replaced at intervals recommended by the manufacturer, together with the Ultra Violet transmitting plastic sheet if fitted. Replacement tubes shall be compatible with those supplied by the manufacturer.

## STANDARD CONDITIONS TATTOOING AND MICROPIGMENTATION

### 1.0 Definitions

#### 1.1 Tattooing

Is the process of permanently marking the skin by inserting ink into the lower layers of skin with a needle.

For the purposes of these conditions tattooing will include micro pigmentation also known as “semi permanent make-up”.

### 2.0 Client consultation

2.1 A full client consultation must be carried out at the time of a first visit.

This is to include the following:

Medical history.

Does the client have:

- Eczema
- Psoriasis
- Haemophilia
- High/low blood pressure
- Epilepsy
- Diabetes
- Allergies

Is the client:

- Taking medication or blood thinning agents
- Breast feeding
- Pregnant

Where any of the above conditions exist, written consent from the clients GP must be given before any tattooing is carried out.

2.2 Area to be tattooed

2.3 Treatment plan

2.4 Date of tattoo and dates of subsequent visits to complete a tattoo

2.5 Date of birth of the client

2.6 Proof of ID shown where necessary ( **this must be a driving licence or passport** )

2.7 Explanation of the procedure involved

2.8 Record that aftercare advice/leaflet given

2.9 Name of tattooist who carried out the treatment

2.10 This record should be signed by the client as a declaration of agreement to treatment having understood all the associated risks.

2.11 Consultation records must be available for inspection by an authorised officer..

### **3.0 Standard Infection control Procedures**

#### 3.1 Staff and client health

- All tattooists must be vaccinated against Hepatitis B and proof must be made available to an authorised officer.
- Tattooing must not be carried out on or within 10cms of an infected area of skin, a rash, cut or other wound

#### 3.2 Blood Spillage

There must be a written procedure for dealing with blood spillages.

All staff must be made aware of the procedure

#### 3.3 Sharps Injury

There must be a written procedure for dealing with needle/ sharps injuries.

All staff must be made aware of the procedure.

#### 3.4 Protective clothing

- All staff should wear protective clothing when tattooing.
- Single use disposable plastic aprons should be worn for each client.
- Tattooists should wear disposable single use vinyl or latex gloves whilst carrying out the treatment. This should be replaced for each client.

### **4.0 Qualifications**

Only Tattooists approved and registered by the London Borough of Bromley can undertake tattooing.

### **5.0 Cleaning and Sterilising of Equipment**

In addition to the General Licence Conditions for all special treatment premises

- All surfaces that come into contact with staff equipment or clients must be disinfected daily.
- All needles must be single use and disposable...
- Any surfaces used during treatments must be disinfected prior to use.
- Any treatment chair/ couches must be disinfected after each client.
- Any equipment that has been contaminated with blood however small must be cleaned and sterilized.
-



## **6.0 Aftercare**

6.1 Clients should be given verbal and written after care advice. This should also include advice of any possible complications.

## **7.0 Age**

The Tattooing of Minors Act 1969 prohibits the tattooing of anyone in Great Britain under the age of 18 years.

### **Challenge 25**

Any person wishing to be massaged will need to provide proof of their age if they look under 25.

Licensees must advertise this policy so that all clients are aware that they may be challenged about their age if they look under 25.

**Proof of age will be either a driving licence or passport XXXX.**

Where a challenge is made, it must be recorded and proof age also noted on the client record card.

## **8.0 Use of Anaesthetics**

Only operators who have attended an appropriate course on use of topical anaesthetics will be permitted to use them. The use of anaesthetic injections are not permitted.



## STANDARD CONDITIONS EAR AND NOSE PIERCING

### **1.0 Definitions**

#### 1.1 Ear piercing

For the purposes of these conditions ear piercing refers to lower ear lobe piercing, upper ear cartilage piercing.

#### 1.2 Nose piercing

Refers to the piercing of the nasal cavity walls only.

#### 1.3 Nose piercing gun

Refers to a device, whether single use or reusable, specifically designed for the purpose and is capable of piercing the nasal cavity wall with the nose stud without the need for a clasp/butterfly clip. Ear piercing guns must not be used.

#### 1.4 Ear piercing gun

Refers to a device, whether single use or reusable, designed specifically for piercing ears.

### **2.0 Client consultation**

#### 2.1 Does the client have

- Eczema
- Psoriasis
- Haemophilia
- High/low blood pressure
- Epilepsy
- Diabetes
- Allergies

Is the client:

- Taking medication or blood thinning agents.

Where any of the above conditions exist, written consent from the clients GP must be given before any piercing is carried out.

#### 2.3 Area to be pierced

#### 2.4 Treatment plan

#### 2.5 Date of piercing

#### 2.6 Date of birth of the client

#### 2.7 Proof and type of ID shown if client looks under 25

Where client is under 16 provide proof that parent/ guardian was present at the time of the piercing.

#### 2.8 Record that aftercare advice/leaflet given

#### 2.9 Name of piercer who carried out the treatment

This record should be signed by either the client/parent/guardian as a declaration of agreement to treatment having understood all the associated risks.

### **3.0 Infection control**

3.1 All piercers must wear disposable gloves and they should be disposed of after each client.

3.2 All work surfaces must be cleaned and disinfected after each client.

3.3 The client's skin must be cleaned prior to piercing using a solution containing alcohol or wipes.

3.4 Only pre-sterilised single use studs from undamaged packaging may be used.

3.5 Studs must be opened immediately prior to use in front of the client.

3.6 There must be a written procedure for dealing with blood spillages. All staff must be made aware of this procedure.

3.7 There must be a written procedure for dealing with needle/ sharps injuries. All staff must be made aware of the procedure.

### **4.0 Training**

Only piercers approved and registered by the London Borough Bromley may carry out ear and nose piercing.

### **5.0 Cleaning and Sterilising of Equipment**

5.1 All surfaces that come into contact with staff equipment or clients must be disinfected daily.

5.2 Any surfaces used during treatments must be disinfected prior to use.

5.3 Any equipment that has been contaminated with blood however small must be cleaned and sterilized.

### **6.0 Aftercare**

6.1 Clients should be given verbal and written after care advice. This should also include advice of any possible complications.

## **7.0 Age**

7.1 Anyone under the age of 16 who wants their ear or nose pierced must be accompanied by a parent or guardian who must sign the appropriate consent forms.

## **8.0 Challenge 25 Policy**

Any person wishing to be massaged will need to provide proof of their age if they look under 25.

Licensees must advertise this policy so that all clients are aware that they may be challenged about their age if they look under 25.

Acceptable forms of ID are photo card driving licence, passport or the PASS hologram proof of age card. In addition Bromley Trading Standards have developed a **BIZ** proof of age card ( with PASS hologram) which has been issued to participating schools in the Borough.

Where a challenge is made, it must be recorded and proof age also noted on the client record card.

## **9..0 Use of Anaesthetics**

Only operators who have attended an appropriate course on use of topical anaesthetics will be permitted to use them. The use of anaesthetic injections are not permitted

## **10.0 Jewellery**

10.1 All jewellery which may come into contact with broken skin or mucosa membranes must be sterile.

10.2 All jewellery must be of a suitable grade e.g. surgical stainless steel, solid 14K or 18K gold, niobium, titanium, platinum, or dense low porosity plastic. This is to minimise the risk of allergic reaction, harbouring of bacteria or adhesion to newly formed skin. Grade 316 stainless steel does not comply with the Dangerous Substances and Preparations (Nickel) (Safety) Regulations 2000) and is not to be used.



