

## TO MEMBERS OF THE COUNCIL

**Notice is hereby given that a meeting of the Council of the London Borough of Bromley is to be held in the Council Chamber at Bromley Civic Centre on Monday 28 June 2010 at 7.30 pm which meeting the Members of the Council are hereby summoned to attend.**

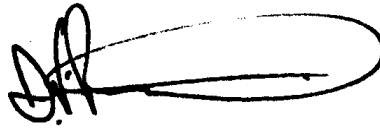
### Prayers

## A G E N D A

- 1 Apologies for absence
- 2 To confirm the Minutes of the following meetings of the Council: (Pages 3 - 70)
  - i) Meeting held on 29<sup>th</sup> March 2010;  
  
Confirmation is subject to the amendment of Minute 73 (a) Members Allowances Scheme 2010/11 Appendix C Schedule 1 –  
The amount of Special Responsibility Allowance shown for Chairman of Portfolio PDS Committees should read £7,140.
  - ii) Special Meeting and the Annual Council meeting held on 19<sup>th</sup> May 2010.
- 3 Declarations of Interest
- 4 Questions from members of the public where notice has been given.
- 5 Oral questions from Members of the Council where notice has been given.
- 6 Written questions from Members of the Council
- 7 To consider any statements that may be made by the Leader of the Council, Portfolio Holders or Chairmen of Committees.
- 8 Petition Scheme (Pages 71 - 84)
- 9 Report of the General Purposes and Licensing Committee - 7th April 2010 (Pages 85 - 130)
  - i) Revision to Licensing Policy 2008-2011: Enforcement – Results of public Consultation
  - ii) London Local Authorities Act 1991: Revision to Codes of practice for Special Treatments – see all reference reports giving the views of the Executive at its meeting on 26<sup>th</sup> May 2010.
- 10 Sunbeds (Regulations) Act 2010 - Delegation of Powers (Pages 131 - 138)

- 11 Capital Programme 2010/11 Revisions and Transfer of Learning and Skills Council Funding (Pages 139 - 150)
- 12 To consider Motions of which notice has been given.
- 13 The Mayor's announcements and communications.
- 14 To consider items in respect of which resolutions have been passed under the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation Order 2006) and the Freedom of Information Act 2000.

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Chief Executive

**BROMLEY CIVIC CENTRE**  
**BROMLEY BR1 3UH**  
**Thursday 17 June 2010**  
**Vol.47 No.2**

# Agenda Item 2

## LONDON BOROUGH OF BROMLEY

### MINUTES

of the proceedings of the Meeting of the  
Council of the Borough  
held on Monday 29th March 2010

#### Present:

**The Worshipful the Mayor  
Councillor Douglas Auld**

**The Deputy Mayor  
Councillor Gordon Norrie**

#### Councillors

Reg Adams  
Graham Arthur  
Julian Benington  
Nicholas Bennett J.P.  
Colin Bloom  
Peter Bloomfield  
Eric Bosshard  
Katy Boughey  
John Carvin  
Stephen Carr  
Roger Charsley  
Martin A Curry  
Peter Dean  
Judi Ellis  
Robert Evans  
Simon Fawthrop JP  
Peter Fookes  
John Getgood

Rebekah Gilbert  
Julian Grainger  
David Hastings  
Peter Hobbins  
Carole Hubbard  
Brian Humphrys  
S. Huntington-Thresher  
W. Huntington-Thresher  
Charles Joel  
Mrs Anne Manning  
Alexa Michael  
Peter Morgan  
Ernest Noad  
Tony Owen  
Tom Papworth  
Chris Phillips  
Sarah Phillips  
Denise Reddin

Neil Reddin  
Catherine Rideout  
Charles Rideout CVO QPM  
Karen Roberts  
Colin Smith  
Tim Stevens J.P.  
Harry Stranger  
George Taylor  
Brenda Thompson  
Michael Tickner  
Brian Toms  
Pauline Tunncliffe  
Colin Willetts

The meeting was opened with prayers

In the Chair  
The Mayor  
Councillor Douglas Auld

#### 65 APOLOGIES

Apologies for absence were received from Councillors Ruth Bennett, Gordon Jenkins, David McBride, Michael Turner and Stephen Wells. Apologies for lateness were reported for Councillor Pauline Tunncliffe.

**66 MINUTES**

The Minutes of the meeting held on 15<sup>th</sup> February 2010 were confirmed.

**67 DECLARATIONS OF INTEREST**

Councillor Carole Hubbard declared an interest in respect of item 12 (Annual Policy Development and Scrutiny Report 2009/10) as a Trustee of Age Concern Bromley and an employee of Bromley PCT. Councillor Simon Fawthrop declared an interest as his wife worked for the Children and Young People Service.

**68 QUESTIONS BY MEMBERS OF THE PUBLIC**

There were none.

**69 QUESTIONS BY MEMBERS**

These are attached at Appendices A and B.

**70 TO CONSIDER ANY STATEMENTS MADE BY THE LEADER OF THE COUNCIL, PORTFOLIO HOLDERS OR CHAIRMEN OF COMMITTEES**

Three statements were made, summarised as follows:

- a) Leader of the Council - end of year statement
- b) The Portfolio Holder for Renewal and Recreation – general updating statement
- c) The Portfolio Holder for Adult and Community Services – statement on the progress on development of Extra care housing and redevelopment of residential nursing care homes

**71 STANDARDS COMMITTEE ANNUAL REPORT 2009/10**

A Motion to approve this report was proposed, seconded and adopted.

**72 STANDARDS COMMITTEE APPOINTMENT OF INDEPENDENT MEMBERS**

A motion to agree the appointment of two independent members onto the Committee – Mr George Kidd and Mr Richard Allen for the four year period of the next Council, commencing in May 2010 was proposed, seconded and adopted.

**73 GENERAL PURPOSES AND LICENSING COMMITTEE – MEETING ON 16<sup>TH</sup> FEBRUARY 2010**

**(a) Members Allowances Scheme 2010/11**

A motion to formally approve the Members Allowances Scheme 2010/11 (Appendix C) was proposed, seconded and adopted.

**(b) Financial Regulations for Schools and Colleges**

A motion that the revised Financial Regulations for Schools and Colleges be approved with effect from April 2010 was proposed, seconded and adopted.

**74 MINOR CONSTITUTIONAL CHANGES**

A Motion to approve the recommendation proposing some minor changes to the Constitution was proposed, seconded and adopted.

**75 ANNUAL POLICY, DEVELOPMENT AND SCRUTINY REPORT 2009/10**

A Motion to approve this report was proposed, seconded and adopted.

**76 MOTIONS**

Notice of four Motions had been received as follows:

**1) Personal Care at Home Bill**

The following motion was proposed by Councillor Graham Arthur and seconded by Councillor Judi Ellis:-

"This Council notes the Government's proposals in the Personal Care at Home Bill to offer free care at home to the people with the highest needs. While this Council welcomes the general principle of enabling people to stay in their own homes as long as possible, we are appalled that the Government is proposing to fund only a limited part of the costs and leave the rest to local authorities. For all local councils in England, including Bromley, this is an unfunded commitment of at least £250 million - assuming government has got its sums right - that will have to be made up from higher council tax, redundancies and cuts in other front line services. If the policy is imposed it will add at least £1.4 million to Bromley Borough Council's annual expenditure, and, if the Scottish experience is repeated, the actual cost will be far higher. This Council asks that its grave concern about having yet another unfunded mandate imposed on the local authority be communicated by the Leader of the Council to the relevant Minister."

On being put to the vote this motion was CARRIED.

## **2) Cut in the number of Police Officers across London**

The following motion was proposed by Councillor Peter Fookes and seconded by Councillor John Getgood:-

"This Council condemns Boris Johnson for his Mayoral budget which will result in 455 less police officers across London."

On being put to the vote this motion was LOST.

## **3) Abuse of the planning system**

The following motion was proposed by Councillor Peter Fookes and seconded by Councillor John Getgood:-

"This Council urges that the firmest action possible is taken against those individuals who persistently abuse the planning system."

An amendment was proposed by Councillor Michael and seconded by Councillor Peter Dean as follows:

"This Council urges that the firmest action possible is taken against those individuals who persistently abuse the planning system.

Abuse should also include actions such as retrospective planning applications and making multiple applications for the same site, as well as breaches of planning control.

This Council calls on Central Government to allow Local Planning Authorities to take tougher action against those who abuse the planning system in any form."

On being put to the vote this amended motion was CARRIED.

## **4) Recession**

The following motion was proposed by Councillor Chris Phillips and seconded by Councillor Nicholas Bennett JP:-

"This Council notes with grave concern the effects of Gordon Brown's recession on the people of Bromley and looks forward to working constructively with a new Conservative Government to improve our economic prospects."

On being put to the vote this motion was CARRIED.

## **77 MAYOR'S ANNOUNCEMENTS AND COMMUNICATIONS**

The Mayor thanked everyone for supporting the recent successful Quiz Night and reminded members of the following events:

Dinner Dance at Bromley Court Hotel on Saturday 24<sup>th</sup> April 2010;  
Dinner at Trencherman's Restaurant, Petts Wood on Wednesday 12<sup>th</sup>  
May 2010.

Notification was given that the Mayor Elect would be hosting a  
reception on Thursday 27<sup>th</sup> May 2010 for retiring Councillors – either  
those standing down or those who were not re-elected. Invitations  
would be sent out prior to the Annual Meeting on 19<sup>th</sup> May 2010.

The meeting ended at 10.35 pm.

Mayor

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MEETING

29<sup>th</sup> MARCH 2010

ORAL QUESTIONS BY MEMBERS OF THE COUNCIL

**1. From Councillor Willetts of the Leader of the Council**

With regard to my email sent 10/2/2010, could Cllr Carr provide me with his home address so that I can forward on a letter from Mr Stephen Brown thanking him for his attendance at his son Rifleman James Brown's funeral?

**Reply:**

Councillor Carr advised that he would be pleased to provide his home address and would do so after the meeting. However, in this case he suggested that it might be more appropriate if Councillor Willetts forwarded the letter care of the Civic Centre as he had attended the funeral as part of his formal Council duties.

**Supplementary Question:**

Councillor Willetts made a comment and the Mayor advised that it was not a question and therefore did not require a response.

**2. From Councillor Fawthrop of the Portfolio Holder for Resources**

What progress has been made on the electronic banking trial?

**Reply:**

The Portfolio Holder responded that the Council did not have an electronic banking trial but made extensive use of electronic methods of banking. The Council had substantially enhanced its use of electronic payments and was now paying 75% (February 2010) of invoices through this route. As at the 31<sup>st</sup> January, 86% of the payments received in respect of Council Tax were by electronic means and the overwhelming proportion of business rates was also paid through these routes.

**Supplementary Question:**

Councillor Fawthrop asked whether there were any measures going to be taken for the Council to make electronic banking available as it would be useful for paying parking tickets directly rather than by credit card.

**Reply:**

Councillor Reddin agreed that electronic banking was becoming increasingly the preferred method of choice for many residents and also represented lower transactions costs for the Council so should be encouraged. He confirmed that it was something that would be looked at in the future.

### **3. From Councillor Fookes of the Portfolio Holder for Renewal and Recreation**

Is the idea of a new Penge Library completely off the agenda?

**Reply:**

The Portfolio Holder was aware that that this matter was of particular interest to the member concerned and his colleagues. He confirmed that the Council was still pursuing options around the provision of an improved library provision within the Penge area along with associated Community use. The Property Division did make an offer on the former Edgingtons furniture store which was seen as fair and reasonable in the present market. This offer had not been accepted by the current owner who it was understood was possibly pursuing other options. Officers would continue to examine the potential of any other suitable buildings which might come to the market.

Councillor Fookes indicated that he did not have a supplementary question.

### **4. From Councillor Getgood of the Portfolio Holder for Adult and Community Services**

What consultation took place with Service users before the decision that no mental health day services provider was to provide hot meals as part of their tender for the contract, that no paid catering staff were to be included in the contract and that support staff hours are to be cut across the service.

**Reply:**

The Portfolio Holder advised that the current contract for mental health day centres did not specify the provision of meals or the number of staff required to carry out the service and neither did the previous specification. There had therefore been no change to the specification.

In respect of meals, the contract (both previously and now) allowed the provider to make a charge for meals and/or refreshments if they chose to provide them, but it was not a requirement of the specification that they be provided.

The contracts did not stipulate the number of staff support hours to be provided as the specifications were based on outcomes for service users. It was for the provider to decide how many staff hours were required to meet the outcomes. Any changes in staff support hours were therefore decided by the provider and any reduction would be as a result of the increasing involvement of day centre users themselves in delivering peer support services.

Our normal route for consulting with service users was through the Mental Health Forum and the decision to tender the day services contract was discussed there.

**Supplementary Questions:**

Councillor Getgood stated that the way the contract had developed was causing concern to service users and he thought that the Portfolio Holder should be aware of this. The service was for very vulnerable adults but they felt as if they were being marginalised from this process and it was a further sign of the lack of priority given to this 'Cinderella service'. He asked the Portfolio Holder to take on board these comments and do what he could to address them.

**Reply:**

Councillor Arthur did not agree that resources had been reduced but rather they had been increased and the service was higher in priority. He accepted that it probably should rise further but this was a national problem and something both he and Councillor Getgood were concerned about. However, in this case he felt it was really a matter between the services users and providers. Councillor Arthur further commented that it was interesting the way the service was progressing and one of the innovative ideas being talked about was possibly creating a small business enterprise amongst the users themselves in order to use preparation of meals as part of their rehabilitation and training. However, he agreed that it was an important matter to highlight and was sure that whoever the Portfolio Holder was in the next municipal year they would work closely with the ward councillors.

**5. From Councillor Nicholas Bennett JP of the Portfolio Holder for the Environment**

What action has been taken to require the Build Centre in Rays Road to maintain the road and drains so that the flooding problem which affects users of West Wickham Station is alleviated?

**Reply:**

In agreement with the Resources Portfolio Holder, Councillor Smith responded and advised that the property referred to was Council owned, and held by Wolseley Centers Ltd on a 99 year lease originally granted by the GLC in 1979. Property Division had written to the tenant requesting that they clear the blocked gully, sweep Rays Road on a regular basis, and also install additional gullies to take away surface water during heavy rainfall. Legal advice was being sought to enforce this repairing covenant in the lease.

**Supplementary Question:**

Councillor Bennett was sorry to raise this question at two Council meetings in a row but since the last time there had been further flooding in Rays Road. He had a copy of the lease which made it very clear that it was the responsibility of Wolseley Centers to keep the road in repair, which it was not, neither were the gullies cleared and this was a constant source of irritation to his ward constituents. He asked how long the Council would allow what was one of the largest companies in the world to continue not carrying out its responsibilities under the terms of the lease which they had for another 70 years.

**Reply:**

Councillor Smith replied that in close cooperation with a colleague (Resources Portfolio Holder) the Property Division were seeking legal advice in taking this matter forward. A concern in dealing with such a major company was they had deep reserves to call on and seemed to minimise their responsibilities but Officers were trying to address this issue.

**6. From Councillor Sarah Phillips of the Portfolio Holder for the Environment**

What happens to all the rubbish in public waste bins that contain many items that could be recycled?

**Reply:**

The Portfolio Holder explained that to address the issue of recyclable material present in street bins being lost to landfill and incineration a recent initiative had been introduced, with colleagues in Public Protection and the Probation Service to use offenders on the community payback scheme to sort through the Kier waste, separating various recyclable materials.

An area has been created at Waldo Road where 8 offenders and a community payback supervisor work sorting through the litter bin waste. Currently two teams of offenders working Monday and Tuesdays only – although the Probation Service hoped to be able to provide teams to work for 5 days a week (Monday to Friday) from April onwards.

The operation was currently recycling 25% of the waste that was being processed. It was expected that this would increase as the quality of the waste improved and the operation developed. At the current levels of recycling, we would expect to recover 125 tonnes of recyclable material per year which would save approximately £7000 per year in disposal costs.

**Supplementary Question:**

Councillor Phillips asked whether the Scheme might be expanded to other Depots such as Churchfields or similar schemes.

**Reply:**

Councillor Smith advised that it was an ambition to expand this scheme and any scheme that maximised the amount of recycling materials, a view he was sure all members would agree with.

**7. From Councillor Willetts of the Portfolio Holder for Resources**

Can you tell me how many people are residing/living in the Leasons Centre?  
ii) why is Mr B of Chipperfield Road receiving mail items i.e. credit cards addressed to Mr C. W. Leasons Centre " 239 Chipperfield Road" ?

