



THE LONDON BOROUGH
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DATE: 6 March 2012

To: Members of the
GENERAL PURPOSES AND LICENSING COMMITTEE

Councillor Tony Owen (Chairman)
Councillor Russell Mellor (Vice-Chairman)
Councillors Nicholas Bennett MA J.P., John Canvin, Roger Charsley,
Roxhannah Fawthrop, John Getgood, Will Harmer, Gordon Norrie, Ian F. Payne,
Charles Rideout QPM CVO, Diane Smith, Tim Stevens and Stephen Wells

A meeting of the General Purposes and Licensing Committee will be held at Bromley Civic Centre on **WEDNESDAY 14 MARCH 2012 AT 7.30 PM**

MARK BOWEN
Director of Corporate Services

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

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF THE MEETING HELD ON 1ST DECEMBER 2011 (Pages 5 - 10)**
- 4 **MATTERS OUTSTANDING FROM PREVIOUS MEETINGS**

The following item is listed as outstanding from previous meetings:

Minute 165/1 (28th September 2011): Management Grade Pay Review 2011

The Committee requested a further update for the next meeting – a report is being prepared.

- 5 **QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Thursday 8th March 2012.

- 6 **REVISION OF LICENSING POLICY 2012** (Pages 11 - 70)
- 7 **GUIDANCE ON "REVIEW" HEARINGS FOR MEMBERS OF LICENSING SUB-COMMITTEES** (Pages 71 - 88)
- 8 **GUIDANCE ON MAKING A LICENSING APPLICATION - VOLUNTARY CONDITIONS IN THE OPERATING SCHEDULE** (Pages 89 - 98)
- 9 **NOMINATION FOR APPOINTMENT AS AN HONORARY ALDERMAN** (Pages 99 - 104)
- 10 **APPOINTMENTS TO OUTSIDE BODIES** (Pages 105 - 108)
- 11 **PROGRAMME OF MEETINGS 2012/13** (Pages 109 - 114)
- 12 **EXECUTIVE ASSISTANTS: ANNUAL REPORT 2011/12** (Pages 115 - 122)
- 13 **MEMBERS' ALLOWANCES SCHEME 2012/13** (Pages 123 - 130)
- 14 **PAY POLICY STATEMENT** (Pages 131 - 148)
- 15 **RIGHTS OF WAY SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 1ST NOVEMBER 2011** (Pages 149 - 154)
- 16 **PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON 9TH NOVEMBER 2011 AND 9TH FEBRUARY 2012, EXCLUDING EXEMPT INFORMATION** (Pages 155 - 176)
- 17 **INDUSTRIAL RELATIONS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 22ND NOVEMBER 2011 (EXCLUDING EXEMPT INFORMATION)** (Pages 177 - 178)
- 18 **AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 15TH DECEMBER 2011, EXCLUDING EXEMPT INFORMATION** (Pages 179 - 184)

The Committee's attention is drawn to minute 77 (Internal Audit Progress Report: Audit Plan Progress - Page 4), where Members of the Audit Sub-Committee commented on the future of the Freedom of Information service.

The Director of Resources comments –

The budget proposals approved by Council include removal of the current central resource which co-ordinates Freedom of Information Act requests. The majority of the requests received are specific to individual departments and of the c 1230 being received for the last year 229 were cross cutting. Whilst providing a good service the present support arrangements have arguably acted as an impediment to aspects of FOI work being mainstreamed in the time since the Act came into force.

To support the transition then additional training has been delivered to departmental

co-ordinators on the FOI computer system and an-e-form has been produced to better direct requests. Cross cutting work is common across the council and there is no reason why FOI can't be dealt with a relevant officer leading on a case by case basis as happens in other areas. There will be some central resource in place until at least the end of July 2012.

The majority of work around FOI is an Executive function and the Portfolio Holder and Leader have been fully apprised of the proposals and have raised no objection.