## STANDARD CONDITIONS BODY PIERCING

### **1..0 Definitions**

#### **1.2 Body Piercing**

For the purposes of these conditions, body piercing is when a hole is made through the skin, and a piece of jewellery is put into the hole. These conditions do not include ear or nose piercing as they are covered by other conditions

### **2.0 Qualifications**

Body piercing may only be provided by persons, approved, registered and badged by the London Borough of Bromley

### **3.0 Client consultation**

3.1 A full client consultation must be carried out at the time of a first visit.

Does the client have:

- Eczema
- Psoriasis
- Haemophilia
- High/low blood pressure
- Epilepsy
- Diabetes
- Allergies

Is the client

- Taking medication or blood thinning agents

Where any of the above conditions exist, written consent from the clients GP must be given before any piercing is carried out.

3.2 Area to be pierced

3.3 Treatment plan

3.4 Date of piercing

3.5 Date of birth of the client

3.6 Proof and type of ID shown if client looks under 25

3.7 Record that aftercare advice/leaflet given

3.8 Name of piercer who carried out the treatment

3.9 This record should be signed by either the client/parent/guardian as a declaration of agreement to treatment having understood all the associated risks.

#### **4.0 Standard infection control procedures**

- 4.1 All piercers must be vaccinated against Hepatitis B. Proof must be available to an Authorised Officer on request.
- 4.2 There must be a written procedure for dealing with blood spillages . All staff must be made aware of this procedure.
- 4.3 Sharps Injury There must be a written procedure for dealing with needle/ sharps injuries. All staff must be made aware of the procedure.
- 4.4 All staff should wear protective clothing when piercing.
- 4.5 Single use disposable plastic aprons should be worn for each client.
- 4.6 Piercers should wear disposable single use vinyl or latex gloves whilst carrying out the treatment. This should be replaced for each client.

#### **5.0 Cleaning and Sterilising of Equipment**

- 5.1 All surfaces that come into contact with staff equipment or clients must be disinfected daily.
- 5.2 All needles must be single use and disposable..
- 5.3 Any surfaces used during treatments must be disinfected prior to use.
- 5.4 Any treatment chair/ couches must be disinfected after each client.
- 5.5 Any equipment that has been contaminated with blood however small must be cleaned and sterilized.

#### **6.0 Aftercare**

- 6.1 Clients should be given verbal and written after care advice. This should also include advice of any possible complications.

#### **7.0 Age**

- 7.1 Clients must be over the age of 18 for all types of body piercing other than ear, nose, Lip (labaret), eyebrow or navel.
- 7.2 Anyone under the age of 16 who wants ear, nose, lip, eyebrow or naval must be accompanied by a parent or guardian who must sign the appropriate consent forms.
- 7.3 Person's aged between 16 and 18 must provide identification which includes a photograph and date of birth. E.g. Passport or driving licence



## **8.0 Challenge 25 Policy**

Any person wishing to be massaged will need to provide proof of their age if they look under 25.

Licensees must advertise this policy so that all clients are aware that they may be challenged about their age if they look under 25.

Acceptable forms of ID are photo card driving licence, passport or the PASS hologram proof of age card. In addition Bromley Trading Standards have developed a **BIZ** proof of age card ( with PASS hologram) which has been issued to participating schools in the Borough.

Where a challenge is made, it must be recorded and proof age also noted on the client record card.

## **9.0 Use of Anaesthetics**

Only operators who have attended an appropriate course on use of topical anaesthetics will be permitted to use them. The use of anaesthetic injections are not permitted.

### **1.0 Jewellery**

10.1 All jewellery which may come into contact with broken skin or mucosa membranes must be sterile Only operators who have attended an appropriate course on use of topical anaesthetics will be permitted to use them. The use of anaesthetic injections are not permitted.

.10.2 All jewellery must be of a suitable grade e.g. surgical stainless steel, solid 14K or 18K gold, niobium, titanium, platinum, or dense low porosity plastic. This is to minimise the risk of allergic reaction, harbouring of bacteria or adhesion to newly formed skin. Grade 316 stainless steel does not comply with the Dangerous Substances and Preparations (Nickel) (Safety) Regulations 2000) and is not to be used.

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## STANDARD CONDITIONS ELECTROLYSIS / ELECTRICAL EPILATION

### 1.0 Definitions

#### Electrolysis or Electrical Epilation

For the purposes of these standard conditions, Electrolysis/ Electrical Epilation refers to a permanent method of hair removal using needle-like probes. Electrical Epilation works by passing a small amount of energy into the hair follicle through a very fine needle. This produces heat which destroys the cells that produce the hair at the base of the follicle. More than one treatment is necessary due to the fact that hair follicles have a specific growth cycle. There are four main methods of electrolysis

- Galvanism – the original form of electrolysis by direct current causing a chemical (as opposed to heat) reaction to take place in the follicle
- Diathermy: the use of short wave high frequency current which generates a small amount of heat within the hair follicle leading to cauterisation of the blood vessels which nourish hair growth
- Blend: a combination of diathermy and direct current (or galvanism)
- Laser/intense pulse light (IPL) hair removal introduces radiation that causes damage to the hair follicles.

### 2.0 Client consultation

2.1 A full client consultation must be carried out at the time of a first visit, prior to any treatment.

This is to include the following:

Medical history.

Does the client have

- Eczema
- Psoriasis
- Haemophilia
- Heat disorders/disorders
- High/low blood pressure
- Epilepsy
- Diabetes
- Allergies

Is the client:

- Taking medication or blood thinning agents
- Breast feeding
- Pregnant

Where any of the above conditions exist, written consent from the clients GP must be given before any electrolysis is carried out

2.2 Area to be treated

2.3 Treatment plan

2.4 Date of treatment

2.5 Date of birth of the client

2.6 Proof if ID shown where necessary

- 2.7 Explanation of the procedure involved
- 2.8 Record that aftercare advice/leaflet given
- 2.9 Name of therapist who carried out the treatment
- 2.10 This record should be signed by the client or parent/guardian as a declaration of agreement to treatment having understood all the associated risks.
- 2.11 Consultation records must be available for inspection by an authorised officer.
- 2.12 A record of subsequent treatments must be kept

### **3.0 Age**

Anyone under the age of 16 must be accompanied by a parent or guardian. The parent/guardian must sign a consent form at the time of the treatment.

### **4.0 Challenge 25 Policy**

Any person wishing to be massaged will need to provide proof of their age if they look under 25.

Licensees must advertise this policy so that all clients are aware that they may be challenged about their age if they look under 25.

Acceptable forms of ID are photo card driving licence, passport or the PASS hologram proof of age card. In addition Bromley Trading Standards have developed a **BIZ** proof of age card (with PASS hologram) which has been issued to participating schools in the Borough.

### **5.0 Standard infection control Procedures**

#### **5.1 Staff and client health**

Treatment must not be carried out on or within 10cms of an infected area of skin, a rash, cut or other wound.

#### **5.2 Blood Spillage**

There must be a written procedure for dealing with blood spillages.  
All staff must be made aware of the procedure

#### **5.3 Sharps Injury**

There must be a written procedure for dealing with needle/ sharps injuries.  
All staff must be made aware of the procedure.

#### **5.4 Protective clothing**

- All staff should wear protective clothing when carrying out the treatment.
- Single use disposable plastic aprons should be worn for each client.
- Therapists should wear disposable single use vinyl or latex gloves whilst carrying out the treatment. This should be replaced for each client.