**Reply:**

The Portfolio Holder said he understood that Councillor Willetts had already been advised by Officers on 18 March 2010 that there were 7 persons living within the Leasons Centre.

Regarding the second part of his question, which was rather unclear, Councillor Willetts would be aware that the post box at the Centre suffered damage from vandalism and it was possible that the post person delivered mail to the nearest property. Alternatively if mail was being addressed to a person by the name of "Mr C W Leasons Centre", then it may be that either the sender's mailing database had been corrupted, or it was being used unwittingly in connection with credit card fraud. If the latter then the police should be informed.

**Supplementary Question:**

Councillor Willetts replied that the post box was now in full working order but again Mr B of Chipperfield Road had received further credit card statements this morning. He would pass them to the Portfolio Holder and would ask whether Councillor Reddin would seriously consider the removal of these people from the Centre. Councillor Willetts said that the Centre had become a 'doss house' and a nuisance to local residents with lights on in the canteen 24 hours a day and the dumping of household refuse on the verge outside on the wrong days as well as other problems.

**Reply:**

Councillor Reddin replied that certainly if the occupants of any Council owned property were causing an issue to their neighbours then investigations would be carried out and action would be taken as appropriate. He asked that the details be passed to him and he would look into it.

**8. From Councillor Fawthrop of the Portfolio Holder for the Environment  
(Councillor Fawthrop had subsequently withdrawn this question.)**

*How many collisions, accidents (KSI) or other equivalent have taken place on unlit roads after lighting up time in the last 6 months?*

*For equivalent roads that have street lighting how many collisions, accidents (KSI) or other equivalent have taken place after lighting up time in the last 6 months?*

**9. From Councillor Fookes of the Portfolio Holder for the Environment  
(in agreement with Councillor Smith, the Portfolio Holder for Public  
Protection and Safety replied to this question)**

What progress has been made on the proposal for a gating order for the Royston Estate in Penge?

**Reply:**

Consultation had been completed and overwhelmingly, local residents, residents association and other statutory consultees were in support of the Gating Order proposal. Council officers had taken onboard comments about the detail of implementation, resulting in a number of alterations to the original

proposal. It was planned to implement the amended Gating Order within the next few weeks following the signing of the official order and advertisement of a public notice.

Residents affected by the Gating Order were contacted and provided with a frequently asked questions information sheet, which covered any queries that were raised. The response gathered from this exercise has again been positive and complementary.

The construction period would take an estimated two to three weeks which would be carried out during the April/May period. The Council's contractor would notify all residents directly affected by the installation of gates prior to work commencing, to ensure that residents had a point of contact and to discuss maintenance of access during works.

**Supplementary Question:**

Councillor Fookes expressed concern that he as a Ward Councillor had not been involved or made aware of what was happening.

**10. From Councillor Nicholas Bennett JP of the Portfolio Holder for Resources**

What has been the reduction in the consumption of refreshments at council committees since the last Council Meeting?

**Reply:**

The Portfolio Holder advised that to the best of his knowledge 'none'.

**Supplementary Question:**

Councillor Bennett made reference to the previous Council Meeting and the amendment by the opposition (Lib/Dem) to stop the serving of 'tea and biscuits' at Committee meetings as a saving on the budget. He commented that since then they had 'devoured' tea and biscuits at every meeting and asked the Portfolio Holder whether he would agree with the view that a principle was only a principle when it involved some sort of sacrifice.

**Reply:**

Councillor Reddin made various asides related to refreshments but generally agreed with the comment.

**11. From Councillor Willetts of the Portfolio Holder for the Environment**

With regard to your written reply FC para v) on 15/2/10, i) can you tell me the date Mr Mannering's slimy rotting leaf debris complaint in alleyway Batchwood Green through to Leeson's Hill (via me) was entered into the EAL Special box? ii) following a further complaint from Mr Mannering, could you remove from the same location steps, leaves, tin cans, bags of dog mess, graffiti on retaining walls & removal of overhanging privet obstruction & further, remove litter debris from the top of the banking area 83 - 89 Leeson's Hill both a little more speedily than his previous request for removal?

**Reply:**

i) 7<sup>th</sup> February 2010.

ii) A letter had been sent to the owner/occupier of 93 Leasons Hill asking them to cut back their overhanging vegetation. The other requests detailed above had either already or would shortly be attended to by the respective contractors.

**Supplementary Question:**

Councillor Willetts said he was amazed at the last meeting when Councillor Smith had stated that Bromley's street cleaning record was going from strength to strength as assessed through official inspections. He considered this was clearly not the case in respect of Mr Mannering and the lack of daily clearance at Cotmandene shops. Regarding the signing of a new contract in the next few months he asked what the Portfolio Holder would be recommending.

**Reply:**

Councillor Smith replied that he would be recommending an excellent value for money scheme that was already producing benefits for Bromley in the top quartile of all London Boroughs for street cleaning. He believed it would drive Bromley to reach even higher still to hopefully become the best.

**12. From Councillor Fawthrop of the Portfolio Holder for Resources**

How many trees in total and how many trees with a tree preservation order (TPO) are due to be felled under the latest proposal from BHAL to tarmac over our Green belt and open spaces?

**Reply:**

Councillor Reddin explained that approximately 40 trees needed to be felled to implement the construction of an additional aircraft apron area and replacement car parking at Hangar 503 to the south west of East Camp. 21 of those trees were the subject of a Tree Preservation Order (TPO).

The TPO was a woodland Order dating from 1954 which covered an area including Cudham Lodge Woods which was within the airport boundary and included part of the construction site and woodland to the east.

The Chief Planner had advised that BHAL, as a statutory undertaker, was entitled to carry out works to protected trees, including felling them, where the trees were situated on operational land, and either the works on the land could not otherwise be carried out, or the works were for the purpose of securing safety in the operation of the undertaking.

**Supplementary Question:**

Councillor Fawthrop asked if the Portfolio Holder would agree with him that trees that had TPOs were protected for the public benefit and that when healthy trees were being felled this should be resisted vigorously.

**Reply:**

Councillor Reddin responded that the general principle of TPOs was clearly for the public benefit as rightly stated, but this had to be balanced against such issues as general safety which was also in the public interest. In this case the aircraft were spilling out onto the apron the main taxi bay for the airport so there was a clear safety issue which was applied to justify the works. The Council had to balance the public benefit with other issues including public safety and aircraft safety.

**13. From Councillor Fookes of the Portfolio Holder for Children and Young People**

What is being done to reduce bureaucracy in schools?

**Reply:**

Councillor Noad advised that the Council recognised that the bureaucracy caused by the large number of new initiatives and directives issued by the Department for Children Schools and Families, OfSTED and the various non-governmental organisations with which schools were obliged to work was causing an excessive burden on schools and a headache for head teachers.

The Children and Young People's Department in Bromley was working as closely as possible with head teachers to ensure that the Council did not add to this burden and reduced it wherever possible. The CYP Department had a system, agreed with head teachers, of electronically accessed circulars which showed clearly where important information was contained or action was required. Additionally the CYP department had a policy of only collecting information from schools where it was not already available centrally. The local authority had provided schools with advice contained in the 'teacher workforce agreement' on ways to reduce the 25 identified burdens on teachers included in agreements with DfCSF.

Councillor Noad gave one example of excessive bureaucracy currently undergoing. Last Thursday a letter had been received from OfSTED informing the Department that it was to be the subject of yet another immediate Inspection which would last for forty days. The Departments to be inspected would be Safeguarding and Looked after Children again with emphasis on social care and social workers. Both the Portfolio Holder and his Assistant would be interviewed. Interviews would take place right through the Department and staff would have to be brought in over the Bank Holiday period to comply with certain regulatory burdens placed on the authority with no notification at all. Head Teachers would need to be involved as would the Police, the PCT and other Bodies. In addition this Inspection fell right in the middle of the school holidays when all of the schools would be closed for two weeks which exacerbated the difficulties being faced. The Portfolio Holder considered that this was just one example of the insurmountable level of bureaucracy that had to be faced by the Department and placed on the Council by the current Government.



**Supplementary Question:**

Councillor Fookes said that his question had been prompted by recent visits to schools where the issue of communication with parents had arisen. He felt that there should be a reduction in the amount of letters sent home to parents and that email should be used far more frequently. His concern was that schools themselves did not have the capacity to communicate with parents in that way. He asked if the Portfolio Holder would assist schools to communicate better with parents by email.

**Reply:**

Councillor Noad replied that it was email that had opened up the 'Pandora's box' of yet more and more paper and bureaucracy engulfing the local education authority. The notification from Ofsted had come by email but with it had come a number of separate attachments (13 in total) which had to be completed and sent back to Ofsted by the Friday evening making an excessive burden on schools and officers.

Regarding communication with parents, the Portfolio Holder considered it essential that, as the service users, they understood what was going on. However, he accepted the spirit of the question and he would look into the matter.

**14. From Councillor Nicholas Bennett JP of the Portfolio Holder for Resources**

What was the percentage increase in the Council tax for the years;

1998-2002  
2002-2006  
2006-2010?

**Reply:**

The Portfolio Holder advised that in 1998 – 2002 the cumulative increase in Council tax (Bromley element) was 37.6% which represented an 8.3% annual average increase. For 2002 – 2006 it was 23.4% which was a 5.4% annual increase; and in 2006-2010 it was a 13.7% cumulative increase, an average annual increase of 3.3%.

**Supplementary Question:**

Councillor Bennett asked what the Portfolio Holder deduced from these figures.

**Reply:**

Councillor Reddin responded that it was an interesting range of years because from 1999 – 2002, three of those years this authority had been under control of the parties opposite. During that short period the Council tax went up by 38%, the Council's reserves were halved and at the end of it the then Social Services Department had zero stars. Following that under the current administration for the most part there had been a steady reduction in Council tax. This year there had been a 'real terms' cut in Council and tax and the

Council was a debt free Borough. He felt the message was quite clear based on these facts as to which administration provided more and cost less.

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**COUNCIL MEETING**

**29<sup>th</sup> MARCH 2010**

**WRITTEN QUESTIONS BY MEMBERS OF THE COUNCIL**

**1. From Councillor Willetts of the Portfolio Holder for the Environment**

With regard to your reply at Environment PDS 23/2/10 re road from Whippendell Way through to Cotmandene Crescent, by way of explanation, the mattress obstructing the highway was removed by the local PCSO & placed on adjacent BHA land, following on from that & assuming your not still dealing with a backlog from Dec/Jan & your back on a scheduled cleansing routine –

i) could you remove approx 20 bags of dumped rubbish obstructing highway at the above location reported on 6 occasions 7/8/9/11/15/16th March 2010 (missed by Keir)?

ii) could you remove 2 car tyres dumped on amenity green opposite chip shop in Cotmandene Crescent reported on 6 occasions 7/8/9/11/15/16th March 2010 (missed by Kier, particularly as shops are supposed to be cleansed daily)?

iii) could you also remove heavy build up of leaf debris from low level footway 22-32 Beddington Road in situ since November 2009 (prior to backlog disruption) & clearly missed with alarming regularity up to and including 12th March 2010?

iv) could you remove heavy build up of leaf debris from high level footway steps & highway adjacent 26 Amherst Close in situ since November 2009 (prior to backlog disruption) & clearly missed with alarming regularity up to & including 16th March 2009?

v) could you remove heavy build up of leaf debris from steps adjacent 256 Chipperfield Road?

vi) could you remove dumped mattress/bagged rubbish from amenity grass area opposite Johnstones paint shop in Cotmandene Crescent shops in situ since 18/3/2010?

vii) could you remove dumped wood/metals/ bagged refuse & plastics obstructing footway from 'hotspot' cul de sac end adjacent 244 Chipperfield Road in situ since 17/3/2010?

**Reply:**

You are correct to assume that the backlog from December 2009 and January 2010 has long since been cleared.

i) Upon inspection no bags were found at this location suggesting they had been cleared as previously requested.

ii) Upon inspection no tyres were found at this location suggesting they had been cleared as previously requested.

iii) I am advised that this request has been completed.

iv) I am advised that this request has been completed.

v) I am advised that this request has been completed.

vi) I am advised that this request has been completed.

vii) I am advised that this request has been completed.

## **2. From Councillor Willetts of the Portfolio Holder for the Environment**

Could you refill (unmarked) empty salt bins opposite 8 Hyde Drive & 10 Homefield Close?

### **Reply:**

All salt bins will be inspected and refilled as necessary before the start of the next winter season.

## **3. From Councillor Willetts of the Portfolio Holder for the Environment**

I understood that fly tipped dumped rubbish/materials in Cotmandene Crescent car park would be picked up Mondays, Wednesdays & Fridays?- could you remove weekend build up of fly tip numbering 30 sacks still in situ as of this 2pm this afternoon 22/3/2010?

### **Reply:**

The car park is visited Mondays, Wednesdays and Fridays and any fly tipping removed. Due to the contractors workload on Monday 22<sup>nd</sup> March a visit occurred on Tuesday 23<sup>rd</sup> March instead and all sacks removed.

## **4. From Councillor Mellor of the Portfolio Holder for Resources**

Can the Portfolio Holder for Resources advise me as to the amount of Tax attributable to the NNDR for the Current Civic year ending 31st March 2010 and the amount of grant received from the H.M. Government in payment for the Council acting as their Tax Collector?

### **Reply:**

The total tax attributable to NNDR for 2009/10 prior to deductions is approximately £93m this reduces to a collectable debt of £83m after deductions have been applied.

The grant receivable for collection and provision of bad debt is £1.3m.

## **5. From Councillor Papworth of the Portfolio Holder for Resources**

To outline the full cost to the Council of the twinning programme with Neuwied in Germany, and separately to outline the costs incurred by 1) officers, and 2) councillors as a result of activities outside the UK related to the twinning programme.

### **Reply:**

2007/08 £1,243.31

2008/09 £1,166.59

2009/10 £2,670.27

Information on costs/time is not held separately for officers and Councillors.

## **6. From Councillor Curry of the Portfolio Holder for Adult and Community Services**

According to the Housing Charity Shelter, Bromley is one of only 8 Councils in the Country (top 2%) to have exceeded its, independently assessed target, for the provision of affordable housing over the past three years.

Will he provide, in tabular form, details of the wards in which the housing has been provided, the type, i.e. wholly rented, sheltered and shared ownership, and the details of which Registered Social Landlords have delivered these properties?

### **Reply:**

Helping our residents meet their housing needs goes way beyond just numbers and we are proud of the range of initiatives we have developed around quality advice and support and we have been particularly successful in supporting families facing financial difficulties to keep their homes. We have also focused on regeneration, shared ownership and key worker housing and supporting people with learning disabilities to live independently and developing schemes for older people in the borough.

All the housing has been provided through the Council's main RSL development partners - Affinity Sutton (Broomleigh); Hyde; London & Quadrant; A2Dominion (Kelsey); Town & Country; Moat and Servite and has been provided across the Borough

Only half of the Shelter 3 year figures are actual new housing and the break down is as follows :-

Social rented - 286

Shared ownership/Homebuy/Key Workers - 255

Intermediate Rent - 95

Supported Housing - 28

Ramsden Regeneration - Rent = 26; Shared ownership = 27

Whippendell Regeneration - Rent = 18; Sheltered = 20; Shared ownership = 20

Maisonettes over shops bought back in to use for renting = 12

The service is extremely busy at this time due to year end and development/bidding deadlines therefore I suggest if you really need the information broken down into wards it can be provided in due course after the meeting.

*(Councillor Curry stated at the meeting that he required a breakdown of the information into Ward areas and the Portfolio Holder agreed that this information would be sent to him before the next Council Meeting.)*

**7. From Councillor Fookes of the Leader of the Council**

Other than Revenue Support Grant, what other grants are Bromley going to receive in 2010/11?

**Reply:**

Attached is a spreadsheet summarising the government grant income of £417.434m received for 2010/11.

**8. From Councillor Fookes of the Leader of the Council**

Other than swimming, what government grants have Bromley refused or not spent over the last five years?

**Reply:**

Apart from the swimming grant I am not aware of any other government grants refused or unspent.

**9. From Councillor Fookes of the Portfolio Holder for the Environment**

How many complaints about street cleaning were received from residents in Penge and Cator last year?

**Reply:**

The Council received 187 Street Cleaning enquiries from Penge and Cator residents last year.