19 APPEALS SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON 25TH NOVEMBER 2011 AND 26TH JANUARY 2012, EXCLUDING EXEMPT INFORMATION (Pages 185 - 188)

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

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

<u>Items of Business</u>	<u>Schedule 12A Description</u>
<p>21 PENSIONS INVESTMENT SUB-COMMITTEE: EXEMPT MINUTES - 9TH NOVEMBER 2011 AND 9TH FEBRUARY 2012 (Pages 189 - 196)</p>	<p>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p>
<p>22 INDUSTRIAL RELATIONS SUB-COMMITTEE: EXEMPT MINUTES - 22ND NOVEMBER 2011 (Pages 197 - 198)</p>	<p>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.</p>
<p>23 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 15TH DECEMBER 2011 (Pages 199 - 200)</p>	<p>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>
<p>24 APPEALS SUB-COMMITTEE: EXEMPT MINUTES - 25TH NOVEMBER 2011 AND 26TH JANUARY 2012 (Pages 201 - 210)</p>	<p>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.</p>

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GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.30 pm on 1 December 2011

Present:

Councillor Tony Owen (Chairman)
Councillor Russell Mellor (Vice-Chairman)
Councillors Nicholas Bennett J.P., John Canvin,
Roger Charsley, Roxy Fawthrop, John Getgood,
Will Harmer, Gordon Norrie, Ian F. Payne,
Charles Rideout, Diane Smith, Tim Stevens,
Harry Stranger and Stephen Wells

166 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

All members of the Committee were present.

167 DECLARATIONS OF INTEREST

The following Councillors declared personal interests as members of the Council's pension scheme – Councillors Nicholas Bennett, Roger Charsley, Roxy Fawthrop, John Getgood, Russell Mellor, Gordon Norrie, Tony Owen, Ian Payne, Charles Rideout, Diane Smith, Tim Stevens and Stephen Wells.

168 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 28TH SEPTEMBER 2011

RESOLVED that the minutes of the meeting held on 28th September 2011 be confirmed as a correct record.

169 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

The committee noted matters outstanding from previous meetings.

170 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

171 LOCAL GOVERNMENT PENSIONS SCHEME - CONSULTATION ON DRAFT PROPOSALS Report RES11145

The Department for Communities and Local Government had issued a consultation document setting out the Government's draft proposals to achieve short-term savings of £900m within the Local Government Pension

Scheme by 2014-15 following an independent review by Lord Hutton. The Committee considered a report which informed Members of the detail of the consultation, invited Members' views to inform Bromley's response and provided an update on HM Treasury's amended proposals for longer-term reform.

RESOLVED that

(1) The contents of the report and the draft proposals for short-term reform be noted.

(2) The Local Government Group proposals be supported, with the caveat that there is concern about the administrative complexity of the proposals, and that it would be helpful if they could be simplified.

**172 LICENSING SUB-COMMITTEE: SCHEDULE OF MEETINGS -
JANUARY TO JUNE 2012**

Report RES11120

The Committee considered a proposed schedule of Licensing Sub-Committee meetings for the period January to June 2012. It was noted that membership of the Sub-Committee for the meetings scheduled for after the Annual meeting was dependent on Committee appointments for 2012/13.

RESOLVED that the programme of Licensing Sub-Committee meetings for January to June 2012 be endorsed, subject to any changes being made as necessary by the Director of Resources with the agreement of the Members concerned, including reviewing the proposed meeting on 4th May 2012, which potentially clashed with the GLA Election count, and to Councillor Bennett being replaced by Councillor Owen on one of the meeting dates.

After the conclusion of the formal business, the Committee received a presentation on the Licensing spreadsheets that had now been uploaded to the Councillor Intranet site at the request of the Vice-Chairman, Councillor Russell Mellor. The spreadsheets had originally been set up by the Police at the time of the Licensing Act in 2005, but had since been maintained by the Licensing Team. Members welcomed this development, and suggested that officers should investigate whether this information could be made available on the Council's website. It was also suggested that the website information about Licensing should be reviewed to make it more useful for the public, in particular by giving more explanation about what the objections could and could not be taken into account.

**173 AUDIT SUB-COMMITTEE: MINUTES - 22ND SEPTEMBER 2011
(EXCLUDING EXEMPT INFORMATION)**

The Committee received the minutes of the Audit Sub-Committee meeting on 22nd September 2011 (excluding exempt information).

The Sub-Committee had considered new terms of reference which were reported to the Committee for approval. The terms of reference were set out in the Council's Constitution, so full Council would be asked to approve the required changes to the Constitution.