## **6.0 Qualifications**

Only therapists approved and registered by the London Borough of Bromley can undertake electrolysis and advanced electrolysis.

## **7.0 Aftercare**

5.1 Clients should be given verbal and/or written after care advice

5.2 This should also include advice of any possible complications.

## **8.0 Information and Record keeping**

All records must be held on the premises and available for inspection by an authorised officer.

## **9.0 Use of Anaesthetics**

Only therapists who have attended an appropriate course on use of topical anaesthetics will be permitted to use them. The use of anaesthetic injections are not permitted.

## **10.0 Care Quality Commission**

Any therapist who undertakes laser hair removal must not do so unless the premises where the treatments are being offered have been registered and approved by the Care Quality Commission for the uses of the lasers.

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## **STANDARD LICENCE CONDITIONS SAUNA AND STEAM ROOMS**

### **1.0 Definitions**

Saunas consist of an insulated enclosure usually made of wood, together with heat generating equipment usually in the form of a heat-generating stove. Benches are provided within the sauna enclosure. Saunas provide a dry heat and the temperature may range from 85°C to 100°C for up to a 10 minute treatment

#### Steam room/bath

These consist of an enclosure made of an impervious material and steam generating equipment. They are designed to operate at temperatures of up to 50°C regulated by a thermostat with relative humidity of 80 to 100%. They produce a wet humid heat and are intended for indoor use. The treatment usually lasting 6 – 12 minutes .

### **2.0 Client consultation**

2.1 A full client consultation must be carried out at the time of a first visit, prior to any treatment.

This is to include the following:

#### Medical history

Does the client have:

- skin condition eg psoriasis/eczema
- High/low blood pressure
- Epilepsy
- Diabetes
- Allergies

Is the client:

- Taking medication or blood thinning agents
- Breast feeding
- Pregnant
- Suffer from heat disorders

Where any of the above conditions exist, written consent from the clients GP must be given before any electrolysis is carried out.

2.2 An explanation of the use of the sauna /steam room.

### **3.0 Cleaning disinfection and infection control**

#### 3.1 Cleaning

The sauna/steam room must be cleaned and disinfected each day, in accordance with manufacturer's instructions and with cleaning materials specified by the manufacturer.

#### **4.0 Age**

Only clients over the age of 16 are permitted to use a sauna/steam room.

#### **5.0 Challenge 25 Policy**

Any person wishing to be massaged will need to provide proof of their age if they look under 25.

Licensees must advertise this policy so that all clients are aware that they may be challenged about their age if they look under 25.

Acceptable forms of ID are photo card driving licence, passport or the PASS hologram proof of age card. In addition Bromley Trading Standards have developed a **BIZ** proof of age card ( with PASS hologram) which has been issued to participating schools in the Borough.

#### **5.0 Qualifications**

Only Therapists approved and registered by the London Borough Bromley can operate / be in control of a sauna and steam room.

#### **6.0 Record Keeping.**

All records must be kept and made available to an authorised officer.



## **STANDARD CONDITIONS FOR SPA POOLS AND JACUZZIS**

### **1.0 Definitions**

1.1 Spa Pool and Jacuzzi - for the purpose of these standard conditions a spa pool/ jacuzzi is defined as a pool full of warm water at approximately body temperature, designed for sitting in rather than swimming. It has jets of water, or air bubbles or combination of both to provide a warm water massage.

### **2.0 Qualifications**

Only therapists approved by the London Borough or Bromley are able to control spa pool /Jacuzzi use.

### **3.0 Health and Safety Procedures**

3.1 For the management of Spa pools/Jacuzzis all operators must refer to the Health and Safety Executive Approved Code of Practice and Guidance L8, "The Control of Legionella Bacteria in Water Systems".

3.2 Records must be available for inspection by an authorized officer of the free chlorine levels and the pH levels of the spa

3.3 The licensee must be able to demonstrate that the microbiological quality of the spa pool water complies with the PHLS 1994 guidance on Hygiene for Spa Pools. (Currently being revised by HPA and the HSE)???

3.4 The licensee must have a written policy of action to be taken in the event of an unsatisfactory microbiological result or other health concerns associated with use of the pool.

3.5 There must be a non-verbal alarm system in the vicinity linked to a manned reception area for summoning help when users are left unattended. The alarm should continue to sound until it is manually switched to the 'off' position in order to silence it. The user must be made aware of the alert mechanism and how to use it.

3.5 The licensee shall have a written policy detailing the action to be taken in the event of the alert mechanism being used. This shall be communicated to all relevant personnel.

3.6 All equipment shall be of sound mechanical construction and regularly maintained. Records of maintenance should be held for inspection by authorised officers

3.7 The electrical safety, including the adequate earthing and insulation of all equipment, should be examined periodically by a qualified engineer who should report in writing the result of his inspection. Equipment must be regularly serviced in accordance with the manufacturers instructions and a record of such services and copies of the electrical

engineers report must be kept on the premises for inspection if required. In accordance with the latest IEE (institute of Electrical Engineers) requirements.

3.8 The licensee shall have a written procedure detailing steps taken to ensure the maximum bather load for the facility is not exceeded.

3.9 A notice providing information on the use of the spa pool must be clearly displayed near each unit.

3.10 A rest area for users should be provided.

3.11 The spa pool must be emptied and refilled at regular intervals in accordance with the manufacturers guidance and usage but in any event at least every week

3.12 The water circulation system must be run for a minimum of 3 hours/day and preferably continuously.

3.13 Water jets must be operated for a minimum of 1 hour/day.

3.14 The pool must be drained and refilled if left unused for 5 days or more.

#### **4.0 Client Consultation Procedures**

All clients must complete a client consultation card before their first use of the spa pool to ascertain any issues for concern. These would include:

- a.) Currently Pregnancy
- b.) Suffering from heart disease, circulatory problems, high or low blood pressure
- c.) Diabetes
- d.) Suffering from infectious skin disease, sores and wounds
- e.) Taking antihistamines, anticoagulants, vasoconstrictors, vasodilators, stimulants, hypnotics, narcotics or tranquillisers or any other medication which makes the therapist or licence holder unsure as to the advisability of using the spa pool.
- f.) Have consumed a heavy meal within one and a half hours
- g.) Have consumed alcohol within one and a half hours.

If the client has answered yes to any of these then they should be advised to consult their GP before using the spa/Jacuzzi.

#### **5.0 Record Keeping**

5.0 All records required in 3.0 must be made available to an authorized officer .

5.1 Client consultation records must be held on the premises and be available for inspection by an authorised officer.

5.2 Daily, weekly, monthly and periodical check records must be available for inspection by an authorised officer.

5.4 Maintenance and electrical safety records must be available for inspection by an authorised officer.

## **6.0 Age**

No one under the age of 16 must be allowed to use the spa/Jacuzzi .

## **7.0 Challenge 25 Policy**

Any person wishing to be massaged will need to provide proof of their age if they look under 25.

Licensees must advertise this policy so that all clients are aware that they may be challenged about their age if they look under 25.

Acceptable forms of ID are photo card driving licence, passport or the PASS hologram proof of age card. In addition Bromley Trading Standards have developed a **BIZ** proof of age card ( with PASS hologram) which has been issued to participating schools in the Borough.

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# Agenda Item 8

Report No.  
ES 10058

London Borough of Bromley

Agenda  
Item No.