My information is that there are 150 streets in Penge and Cator Ward, meaning on average, that one and a quarter complaints were received per road over the course of the entire year.

**10. From Councillor Getgood of the Portfolio Holder for Renewal and Recreation**

Will he confirm that the Health & Safety Executive has issued a Statutory Notice on the Pavilion Sports Centre in respect of defective equipment?

What action has he taken to make sure that MyTime has responded appropriately?

Will he also remind the Chief Executive of Bromley MyTime that when members of the public complain about the state of facilities at Leisure Centres, MyTime are acting on behalf of the council and should respond promptly and fully to those concerns.

**Reply:**

The Health and Safety Executive did not issue a Statutory Notice on the Pavilion Leisure Centre in respect of defective equipment, but rather the Council's Public Protection team, who enforce the Health and Safety at Work Act investigated the complaint. The Council always take complaints very seriously and take proportionate action according to the level of risk involved. In this case, following a complaint last September an investigation by one of our officers revealed slight damage to one of the aerobic steps. We sought firm assurances from the Pavilion management that their agreed equipment checks were in place and ensured that the damaged piece of equipment was removed from use.

However, a second complaint again highlighted equipment with similar damage which should have been picked up in their routine checks. Disappointed by their lack of response, we issued an improvement notice which requires action within 21 days, so we expect to see the matter dealt with when we inspect the equipment again at the end of this period on 8 March 2010. Bromley Mytime did comply with the Improvement notice and as such the case is now closed. As far as inspections go, The Pavilion will be next due a routine inspection in 18 months. If a complaint is received in the meantime, then we will investigate that separately.

**11. From Councillor Nicholas Bennett JP of the Portfolio Holder for Children and Young People**

What has been the capital spend on Langley Park School for Girls since 1990?

**Reply:**

In July 1993, Bromley invested capital funding of £1.3m to build a new Design and Technology block for the school. This was followed by a further £0.8m in October 1993 to create additional teaching and learning accommodation to enable an expansion of the school to seven forms of entry, as part of the Local Authority's borough-wide expansion of secondary school places.

In April 1994, the school was awarded Grant Maintained status by DfEE, and the funding for capital investment in the school became the responsibility of the Funding Agency for Schools (FAS). During this period, the Local Authority only received partial information from DfEE and FAS regarding capital investment in Bromley GM Schools. However, papers relating to capital funding to address basic-need place planning schemes indicate that DfEE made an investment of £1.1m in Langley Park School for Girls as part of a second 11 to 15 basic need expansion

programme. During this period, FAS also funded a range of other building projects within Bromley grant-maintained schools, however, these were negotiated directly with each school and the Local Authority therefore does not hold this information.

In April 1999, Bromley resumed statutory responsibilities for the strategic planning of school places and related school organisation with the dissolution of FAS. Since that time, Langley Park School for Girls, as a foundation status school, has benefitted from the following capital allocations through a combination of DCSF devolved formula capital grants and local authority investment:

- Devolved Formula Capital £1.2m
- Seed Challenge Funding £94,000
- Planned Maintenance ££466,000
- Asbestos investigation £82,000

In addition, the school would have received funding direct from the DCSF as part of its series of Specialist Status awards and additional funding for schemes to deliver dining area improvements.

## **12. From Councillor Nicholas Bennett JP of the Portfolio Holder for Adult and Community Services**

What has been the impact of the recession with regard to homelessness in the Borough and what action has the Council taken to alleviate the problem?

### **Reply:**

In the last year there has been a 40% increase in approaches to the service from households either homeless, threatened with homelessness or with mortgage or rent difficulties that could lead to their homelessness that can be linked to their financial difficulties resulting from the recession. This equates to 222 households.

The Council has put in place a number of measures including a money and debt advice service, maximising take up of the national mortgage rescue scheme, a LBB mortgage rescue option, arrear repayment plans negotiated with the lender/landlord and client, small loans scheme secured against their property, plus extending the rent deposit guarantee scheme and increased work to establish more private landlords who will take referrals of such households from the Council so as to prevent their homelessness.

As a result the 40% increase in approaches has been dealt with in such a way as to only result in a 2% increase in actual homeless acceptances.

There has also been a 300% increase per week in households applying to the Council's Housing Register (c 100 every week) as the means to meet



their housing needs such that there are now in excess of 5,500 households on the register.

**13. From Councillor Nicholas Bennett JP of the Portfolio Holder for Renewal and Recreation**

What has been the impact of the recession with regard to unemployment in the Borough particularly on young people under the age of 25 and people over 50?

**Reply:**

Prior to recession in Feb 2008 3,059 Bromley residents were in receipt of Job Seekers Allowance (JSA). 28.7% were aged 24 and under, 17.9% were aged 50 and over and 53.4% aged 25-49. By Feb 09 5,481 residents were in receipt of JSA. 27.8% were aged 24 and under and 17.3% were aged 50 and over . In Feb 2010, the most recent period for which figures are available, 24.7% were aged 24 and under and 16.7% were aged 50 and over. In the last few months the Government's Future Job Fund scheme aimed at long term unemployed young people became operational. Bromley Field Studies has recruited 33 young people under this scheme and has secured a further 66 places. JobCentre Plus is the primary agency in the borough supporting JSA claimants.

Graphs and tables with the figures are attached as Appendix 1.

**14. From Councillor Fawthrop of the Chairman of the Development Control Committee (to be asked at each subsequent Council Meeting)**

What pre-application meetings have taken place since the last full Council Meeting between Council Officers and potential planning applicants? Can these be listed as follows:-

The name of the potential applicant, the site address being considered.

**Reply:**

There have been 58 pre-application meetings between 11<sup>th</sup> February 2010 and 26<sup>th</sup> March 2010. 23 of those concerned residential proposals for either new units or extensions and alterations to existing properties, and 32 for non-residential proposals for various types of commercial or public facilities. Details of the individual applicants and sites at present is exempt information and not disclosable in response to a Council Question.

**15. From Councillor Grainger of the Leader of the Council (to be asked at each subsequent Council Meeting)**

In respect of each of the oral and written questions submitted to this Council Meeting, please can the Leader state:

- a) when each question was received by the responding officer? (*to the approx. 1/2 hour*)
- b) How long did it take the responding officer to gather the information for the answer (*approx. working hours*)
- c) How long did it take for the responding officer to complete his draft for the responding Member (*to the approx. 1/4 hour*)

**Reply:**

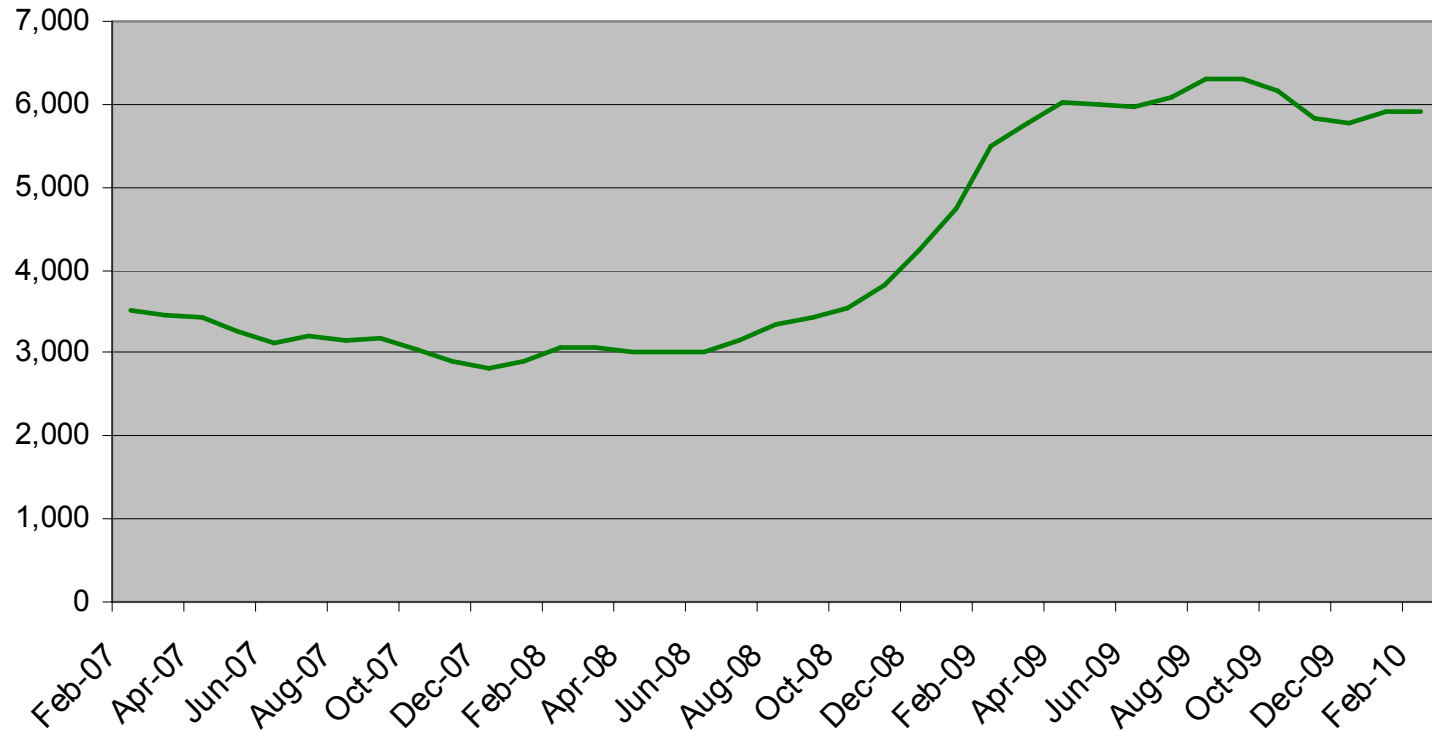
Within the time available it has not been possible to collate the replies. This information will be circulated after the meeting.

## Analysis of Government Grants 2010/11

	<b>£000</b>
Dedicated Schools Grant	Cr 186,535
Housing and Council Tax Benefit	Cr 127,726
Young People's Learning Agency	Cr 30,664
Education Standards Fund Grant	Cr 18,810
School Standards Grant	Cr 8,963
Sure Start - Government Funding	Cr 8,830
Skills Funding Agency	Cr 2,566
Social Care Reform	Cr 1,145
Learning Disabilities Campus Closure	Cr 1,436
Personal Care at Home	Cr 1,100
London Teachers Pay	Cr 966
Family Intervention Programme	Cr 414
Unaccompanied Asylum Seekers	Cr 380
Youth Justice Board	Cr 327
Department for Works and Pensions	Cr 323
Apprenticeship Skills	Cr 283
Home Office Community Safety	Cr 259
Stroke Care Grant	Cr 206
Aids / HIV Grant	Cr 189
Trans Youth Work Development Fund (TYWDF) Grant	Cr 167
Targeted mental health in schools	Cr 150
Teachers Training Agency	Cr 132
Homelessness	Cr 135
Handyman	Cr 110
Information Sharing Index Project	Cr 95
National extension of the disabled childrens access to Chilc	Cr 89
Foundation learning at key stage 4	Cr 88
Integrated working	Cr 45
Government Office for London	Cr 41
Overcrowding Pathfinder	Cr 35
Youth inspectors Fund	Cr 28
<b>Sub Total Specific Government Grants 2010/11</b>	<b>Cr 392,237</b>
Revenue Support Grant	Cr 8,261
Redistributed Business Rates (NNDR)	Cr 56,887
<b>Sub Total Formula Grant</b>	<b>Cr 65,148</b>
<b>Area Based Grant</b>	Cr 16,936
<b>Total Government Grants 2010/11</b>	<b>Cr 474,321</b>

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**Total number of JSA claimants in Bromley Feb 07 - Feb 10**



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**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, Democratic and Customer Services, decide not to accept any part of his entitlement to an allowance under this Scheme.



### **Withholding of Allowances**

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

### **Members of more than one Authority**

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

### **Part-year Entitlements**

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

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

### **Payments**

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

### **Inflation Increase**

16. The allowances set out in this Scheme shall be increased annually by the same percentage increase as the market movement change for officers under

the PE Inbucon scheme, such increase to take effect from the start of the Municipal Year. This inflation index will apply until further notice unless the Scheme is revised after consideration of any new Independent Panel report. Where the only change to the Scheme in any year is that effected by such an annual adjustment in accordance with this index, the new uprated allowance rates will apply without further consideration by an Independent Panel.

**Notification Fee to Information Commissioner**

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

## Schedule 1

### Special Responsibility Allowances for the year ending 31st March 2010

<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

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**LONDON BOROUGH OF BROMLEY**

**MINUTES**

**of the proceedings of the Special Meeting of  
the Council of the Borough  
held on Wednesday 19<sup>th</sup> May 2010**

**Present:**

**The Worshipful the Mayor  
Councillor Douglas Auld**

**The Deputy Mayor  
Councillor Gordon Norrie.**

**Councillors**

Reg Adams	John Getgood	Ian Payne
Graham Arthur	Ellie Harmer	Sarah Phillips
Kathy Bance	Will Harmer	Neil Reddin
Jane Beckley	David Hastings	Catherine Rideout
Julian Benington	Brian Humphrys	Charles Rideout CVO QPM
Nicholas Bennett JP	W. Huntington-Thresher	Richard Scoates
Eric Bosshard	John Ince	Colin Smith
Katy Boughey	Russell Jackson	Diane Smith
Lydia Buttinger	Charles Joel	Tim Stevens JP
John Canvin	Kate Lymer	Harry Stranger
Stephen Carr	Paul Lynch	Pauline Tunncliffe
Roger Charsley	Diana MacMull	Michael Turner
Peter Dean	David McBride	Stephen Wells
Judi Ellis	Mrs Anne Manning	
Robert Evans	Russell Mellor	
Roxy Fawthrop	Nicholas Milner	
S Fawthrop J.P.	Peter Morgan	
Peter Fookes	Ernest Noad	
Peter Fortune	Tony Owen	

The meeting was opened with prayers.

In the Chair, the Mayor, Councillor Douglas Auld

**1 APOLOGIES FOR ABSENCE**

Apologies were submitted by Councillor Papworth. Councillor Grainger submitted apologies for lateness.

## **2 APPOINTMENT OF HONORARY ALDERMEN**

The report of the General Purposes and Licensing Committee of 7<sup>th</sup> April 2010 was considered and the following Motion was moved by Councillor Tony Owen and seconded by Councillor Simon Fawthrop:

That the title of Honorary Alderman is conferred on those individuals listed below:

Mrs Ingrid A Buckley  
Mrs Jenny Hillier  
Mrs Carole Hubbard  
Gordon Jenkins  
Maurice B Kenward  
Arthur J Wilkinson

This Motion was CARRIED unanimously.

Mayor

**LONDON BOROUGH OF BROMLEY**

**MINUTES**

**of the proceedings of the Meeting of the  
Council of the Borough  
held on Wednesday 19<sup>th</sup> May 2010**

**Present:**

The Worshipful the Mayor

2009/2010 Councillor Douglas Auld

2010/2011 Councillor George Taylor

The Deputy Mayor

Councillor Gordon Norrie

Councillor Ruth Bennett

Reg Adams	John Getgood	Tony Owen
Graham Arthur	Julian Grainger	Ian Payne
Kathy Bance	Ellie Harmer	Sarah Phillips
Jane Beckley	Will Harmer	Neil Reddin
Julian Benington	David Hastings	Catherine Rideout
Nicholas Bennett JP	Brian Humphrys	Charles Rideout CVO QPM
Eric Bosshard	W. Huntington-Thresher	Richard Scoates
Katy Boughey	John Ince	Colin Smith
Lydia Buttinger	Russell Jackson	Diane Smith
John Canvin	Charles Joel	Tim Stevens JP
Stephen Carr	Kate Lymer	Harry Stranger
Roger Charsley	Paul Lynch	Pauline Tunncliffe
Peter Dean	Diana MacMull	Michael Turner
Judi Ellis	David McBride	Stephen Wells
Robert Evans	Mrs Anne Manning	
Roxy Fawthrop	Russell Mellor	
S Fawthrop J.P.	Nicholas Milner	
Peter Fookes	Peter Morgan	
Peter Fortune	Ernest Noad	

The meeting was opened with prayers.

In the Chair, the Mayor, Councillor Douglas Auld

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Michael, Samaris Huntington-Thresher, Tickner and Papworth.