The Committee supported the new terms of reference, with one change. In the penultimate bullet point, the last phrase was amended by adding the words "...demonstrated and..." The revised terms of reference were therefore as follows –

Audit Sub-Committee: Terms of Reference

- Monitor internal audit's strategy, plan and performance.
- Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- Consider the reports of external audit and inspection agencies.
- Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements.
- Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- Be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
- Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is demonstrated and actively promoted.
- Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

RESOLVED that the revised terms of reference for the Audit Sub-Committee be approved.

RECOMMENDED that Council be requested to approve the amendment of the Constitution (Part 3 – Responsibility for Functions) to reflect the new terms of reference for the Audit Sub-Committee.

**174 INDUSTRIAL RELATIONS SUB-COMMITTEE: MINUTES - 28
JUNE 2011(EXCLUDING EXEMPT INFORMATION)**

The Committee received the minutes of the meeting of the Industrial Relations Sub-Committee held on 28th June 2011 (excluding exempt information).

**175 PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES - 14TH
SEPTEMBER 2011 (EXCLUDING EXEMPT INFORMATION)**

The Committee received the minutes of the Pensions Investment Sub-Committee meeting held on 14th September 2011 (excluding exempt information).

**176 LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES - (A)
14 JULY 2011; (B) 21 SEPTEMBER 2011**

The Committee received the minutes of the meetings of the Local Joint Consultative Committee held on 14th July and 21st September 2011.

Councillor Diane Smith noted that her declaration of interest as a member of the Local Government Pension Scheme had been omitted in minute 25 of the meeting on 14th July 2011.

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

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

**The following summaries
refer to matters
involving exempt information**

**178 CONFIRMATION OF EXEMPT MINUTES OF THE MEETING
HELD ON 28TH SEPTEMBER 2011**

RESOLVED that the exempt minutes of the meeting held on 28th September 2011 be confirmed as a correct record.

**179 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 22ND
SEPTEMBER 2011**

The Committee received the exempt minutes of the Audit Sub-Committee meeting on 22nd September 2011.

**180 INDUSTRIAL RELATIONS SUB-COMMITTEE: EXEMPT
 MINUTES - 28 JUNE 2011**

The Committee received the exempt minutes of the Industrial Relations Sub-Committee meeting on 28th June 2011.

**181 PENSIONS INVESTMENT SUB-COMMITTEE: EXEMPT
 MINUTES - 14TH SEPTEMBER 2011**

The Committee received the exempt minutes of the Pensions Investment Sub-Committee meeting on 14th September 2011.

The Meeting ended at 7.34 pm

Chairman

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Report No.
ES 12043

London Borough of Bromley

PART 1 - PUBLIC

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

Date: **14 March 2012
26th March 2012**

Decision Type: Non-Urgent Non-Executive

Title: **REVISION OF LICENSING POLICY 2012**

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

Chief Officer: Nigel Davies - Director of Environmental Services

Ward: All

1. Reason for report

Members considered suggested changes to the Statement of Licensing Policy on 28 September 2011 as the basis for statutory consultation. That process has been completed and the responses are summarised in this report.

Members are asked to consider these and decide whether to recommend changes to the Policy at the next Council meeting.

2. **RECOMMENDATION(S)**

Members are asked to

1. Consider the responses to the public consultation exercise summarised at paragraph 3.7 and in Appendix 4. Particular attention is drawn to the comments by Waitrose Limited on the legality of including Off Licences in the Special Policy of Cumulative Impact.

2. Decide if the proposed changes to the Statement of Licensing Policy set out in appendices 1, 2 & 3 should be recommended to Full Council for adoption.

Corporate Policy

1. Policy Status: Existing policy. Statement of Licensing Policy 2011-2014
 2. BBB Priority: Safer Bromley. Excellent Council, Vibrant thriving town centres and a Quality Environment
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Public Protection
 4. Total current budget for this head: £3.7m
 5. Source of funding: Existing Revenue Budget
-

Staff

1. Number of staff (current and additional): 59
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory requirement. The Council is the Licensing Authority under the Licensing Act 2003 and has to adopt and publish a statement of Licensing Policy. That policy must be kept under review and any changes must be subject to consultation. The policy requires full Council approval.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 900 licenced premises & clubs and the residents and other businesses in the vicinity
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes.
2. Summary of Ward Councillors comments: included in the general responses