PART 1 - PUBLIC

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**Decision Maker:** General Purposes & Licensing Committee

**Date:** 7 April 2010

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

**Title:** **RESPONSE TO DCMS CONSULTATION ON PROPOSALS TO EXEMPT SMALL LIVE MUSIC VENUES FROM LICENSING**

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

**Chief Officer:** Nigel Davies - Director of Environmental Services

**Ward:** All

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1. Reason for report

To report on action taken in respect of consultation by the Department of Culture Media and Sport (DCMS) proposing that small live music venues be exempt from the provisions of the Licensing Act 2003.

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2. **RECOMMENDATION(S)**

**Members are asked to note the response to opposing the proposal to exempt small live music venues from the licensing requirement of the Licensing Act 2003, as indicated in the letter in Appendix 1.**

### Corporate Policy

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

### Financial

1. Cost of proposal: No cost
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Public Protection
  4. Total current budget for this head: £3.5m
  5. Source of funding: Existing revenue budgets
- 

### Staff

1. Number of staff (current and additional): 62 ( Licensing Service 8)
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: No statutory requirement or Government guidance.
  2. Call-in: Call-in is not applicable.
- 

### Customer Impact

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

### Ward Councillor Views

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

### 3.0 COMMENTARY

- 3.1 The DCMS published a consultation document seeking views on proposals to exempt small live music venues from the requirements of the Licensing Act 2003.
- 3.2 Consultation closed on 26 March 2010 before these proposals could be considered by this Committee. To ensure that Bromley responded in time, officers met with the Chairman and Vice-Chairman, considered the proposals and drafted a response.
- 3.3 This report sets out the background to the proposals and the agreed response (Appendix 1).

### 4.0 Background

- 4.1 The Licensing Act 2003 replaced and consolidated several different licensing regimes. Live music was licensed under the Public Entertainment Licence (PEL) regime, except for performances of 2 musicians or fewer ('2 in a bar') which were exempt. In many ways, the Act had some positive benefits for live music, such as removing the need to have a separate permission and the requirement for routine annual renewals of licences.
- 4.2 However, there were concerns about the impact of the Act on live music and in 2005, shortly after the Act came into force, the Government set up an independent panel - the Live Music Forum - to monitor and evaluate the impact of the Act on the performance of live music. The Forum was chaired by Feargal Sharkey and included members from key bodies across the music industry and non-commercial sectors, together with local and national government, the Arts Council England and the hospitality trade.
- 4.3 The Forum found that although the Act had a 'broadly neutral' impact on live music, there was some evidence of over zealous enforcement and lack of clarity about the legislation which had on occasion 'brought about an unwelcome and unwarranted impact on very small scale live music events (see [http://www.culture.gov.uk/reference\\_library/publications/3650.aspx](http://www.culture.gov.uk/reference_library/publications/3650.aspx)) .
- 4.4 Research carried out by MORI for the Forum also found that 29% of smaller establishments that had operated without a public entertainment licence (but used the 2 in a bar exemption to put on live music) did not apply for live music provision when the Act came into force. The Forum recommended, amongst other things, that musical activity attracting less than 100 people should be exempt from the Act
- 4.5 Live music groups and campaigners have continued to express concerns about the impact of the Act on small live music venues. The House of Commons Culture, Media and Sport Committee, in its 6th report of sessions, also found some anecdotal evidence that live music in smaller venues was decreasing and recommended an exemption for venues with a capacity of 200 or fewer from the Act.
- 4.6 As a result the Government has returned again to the subject of exemptions. However, there were serious concerns of local authorities, residents and the police to be taken into consideration and for this reason the Government finally proposed to exempt only events performed for audiences of no more than 100 people and to include a power to revoke an exemption at a specific premises if there are problems arising from the live music events.

<b>Non-Applicable Sections:</b>	<b>POLICY IMPLICATIONS</b>
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	<b>FINANCIAL IMPLICATIONS</b> <b>LEGAL IMPLICATIONS</b> <b>PERSONNEL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	DCMS Proposal to exempt small live music events from the Licensing Act 2003



020 8313 4216  
paul.lehane@bromley.gov.uk

Our Ref: ehts/co/pml

12 March 2010

Shelly Mickleburgh  
Licensing Team  
Sport and Leisure Directorate  
2-4 Cockspur Street  
London SW1Y 5DH

Dear Madam

Consultation – Proposals to Exempt Small Live Music Events from the Licensing Act 2003

I am responding to this consultation proposal on behalf of Councillors Tony Owen and Brian Toms who are chairman and vice chairman of the council's General Purposes and Licensing Committee.

- 1.The council supports the aim of encouraging and supporting the provision of live music in a wide range of suitable venues. It does not support the proposals set out in this paper as being the most appropriate way to achieve this whilst maintaining proportionate control of such events to ensure the promotion of the licensing objectives
- 2.The licensing regime introduced by the Licensing Act 2003 started as being relatively simple. The introduction of further changes risks making the scheme more complex and confusing for all concerned.
- 3.Serious problems with noise result from a high level of amplification and inadequate fabric of the event building. Venue and audience size are not the determining factors.
- 4.In Bromley the current scheme of licensed premises and TENs works very well. It is precisely because small venues are required to be licensed that we do not have many complaints about them. In assessing licence applications colleagues in environmental health department assess the premises and where necessary make appropriate representations. Licensing sub-committees can then seek appropriate conditions if they feel they are necessary.
- 5.In our view the prevention of public nuisance and crime and disorder through the licensing process is preferable to reacting to problems afterwards using alternative legislation.
- 6.The possession of a licence and its possible loss acts as an incentive to operate responsibly. This would not necessarily be the case if small live music events were exempt
- 7.The TENs procedure is perfectly adequate for the occasional staging of small live musical events. Premises seeking to operate for more than the permitted number of occasions should surely require to be fully licensed. The scale of operation must raise concerns about the

potential for public nuisance and crime and disorder which are most appropriately considered through the licensing regime.

8. There may be some scope for reviewing the fees for TENs in respect of live music only events
9. The TENs procedure also allows colleagues in environmental health department time to contact event promoters and provide advice and guidance in advance of the event. This ensures that appropriate controls are in place to minimise noise nuisance. The exemption of small live music events would remove this opportunity to make timely supportive interventions
10. We also question the commercial benefits of exempting live music as a discrete item when most events involving the provision of entertainment also involve the sale of alcohol which will still require a licence or TEN.
11. We see little merit in venues already holding a licence, with conditions relating to larger scale events, being able to operate without the benefit of those conditions for smaller events. If the measures are already in place they will ensure the promotion of the licensing objectives for smaller events as well as larger ones. We agree with the general observation that completely inappropriate conditions could be varied in respect of certain type of event / audience size using the minor variations procedure as it currently stands.

Yours sincerely

Paul Lehane

Head of Service Food Safety, Occupational Safety and Licensing

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Report No.  
ES 10057

London Borough of Bromley

Agenda  
Item No.