## **2 ELECTION OF MAYOR**

It was moved by Councillor Stephen Carr and seconded by Councillor Pauline Tunnicliffe and

**RESOLVED that Councillor George Taylor be elected the Mayor of the Borough.**

Councillor Taylor made and subscribed the Declaration of Acceptance of the office of Mayor and thereupon adjourned from the Chamber in company with the retiring Mayor to receive the Insignia of Office.

In the Chair the Mayor Councillor George Taylor

On his return to the Chamber, the Mayor expressed thanks for the honour conferred upon him, for the generous terms in which the motion had been proposed and seconded and for the manner of its reception. He also advised that during his year of office the charity he would be supporting was The Prince's Trust.

## **3 RETIRING MAYOR**

On a motion by Councillor Charles Joel, which was seconded by Councillor Charles Rideout CVO, QPM it was

**RESOLVED that at the conclusion of the year of office of Councillor Douglas Auld as Mayor of the London Borough of Bromley, the Council places on record its appreciation of the able manner in which he has presided at meetings of the Council and the distinction with which he has maintained and discharged the high traditions and responsibilities of that office.**

The Council also recognises the commitment, enthusiasm and dedication with which he has carried out his Mayoral duties in other Boroughs and abroad. It records with pleasure his particular involvement and support of the Borough's voluntary groups, business community, schools and colleges. Additionally, it notes his consideration for the welfare and well being of residents from all age groups throughout the Borough.

He has carried out the duties of the Mayoralty with enthusiasm and dignity and has spread knowledge of its tradition its modern day relevance to the many schools and organisations which he has visited both in and outside of the Borough.

Councillor Auld has shown a deep knowledge and considerate understanding of the difficulties experienced by the blind and partially sighted and has successfully raised funds for The Kent Association for the Blind through his Charity Appeal.

**RESOLVED that the Corporate Seal be affixed to an engrossment of this resolution for presentation to Councillor Douglas Auld and a Past Mayor's Badge be presented to him in token of the appreciation hereby expressed.**



Thereupon the Mayor, on behalf of the Council, invested Councillor Douglas Auld with a badge in token of the appreciation of his services as Mayor of the Borough.

Councillor Douglas Auld expressed his thanks for the terms of the resolution and the presentation then made and for the support accorded to him which had contributed so greatly to his year of office as Mayor.

On a motion by Councillor Tony Owen, seconded by Councillor Simon Fawthrop, it was

**RESOLVED that the Council**

**(1) records its appreciation of the able and courteous services of Councillor Gordon Norrie and Mrs Linda Norrie when, as Deputy Mayor and Deputy Mayoress for the year 2009/2010, they represented the Mayoralty and the Council; and**

**(2) provide to Councillor Gordon Norrie and Mrs Linda Norrie an attested copy of this resolution.**

Councillor Norrie expressed his thanks for the terms of the resolution and for the support accorded to him during his year of office as Deputy Mayor.

Councillor Douglas Auld presented a Resolution to the retiring Mayor's Chaplain.

**4 APPOINTMENT OF DEPUTY MAYOR**

The Mayor signified orally and in writing his appointment of Councillor Ruth Bennett as the Deputy Mayor.

The Deputy Mayor was invested by the Mayor with the insignia of her office and she expressed appreciation for the honour of this appointment as Deputy Mayor.

**5 MINUTES**

On a motion by Councillor Carr, seconded by Councillor Arthur, it was

**RESOLVED that the Minutes of the meeting of the Council held on 29<sup>th</sup> March 2010 be submitted for confirmation at the next ordinary meeting of the Council.**

**6 ELECTION OF COUNCILLORS**

The election of Councillors as set out in the attached Appendix was noted

## **7 APPOINTMENT OF THE LEADER OF THE COUNCIL**

In accordance with the Council's new constitutional arrangements consideration was given to the appointment of a Leader of the Council for a four year term of office.

On a motion by Councillor William Huntington-Thresher and seconded by Councillor Sarah Phillips, it was

**RESOLVED that Councillor Carr be elected as Leader of the Council for a four year term of office.**

## **8 APPOINTMENT OF DEPUTY LEADER AND OTHER MEMBERS OF THE EXECUTIVE**

In accordance with the Council's new constitutional arrangements the Leader of the Council advised of the following appointments:

Councillor Graham Arthur as Deputy Leader of the Council  
Councillor Graham Arthur – Portfolio Holder for Adult and Community Services;  
Councillor Julian Benington – Portfolio Holder for Renewal and Recreation;  
Councillor Peter Morgan – Portfolio Holder for Public Protection and Safety;  
Councillor Ernest Noad – Portfolio Holder for Children and Young People;  
Councillor Neil Reddin – Portfolio Holder for Resources;  
Councillor Colin Smith – Portfolio Holder for the Environment.

**RESOLVED that the appointments made by the Leader of the Council, as set out above, be noted.**

## **9 THE LEADER'S ADDRESS TO COUNCIL**

In accordance with the agreed constitutional change that, on appointment, the Leader may elect to address the meeting, Councillor Carr made a brief statement.

He took the opportunity of congratulating all those involved in the recent elections and welcomed new colleagues to this first meeting of the new municipal year. Councillor Carr commented on the challenging times ahead for the Council and advised that nothing should be taken for granted. There was considerable work to be done in maintaining efficiencies in services, particularly front line services.

The Council would also continue with its key priority of creating vibrant and thriving Town Centres as well as meeting its objectives in together 'Building a Better Bromley'. He also emphasised the need to listen to those 'we represent'.

**10 APPOINTMENT OF COMMITTEES, AND THEIR CHAIRMEN AND VICE-CHAIRMEN**

Councillor William Huntington-Thresher moved and Councillor Nicholas Bennett seconded a Motion that the appointment of Councillors to Committees and the election of Chairmen and Vice Chairmen of Committees be approved as set out in the schedule which had been circulated.

**RESOLVED that the appointments indicated in the Appendix to these Minutes be agreed.**

**11 SCHEME OF DELEGATION AGREED BY THE LEADER OF THE COUNCIL AND CONFIRMATION OF THE SCHEME OF DELEGATION OF NON EXECUTIVE FUNCTIONS**

Changes to the executive arrangements required under the Local Government and Public Involvement in Health Act 2007 meant that any executive powers delegated to officers had to be delegated not by the Council, but by the Leader of the Council. The Scheme of Delegation to officers had been amended to reflect this new requirement and included other recent updates. Councillor Carr advised that any issues or concerns members may have about delegations could be raised with him and would be looked at during the new municipal year.

Confirmation was also sought in respect of updates to the Scheme of Delegation of non executive functions.

Councillor Owen moved and Councillor Wells seconded a Motion to confirm the scheme of delegation of non executive functions.

This Motion was duly adopted.

**12 THE MAYOR'S ANNOUNCEMENTS AND COMMUNICATIONS**

The Mayor announced that his Chaplain during this mayoral year would be Canon Paul Miller of St Mary's Church, Shortlands.

The Civic Service would take place at St Mary's Church, Shortlands at 10.30am on Sunday 20<sup>th</sup> June 2010. The Civic Reception for Voluntary Workers would take place at the Civic Centre on Friday, 23<sup>rd</sup> July 2010, starting at 6.30pm. Invitations to both events would be issued in due course.

The Mayor referred to his Charity for the year, The Prince's Trust and announced that as a novel way of helping to raise funds he would present a tube of smarties to officers and all members of staff at the Civic Centre inviting them to contribute to the charity by filling the emptied packet with monetary donations.

Mayor

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## COUNCIL APPOINTMENTS 2010/11

Executive – the allocation of Portfolios by the Leader of the Council is dealt with under Minute 8.

(Note: The Executive support Members will be reported to the meeting of the Executive on 26<sup>th</sup> May 2010)

### 1. APPOINTMENT OF POLICY DEVELOPMENT AND SCRUTINY COMMITTEES

#### (a) Proportionality and Size Of Committees

	Size	Conservative	Liberal, Democrat	Labour
Executive and Resources	15	13	1	1
** Adult and Community	9	7	1	1
** Children and Young People	9	7	1	1
Environment	11	9	1	1
** Public Protection and Safety	9	7	1	1
Renewal and Recreation	9	7	1	1

**RESOLVED** that the Committee sizes and proportionality indicated above be agreed.

#### Note increased size of Environment PDS

\*\* Co-opted members to be appointed at the first meeting of the PDS Committee

**(b) Appointment of Members to Policy Development and Scrutiny Committees**

**RESOLVED that the following Schedule of Members to serve on Policy Development and Scrutiny Committees for the Municipal Year 2010/2011 be agreed.**

**(i) EXECUTIVE AND RESOURCES PDS (To include the Chairmen of other PDS Committees)**

	<u>Councillors</u>
1	Eric Bosshard
2	Bob Evans
3	Judi Ellis
4	William Huntington-Thresher
5	Tim Stevens
6	Sarah Phillips
7	Paul Lynch
8	Russell Mellor
9	Tony Owen
10	Nicholas Milner
11	Nicholas Bennett
12	Russell Jackson
13	Will Harmer
14	Peter Fookes (LAB)
15	David McBride (LIB/DEM)

**(ii) ADULT AND COMMUNITY PDS**

	<u>Councillors</u>
1	Judi Ellis
2	Roger Charsley
3	Charles Rideout
4	Diane Smith
5	Ruth Bennett
6	Diana MacMull
7	William Huntington-Thresher
8	Reg Adams (LIB/DEM)
9	Peter Fookes (LAB)
**	8 Co-opted members

\*\* Plus 8 Co-opted Members representing, Health, Housing, Physical Disability, Older People, Learning Disabilities (2); Carers Bromley and Mental Health.

(iii) CHILDREN AND YOUNG PEOPLE PDS

	<u>Councillors</u>
1	Bob Evans
2	Stephen Wells
3	Anne Manning
4	Diana MacMull
5	Roxhannah Fawthrop
6	Judi Ellis
7	Nicholas Bennett
8	John Getgood (LAB)
9	David McBride (LIB/DEM)
**	5 Co-opted members

\*\* Representing Young People, Parent Governor, Churches, Teachers and Bromley Primary Care Trust

(iv) ENVIRONMENT

	<u>Councillors</u>
1	William Huntington-Thresher
2	Lydia Buttinger
3	Ellie Harmer
4	Ian Payne
5	Jane Beckley
6	Michael Turner
7	Nicholas Milner
8	Richard Scoates
9	Samaris Huntington-Thresher
10	Kathy Bance (LAB)
11	Tom Papworth (LIB/DEM)

(v) PUBLIC PROTECTION AND SAFETY PDS

	<u>Councillors</u>
1	Tim Stevens
2	Doug Auld
3	David Hastings
4	Harry Stranger
5	Kate Lymer
6	Peter Fortune
7	Will Harmer
8	Kathy Bance (LAB)
9	John Canvin (LIB/DEM)
**	6 Co-opted members

\*\* Representing Bromley Neighbourhood Watch, Bromley Community Engagement Forum, Bromley Victim Support, Bromley Federation of Residents Associations and 2 Youth Council reps.

(vi) RENEWAL AND RECREATION PDS

	<u>Councillors</u>
1	Sarah Phillips
2	Michael Tickner
3	Brian Humphrys
4	John Ince
5	Ian Payne
6	Russell Jackson
7	Pauline Tunnicliffe
8	John Getgood (LAB)
9	Tom Papworth (LIB/DEM)

(c) **Appointment of Chairman and Vice-Chairman**

**RESOLVED** that the following Councillors be appointed as **Chairman and Vice-Chairman of Policy Development and Scrutiny Committees.**

	<u>Chairman</u>	<u>Vice-Chairman</u>
Executive and Resources	Eric Bosshard	Bob Evans
Adult and Community Services	Judi Ellis	Roger Charsley
Children and Young People	Bob Evans	Stephen Wells
Environment	William Huntington-Thresher	Lydia Buttinger
Public Protection and Safety	Tim Stevens	Doug Auld
Renewal and Recreation	Sarah Phillips	Michael Tickner



**2 APPOINTMENT OF GENERAL PURPOSES AND LICENSING COMMITTEE**

**(a) Proportionality, Size of Committee and Terms of Reference**

	<u>Size</u>	<u>Conservative</u>	<u>Liberal Democrat</u>	<u>Labour</u>
General Purposes and Licensing Committee	15	13	1	1

**RESOLVED** that the Committee size and proportionately indicated above be agreed.

**(b) Membership of the General Purposes and Licensing Committee**

**RESOLVED** that the following Schedule of Members to serve on the General Purposes and Licensing Committee be agreed.

**(i) GENERAL PURPOSES AND LICENSING COMMITTEE**

	<u>Councillors</u>
1	Tony Owen
2	Stephen Wells
3	Charles Rideout
4	Diane Smith
5	Harry Stranger
6	Ian Payne
7	Michael Turner
8	Nicholas Bennett
9	Pauline Tunnicliffe
10	Roger Charsley
11	Roxhannah Fawthrop
12	Tim Stevens
13	William Harmer
14	John Getgood (LAB)
15.	John Canvin (LIB/DEM)

(c) **Appointment of Chairmen and Vice-Chairman**

**RESOLVED** that the following Councillors be appointed as Chairman and Vice-Chairman of the General Purposes and Licensing Committee.

	<u>Chairman</u>	<u>Vice-Chairman</u>
GENERAL PURPOSES AND LICENSING COMMITTEE	Tony Owen	Stephen Wells

**3 APPOINTMENT OF DEVELOPMENT CONTROL COMMITTEE**

**(a) Proportionality and size of Committee**

	<u>Size</u>	<u>Conservative</u>	<u>Liberal Democrat</u>	<u>Labour</u>
Development Control Committee	17	15	1	1

**RESOLVED:** That the Committee size and proportionately indicated above be agreed.

**(b) Membership of Development Control Committee**

**(i) DEVELOPMENT CONTROL COMMITTEE**

	<u>Councillors</u>
1	Alexa Michael
2	Charles Joel
3	Anne Manning
4	Peter Dean
5	Katy Boughey
6	John Ince
7	Russell Jackson
8	Doug Auld
9	Simon Fawthrop
10	Eric Bosshard
11	Lydia Buttinger
12	Paul Lynch
13	Richard Scoates
14	Russell Mellor
15	William Harmer
16	Reg Adams (LIB/DEM)
17	Peter Fookes (LAB)

**RESOLVED** that the above Schedule of Members to serve on Development Control Committee be agreed.

(c) **Appointment of Chairman and Vice-Chairman**

**RESOLVED:** that the following Councillors be appointed as Chairman and Vice-Chairman of the Development Control Committee.

	<u>Chairman</u>	<u>Vice-Chairman</u>
DEVELOPMENT CONTROL COMMITTEE	Alexa Michael	Charles Joel

**4 STANDARDS COMMITTEE (5 Councillors and 5 Independent Members)**

**(a) Appointment Of Members**

**RESOLVED** that Councillors Peter Dean, Peter Fookes (LAB), Alexa Michael, Tom Papworth (LIB/DEM) and Stephen Wells be appointed to serve on the Standards Committee for the 2010/2011 Municipal Year.

**5 STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION**

**Appointment of Members (7 Members) (Proportionality is 7:0:0)**

**RESOLVED** that Councillors Roger Charsley, Anne Manning, David McBride, Ian Payne, Russell Jackson, Diana MacMull be appointed to serve on SACRE for the 2010/2011 Municipal Year.

**6 APPOINTMENT OF APPOINTMENT PANELS**

**(a) Proportionality and size of Appointment Panels (as and when required)**

	<u>Size</u>	<u>Conservative</u>	<u>Liberal Democrat</u>	<u>Labour</u>
	7	6	1	0

**RESOLVED** that the Panel sizes and proportionately indicated above be agreed.

**(b) Membership of Appointment Panels**

**RESOLVED:**

that Appointment Panels to fill vacancies for Chief and Deputy Chief Officer posts should compose 7 Members as follows; the Leader of the Council, a majority Party Member of the Executive, a majority Party PDS Chairman, one Liberal Democrat Member, and 3 Members from the following 4 choices:

Either the Chairman of the General Purposes and Licensing Committee, the Vice-Chairman of the General Purposes and Licensing Committee, a second Majority Party Member of the Executive or a second Majority Party Member PDS Chairman.