3. COMMENTARY

- 3.1 On 28 September 2011 Members received a report ref ES 11115 setting out suggestions for alterations to the Councils Statement of Licensing Policy. This was requested by Councillor Owen following the success of Brighton Council in refusing a licence to a Sainsbury's store in an area covered by a Cumulative Impact Policy. Bromley has two areas covered by such policies – Bromley and Beckenham Town Centres.
- 3.2 Good practice was identified in Brighton's Statement of Licensing Policy and was adapted for consideration for adoption in Bromley. That resulted in the suggested wording for the revised section on Cumulative Impact set out in Appendix 1.
- 3.3 At the same time changes were suggested to the section of the policy dealing with the making of 'Representations', specifically relating to petitions following a complaint by a service user. Those changes are set out in Appendix 2.
- 3.4 There was also a suggestion that the Policy could be improved by drawing a distinction between 'minor' and 'major' variations to a licence. Only 'representations' against 'Major' variations would be germane to the Licensing Policy as an objection to a 'Minor' variation results in its automatic refusal. These changes are included in Appendices 1, 2 & 3 (Planning & Building Control) .
- 3.5 Public consultation was undertaken between 6 October 2011 and 9 December 2011 on these proposals. Approx 1000 letters were sent to all Ward Councillors, licence holders, Responsible Authorities and known Residents Associations inviting comments.
- 3.6 44 responses were received, comprising 22 from licence holders, 17 from residents or resident associations, 1 ward Councillor and 4 who did not indicate.
- 3.7 Comments on the Saturation Policy (Details of proposed policy in Appendix 1)

	Agree	Disagree	No Comment
Licence holders	15	1	6
Residents / Associations	13	1	3
Ward Cllrs & Others	3	1	1
Total	31	3	10

Comments on Making Representations (Details of proposed policy in appendix 2)

	Agree	Disagree	No Comment
Licence holders	15	0	7
Residents / Associations	12	1	4
Ward Cllrs & Others	3	0	2
Total	30	1	13

Comments on 'Material Variations' (Building Control & Planning sections)

(Details of proposed policy in Appendix 3)

	Agree	Disagree	No Comment
Licence holders	15	7	1
Residents / Associations	11	4	3
Ward Cllrs & Others	1	2	0
Total	27	13	4

3.8 Where respondents have included a specific comment in their response these have been included in Appendix 4. Members attention is particularly drawn to the response from Waitrose (page 1 in Appendix 4) in which they argue that the inclusion of 'Off Licences' in the Cumulative Impact Policy is 'Ultra Vires'. For comment on this please refer to section 5 - Legal Implications.

4. POLICY IMPLICATIONS

The Council has a duty to prepare and publish a 'Statement of Licensing Policy' every three years and to keep that policy under review. The Council has adopted and published its Policy for the period 2011 – 2014 and this policy includes the two areas of Cumulative Impact. Ward Members for Copers Cope have expressed concerns about the strength of the Cumulative Impact Policy following Bromley Magistrates decision to allow a variation of a licence in that area on appeal. In keeping with its legal duty to keep the Licensing Policy under review, this Committee has considered suggestions based on Brighton City Councils policy and have consulted appropriately.

5. LEGAL IMPLICATIONS

The Council is the Licensing Authority under the Licensing Act 2003 and is under a duty to promote the four licensing objectives when undertaking its functions. Those are to

1. Prevent crime & disorder
2. Prevent public nuisance
3. Protect public safety
4. Protect children from harm

The Council must also have regard to the Statutory Guidance issued by the Secretary of State.

The representation from Waitrose makes some specific legal points which are addressed below.

a. The Councils existing statement of Licensing Policy and declaration of the two areas subject to 'Cumulative Impact' have been made following all appropriate procedures and having regard to the Statutory Guidance. Final determination of the Policy has been by agreed full Council.

b. The existing 'cumulative impact' areas already cover all licensed premises, whether selling alcohol for consumption 'On' or 'Off' the premises. Whilst Waitrose are correct in stating that the Secretary of States Guidance says at paragraph 13.33

‘It would normally not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. Special policies will usually address the impact of a concentration of licensed premises selling alcohol for consumption on the premises’.

Members are reminded that Bromley’s two areas of ‘cumulative impact’ were not adopted on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises, but because of general problems associated with crime and disorder and public nuisance. The declaration of an areas as being subject to a Special Policy of Cumulative Impact is not limited to any one type of ‘licensed’ activity but to all licensed premises.