## PART 1 - PUBLIC

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**Decision Maker:** General Purposes & Licensing Committee

**Date:** 7 April 2010

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

**Title:** LICENSING SERVICE - WORK PLAN FOR 2010 / 2011

**Contact Officer:** Paul Lehane, Head of Food Safety Occupational Safety & Licesning  
Tel: 020 8313 4216 E-mail: paul.lehane@bromley.gov.uk

**Chief Officer:** Nigel Davies Director of Environmental Services

**Ward:** All

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1. Reason for report

To inform Members of major work areas for the Licensing Service for 2010 to 2011 and seek views and suggestions for priorities on other work

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2. **RECOMMENDATION(S)**

**Members are asked to**

1. **Approve the commitment of the Licensing Service to the following work areas in 2010 / 2011**

- a. **Review the Statement of Licensing Policy**
- b. **Run the Best Bar None Scheme**
- c. **Introduce an approved therapist scheme for Special Treatment Premises**
- d. **Development of On-Line Licensing capability**

2. **Seek guidance on the priorities of other work streams**

- a. **Club Licence Conditions.**
- b. **Review of Animal Welfare Licence Conditions**
- c. **Routine visits to all licensed premises (Licensing Act 2003)**
- d. **Noise limiter checks**
- b. **Member suggestions**

### Corporate Policy

1. Policy Status: Existing policy. Licensing Policy 2008 to 2011 and Gambling Policy 2010 to 2013
  2. BBB Priority: Safer Bromley. Vibrant Thriving Town Centre
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: <please select>.
  3. Budget head/performance centre: Clive Davison - Public Protection
  4. Total current budget for this head: £3.5m
  5. Source of funding: Existing Revenue Budgets
- 

### Staff

1. Number of staff (current and additional): 62 ( Licensing Service 8)
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: No statutory requirement or Government guidance.
  2. Call-in: Call-in is not applicable.
- 

### Customer Impact

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

### Ward Councillor Views

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

### 3. COMMENTARY

Annual work plans for the Trading Standards, Food Safety and Health and Safety service areas are presented to the Community Safety & Public Protection Portfolio Holder for approval. This is a statutory requirement.

This approach has not been adopted so far for the Licensing Service but it is good practice and enables Members of the Committee to have greater role in determining the targets and priorities of the Service.

Members are most involved in hearings under the Licensing Act 2003 and Gambling Act 2005 but the service covers a much wider remit including -

- a. Animal Welfare (Pets shops, Zoos, Animal boarding, Dog Breeding, Riding Establishments and Dangerous Wild Animals) and through the Corporation of London Veterinary Service animal health and welfare on farms and small holdings.
- b. Special Treatments (Massage, saunas, sun beds, tattooing, body piercing & manicure / pedicure etc).
- c. Occasional Sales ( boot fairs)
- d. Sex Establishments. (sex shops & lap dancing) – Committee have adopted a policy on the number and location of sex establishments and a report will be brought to the next committee on changes in law relating to lap dancing.
- e. Safety at Sports Grounds

Much of the team's work is in response to applications and dealing with routine renewals. Investigating complaints is a significant part of the work but there is an element that can be planned and it is in this area that Members views and suggestions are sought.

A number of work areas have been identified that the service is committed to or are possible in the year ahead (April 2010 to March 2011).

#### **Committed Areas of work**

##### **A. Review of Statement of Licensing Policy. ( Licensing Act 2003)**

The statutory review of the Councils Statement of Licensing Policy is due this summer / autumn ready for adoption by Full Council before 7 January 2011. The new policy comes into effect on 7 January 2011 for the next three year period.

Members will in due course be asked for their comments on the existing policy and for any suggestions for changes. In particular the need to continue with the Cumulative Impact Areas in Bromley and Beckenham.

##### **B. Best Bar None Scheme**

The Service will be running the Best Bar None scheme for the second year following the successful pilot last year. The scheme recognises well run and responsibly licensed businesses who attain the Best Bar None standard. This year the scheme will be operated in Bromley Town Centre and Beckenham. The scheme is promoted as part of the Community Safety Team's initiatives for safer town centres and is funded by the Safer Bromley Partnership.

### **C. Special Treatment Approved Therapist Scheme**

As outlined in the report to this Committee Item No ES 10068 it is proposed to introduce a scheme for the approval of all therapists providing licensable treatments under the Special Treatments provisions of the London Local Authorities Act 1991.

### **D. Development of On-Line Licensing capability.**

It is planned to continue to develop the capability for licence applications to be made On-Line by extending the range of areas available. This is in support of the European Services Directive 2006

### **Suggested Work Areas**

Member's views are invited on the following areas of work. Subject to resources and workload it is suggested that two of the work areas below could be accommodated by the Licensing Service in addition to those listed above.

#### **E. Club Licence Conditions**

A number of Clubs have been found to have altered their club rules and changed their style of operation to the extent that a Premise Licence would be more appropriate. It is planned to visit all clubs to review their club rules and ensure they are compliant with the Licensing Act 2003.

#### **F. Review of Animal Welfare Licence Conditions**

The Animal Welfare Act 2006 will increasingly bring about changes in the scope of the licensing services involvement with animal welfare and licensing. It is proposed to review the licensing conditions for the existing functions to ensure they are suitable for the purposes of the Act and in preparation for the development of work area as new requirements are introduced. This work will result in a Report to this Committee to approve the standard condition

#### **G. Routine visits to all licensed premises ( Licensing Act 2003)**

Over 800 premises are licensed by the Council and many do not have any regular contact with the Licensing Service. This work plan would establish an area based approach in which all businesses were visited in a supportive and advisory capacity

#### **H. Noise limiter checks**

Where premises have a noise limiter device it is essential that it is installed maintained and operated properly to ensure it is effective. It is planned to visit all premises where noise limiters are installed by way of licence conditions and check they are functioning properly.

#### **I. Areas of concern to Members**

Members are invited to suggest any other work areas that they feel should take a higher priority.

## **4. POLICY IMPLICATIONS**

The Council is required to adopt policies under the Licensing Act 2003 and the Gambling Act 2005. Committed work themes A ( Review of Licensing Policy) and B ( Best Bar None Scheme)

E (Club Licence Conditions) G (Routine visits to licence premises and H (Noise limiter checks ) support the aims of the Licensing Act 2003 policy

**5. FINANCIAL IMPLICATIONS**

None. Work will be undertaken within existing resources,

**6. LEGAL IMPLICATIONS**

The Council is responsible for the administration and enforcement of a number of licensing / registration schemes. Our general enforcement policy and the Enforcement Concordat require our approach to enforcement to be

- 1. Targeted
- 2. Proportional
- 3. Transparent
- 4. Consistent

Members consideration of the work Plans will support these principals

<b>Non-Applicable Sections:</b>	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]

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Report No.  
LDCS10062

London Borough of Bromley

Agenda  
Item No.