**7 APPOINTMENT OF CHIEF OFFICER DISCIPLINARY PANEL**

**(a) Proportionality And Size of Appointment Panel**

<u>Size</u>	<u>Conservative</u>	<u>Lib/Dem</u>	<u>Labour</u>
7	6	1	0

**(b) Appointment of Members and Alternates**

**RESOLVED:** that Chief Officer Disciplinary Panels for Chief and Deputy Chief Officer posts should compose 7 Members as follows; the Leader of the Council, a majority Party Member of the Executive, a majority Party PDS Chairman, one Liberal Democrat Member, and 3 Members from the following 4 choices:

Either the Chairman of the General Purposes and Licensing Committee, the Vice-Chairman of the General Purposes and Licensing Committee, a second Majority Party Member of the Executive or a second Majority Party Member PDS Chairman.

**8 SAFER BROMLEY PARTNERSHIP STRATEGIC GROUP**

To appoint 3 Councillors (one to be the Portfolio Holder for Public Protection and Safety) 2 from the majority party and 1 from a minority party (not to be members of the respective PDS Committee).

**RESOLVED** that Councillors Reg Adams, Julian Benington and Peter Morgan be appointed to the Safer Bromley Partnership Strategic Group.

## GENERAL PURPOSES AND LICENSING COMMITTEE APPOINTMENTS

### 1. PROPORTIONALITY OF SUB-COMMITTEES

Audit Sub-Committee	7	6	1	0
Investment Sub-Committee	7	7	0	0
Local Joint Committee	9	9	0	0
Industrial Relations	7	6	0	0
Rights of Way	7	7	0	0

**RESOLVED** that the above proportionality be agreed

### 2. MEMBERSHIP OF SUB-COMMITTEES

#### (i) AUDIT SUB-COMMITTEE

	<u>Councillors</u>
1	Michael Tickner
2	Lydia Buttinger
3	Julian Grainger
4	Simon Fawthrop
5	Stephen Wells
6	Nicholas Bennett
7	Reg Adams (LIB/DEM)

#### (ii) INVESTMENT SUB-COMMITTEE

	<u>Councillors</u>
1	Nick Bennett
2	Paul Lynch
3	Eric Bosshard
4	Russell Jackson
5	Russell Mellor
6	Stephen Wells
7	Julian Grainger

(iii) LOCAL JOINT COMMITTEE (to include Leader or named Deputy, Chairman of Executive & Resources, Policy Development and Scrutiny Committee or named Deputy and Chairman of the General Purposes and Licensing Committee or named Deputy)

	<u>Councillors</u>
1	Russell Mellor
2	Graham Arthur
3	Tony Owen
4	Eric Bosshard
5	Michael Turner
6	Nicholas Bennett
7	Stephen Carr
8	Stephen Wells
9	Bob Evans

(iv) INDUSTRIAL RELATIONS SUB-COMMITTEE (to include Leader, Deputy Leader, Chairman and Vice-Chairman of the General Purposes and Licensing Committee)

	<u>Councillors</u>
1	Stephen Carr
2	Graham Arthur
3	Tony Owen
4	Stephen Wells
5	Eric Bosshard
6	Michael Tickner
7	Michael Turner

(vi) RIGHTS OF WAY SUB-COMMITTEE

	<u>Councillors</u>
1	Gordon Norrie
2	Harry Stranger
3	Richard Scoates
4	Julian Grainger
5	Michael Turner
6	Russell Mellor
7	Stephen Wells

**RESOLVED** that the above Schedule of Members to serve on the Sub-Committees of the General Purposes and Licensing Committee be agreed.



**3 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN**

**RESOLVED** that the following Councillors be appointed as Chairman and Vice-Chairman of the Sub-Committees of the General Purposes and Licensing Committee.

AUDIT SUB-COMMITTEE	Michael Tickner	Lydia Buttinger
INVESTMENT SUB-COMMITTEE	Nick Bennett	Paul Lynch
LOCAL JOINT COMMITTEE	To be appointed at the first meeting of the Committee (Russell Mellor)	To be nominated by Staff Side
INDUSTRIAL RELATIONS SUB-COMMITTEE	To be appointed at the first meeting of the Committee	To be appointed at the first meeting of the Committee
RIGHTS OF WAY SUB-COMMITTEE	To be appointed at the first meeting of the Committee	To be appointed at the first meeting of the Committee

**4. APPOINTMENT OF APPEALS SUB-COMMITTEE**

**RESOLVED:**

**(1) that all Members of the Council, except Executive Members, be eligible for appointment to the Appeals Panel.**

**(2) three Members be drawn as required, to constitute an Appeals Panel.**

**5. APPOINTMENT OF LICENSING SUB-COMMITTEE**

**RESOLVED:**

**(1) that all Members of the General Purposes and Licensing Committee be eligible for appointment to the Licensing Appeals Sub-Committee;**

**(2) three Members be drawn as required, to constitute a Licensing Sub-Committee.**

## DEVELOPMENT CONTROL COMMITTEE APPOINTMENTS

### 1. PROPORTIONALITY OF SUB-COMMITTEES OF DEVELOPMENT CONTROL COMMITTEE

Plans Sub No. 1	9	7	1	1
Plans Sub No. 2	9	7	1	1
Plans Sub No. 3	9	7	1	1
Plans Sub No. 4	9	7	1	1

**RESOLVED** that the above proportionality be agreed

### 2. MEMBERSHIP OF SUB-COMMITTEES

#### (ii) PLANS SUB-COMMITTEE NO. 1

	<u>Councillors</u>
1	Anne Manning
2	John Ince
3	Katy Boughey
4	Doug Auld
5	Charles Joel
6	Paul Lynch
7	Samaris Huntington-Thresher
8	Reg Adams (LIB/DEM)
9	Kathy Bance (LAB)

#### (iii) PLANS SUB-COMMITTEE NO. 2

	<u>Councillors</u>
1	Peter Dean
2	Russell Jackson
3	Alexa Michael
4	Simon Fawthrop
5	Gordon Norrie
6	Harry Stranger
7	Michael Turner
8	Peter Fookes (LAB)
9	David McBride (LIB/DEM)

(iv) PLANS SUB-COMMITTEE NO. 3

	<u>Councillors</u>
1	Katy Boughey
2	Doug Auld
3	Anne Manning
4	John Ince
5	Julian Grainger
6	Roxhannah Fawthrop
7	Paul Lynch
8	Kathy Bance (LAB)
9	Tom Papworth (LIB/DEM)

(v) PLANS SUB-COMMITTEE NO. 4

	<u>Councillors</u>
1	Alexa Michael
2	Simon Fawthrop
3	Peter Dean
4	Russell Jackson
5	Kate Lymer
6	Lydia Buttinger
7	Richard Scoates
8	John Carvin (LIB/DEM)
9	Peter Fookes (LAB)

**RESOLVED** that the above Schedule of Members to serve on the Sub-Committees of the Development Control Committee be agreed.

**3. APPOINTMENT OF CHAIRMEN AND VICE CHAIRMEN**

**RESOLVED:** that the following Councillors be appointed as Chairmen and Vice Chairmen of the Sub-Committees of the Development Control Committee.

PLANS SUB-COMMITTEE NO. 1	Anne Manning	John Ince
PLANS SUB-COMMITTEE NO. 2	Peter Dean	Russell Jackson
PLANS SUB-COMMITTEE NO. 3	Katy Boughey	Doug Auld
PLANS SUB-COMMITTEE NO. 4	Alexa Michael	Simon Fawthrop

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**APPENDIX A**

**LONDON BOROUGH OF BROMLEY**

**ANNUAL MEETING OF THE COUNCIL**

**19<sup>TH</sup> MAY 2010**

**DETAILS OF COUNCILLORS ELECTED ON 19 MAY 2010**

The particulars are as stated in the nomination in each case

<b><u>Surname</u></b>	<b><u>Christian Names</u></b>	<b><u>Address</u></b>	<b><u>Description</u></b>
<b>BICKLEY WARD</b>			
LYMER	Kate	17 Vincent Close Bromley Kent BR2 9ED	CON
RIDEOUT	Catherine Esther	16 Mavelstone Close Bromley Kent BR1 2PJ	CON
SMITH	Colin Paul	Merryn Warren Road Hayes Bromley Kent BR2 7AN	CON
<b>BIGGIN HILL WARD</b>			
BENINGTON	Julian Wybergh	Flora Cottage Luxted Road Downe, Orpington Kent BR6 7JX	CON
NORRIE	Gordon	23 St Winifred's Road, Biggin Hill Kent TN16 3HP	CON

<u>Surname</u>	<u>Christian Names</u>	<u>Address</u>	<u>Description</u>
<b>BROMLEY COMMON AND KESTON WARD</b>			
BENNETT	Ruth Elizabeth	18 Upper Park Road Bromley Kent BR1 3HT	CON
CARR	Stephen Leslie	55A Martins Road Bromley Kent BR2 0EE	CON
MICHAEL	Alexa Christine Anne	33 Kingswood Road Bromley Kent BR2 0HG	CON
<b>BROMLEY TOWN WARD</b>			
HARMER	William Praed	36 Rodway Road Bromley Kent BR1 3JL	CON
HASTINGS	David Leslie	10 Hollydale Drive Bromley Kent BR2 8QL	CON
MACMULL	Diana Lesley	5 Imperial Court The Avenue Beckenham Kent BR3 5ER	CON

<u>Surname</u>	<u>Christian Names</u>	<u>Address</u>	<u>Description</u>
<b>CHELSEFIELD AND PRATTS BOTTOM WARD</b>			
GRAINGER	Julian Patrick Greville	30 Homestead Road Chelsfield Orpington Kent BR6 6HW	CON
HUNTINGTON- THRESHER	Samaris Victoria Cosette	95 Kynaston Road Orpington Kent BR5 4JY	CON
JACKSON	Russell Anthony	Flat 2, 51 Shortlands Road Bromley Kent BR2 0JJ	CON
<b>CHISLEHURST WARD</b>			
BOSSHARD	Eric	53 Marlings Park Avenue Chislehurst Kent BR7 6RD	CON
BOUGHEY	Kathleen Ann	46 Camden Park Road Chislehurst Kent BR7 5HF	CON
PAYNE	Ian Frederick	4 Montague Terrace Durham Road Bromley BR2 0SZ	CON

<u>Surname</u>	<u>Christian Names</u>	<u>Address</u>	<u>Description</u>
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**CLOCK HOUSE WARD**

ADAMS	Reginald William	39 Cromwell Road Beckenham Kent BR3 4LL	LIB/DEM
MILNER	Nicholas Peter	44 Rectory Green Beckenham Kent BR3 4HX	CON
PHILLIPS	Sarah Jane	19 Clock House Road Beckenham Kent BR3 4JS	CON

**COPERS COPE WARD**

MELLOR	Russell Lawrence	16 Cheriton Avenue Bromley Kent BR2 9DD	CON
TICKNER	Michael John	3 Durham Lodge 12 Durham Avenue BR2 0QA	CON
WELLS	Stephen Frederick Christian	89D Albemarle Road Beckenham BR3 5HP	CON



<u>Surname</u>	<u>Christian Names</u>	<u>Address</u>	<u>Description</u>
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**CRAY VALLEY EAST WARD**

FAWTHROP	Roxhannah Jane	3 Monarch Close Coney Hall West Wickham Kent BR4 9DQ	CON
FORTUNE	Peter Timothy	22 Station Road, St Pauls Cray Orpington Kent BR5 3EH	CON
McBRIDE	David	69 Coleridge Way Orpington Kent BR6 0UQ	LIB/DEM

**CRAY VALLEY WEST WARD**

ELLIS	Judith Elizabeth	13 Crofton Avenue Orpington Kent BR6 8DU	CON
INCE	John Richard	31 Ringshall Road St Pauls Cray Orpington Kent BR5 2LX	CON
STRANGER	Harry Randolph	21 Sherlies Avenue Orpington Kent BR6 9RE	CON

**CRYSTAL PALACE WARD**

CANVIN	John	85 Shortlands Road Bromley Kent BR2 0JL	LIB/DEM
PAPWORTH	Tom	110 Birkbeck Road Beckenham BR3 4SS	LIB/DEM

<u>Surname</u>	<u>Christian Names</u>	<u>Address</u>	<u>Description</u>
<b>DARWIN WARD</b>			
SCOATES	Richard William	41 Broadcroft Road Petts Wood Orpington Kent BR5 1ET	CON
<b>FARNBOROUGH AND CROFTON WARD</b>			
EVANS	Robert John	29 Drayton Avenue Orpington BR6 8JN	CON
JOEL	Charles	61 Ferndown Avenue Orpington Kent BR6 8DE	CON
STEVENS	Tim	Lillys, Chelsfield Lane Chelsfield Village Kent BR6 7RP	CON
<b>HAYES AND CONEY HALL WARD</b>			
ARTHUR	Graham Leslie	33 Stanley Avenue Beckenham Kent BR3 6PU	CON
MANNING	Thelma Anne	60 Bourne Way Hayes Kent BR2 7EY	CON
REDDIN	Neil Richard	13 Warren Drive Chelsfield Orpington Kent BR6 6EX	CON

<u>Surname</u>	<u>Christian Names</u>	<u>Address</u>	<u>Description</u>
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**KELSEY AND EDEN PARK WARD**

DEAN	Peter Leslie	65 Manor Park Road West Wickham Kent BR4 0JY	CON
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LYNCH	Paul Martin	1 Grangewood Lane Beckenham Kent BR3 1NT	CON
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SMITH	Diane Helen	Merryn Warren Road Hayes Bromley Kent BR2 7AN	CON
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**MOTTINGHAM AND CHISLEHURST NORTH WARD**

CHARSLEY	Roger David	23 Alexandra Crescent Bromley Kent BR1 4ET	CON
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RIDEOUT	Charles John	16 Mavelstone Close Bromley Kent BR1 2PJ	CON
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<u>Surname</u>	<u>Christian Names</u>	<u>Address</u>	<u>Description</u>
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**ORPINGTON WARD**

BUTTINGER	Lydia Hannah	Flat 2, 51 Shortlands Road Bromley Kent BR2 0JJ	CON
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HUNTINGTON- THRESHER	William Keith Ernest	18 Homestead Road Orpington Kent BR6 6HW	CON
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TUNNICLIFFE	Pauline Anne	Holly Cottage 9 Holly Road Chelsfield Kent BR6 6BE	CON
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**PENGE AND CATOR WARD**

BANCE	Katherine Mary	17 Pawleyne Close Penge London SE20 8JH	LAB
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FOOKES	Peter Timothy	63 Bramerton Road Beckenham Kent BR3 3NY	LAB
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GETGOOD	John Michael	51 Woodbastwick Road London SE26 5LG	LAB
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<u>Surname</u>	<u>Christian Names</u>	<u>Address</u>	<u>Description</u>
<b>PETTS WOOD AND KNOLL WARD</b>			
AULD	Douglas Murray	2 Grange Drive Orpington Kent BR6 7NA	CON
FAWTHROP	Simon Henry	3 Monarch Close Coney Hall West Wickham Kent BR4 9DQ	CON
OWEN	Tony	12 The Maltings Orpington Kent BR6 0DH	CON
<b>PLAISTOW AND SUNDRIDGE WARD</b>			
HARMER	Ellie	36 Rodway Road Bromley Kent BR1 3JL	CON
MORGAN	Peter Leonard Wilton	28A Sundridge Avenue, Bromley BR1 2PX	CON
TURNER	Michael	5 College Road Bromley Kent BR1 3PT	CON

<u>Surname</u>	<u>Christian Names</u>	<u>Address</u>	<u>Description</u>
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**SHORTLANDS WARD**

NOAD	Ernest George	70 Kingswood Avenue Shortlands Bromley Kent BR2 0NP	CON
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TAYLOR	George Roger	Ringlands Grays Road Westerham Kent TN16 2HX	CON
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**WEST WICKHAM WARD**

BECKLEY	Jane Elizabeth	25 Bolderwood Way West Wickham Kent BR4 9PH	CON
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BENNETT	Nicholas Jerome	18 Upper Park Road Bromley BR1 3HT	CON
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HUMPHRYS	Brian Charles	62 Goodhart Way West Wickham Kent BR4 0ES	CON
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# Agenda Item 8

Report No.  
LDCS10116

London Borough of Bromley

Agenda  
Item No.