Waitrose also make the point that the proposal to make specific reference to ‘Off Licences’ in the policy should be evidence based. Members may wish to be reminded that there have been three (3) successful underage sales from ‘Off Licences’ in Cumulative Impact Areas and that ‘Alcohol Exclusion Zones’ have been established in both Bromley and Beckenham town centres to address problems caused by street drinking, where the alcohol is typically obtained from premises licensed for ‘Off’ sales.

In proposing the specific reference in the Policy to ‘Off Licences’ Members are clarifying the existing policy. Members will of course be well aware of the overriding need to determine all applications on individual merits and that they can grant an application where they are satisfied that the licensing objectives will not be undermined.

Non-Applicable Sections:	FINANCIAL IMPLICATIONS. PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	<ol style="list-style-type: none"> 1. Bromley’s Statement of Licensing Policy 2011-2014, 2. Report ES 11115 dated 28 September 2011 to General Purposes and Licensing Committee, 3. Secretary of States Guidance issued under Section 182 of the Licensing Act 2003

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Cumulative Impact Policy and Areas

The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider in its statement of Licensing Policy.

Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

Representations that an area is at, or is approaching, the point at which it will be subject to cumulative impact may be received from a 'responsible authority', an 'interested party' or from Councillors or officers. Such representations may be made either:

- As a result of ongoing liaison, monitoring and review
- Following representations arising from an application for the grant or variation of a licence, or
- As part of the Licensing Policy review at least every three years.

Where representations are made that an area is already subject to cumulative impact, or that the grant or **material** variation of a further licence will result in cumulative impact, the Licensing Authority will take the following steps in each case:

- Satisfy themselves that there is concern about crime and disorder or public nuisance in the vicinity
- Consider whether it can be demonstrated that crime and disorder or public nuisance are arising and are caused by the customers of licensed premises
- Identify the area from which the problems are arising and the boundaries of the area, or that the risk factors are such that the area is reaching a point when cumulative impact is imminent
- Consult with those organisations or individuals set out in Section 5(3) of the Act, namely:
 - Police
 - Fire
 - Persons representing holders of premises licences
 - Persons representing holders of club premises certificates
 - Persons representing Personal Licence holders
 - Persons representing businesses.

and state its findings and where a decision is made to include a 'Special Policy on Cumulative Impact', publish the decision as a supplement to this Statement of Licensing Policy.

In any area declared to be subject to a Special Policy of Cumulative Impact it would be the Licensing Authority's intention to refuse to grant new premises/club licences or **material** variations, unless the application is such that the grant of the licence would have no further detrimental impact on the area and the promotion of the licensing objectives.

This policy applies to all new premises licences and club premises certificates, including but not limited to night clubs, wine bars, pubs, restaurants, take-away premises, supermarkets, shops, theatres and cinemas and leisure services which include licensable activities e.g. sports centres.

Off licences are specifically included in the cumulative impact policy as they can contribute to problems of crime and disorder and nuisance including street drinking, proxy purchasing, underage drinking, dispersal issues, preloading and excessive drinking.

The presumption of refusal does not relieve Responsible Authorities or Interested Parties of the need to make relevant representations. If no representations are received the Licensing Authority must grant the application in terms consistent with the operating schedule submitted

When determining whether an area is or should be subject to a special policy of cumulative impact the Licensing Authority will have regard to the following matters: (The decision as to cumulative impact is not based solely on these matters and it is open to the Licensing Authority to consider any other matters that it feels are relevant)

- The nature of the area
- The number and types of licensed premises in the area
- The capacity of those premises
- The hours of operation of those premises
- The approved operating schedules of the premises
- The history of the premises
- The arrangements for the management of the premises
- The customer profile of the premises
- Recorded crime or disorder in the vicinity
- The views and experiences of those who live or work in the area
- The presence of other high-risk characteristics identified by the decision aide memoir. such as themed operations, price reductions.

The Licensing Authority will periodically review any areas subject to special policies of cumulative impact to see whether they have had the effect intended, and whether they are still needed.

The Licensing Authority will not use such policies solely as the grounds for removing a licence when representations are received about problems with existing licensed premises, or to refuse **material variations** to a licence, except where the **material variations** are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits.