## PART 1 - PUBLIC

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**Decision Maker:** General Purposes and Licensing Committee

**Date:** 7 April 2010

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

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

**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

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1. Reason for report

- 1.1 To agree nominees for appointment as Honorary Aldermen for consideration at the special meeting of the Council to be held on 19<sup>th</sup> May 2010.
- 

2. **RECOMMENDATION(S)**

- 2.1 **That the individuals listed in Appendix 2 to this report (former Councillor Mrs Ingrid Buckley, Councillor Mrs Jenny Hillier, Councillor Mrs Carole Hubbard, Councillor Gordon Jenkins, former Councillor Maurice Kenward and former Councillor Arthur Wilkinson) be nominated to the Council for appointment as Honorary Aldermen.**

### 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 the linking of the Appointment Ceremony 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 Council 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 The Council on 17<sup>th</sup> March 2008 approved the Scheme of Enrolment of Honorary Alderman. A copy of the Scheme is attached to this report (Appendix 1). The first appointments as Honorary Aldermen in Bromley had been made and celebrated at a Special Council Meeting held on 23<sup>rd</sup> June 2008.
- 3.2 It had subsequently been agreed that, in the lead up to the 2010 Local Elections, consideration would be given as to whether or not further appointments should be made as Honorary Aldermen.
- 3.3 At the last meeting of this Committee (Minute 111 – 16.2.10) it was agreed that, inter alia,
- “(i) further nominations be invited from the three Party Groups for the appointment of Honorary Aldermen, the nominations to be submitted to the Chairman (or the Director of Legal, Democratic and Customer Services);
  - (ii) the five-Member Working Group (based on proportionality) comprising Councillors Canvin, Getgood, Owen, Toms and Wells be reappointed to consider nominations for the conferment of the title of “Honorary Alderman” and to make recommendations thereon to this Committee’s meeting on 7<sup>th</sup> April 2010;
  - (iii) the Party Group Leaders may agree (acting jointly) further nominations to be submitted to the Director of Legal, Democratic and Customer Services following the Council Elections, if necessary;
  - (iv) the Appointment Ceremony of Honorary Aldermen for the Municipal Year 2010/11 be held at a special meeting of the Council convened immediately before the Annual Council Meeting on 19<sup>th</sup> May 2010”.
- 3.4 The Member Working Group met on 9<sup>th</sup> March 2010 and identified the nominations set out in Appendix 2 to this report as being individuals who merit nomination for appointment as Honorary Aldermen. The Working Group had also included Councillor Bloomfield amongst the list of nominees but, since the meeting, it has become apparent that Councillor Bloomfield will be standing in the forthcoming Local Elections and, therefore, in accordance with paragraph 3.2 of the Scheme, is ineligible, for the time being, to be considered for the position of “Honorary Alderman”. Councillor Jenkins was also included amongst the list of possible nominees subject to it being ascertained that he will not be contesting any local elections in 2010, and confirmation of this position has subsequently been received.
- 3.5 All nominees have indicated that they would accept appointment as Honorary Aldermen and all have rendered eminent service to the Borough whilst serving as Councillors.

### **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.

<b>Non-Applicable Sections:</b>	Personnel Implications
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.

**NOMINATIONS FOR APPOINTMENT  
AS HONORARY ALDERMEN**

<b>NAME</b>	<b>LENGTH OF SERVICE AS A COUNCILLOR</b>	<b>POSITIONS HELD</b>
Mrs Ingrid A Buckley	May 1994 – May 2006 Represented Bickley Ward	Mayor; Deputy Mayor
Mrs Jenny Hillier	July 1974 – May 2010 Represented Farnborough/Farnborough and Crofton Ward	Mayor; Deputy Mayor; Deputy/Acting Leader of the Council
Mrs Carole Hubbard	March 1992 – May 2010 Represented West Wickham North/West Wickham Ward	Mayor
Gordon Jenkins	April 1996 – May 2010 Represented Bickley Ward	Chairman of Development Control Committee
Maurice B Kenward	May 1967 – March 1985 Represented Bickley Ward	Mayor; Chairman of General Purposes/Recreation/Social Services Committees
Arthur J Wilkinson	May 1974 – May 1990 Represented Plaistow and Sundridge Ward	Deputy Mayor; Chairman of Finance and Staff (Scrutiny)/ Social Services Committees

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## **INVESTMENT SUB-COMMITTEE**

Minutes of the meeting held on 2<sup>nd</sup> February 2010

### **Present**

Councillor Brian Toms (Chairman)  
Councillor Peter Morgan (Vice-Chairman)  
Councillors Julian Grainger, Russell Mellor and Ernest Noad

Councillor Eric Bosshard was also present

### **21 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**

An apology for absence was received from Councillor Reg Adams.

### **22 DECLARATIONS OF INTEREST**

Councillors Eric Bosshard, Julian Grainger, Russell Mellor and Ernest Noad declared a personal interest as members of the Local Government Pension Scheme.

Councillor Noad declared a personal interest in relation to item 9 (Trial Asset Allocation Service) and did not participate in the discussion thereon.

### **23 MINUTES**

**RESOLVED that the Minutes of the meeting held on 3<sup>rd</sup> November 2009, excluding those containing exempt information, be confirmed.**

### **24 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS**

The action which had subsequently been taken in relation to the Pension Fund Annual Report 2008/09 (Minute 16 – 3.11.09) was noted. A further report updating Members in relation to the Future Asset Allocation Options (Minute 20 – 3.11.09) was to be considered in the confidential part of the Sub-Committee's meeting.

### **25 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions had been received.

**26 PENSION FUND PERFORMANCE**  
**Report DR10014**

The Sub-Committee considered a report received from the Director of Resources detailing the investment performance of Bromley's Pension Fund for the first three quarters of the financial year 2009/10. Information was also provided on general financial and membership trends of the Pension Fund and in relation to early retirements during the year.

Notwithstanding the fluctuations which had occurred in recent years in the total market value of Bromley's Fund, there had been a steady improvement in the total value until the turmoil in the financial markets in the latter half of 2008/09. However, since the fall in the fund value to £298.1m at 31<sup>st</sup> March 2009, there had been a marked improvement in the first three quarters of 2009/10 whereupon the fund value had risen from £324m at 30<sup>th</sup> June 2009 to £408m as at 31<sup>st</sup> December 2009. The latest fund value at the date of this meeting had shown a slight decrease to £402m.

In the September 2009 quarter, Bromley's Fund had achieved an overall ranking of 1% and had been the best performing fund in the local authority universe. This had followed a good ranking of 11% in the June 2009 quarter. Local authority averages for the December 2009 quarter were not yet known and would be reported to the Sub-Committee's next meeting.

In examining the last quarterly performance, Members noted that Baillie Gifford had performed better than Fidelity, having returned 4.8% in the December quarter (1.9% above benchmark) and had achieved a cumulative return of 38.7% in the period 1<sup>st</sup> April 2009 to 31<sup>st</sup> December 2009 (5.8% above their benchmark). This compared with Fidelity having returned 3.8% in the December quarter (1.0% above benchmark) and having achieved a cumulative return of 34.9% in the first three quarters of the year (4.2% above their benchmark). Baillie Gifford's performance in the last year (+ 27.3%) was now better than Fidelity's (+ 26.2%), although Fidelity's three and five year performance (+ 5.8% and + 9.0%, respectively) was still better than Baillie Gifford's (+ 5.0% and 8.8%, respectively).

The Director of Resources' representative informed the Sub-Committee that Bromley's Pension Fund had recently won a "Local Government Chronicle" award for the best performance and return on equities of all pension funds over the past three years. Members considered that this achievement reflected the strategy and direction provided by this Sub-Committee and also acknowledged the performance of the fund managers over this period. The Director of Resources was requested to ensure that all members of staff were made aware of the performance of the Pension Fund. Members also requested that the report to the Sub-Committee's next meeting

should provide details, in graph form, on the absolute performance of the fund in terms of purchasing power in comparison with either the retail price index or index-linked gilt indices and showing whether or not the fund's growth had occurred entirely as a result of the Council's injection of investments since 2002.

Members were reminded that the next full actuarial valuation of the fund would take place as at 31<sup>st</sup> March 2010 and that the officers were due shortly to meet with representatives of the Council's Actuary to discuss their approach to the valuation. The Chairman felt that, in view of the financial benefits which could accrue to the Council, an extension of the deficit recovery period was worth considering. A report on the latest actuarial valuation of the fund and setting out the Council's contribution for the three years from 2011/12 would be submitted to this Sub-Committee in November 2010.