## PART 1 - PUBLIC

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**Decision Maker:** Council

**Date:** 28<sup>th</sup> June 2010

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

**Title:** PETITION SCHEME

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

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

**Ward:** All

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### 1. Reason for report

- 1.1 Under the Local Democracy, Economic Development and Construction Act 2009 the Council is required to put in place a Petition Scheme by June 2010, with facilities for e-petitions by December 2010. A draft of the proposed Scheme has been considered by the Constitution Improvement Working Group, the Executive and Resources PDS Committee and the Executive and is now presented for approval.
- 

### 2. RECOMMENDATION(S)

- 2.1 That the proposed Petition Scheme at appendix 1 be adopted and added to the Council's Constitution as an appendix with the consequential amendments set out in Appendix 2 being made to the Council's Constitution.

### Corporate Policy

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

### Financial

1. Cost of proposal: No cost
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £476,706 (2009/10)
  5. Source of funding: Existing budgets
- 

### Staff

1. Number of staff (current and additional): There are 14 posts (11.89 fte) in the Democratic Services Team
  2. If from existing staff resources, number of staff hours: This will be dependent on the volume of petitions received.
- 

### Legal

1. Legal Requirement: Statutory requirement. The Local Democracy, Economic Development and Construction Act 2009 (Sections 10-22)
  2. Call-in: Call-in is not applicable. Decision to be made by full Council.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): A clear Petition Scheme will give all local people an additional way to raise issues of concern.
- 

### Ward Councillor Views

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



### 3. COMMENTARY

3.1 The Local Democracy, Economic Development and Construction Act 2009 requires the Council to put in place a Petition Scheme by June 2010, with facilities for e-petitions by December 2010. This requirement has been anticipated for some time, but final statutory guidance from the Department for Communities and Local Government was only issued at the end of March 2010. The Act does not define exactly what constitutes a petition, but the accompanying guidance makes it clear that Councils are expected to make sensible judgements about whether items of correspondence should be considered under the scheme or under other procedures, such as the internal complaints procedure.

3.2 Under the Act, each local authority must have a petition scheme approved by full Council, and only full Council may amend the scheme. Once the scheme is published the authority is required to comply with it. The scheme must be publicised on the Council's website and by any other appropriate means, and must set out the minimum standards and entitlements that local people can expect. The minimum requirements set out in the Act are –

- Anyone who lives, works or studies in the local authority area, including young people under 18, can sign or organise a petition and trigger a response.
- A facility for making electronic petitions (e-petitions) must be provided (although this requirement does not come into force until December 2010).
- Petitions must be acknowledged within a certain period specified by the authority.
- The following possible responses to a petition should be set out in the scheme –
  - i. Taking the action requested;
  - ii. Considering the petition at a PDS or full council meeting;
  - iii. Holding an inquiry;
  - iv. Holding a public meeting;
  - v. Commissioning research;
  - vi. A written response to the petition organiser setting out the authority's views on the request in the petition;
- Petitions with a significant level of support trigger a debate at full Council (local authorities can determine this threshold locally, but it must be no higher than 5% of the local population – about 15,000 in Bromley.)
- Petitions with a requisite level of support, set by the local authority, may trigger a requirement for a senior local government officer to give evidence at a PDS Committee.
- A petition organiser can prompt a review of the local authority's response if they feel that it is inadequate.

Local authorities, when designing their petition scheme, are expected to take into account local circumstances to ensure that the scheme is appropriate to the needs of the area; ensure that the scheme is accessible to all; and ensure that the scheme is easy to use and understand, with achievable thresholds.

- 3.3 The Act allows Councils to reject petitions that are vexatious, abusive or offensive. Matters relating to licensing and planning decisions, or where there is a review or appeal process, are also excluded, as are matters where there are on-going legal proceedings. Petitions made under other Acts, such as petitions under the Local Government Act 2000 asking for a referendum on having an elected mayor, should be dealt with under those separate enactments.
- 3.4 The draft petition scheme meets the requirements of the Act, but Members may wish to consider in particular whether the thresholds are set at the appropriate levels for Bromley. It is proposed that the following thresholds are applied for paper/electronic petitions –
- Qualifying as a valid petition under the scheme: 25/50 signatures
  - Requiring consideration at a PDS Committee – 250/500 signatures
  - Requiring consideration at full Council – 500/1,000 signatures
  - Requiring a Councillor or a senior officer to give account before a PDS Committee – 500/1,000 signatures
- 3.5 The Constitution Improvement Working Group considered the issue of petitions on several occasions, most recently at its meeting on 1<sup>st</sup> February 2010. At that meeting a draft Petition Scheme was considered, and this forms the basis for the scheme attached to this report at [appendix 1](#). (The consequential changes to the constitution are set out in [appendix 2](#).) The Working Group at its meeting on 1<sup>st</sup> February 2010 commented that petitions involving very local issues which might affect only small numbers of residents should not be required to meet the same numerical thresholds as matters of more general interest, and also that paper petitions should have a lower threshold for action than e-petitions. At an earlier meeting on 27<sup>th</sup> July 2009, the Working Group had commented that there should be a register of petitions maintained by the Legal, Democratic and Customer Services Department and that Ward Members should be informed about petitions affecting their wards. All of these matters are taken into account in the proposed scheme.
- 3.6 The Executive and Resources PDS Committee considered the proposed Petition Scheme at its meeting on 9<sup>th</sup> June 2010. The Chairman of the Constitution Improvement Working Group, Councillor Nicholas Bennett, suggested at that meeting that in most circumstances it would be executive members who would need to respond to petitions and that the respective roles of executive and PDS members should be clarified in the Scheme. The Scheme has subsequently been amended in response to Councillor Bennett's point, with a change on page 3 to state that it will normally be the relevant portfolio holder who oversees the Council's response, although in some cases this will need to be the appropriate committee chairman. Broadly the following will apply to valid petitions -
- Petition received acknowledged and noted in register.
  - Referred to relevant Chief Officer and PH/committee chairman for preparation of response.
  - Response sent where possible in 10 working days.
  - If person dissatisfied appeal to PDS/Council depending on signatures.
  - PDS/Council consider appeal and make recommendations to PH/Executive
  - Report back to next meeting of PDS/Council by PH/Executive on how they have dealt with recommendations.
  - Annual report to Council (via GP&L)

A flow-chart has been added to illustrate how the scheme will work.

3.7 The Executive considered the Scheme at its meeting on 16<sup>th</sup> June 2010 and agreed to refer it to Council for adoption. Members of the Executive expressed some concern that thresholds in the scheme may be too low.

#### 4. FINANCIAL IMPLICATIONS

4.1 No additional provision has been made to deal with petitions. The Council's new committee management system, Modern.gov, includes provision for e-petitions at no additional cost.

#### 5. LEGAL IMPLICATIONS

5.1 The Local Democracy, Economic Development and Construction Act 2009 requires all Councils to put in place a petition scheme (by 15<sup>th</sup> June 2010) and facilities for e-petitions (by 15<sup>th</sup> December 2010). The commencement order establishing these deadlines was made on 19<sup>th</sup> March 2009.

#### 6. PERSONNEL IMPLICATIONS

6.1. The overall coordination of petitions will be carried out by Democratic Services staff from within existing resources.

<b>Non-Applicable Sections:</b>	Policy
Background Documents: (Access via Contact Officer)	"Listening to communities: Statutory guidance on the duty to respond to petitions" – Communities and Local Government, March 2010.

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## **London Borough of Bromley**

### **Petition Scheme**

#### **Who can submit a petition or e-petition?**

The Council welcomes petitions and a petition can be submitted by any person of any age who lives, works or studies in the borough of Bromley. All petitions will be acknowledged within five working days. To submit an e-petition you will also need to be a registered user. Registration is a simple process that just requires you to provide us with a few details in case we need to contact you about the e-petition. From time to time the Council may also submit an e-petition itself to gauge public feeling on a particular issue.

#### **Who can sign a petition or e-petition?**

A petition can be signed by a person of any age who lives, works or studies in Bromley. All petitioners should provide as appropriate their home, work or education establishment address. Anyone signing an e-petition should also include a valid email address, for verification purposes. Details of all signatories will be passed to the lead petitioner on the completion of an e-petition. You can only sign a petition once; the list of signatories will be checked by officers and any duplicate signatures or obviously frivolous responses will be removed.

#### **What issues can my petition or e-petition relate to?**

Your petition or e-petition should be relevant to some issue on which the Council has powers or duties or on which it has shared delivery responsibilities through the Local Area Agreement or other partnership arrangement. It should also be submitted in good faith and be decent, honest and respectful. Your e-petition may be rejected if it:

- Contains intemperate, inflammatory, abusive or provocative language.
- Is defamatory, frivolous, vexatious, discriminatory or otherwise offensive; or contains false statements.
- Is too similar to another petition submitted within the past six months.
- Discloses confidential or exempt information, including information protected by a court order or government department.
- Discloses material which is otherwise commercially sensitive.
- Names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies provided that this exemption will not apply to executive councillors, committee chairmen, the head of paid service or any statutory or non-statutory chief officer.
- Makes criminal accusations.
- Contains advertising statements.
- Refers to an issue which is currently the subject of a formal Council complaint, Local Ombudsman complaint or any legal proceedings.
- Relates to the Council's planning or licensing functions as there are separate statutory processes in place for dealing with these matters.

During politically sensitive periods, such as prior to an election, politically controversial material may need to be restricted.

The Council accepts no liability for the petitions on its web pages. The views expressed in the petitions do not necessarily reflect those of the Council. If your petition relates to an issue which is beyond the powers of the Council to address, it may be more appropriate to start an e-petition on the Number 10 website. Advice on the admissibility of e-petitions can be obtained from Democratic Services (contact details below).

### **Privacy policy**

The details you give us are needed to validate your support but will not be published on the website. This is the same information required for a paper petition. On the completion of an e-petition, your details will be passed on to the principal petitioner. The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the petition or e-petition.

### **What information should my petition or e-petition contain?**

Your petition or e-petition will need to include:

- A title;
- A statement explicitly setting out what action you would like the Council to do or not do. If you wish a Councillor or a senior officer to give account for a matter before a Policy Development and Scrutiny Committee then you must identify that individual and give reasons why they need to;
- Any information which you feel is relevant to the petition/e-petition and reasons why you consider the action requested to be necessary;
- For e-petitions a date for when your e-petition will go live on the website. It may take a couple of days to check your e-petition request and discuss any issues with you so please ensure that you submit the request a few days before you want the e-petition to go live;
- A date for when your e-petition will stop collecting signatures. In order to achieve the maximum impact, you may want to set this date so that the e-petition will be submitted prior to a date on which a debate is to be held or a decision taken on the issue. We will host your e-petition for up to 3 months but would expect most to be shorter in length than this;
- A choice of options for signatories to choose from, i.e. will you simply be asking people to 'agree' with the petition or will you give them the option to 'agree' or 'disagree'?
- As lead petitioner, your name will be displayed with your e-petition on the Website;
- Paper petitions should include space for signatories to complete the required information.

### **How Many signatures does my petition Need?**

To qualify as a valid petition under the Council scheme a paper petition requires a minimum of 25 signatures and an e-petition 50 signatures. In exceptional circumstances, the Council may consider accepting petitions with fewer signatures where there is local issue affecting a small number of residents.

### **Promoting petitions and e-petitions**

Whilst the Council will host e-petitions on its website, it will not generally promote individual e-petitions. It is, therefore, down to the lead petitioner to spread the word about their e-petition in order to get as many people as possible to sign up. If this is not done then your e-petition could receive no signatures. Raising awareness of it could be done in a number of ways such as promoting it on local community websites, discussion forums or newsletters. All it takes is to give people a brief explanation of the issue and then direct them to the Council's website at [www.bromley.gov.uk/epetitions](http://www.bromley.gov.uk/epetitions) to sign up. The Council will not promote or advertise paper petitions or allow copies to be left for signature on its premises although your Ward Councillor may be prepared to assist you or promote your petition.

### **What happens when the e-petition is complete?**

When the e-petition reaches its closing date you will no longer be able to sign it online. The list of signatories will be collated and you will be contacted regarding the submission of the completed e-petition.

### **What will happen to a Petition or e-Petition once it is submitted?**

Once a petition or e-petition has been submitted it will be referred to an appropriate Council officer for consideration. A Councillor (this will normally be the relevant Portfolio Holder, but in some cases it will be the appropriate committee chairman) will be identified to oversee the Council's response. This might include taking the action requested in the petition, or explaining why the action will not be taken. Other possible responses might be to refer the matter to a Policy Development and Scrutiny Committee or to the full Council, to commission research or public consultation, to hold a public meeting or to request an investigation. A response will normally be sent to you within 10 working days and will be posted on the Council's website.

If you are dissatisfied with the response you may ask that the matter is considered by a relevant Policy and Development & Scrutiny Committee. If your petition has more than 250 signatures (500 for an e-petition) you, or a person you nominate, will be invited to address the committee for up to 5 minutes. If your petition has more than 500 signatures (1,000 for an e-petition) you may instead ask that the petition is referred to full Council for consideration and you or your nominee can address the Council up to for 5 minutes. If your petition is to require a Councillor or a senior officer of the Council (except in exceptional circumstances, this will be an officer at Assistant Chief Officer level or above) to give evidence in public before a Policy Development and Scrutiny Committee this will require a petition of 500 signatures (1,000 for an e-petition.)

After considering your petition the Committee or Council can refer it to the Executive, a relevant Portfolio Holder or a Chief Officer with recommendations for action. At the next scheduled meeting of the Committee or Council there will be a report back either

advising that the recommendation has been complied with or giving reasons why it has not been possible to do so. The Director of Legal, Democratic and Customer Services will maintain a register of all petitions submitted and will report annually to Council on petitions received, actions taken to address petitions or reasons why it has not been possible to do so.

### **What can petitions and e-petitions achieve?**

When you submit a petition or an e-petition to the Council it can have positive outcomes that lead to change and inform debate. It can bring an issue to the attention of the Council and show strong public approval or disapproval for something which the Council is doing, and local Councillors will always be informed about petitions which affect their Wards. As a consequence, the Council may decide to, for example, change or review a policy, hold a public meeting or run a public consultation to gather more views on the issue.

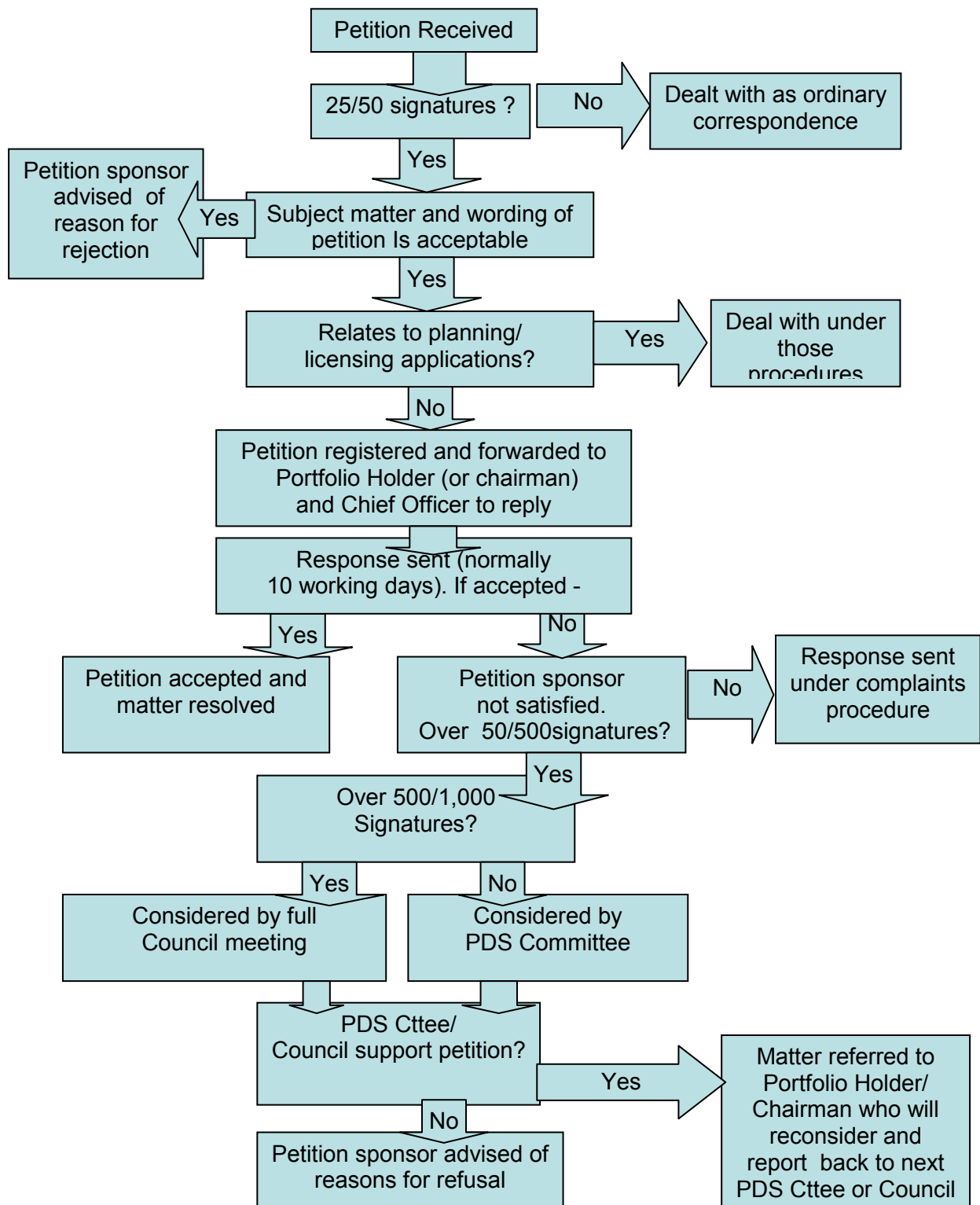
### **Contact Details**

For more information and advice or to discuss a potential e-petition, please contact Democratic Services.