The Licensing Authority will publish separate details of any additional areas declared to be subject to a special policy of cumulative impact. The area covered by the special policy and the reasons for considering it to be subject to cumulative impact will be set out.

The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community when considering applications in saturated locations.

It therefore, also recognises that within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, **(such as Restaurants)** and will consider the circumstances of each individual application. In areas not subject to a special policy of cumulative impact but where representations of cumulative impact are made, the Licensing Authority will consider each application individually.

The following special policies on cumulative impact have been declared:

NO 1 Bromley Town Centre

NO 2 Beckenham Town Centre (see Appendix E)

The Licensing Authority is committed to the principle of special policies of cumulative impact and that the establishment of these two policies have made a significant contribution to the promotion of the 4 Licensing Objectives in Bromley Town Centre and Beckenham Town Centre.

The Licensing Authority reaffirms its commitment to make all decisions on applications for new licenses or variations in those areas strictly in accordance with those policies. The Licensing Authority wish to make it clear to all applicants that the presumption of refusal of all new licences and **material** variations stands, or where the applicant satisfies the Licensing Authority on the balance of probability that the application can be granted without having a detrimental affect on the promotion of the 4 Licensing Objectives.eg **restaurants**

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Making representations about an Application

Representations about an application must be made in writing to the Council's Licensing Team (contact details in Appendix C) within the time period given.

Written representations include letters (posted or faxed) and emails.

Representations received after the end of the public consultation period cannot legally be accepted. (See Albert Court Residents Association V Westminster City Council [2010] EWHC 393 (Admin)

Representations must contain

- the name, full address & post code, of the person making them.
- The reasons for their representation and
- Which of the 4 Licensing Objectives the representations relate to
 - Crime and disorder
 - Public Nuisance
 - Public safety
 - Protection of children from harm

Representations which do not meet this requirement may be rejected as being frivolous or vexatious.

All valid representations will form part of a committee report that will become a public document. It will be given to the applicant, his agent and another party requesting a copy as well as the Licensing Sub-committee 10 days prior to the hearing. Whilst representations cannot be made anonymously we can, if requested, remove the objectors name and house number from individual representations.

Petitions

Petitions may be submitted (see note below) but are not as informative as individual correspondence and as such may **be** given less weight when considered by a licensing Sub Committee.

Petitions will only be accepted if on each sheet it clearly shows

- the name and address of the application site ,
- the licensable activities and their hours
- Reasons for the representation and
- which of the 4 Licensing Objectives are relevant

Each petitioner must give their name, full address including post code,

Failure to comply with any of the above requirements could lead to the petition being rejected.

A suggested format for a petition sheet is available on the Bromley Website – www.bromley.gov.uk

When making a Representation the Council asks that a contact phone number and email address are provided. These help the Council to quickly contact respondents if the details of the application are altered as a result of objections or the date of the hearing has to be changed at short notice.

Licensing Act 2003 Suggested Petition Format

Lead Petitioner contact details

Name	
Address	
Home Tel	
Work Tel	
Mobile Tel	
Email	
Signature	

Details of application

Name of Business	
Address of site	
Licensable Activity	Proposed Hours of operation
Retail sale of alcohol	
Regulated Entertainment	
Late Night Refreshment	
Indoor Sport	

We the undersigned petition Bromley Council as the Licensing Authority to

The completed petition should be sent to the Licensing Team Public Protection L.B. Bromley Civic Centre Stockwell Close Bromley BR1 3UH. Email licensing@bromley.gov.uk . Tel 020 8313 4218.

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Name of Business	
Address of site	
Licensable Activity	Proposed Hours of operation
Retail sale of alcohol	
Regulated Entertainment	
Late Night Refreshment	
Indoor Sport	

Name	Address including post code	Signature
Which Licensing objective do your representations relate to (Please tick)		
1. Crime & Disorder	2. Public Nuisance	
3. Public Safety	4. Protection of Children from harm	
Reasons for your objection :-		

Name	Address including post code	Signature
Which Licensing Objective do your representations relate to (Please tick)		
1. Crime & Disorder	2. Public Nuisance	
3. Public Safety	4. Protection of Children from harm	
Reasons for your objection :-		

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Planning and *Building Control*

There should be a clear separation of the planning and building control functions and the licensing regimes. Licensing applications should not be a re-run of the planning application process.