**RESOLVED that**

**(1) the report of the Director of Resources and present position be noted; and**

**(2) details be included in the report submitted to the next meeting showing the absolute performance of the fund in comparison with the retail price index or index linked gilt indices.**

**27 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**

**28 EXEMPT MINUTES – 3<sup>rd</sup> NOVEMBER 2009**

The exempt Minutes of the meeting held on 3<sup>rd</sup> November 2009 were confirmed, subject to minor amendment.

**29 TRIAL ASSET ALLOCATION SERVICE**

Further to Minute 20 (3.11.09), the Sub-Committee considered details of the latest performance regarding Bromley's trial Asset Allocation Service operated by AEGON Asset Management and agreed that further discussions thereon should continue and that representatives of that Company should be invited to attend the next meeting.

**30 PENSION FUND - INVESTMENT REPORT**

The Sub-Committee noted the reports on Investment Performance. Representatives from Fidelity attended the meeting and answered various questions from Members.

Chairman

The meeting started at 6.30 pm and ended at 8.21 pm.

## APPEALS SUB-COMMITTEE

Minutes of the meeting held on 26<sup>th</sup> February 2010

### Present

Councillors Tony Owen, Charles Rideout and Mrs Brenda Thompson

#### 1 APOINTMENT OF CHAIRMAN

**RESOLVED** that Councillor Tony Owen be appointed Chairman of the meeting.

(Councillor Tony Owen 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 APPEAL: Ms AH.

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 2<sup>nd</sup> March 2010 at 10.00 am in Bromley Civic Centre.**

Chairman

The meeting started at 2.00 pm and adjourned at 5.25 pm.

## **APPEALS SUB-COMMITTEE**

Minutes of the meeting held on 2<sup>nd</sup> March 2010 (continuing from the adjourned meeting held on 26<sup>th</sup> February 2010)

### **Present**

Councillors Tony Owen (Chairman), Charles Rideout and Mrs Brenda Thompson

**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 the view of the nature of 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 APPEAL: MS AH**

Further to Minute 5 (26.2.10), 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 the decision of the Director of Adult and Community Services, taken on 9<sup>th</sup> December 2009, to uphold the decision by the Assistant Director, Care Services to terminate Ms AH's employment with the London Borough of Bromley with effect from 3<sup>rd</sup> September 2009, be upheld and the appeal be rejected.

Chairman

The meeting started at 10.00 am and ended at 4.40 pm.

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## LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held on 10<sup>th</sup> March 2010

### Present:

#### Employer's Side

Councillor Russell Mellor (Chairman)  
Councillor Reg Adams  
Councillor Nicholas Bennett JP  
Councillor Stephen Carr  
Councillor Peter Fookes  
Mrs Carole Hubbard  
  
Councillor Peter Morgan  
Councillor Tony Owen

#### Staff Side and Departmental Representatives

Mrs Kathy Smith (Unison)  
(Vice-Chairman)  
Mr Peter Beckett (Resources Dept)  
Mr Richard Harries (Unison)  
Mr Adam Jenkins (Unison)  
Mr Glenn Kelly (Staff Side Secretary)  
Mr David Lambert (Environmental Services)  
Mr Max Winters (C&YP)  
Mr Geoff Wright (A&CS)

### **23 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**

Apologies for absence were received from Councillors Eric Bosshard and Gordon Jenkins. Councillor Nicholas Bennett JP attended the meeting as the alternate for Councillor Bosshard.

### **24 DECLARATIONS OF INTEREST**

Councillors Nicholas Bennett JP, Mrs Carole Hubbard, Russell Mellor and Tony Owen as members of the Council's Pension Fund and Councillor Nicholas Bennett JP as a member of a separate public sector pension scheme and in relation to the Parliamentary Pension Scheme, declared personal interests.

### **25 MINUTES: 2<sup>ND</sup> DECEMBER 2009**

**RESOLVED that the Minutes of the previous meeting held on 2<sup>nd</sup> December 2009 be confirmed as a correct record.**

### **26 MATTERS ARISING FROM THE LAST MEETING: UPDATES**

Since the Committee's last meeting, discussions had been held between the Assistant Chief Executive (HR) and representatives of the

*LOCAL JOINT CONSULTATIVE COMMITTEE*  
*10<sup>th</sup> March 2010*

Staff/Union Side on a number of outstanding issues and the various outcomes were reported as follows:

(i) Review of Post-Retirement Working Policy (Minute 16)

Further to the legislation which had been introduced in 2006 enabling a worker to carry on working past the age of 65, the Assistant Chief Executive (HR) had agreed to provide a departmental breakdown of the staff requests which had been received and an analysis of the 20% of those requests that had been refused. The Assistant Chief Executive (HR) had also agreed to review the wording of paragraph 4 of the existing policy to make it clear that the examples it contained did not amount to criteria; this review would await anticipated changes to the current legal framework.

(ii) Early Retirement Payments – Added Years (Minute 17)

At the last meeting, the Staff Side had requested a clear and transparent policy and procedure with appeal rights for staff and a robust monitoring system to ensure consistency of application in relation to those staff aged 50 or over (to be increased to 55 or over after 1<sup>st</sup> April 2010) who were to be made redundant and were entitled to apply for early retirement instead of a redundancy payment. It was reported that the Assistant Chief Executive (HR) and the Staff Side had agreed that, in a potential redundancy situation, the right of the employee to request the award of discretionary added years needed to be considered, including the costs. It had also been agreed that further discussions would take place around the various options for achieving this and the timing. Information would be maintained and an analysis of any future decisions would be shared with the Staff Side.

(iii) Ill-Health Retirement Pension Levels (Minute 18)

The Staff Side had previously sought a clear, agreed policy and process relating to the award of the level of pension so that staff were aware of the decision and appeal process. Following changes to the Pension Regulations, the Assistant Chief Executive (HR) had agreed a modification to the procedure for ill-health retirement. This would ensure that an employee had the opportunity to make representations prior to a decision about the level of any pension enhancement being taken.

(iv) Childcare Voucher Scheme (Minute 19)

At the last meeting, the Committee had agreed to explore the possible extension of the Childcare Voucher Scheme to staff who worked in schools. The Assistant Chief Executive (HR) reported that discussions were still to be held with Head Teachers over the possible extension of this Scheme to school staff. However, both the Assistant Chief Executive (HR) and the Staff Side Secretary acknowledged that, since the Government had recently deferred plans to remove the tax exemption on childcare vouchers from 2011, the resolution of these discussions was less urgent.

(v) Council Finance (Minute 20)

Further to the Committee's request at the last meeting, discussions had been held with the Chief Executive as to the means of disseminating to staff the Council's position in relation to the current financial situation. The Assistant Chief Executive (HR) had subsequently advised the Staff Side that the Chief Executive was using his "Doug's Page", the e-bulletin (Inform) and the Managers' briefing sessions to regularly update staff on the Council's financial position and challenges. The next Borough-wide staff road shows would also be used by the Chief Executive for this purpose.

(vi) Redeployment Procedure: Salary Protection on Redeployment to a Lower Grade

It was reported that the Assistant Chief Executive (HR) had agreed that cases which existed outside the Council's agreed salary safeguarding policy would be considered on their respective merits.