(Contact details)



## London Borough of Bromley – Petition Scheme Process



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**Petition Scheme – Changes to the Constitution**  
(Proposed new text in **bold**)

Council Procedure Rules

**9A PETITIONS**

**91. The promoter of any petition with sufficient signatures under the Council's petition scheme (or their nominee) may address the Council for up to 5 minutes when their petition is being considered.**

**9.2 Council will receive an annual report from the Director of Legal, Democratic and Customer Services on the operation of the Council's petition scheme.**

Appendix 1 – Guidance on how the Council works

- 42 Right to Speak - The following will be entitled to speak at meetings of the Committees:
- a) any Councillor on a matter which affects his or her Ward or in respect of which he or she has a special interest, subject to the overriding discretion of the Chairman of the Committee
  - b) the Chief Executive, the Director of Legal, Democratic & Customer Services and the Director of Resources in respect of any matter coming within their statutory responsibilities; they and all other Chief Officers in respect of matters coming within their sphere of responsibility (whether or not covered by a specific statutory provision)
  - c) **the promoter of any petition with sufficient signatures under the Council's petition scheme (or their nominee) may address the Committee for up to 5 minutes when their petition is being considered.**
  - d) any other person, subject to the agreement of the Committee

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## GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held on 7<sup>th</sup> April 2010

### Present

Councillor Brian Toms (Vice-Chairman) (in the Chair)  
Councillors Nicholas Bennett JP, John Canvin,  
John Getgood, Julian Grainger, Mrs Anne Manning,  
Charles Rideout, Colin Smith, Mrs Brenda Thompson,  
Mrs Pauline Tunncliffe and Stephen Wells,

### RECOMMENDATIONS FOR CONSIDERATION BY COUNCIL

**1. REVISION TO LICENSING POLICY 2008-2011: ENFORCEMENT –  
RESULTS OF PUBLIC CONSULTATION  
Report ES10055**

The Council was required to have a Statement of Licensing Policy, to keep it under review and to make alterations as appropriate, subject to prior public consultation and to the approval by full Council. The draft revision of the “Enforcement” section of the Council’s Statement of Licensing Policy 2008 to 2011 had been agreed by this Committee in November 2009 (Minute 78) for formal public consultation.

The Director of Environmental Services reported that by the conclusion of the consultation period on 26<sup>th</sup> February 2010, approximately 900 people had been consulted (involving all known licence holders, known Residents’ Associations, responsible authorities and Ward Members) from whom 105 responses had been received the vast majority of which had supported the proposed revision of the enforcement section. Comments which had been made by respondents were included in the report and considered by Members. It was not felt that any of the comments significantly affected the proposed revision and therefore no further amendments were considered necessary.

**RESOLVED that, subject to the replacement of the word “that” with the word “there” in the penultimate line, the draft revision of the “Enforcement” section of the Council’s Statement of Licensing Policy 2008 to 2011 be endorsed.**

**RECOMMENDED that the endorsed revision of the “Enforcement” section of the Council’s Statement of Licensing Policy 2008-2011, as set out in the attached Appendix, be formally adopted by the full Council on 28<sup>th</sup> June 2010.**

**2. LONDON LOCAL AUTHORITIES ACT 1991: REVISION TO CODES OF PRACTICE FOR SPECIAL TREATMENTS**  
**Report ES10061**

In accordance with the London Local Authorities Act 1991, the Council had the power to make rules and regulations relating to premises offering special treatment (including massage, manicures, sunbeds, saunas, steam rooms, tattooing, acupuncture, electrolysis and piercing etc), all of which were required to hold a licence.

The Director of Environmental Services reported that the current rules and guidance notes which were issued as part of a Licence had been in place since 1991 and were now considered to be outdated. Following an extensive review, the officers recommended an updated and revised codes of practice for special treatments licences to include a simplified application process and fee structure, revised licence conditions and the introduction of a registration scheme for therapists, the details of which were set out in the Director's report. Since the publication of the report, various amendments had been identified and these were outlined by the Director's representative at the meeting. The changes to the rules, codes of practice and fees were to be referred to the Executive and full Council for approval and adoption. The Committee was also requested to authorise officers to make minor corrections and updates to the codes of practice in keeping with changing national standards or publications without the need for the specific approval of this Committee.

A Member was concerned that the procedure involving the granting of a licence should not pre-empt any decision where planning permission was also required. It was pointed out that, from a legal point of view, the granting of planning permission was not a pre-requisite to the issuing of a licence which was not conditional on planning consent. Both applications were separately administered and enforceable. It was felt that this issue could be addressed by the inclusion of an "informative" on any licence granted where planning permission was required.

On a separate matter, whilst noting that it was not a statutory requirement, a Member felt that the approximately 110 businesses affected should be consulted regarding the proposed changes. However, the majority of the Committee, in supporting the unified approach outlined and the tidying up of the standard conditions proposed, felt that there would be little point in embarking on an expensive consultation exercise.

**RECOMMENDED that, subject to the concurrence of the Executive, and with effect from 1<sup>st</sup> July 2010, the full Council on 28<sup>th</sup> June 2010:**

**(1) approves the adoption of the revised Codes of Practice as attached;**

**(2) agrees to the introduction of a registration scheme for all beauty therapists working in the Borough; and**

**(3) agrees changes in the administration process which supports local businesses including (a) a simplified fees structure, and (b) the removal of the requirement to place a newspaper advertisement for new applications.**

**RESOLVED that, subject to the adoption of the above recommendation, the officers be authorised to make minor corrections and updates to the Codes of Practice in keeping with changing national standards or publications without the need for formal reference to this Committee.**

**DECISION REQUIRED OF COUNCIL**

**Council to approve the above recommendations**

## Wording for Enforcement Section of Licensing Policy

Variation from existing policy is shown in bold italic and underlined.

### 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 there has been activity in connection with criminal activity.**

## Special Treatment Licence Fees

Current		Proposed	
Application fee (includes 1 treatment category)	£262	Tattooing and Body piercing	£400
Additional category	£44	All other treatments ( including ear & noise piercing)	£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)	£130	Tattooing and Body piercing	£ 200
Renewal with changes	£167	All other treatments ( including ear & noise piercing)	£175
Variation to treatments	£86	Variation to treatments	£ 50
Transfer	£86	Transfer	£100
Temporary Licence	Not available	Temporary Licence	£50 per month

## **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 1 July 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.

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### **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, elavators, 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.

## **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**

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**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 July 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**

- 
5. These Regulations may be dispensed with or modified by the Council at its discretion
  6. 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.

7. 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.
8. 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
- 9 Electrolysis

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

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#### **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.

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## **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.

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## **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 before the expiry date of the current licence. This must include the appropriate fee.

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### **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.

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### **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**

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(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 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**

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(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**

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(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).

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## **ELECTRICAL APPLIANCES**

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(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 by a competent person described under the **Electrical Safety section**.

## **GAS APPLIANCES**

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(a). All gas appliances and installations at the premises shall be inspected for safety at intervals not exceeding 12 months by a 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**

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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**

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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**

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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

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## **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.

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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**

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

## **INFECTION CONTROL**

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(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**

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

## **CONDUCT OF PERSONS AT PREMISES**

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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**

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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 receive a licensable treatment will need to provide proof of their age if they look under 25 .

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

Acceptable forms of ID are a photo 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.

## **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 year and be available for inspection by an authorised officer.

## **STANDARD LICENSING CONDITIONS NAIL TREATMENTS**

### **1.0 Definitions**

#### 1.1 Nail Treatments

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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 receive a licensable treatment will need to provide proof of their age if they look under 25 .

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

Acceptable forms of ID are a photo 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.

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

Separate

### **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 .

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. (As from April 2011 no one under the age of 18 may use the equipment)

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 receive a licensable treatment will need to provide proof of their age if they look under 25 .

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

Acceptable forms of ID are a photo 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.

## **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 if ID shown where necessary

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 receive a licensable treatment will need to provide proof of their age if they look under 25 .

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

Acceptable forms of ID are a photo 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.

## 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 receive a licensable treatment will need to provide proof of their age if they look under 25 .

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

Acceptable forms of ID are a photo 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 receive a licensable treatment will need to provide proof of their age if they look under 25 .

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

Acceptable forms of ID are a photo 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.



## **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 receive a licensable treatment will need to provide proof of their age if they look under 25 .

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

Acceptable forms of ID are a photo 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.

### **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.

## 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 receive a licensable treatment will need to provide proof of their age if they look under 25 .

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

Acceptable forms of ID are a photo 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.

#### **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 Public Health Laboratory Service 1994 Guidance on Hygiene for Spa Pools or later Guidance from the Health Protection Agency or 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 receive a licensable treatment will need to provide proof of their age if they look under 25 .

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

Acceptable forms of ID are a photo 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.



Report No.  
LDCS10115

London Borough of Bromley

Agenda  
Item No.

**PART 1 - PUBLIC**

**Decision Maker:**       **Council**

**Date:**                   **28 June 2010**

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

**Title:**                   **SUNBEDS (REGULATION) ACT 2010 - DELEGATION OF POWERS**

**Contact Officer:**     Lisa Thornley, Democratic Services Officer  
Tel: 020 8461 7914   E-mail: lisa.thornley@bromley.gov.uk

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

**Ward:**                   Boroughwide

1.   Reason for report

The attached report from the Head of Food Safety, Occupational Safety and Licensing (Appendix A), was submitted for consideration by the General Purposes and Licensing Committee at its meeting held on 27 May 2010. Members fully supported the recommendations in the report.

The relevant minute from the General and Purposes Licensing Committee meeting is attached as Appendix B for background information.

2.   **RECOMMENDATION**

**The Council is requested to approve the following delegation of authority to the Director of Environmental Services:**

- a.   **to enforce the provisions of the Sunbeds (Regulation) Act 2010; and**
- b.   **to appoint 'Authorised Officers' to undertake such duties.**

<b>Non-Applicable Sections:</b>	Policy, Financial, Legal, Personnel
Background Documents: (Access via Contact Officer)	Sunbeds (Regulation) Act 2010

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Report No.  
ES 10068

London Borough of Bromley

Agenda  
Item No.

PART 1 - PUBLIC

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

**Date:** 27 May 2010

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

**Title:** **SUNBEDS (REGULATION) ACT 2010 - DELEGATION OF POWERS**

**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 ask Members to agree to the delegation of authority to the Director of Environmental Services

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2. **RECOMMENDATION(S)**

**Members are asked to agree that**

**1. The Director of Environmental Services be authorised to**

**a. Enforce the provisions of the Sunbeds (Regulation) Act 2010**

**b. Appoint 'Authorised Officers'**

### Corporate Policy

1. Policy Status: N/A.
  2. BBB Priority: Children and Young People. Safer Bromley
- 

### 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: N/A
- 

### Staff

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

### Legal

1. Legal Requirement: Statutory requirement.
  2. Call-in: Call-in is applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All persons under the age of 18
- 

### Ward Councillor Views

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

### 3. COMMENTARY

The Sunbeds (Regulation) Act received Royal Assent on 8 April 2010 and comes into force on 8 April 2011, and seeks to prevent commercial sunbeds being used by persons under the age of 18.

This act has its background set against the medical concerns about the increased risk of skin cancer to young people from the use of commercial sunbeds

Local Authorities are charged with its enforcement (section 7(1)) and are required to appoint officers for that purpose who have powers of entry as set out in the schedule. (section 7(2))

Authorised Officers have the powers to

- a. Enter and inspect premises (not a dwelling) where its believed that a sunbed business is being carried on
- b. Require the production of books, documents or records, inspect them and take copies or extracts or take possession of them
- c. Require other information and ask for other assistance as necessary
- d. Make purchases and secure the provision of such services (Test purchasing)
- e. Apply for a warrant of entry to a Justice of the Peace

To enable the Council to effectively discharge its responsibilities the Director of Environmental Services seeks the delegation of authority to appoint 'Authorised Officers'.

### 4. LEGAL IMPLICATIONS

The Council has a duty to enforce this Act and appoint 'Authorised Officers'

<b>Non-Applicable Sections:</b>	<b>POLICY IMPLICATIONS, PERSONNEL IMPLICATIONS, FINANCIAL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	Sun beds (Regulation) Act 2010

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**GENERAL PURPOSES AND LICENSING COMMITTEE**

**Meeting held on 27 May 2010**

**7 SUNBEDS (REGULATION) ACT 2010 - DELEGATION OF POWERS**

The Head of Food Safety, Occupational Safety and Licensing introduced the report.

Members sought clarification on whether these regulations would increase the workload of the Department. In response, they were informed that the extra work created would be absorbed into the daily work of the Section.

**RESOLVED that:-**

- 1) the Director of Environmental Services be authorised to:-**
  - a. enforce the provisions of the Sunbeds (Regulation) Act 2010;**
  - b. appoint 'Authorised Officers'.**
  
- 2) the report be referred to Full Council for endorsement.**

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Report No.  
LDCS10022

London Borough of Bromley

Agenda  
Item No.

## PART 1 - PUBLIC

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**Decision Maker:** Council

**Date:** 28<sup>th</sup> June 2010

**Decision Type:** Non-Urgent

**Title:** **CAPITAL PROGRAMME 2010/11 REVISIONS AND TRANSFER OF LEARNING AND SKILLS COUNCIL FUNDING**

**Contact Officer:** Lynn Hill, Democratic Services  
Tel: 020 8461 7700 E-mail: lynn.hill@bromley.gov.uk

**Chief Officer:** Director Legal, Democratic and Customer Services  
Director of Resources

**Ward:** N/A

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### 1. Reason for report

The Executive at its meeting on 16<sup>th</sup> June 2010 received a report on the final outturn on capital expenditure and receipts for 2009/10 which is attached for background information. As part of this report there are details of three capital schemes that need to be reported to Council for formal inclusion in the current Capital Programme.

In addition there are also two other schemes that were agreed by the Executive at its May meeting all of which individually cost over 1m that need to be reported to Council for inclusion in the Capital Programme.

At the Executive's meeting on 16<sup>th</sup> June 2010 there was also a report on the transfer of 16-19 Funding and Commissioning from the Learning and Skills Council to Bromley and Council is requested to approve the corresponding adjustment to the CYP budget.

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### 2. **RECOMMENDATION(S)**

**Council is recommended to approve -**

**1) the inclusion in the Capital Programme of the following Schemes:**

**i) Bickley Primary School - £1,395,000**

**ii) Princes Plain Primary School - £1,363,000**

**iii) The Highway Primary School - £4,020,000**

**iv) Hawes Down Co-location Project - £1.518m; and**

**v) Redevelopment of The Pavilion Leisure Centre - £5.5m; and**

**2) the transfer of 16-19 Funding and Commissioning from the Learning and Skills Council to the Local Authority – adjustment of the CYP budget to reflect the payment responsibilities of £47m in total of which £31.4m is in the approved budget to fund Bromley schools post 16 provision; the increase of £15.9m to be offset by a corresponding increase in YPLA funding.**

### Corporate Policy

1. Policy Status: Existing policy. Any changes to the capital programme in respect of schemes costing over a £1m have to be reported to Council.
  2. BBB Priority: Excellent Council.
- 

### Financial

1. Cost of proposal: Estimated cost £15.8m Capital and £15.9m YPLA Payments
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Capital Programme & Schools/Colleges Related Budgets
  4. Total current budget for this head: £75.2m approved Capital Programme for 2010/11 & £31.4m YPLA Grant
  5. Source of funding: Capital Programme: capital receipts, grants, contributions and revenue contributions; YPLA Grant
- 

### Staff

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

### Legal

1. Legal Requirement: 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): N/A
- 

### Ward Councillor Views

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

### 3. COMMENTARY

The following schemes require Council approval to be included in the current Capital Programme.

#### Expansion and rebuild of three Primary Schools.

Paragraphs 3.12 and 3.13 of the attached report give brief details of the three capital schemes to expand Bickley and Princes Plain Primary Schools and to rebuild The Highway Primary School.

#### Hawes Down Co-location Project

The Executive at its meeting on 26<sup>th</sup> May 2010 considered a report setting out proposals and costs in respect of the above project to develop the Phoenix Youth Centre into a service hub for disabled children and their families. Approval was given to proceed with the project and seek planning permission and appropriate tenders for the work.

Full details of the proposals are set out in the report submitted to the Executive including the decision to locate the new provision as part of the Phoenix Youth Centre rather than in a separate building. A fully costed appraisal was submitted which showed that the capital cost of the Project would be funded from a range of grants as well as a contribution from the Glebe Special School. The corresponding cost of the boiler replacement would be funded from the planned maintenance budget. Council is being requested to approve the inclusion of a sum of £1.518m in the Capital Programme for this project.

#### Proposals for the redevelopment and refurbishment of The Pavilion Leisure Centre

Also at the Executive meeting on 26<sup>th</sup> May 2010 was a detailed report on a range of proposals, drawn up by Bromley Mytime in conjunction with the Council, for the redevelopment of The Pavilion Leisure Centre. These included the refurbishment of the Leisure pool; complete redevelopment and relocation of the fitness suite; the relocation of the Adventure Kingdom into the Pavilion and a new 12 lane Tenpin bowling activity in place of the squash courts and sports hall. The Executive fully supported these proposals to bring a range of improvements to public services in Bromley Town Centre and agreed to request the Council to approve the inclusion of £5.5m in the capital programme for the Pavilion development.

### 4 The transfer of 16-19 Funding and Commissioning from the Learning and Skills Council to the Local Authority

At its meeting on 16<sup>th</sup> June 2010, the Executive received a detailed report on the transfer of responsibilities to the Council for securing sufficient high quality education and training skills for all young people aged 16-18 and learners aged 19-25 with learning difficulties and disabilities. Detailed reports on this have already been to the CYP Portfolio Holder at his meeting in February as well as a briefing paper circulated to all members on 22<sup>nd</sup> April 2010. The Council gained responsibility on 1<sup>st</sup> April 2010 for the transfer of funding already allocated for running the existing Learning and Skills Council contracts in the current academic year and thereafter providing the future service.

In the initial four month period, the Council will receive £16m; £10m of this will be sent to schools to fund School Sixth Forms, and the remaining £6m will be sent to the FE colleges and other external providers of 16-18 services. Extrapolating the £16m for a whole financial year, the amount received by Bromley will be around £47 million of which £31.4m is in the approved budget to fund Bromley schools post 16 provision. Commissioning decisions at a national level will determine the actual figure received and distributed.

Funding is received and distributed in monthly instalments. The Young People Learning Agency (YPLA) have issued a detailed timetable specifying the dates when they will transfer funding to the Council, and in turn when the Council must make the payments to the individual providers. All funding is received in advance of distribution.

The duties assumed in commissioning and in distributing the funds are determined by statute under a national formula and so are not discretionary. This being so, there are no funding risks beyond those entailed in any management arrangement. As with all other activities, these are under the Financial Procedures and other governance arrangements.

Unlike the Dedicated Schools Grant (DSG), any unused balances revert to source (YPLA) rather than being carried forward.

Because of the Local Authority’s ‘banker’ role, it is recommended that the 2010/11 gross budget for CYP should be increased to reflect sums distributed to external providers, offset by a corresponding increase in YPLA funding. The “equal and opposite” adjustments to the budget will be circa £16m. Other councils have confirmed that they are making similar arrangements to adjust their budgets. The Executive in agreeing/endorsing the arrangements is recommending to Council that the Children and Young People budget be adjusted to reflect the full 2010/11 payment responsibilities of £47m offset by a corresponding increase in YPLA funding.

**5. FINANCIAL IMPLICATIONS**

The main financial details are set out above. A revised Capital Programme and capital financing statement will be included in the quarterly monitoring report due to be considered by the Executive at its meeting on 21<sup>st</sup> July 2010.

<b>Non-Applicable Sections:</b>	Legal, Personnel and Policy implications.
Background Documents: (Access via Contact Officer)	[Title of document and date]

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PART 1 - PUBLIC

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**Decision Maker:** Executive

**Date:** 16<sup>th</sup> June 2010

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

**Title:** CAPITAL PROGRAMME OUTTURN 2009/10

**Contact Officer:** Martin Reeves, Group Accountant (Technical)  
Tel: 020 8313 4291 E-mail: martin.reeves@bromley.gov.uk

**Chief Officer:** Director of Resources

**Ward:** All

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1. Reason for report

1.1 This report sets out the final outturn on capital expenditure and receipts for 2009/10. It also gives details of the final outturn in respect of block provisions within the 2009/10 Capital Programme. The Executive is asked to consider carry-forward requests from 2009/10 into 2010/11 totalling £96,000 and to recommend to Council the approval of three capital schemes considered at the meeting on 31<sup>st</sup> March 2010.

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**RECOMMENDATION(S)**

**2.1 That the Executive note the report and approve the carry forward of unspent capital budgets on the following block provisions (paragraphs 3.8 to 3.10):**

- (i) Children's Services Planned Maintenance / Modernisation (£78,000) and
- (ii) Works to prepare sites for disposal (£18,000).

**2.2 That the Executive recommend to the Council that approval be given to the inclusion in the Capital Programme of the following schemes, fully funded from existing provisions in the programme (paragraphs 3.12 and 3.13):**

- (i) Bickley Primary School £1,395,000
- (ii) Princes Plain Primary School £1,363,000
- (iii) The Highway Primary School £4,020,000

## Corporate Policy

1. Policy Status: Existing policy. Capital Programme monitoring is part of the planning and review process for all services. Capital schemes help to maintain and improve the quality of life in the borough. Effective asset management planning (AMP) is a crucial corporate activity if a local authority is to achieve its corporate and service aims and objectives and deliver its services. The Council continuously reviews its property assets and service users are regularly asked to justify their continued use of property. For each of our portfolios and service priorities, we review our main aims and outcomes through the AMP process and identify those that require the use of capital assets. Our primary concern is to ensure that capital investment provides value for money and matches the Council's overall priorities as set out in the Community Plan and in "Building a Better Bromley".
  2. BBB Priority: Excellent Council.
- 

## Financial

1. Cost of proposal: N/A No additional cost - report asks for approval of carry-forward of unspent 2009/10 block capital provisions.
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Capital Programme block provisions
  4. Total current budget for this head: £4,662,000 in 2009/10; £5,240,000 in 2010/11
  5. Source of funding: Capital receipts / grants & contributions
- 

## Staff

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

## Legal

1. Legal Requirement: 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): N/A
- 

## Ward Councillor Views

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

### 3. COMMENTARY

#### Capital Programme Outturn 2009/10

- 3.1 The final capital outturn (actual expenditure plus sundry creditors) for the year was £42.5m, compared to the revised total estimate of £52.6m approved by the Executive in February. The underspend of £10.1m (19%) was mainly due to slippage of expenditure into 2009/10. The slippage was across the board and, although this represented a significant improvement on the 2008/09 outturn (an underspend of £22m – 40%), it is clear that a more realistic approach towards anticipating slippage still needs to be taken. This is evidenced in Appendix 1, which compares outturn performance to original and latest approved budgets.
- 3.2 The final underspend included £144k in respect of block capital provisions, which, under the Council's Capital Programme procedures, can only be carried forward with the approval of the Executive. The final outturn on block provisions, including carry-forward requests totalling £96,000, is reported in paragraphs 3.7 to 3.11 and is set out in Appendix 2.
- 3.3 The former Finance Sub-Committee agreed in October 1994 that "the cost of feasibility studies should only remain capitalised if a resultant capital scheme is approved within two years of being carried out. Failing capitalisation, the cost should be charged to the relevant service Committee's revenue account". In cases resulting in an approved scheme in the Capital Programme, the cost of the study should be transferred to the scheme code. Feasibility costs are reviewed annually and, as a result of the latest review, £3,000 was transferred in 2009/10 to scheme codes in respect of feasibility studies that resulted in approved capital schemes.
- 3.4 The financing of 2009/10 capital expenditure is compared below with the latest estimates reported on 3rd February 2010.

<b>Source of Finance</b>	<b>Estimate £m</b>	<b>Actual £m</b>
Total capital expenditure	52.6	42.5
<i>Financed by:</i>		
Usable receipts	5.4	3.8
Revenue contributions	7.5	4.1
Government grants	27.7	26.3
Other contributions	10.9	8.3
General Fund	-	-
Borrowing (internal loan)	1.1	-
<b>TOTAL</b>	<b>52.6</b>	<b>42.5</b>

During 2009/10, capital monitoring reports have been considered by the Executive on a quarterly basis, in July 2009, November 2009 and February 2010, and reported changes have been incorporated in revised approved Capital Programmes. For information, Appendix 1 includes a comparison between final outturn and the original approved budget (February 2009).

#### Capital Receipts

- 3.5 Under the "prudential" capital system in operation from 1<sup>st</sup> April 2004, most capital receipts are "useable" and may be applied to finance capital expenditure. The final outturn for new capital receipts from asset disposals was slightly higher (£0.5m) than the estimate reported in February. New usable capital receipts (including various loan and mortgage repayments) totalled £3.0m in 2009/10 and an unapplied balance of £13.2m has been carried forward to finance expenditure in 2010/11 and later years. No capital contribution from the General Fund was required in 2009/10. The final outturn is summarised below:

	Useable Receipts
	£'000
Unapplied balance at 1 <sup>st</sup> April 2009	14,032
Receipts during 2009/10	3,026
Applied to finance capital expenditure	- 3,822
Unapplied balance at 31 <sup>st</sup> March 2010	13,236

## Section 106 Receipts

3.6 In addition to capital receipts from asset disposals, the Council is holding a significant sum in respect of Section 106 capital contributions received from developers in recent years. These are made to the Council as a result of the granting of planning permission and are restricted to being spent on capital works in accordance with the terms of agreements reached between the Council and the developers. These receipts are held in a reserve, the balance of which had increased slightly from £4,009k as at 31<sup>st</sup> March 2009 to £4,046k as at 31<sup>st</sup> March 2010, and will be used to finance capital expenditure from 2010/11 onwards. Balances and in-year movements are shown in the following table.

Agreed service area	Balance b/fwd £000	Income £000	Expenditure £000	Balance c/fwd £000
Local economy	591	26	38	579
Housing provision	1,790	-	87	1,703
Education	768	136	-	904
Community use	860	-	-	860
<b>TOTAL</b>	<b>4,009</b>	<b>162</b>	<b>125</b>	<b>4,046</b>

## Capital Programme Block Provisions

3.7 Under the Council's Capital Programme procedures, underspendings on the annual block provisions in the Capital Programme can only be carried forward with the approval of The Executive. Requests for carry-forward of block provision underspends need to be justifiable and reasonable. It would not be reasonable to approve a carry-forward in the event of a general underspend and Members have tended, in recent years, to only approve them in cases where work is committed as at 31<sup>st</sup> March. Overspendings on block provisions in any year are automatically deducted from the approved budget in the following year. The outturn position for all capital block provisions is shown in Appendix 2.

3.8 Block capital provisions were underspent overall by £144k in 2009/10 and requests totalling £96,000 have been submitted by departments for carry forward of unspent provisions from 2009/10 to 2010/11. These are summarised below and further details are given in paragraphs 3.9 and 3.10.

Block Provision	Underspend £000	Carry- forward requested £000
Education - Planned Maintenance/Modernisation	78	78
Works to surplus properties	18	18
<b>TOTAL</b>	<b>96</b>	<b>96</b>

### 3.9 Education Planned Maintenance / Modernisation programme

Final outturn on the Education Planned Maintenance / Modernisation programme totalled £3,343k in 2009/10, an underspend of £78,000 on the final approved budget of £3,421k. The Chief Property Officer has authority to vary the programmes of planned maintenance projects where such action is considered necessary to make the most effective use of resources or to protect the Council's assets. In 2009/10, a number of education projects were completed late in the financial year for operational reasons. The underspend identified above relates to works on these projects carried out before, but not invoiced or paid until after, 31<sup>st</sup> March 2010. The Executive is asked to agree that the total underspend of £78,000 be carried forward into 2010/11 to offset the invoices when they are actually paid.

### 3.10 Works to surplus properties

A total of £53,000 was spent on works on surplus properties against a budget of £71,000, an underspend of £18,000. The number of surplus sites/ properties being held by Property Division has increased in recent years, with a consequent increase in management and health and safety costs being incurred prior to disposal. It is therefore requested that the underspend of £18,000 is carried forward into 2010/11.

#### **Overspendings on Block Provisions in 2009/10**

3.11 There was a net overspend of £19k on Disabled Facilities Grants, which in accordance with approved Capital Programme procedures, has been deducted from the 2010/11 budget. Further details of this are given in Appendix 2.

#### **Capital schemes to be submitted to the Council**

3.12 On 31<sup>st</sup> March 2010, the Executive considered a report "Approval of Procurement Strategy and Outline Proposal for Schemes at three Primary Schools" and approved fully costed feasibility studies and a procurement strategy in respect of capital schemes to expand Bickley and Princes Plain Primary Schools and to rebuild The Highway Primary School at a total estimated cost of £6,778,000. This comprised £1,395,000 for Bickley Primary, £1,363,000 for Princes Plain Primary and £4,020,000 for The Highway Primary.

3.13 Funding was identified for all the proposed expenditure, from government grant streams (Primary Capital Programme, Children & Family Centres and Early Years), Section 106 receipts, planned maintenance (provision for all of which has previously been approved in the Capital Programme) and a contribution from the schools. However, the three schemes are all estimated to cost more than £1m and will be separately identified as new schemes in the approved Capital Programme. They will, therefore, require the further approval of the Council and the Executive is asked to recommend their approval to the Council.

## **4. POLICY IMPLICATIONS**

4.1 Capital Programme monitoring is part of the planning and review process for all services. Capital schemes help to maintain and improve the quality of life in the borough. Effective asset management planning (AMP) is a crucial corporate activity if a local authority is to achieve its corporate and service aims and objectives and deliver its services. The Council continuously reviews its property assets and service users are regularly asked to justify their continued use of property. For each of our portfolios and service priorities, we review our main aims and outcomes through the AMP process and identify those that require the use of capital assets. Our primary concern is to ensure that capital investment provides value for money and matches the Council's overall priorities as set out in the Community Plan and in "Building a Better Bromley".

## 5. FINANCIAL IMPLICATIONS

- 5.1 The financial considerations are detailed above. There was no requirement for a General Fund contribution to finance capital in 2009/10, although there was a planned earmarked contribution of £4.1m from the revenue budget towards the cost of specific capital schemes. The final revenue outturn is reported elsewhere on the agenda and this shows a General Fund balance of £51.9m as at 31<sup>st</sup> March 2010. Including the unapplied capital receipts balance of £13.2m, a total of £65.1m will be available for capital and revenue priorities in 2010/11 and beyond, compared to an estimate of £59.2m reported in February. This increase is largely due to capital expenditure slippage and to the recovery of a significant amount relating to outstanding VAT claims (£3.2m), which is covered in more detail in the Provisional Final Accounts report elsewhere on the agenda.
- 5.2 The slippage on capital schemes in 2009/10 was significantly lower than in 2008/09 and this is currently being reviewed to identify the potential impact on future years' programmes. Much of it, however, relates to grant-funded schemes, which will not impact on Council resources. The market for disposals and hence the availability of capital receipts remains tight. A revised Capital Programme and capital financing statement will be included in the quarterly monitoring report to be considered at the July meeting.

<b>Non-Applicable Sections:</b>	Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Departmental requests for carry-forward of unspent block capital provisions (May/June 2010). Approved Capital Programme (Executive 03/02/10).