**RESOLVED that the outcome of the discussions between the Assistant Chief Executive (HR) and representatives of the Staff/Union Side in relation to the above issues be noted.**

**27 COUNCIL FINANCE**

In the discussion on this item at the last meeting (Minute 20), the Staff Side had sought assurance over the impact on staff and frontline services arising from the £3m savings in the staffing budget and had understood that this figure would be met by the early retirement of some senior staff and the deletion of vacant posts. However, the Staff Side Secretary drew attention to the reorganisation of the Property Division which he contended proposed the removal of 14 out of the 17 posts in a certain area

*LOCAL JOINT CONSULTATIVE COMMITTEE*  
*10<sup>th</sup> March 2010*

of the Division. He enquired as to whether these reductions formed part of, or were additional to, the £3m savings and to whether further redundancies could be expected and, if so, as to how they were to be handled. He expressed concern at the impact of the reductions in the Property Division on Health and Safety issues and in relation to capital projects for schools.

In response, the Assistant Chief Executive (HR) indicated that there were 58/60 FTE posts in the Property Division and that any redundancies would be subject to effective consultation, although he was not aware of the 80% reductions in any particular area as referred to by the Staff Side Secretary. He indicated that further redundancies might result from the £3m savings package and offered to discuss with the Staff Side Secretary as to how this would be managed through the consultation process.

The Leader of the Council confirmed that the reorganisation of the Property Division had always formed part of the £3m savings but felt that some of the 14 posts to be removed, as referred to by the Staff Side Secretary, comprised posts that were already vacant. The Leader stated that the overall deletion of 28 posts, together with some early retirements, made up the £3m staff savings.

**RESOLVED that further discussions be held between the Assistant Chief Executive (HR) and the Staff Side in relation to potential redundancies resulting from the £3m staff savings.**

**28 PAY AWARD 2010**

The Staff Side indicated that the local government employers had refused to make any pay offer to Council workers for this year despite a current inflation rate of over 3% and wished to know why Bromley Council was supporting this position. The Staff Side Secretary contended that the Council had the necessary financial provision for a pay award to be made and, in addition, referred to the savings which it had made last year from the award to non managerial staff having been at half the level for which had been budgeted. Mindful that approximately 70% of the staff lived in the Borough, he pointed out that a reduction in their level of income would have a knock-on effect for the local economy. He also reminded the Committed that last year managerial staff received twice (2%) the level of pay award received by non managerial staff (1%) and, as far as this year was concerned, questioned whether the contracts relating to the pay award for managerial staff would prevent a pay freeze from being applied to them.

The Member who represented this Council in the consideration of such matters by London Councils indicated that, collectively, London Councils had felt that a 0% increase (not a pay freeze) was appropriate in the current

financial circumstances. He indicated that, mindful of the impact on the Council's wage bill of annual increments and the repercussions of the Single Status Agreement, together with the £20m contribution which had been made to the Pension Fund, this Council had supported that approach. It was also noted that the Council had frozen Members' Allowances for 2010/11.

**RESOLVED that the present position be noted.**

**29 PENSIONS AND COUNCIL BORROWING FROM THE LOCAL GOVERNMENT PENSION SCHEME**

The Staff Side indicated that the Government was about to outlaw the practice of Councils borrowing from the staff pension funds without having paid a normal rate of return for such borrowing and enquired as to whether Bromley Council had ever borrowed from the scheme and, if so, at what level of interest rate.

The Assistant Chief Executive (HR) circulated at the meeting a response which had been prepared by the Director of Resources. This indicated that the Government was not outlawing the practice of Councils borrowing from the pension fund but that it was establishing a requirement for pension funds to have separate bank accounts.

Bromley had always invested its pension fund in assets such as bonds and stocks and shares to maximise the return on the fund in line with prudent levels of risk. There would, however, always be cash flow balances on the fund. In 2009/10 the value of the fund had averaged around £360m and cash flow balances had averaged around £1.5m. As was permitted by the Regulations, these were pooled within the Council's other external cash investments which tended to be in the range of £130m - £180m to ensure that the fund shared in the benefit of the far larger balance that the Council held. The fund had always been paid the same rate as the Council's other holdings which exceeded what it could have received from direct more variable rate investments.

Those Councillors on the Committee who were also members of the Investment Sub-Committee indicated that, to their knowledge, the Council had never borrowed from the Pension Fund.

**RESOLVED that the response from the Director of Resources be noted.**

**30 INDEMNITY INSURANCE FOR STAFF**

The Staff Side Secretary contended that, in some cases where jobs were not completed properly, staff were accused of negligence and subject to

individual legal liability. In these circumstances, the Staff Side Secretary enquired as to whether the Council could explore the possibility of a special indemnity insurance being taken out for certain staff.

The comments of the Director of Resources were reported at the meeting and these indicated that issues of indemnity and insurance needed to be separated as insurance was one method by which an organisation might protect itself from the costs of a decision to indemnify. The Assistant Chief Executive (HR) indicated that staff were entitled to protection from the Council when on Council business provided that they did not knowingly depart from reasonable and responsible behaviour or were not negligent and that each case needed to be considered on its own merit. He pointed out that the question of corporate assurance had been considered three years ago in the light of legal advice received from the Director of Legal, Democratic and Customer Services and suggested that, in view of these concerns, this issue should be further reviewed and, if necessary, updated.

**RESOLVED that the issue of corporate assurance be further reviewed by the Assistant Chief Executive (HR) and the trade unions, in consultation with the Director of Legal, Democratic and Customer Services.**

### **31 BROMLEY UNISON**

The Committee agreed that this item be considered as a matter of urgency.

Issues arising from Unison's recent suspension from office for two years of the Bromley Branch Secretary, Mr Glenn Kelly, were reported and discussed. Unison's Regional Office (Greater London) had taken over supervision of the Bromley Branch and officials had been provided with office accommodation in the Civic Centre. The Bromley Branch Annual General Meeting, which had been scheduled to be held later that day, had been cancelled. Mr Glenn Kelly addressed the Committee and expressed his concern over the situation and, in particular, the impact of it on the Bromley Unison members, concerns which were supported by Mrs Kathy Smith, Vice-Chairman of this Committee and Chairman of the Bromley Branch, and by other members of the Staff Side.

The Committee considered the current position relating to Bromley Unison and the possible impact of it on the good industrial relations which existed in Bromley. The Assistant Chief Executive (HR) explained the Council's position under the Employment legislation and indicated that Mr Kelly would continue to receive the necessary resources compatible with his separate, elected position of Staff Side Secretary, in which capacity he served

as a member of this Committee. Whilst recognising that the Council did not have any specific involvement in the matter, the Assistant Chief Executive (HR) indicated that it had the right to express a view if it was concerned that the situation was undermining the improved trust between management and the unions in Bromley and impacted on Council business and its objective of delivering a "Better Bromley". He commented that it was in the Council's best interest for the current difficulty to be resolved quickly; that he would be meeting the regional officials shortly; and that both he and the Chief Executive would be monitoring the position closely.

The Committee expressed its support for Glenn Kelly in his capacity as Staff Side Secretary, but reaffirmed the position that it was not the Council's role to interfere in the internal affairs of the union.

**RESOLVED that the present position be noted and that the outcome of further developments be awaited and reported to a future meeting.**

### **32 DATE OF NEXT MEETING**

It was noted that the next meeting of this Committee was due to be held on 24<sup>th</sup> June 2010.

KATHY SMITH  
Vice-Chairman

RUSSELL MELLOR  
Chairman

The meeting commenced at 4pm and ended at 5.27 pm.

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# Agenda Item 17

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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