The Licensing Authority will not grant an application for a new Premises Licence or Club Premises Certificate or for a **material variation** unless it is satisfied that all relevant planning permissions are in place where necessary. This condition will not apply to an application for a provisional statement under section 29 of the Licensing Act 2003.

When considering representations to the granting of a new Premises Licence or Club Premises Certificate or a **material variation** of an existing licence or certificate, which is not subject to any planning conditions, the Licensing Sub Committee may request information as to any planning conditions attached to similar premises in the locality. The Sub Committee may consider the reason for the implication of such conditions and consider those in relation to the application being determined.

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Report No.
ES12053

London Borough of Bromley

PART 1 - PUBLIC

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

Date: **14 March 2012**

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

Title: **GUIDANCE ON 'REVIEW' HEARINGS FOR MEMBERS OF LICENSING SUB-COMMITTEES**

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

Chief Officer: Nigel Davies - Director of Environmental Services

Ward: All

1. Reason for report

To present a draft guide on 'Review' hearings for Members consideration and adoption.

2. **RECOMMENDATION(S)**

Members are asked to

1. **Consider and comment on the attached draft 'Review' guidelines**

2. **Adopt the guidelines for use by licensing subcommittees when hearing 'Review' applications**

Corporate Policy

1. Policy Status: Existing policy. The Review Guide supports the effective implementation of the Councils Licensing Policy 2011- 2014
 2. BBB Priority: Excellent Council . Safer Bromley, vibrant thriving town centres.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Public Protection - Clive Davison
 4. Total current budget for this head: £3.7m
 5. Source of funding: Existing Revenue Budget
-

Staff

1. Number of staff (current and additional): 59
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-statutory - Government guidance. The draft guide is compatible with the Regulators Compliance Code
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 15 Members of GP&L committee and Licence holders subject to a 'Review Application - typically less than 12 a year
-

Ward Councillor Views

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

3. COMMENTARY

3.1 Councillor Nicholas Bennett requested Officers prepare a guide for Members sitting on Review hearings.

3.2 The aim being to offer Members a more structured approach to support their decision making and to ensure consistency of decision making.

3.3 A draft guide is attached as appendix 1. it seeks to establish a fairly comprehensive list of grounds upon which a 'Review' might be sought along with a indication of the level of seriousness and a suggested starting point in the options available to Members hearing a Review under Section 53 Licensing Act 2003, which are

a) to modify the conditions of the licence;

b) to exclude a licensable activity from the scope of the licence;

c) to remove the designated premises supervisor;

d) to suspend the licence for a period not exceeding three months;

e) to revoke the licence

Having heard a 'Review' Members are not obliged to use any of these powers and can decide that no further action is required to promote the licensing objectives.

The guide is only to support Members in their decision making and it does not bind them to use the suggested sanctions as they must always base decisions on evidence presented at the hearing. If Members decide to depart from the guidance, reasons would be expected. The document should help Members identify the factors that they feel are 'Aggravating' or 'Mitigating' and assist in structuring a well reasoned decision.

4. POLICY IMPLICATIONS

The Council has a published Statement of Licensing Policy for the period 2011- 2014. If Members decide to adopt the attached guideline for Reviews, it would support the Councils duty to promote the Licensing Objectives and a transparent approach to enforcement in keeping with our Enforcement Policy.

5. LEGAL IMPLICATIONS

Members must make decision based on the evidence presented to them at a 'Review' hearing. The draft guide is only to be used as an aide memoire to support Members to effectively discharge their duties and to support a consistent approach to the conduct of 'Review' hearings.

Non-Applicable Sections:	FINANCIAL & PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	BERR Regulators Compliance Code 2007. Licensing Act 2003 - Guidance issued under section 182, Licensing Act 2003

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Review of Premises Licence

Licensing Act 2003 section 52 and Part 11 of the Secretary of States Guidance

At a Review Members of the Sub Committee can

1. Modify licence conditions
2. Exclude a licensable activity from the licence
3. Remove the DPS from the licence
4. Suspend the licence for up to 3 months
5. Revoke the licence

The purpose of a Review

To ensure that the licence holder is promoting the licensing objectives, which are

1. Prevention of crime & disorder
2. Prevention of public nuisance
3. Protection of public safety
4. Protection of children from harm

Reviews can be brought by any Responsible Authority, individual, business or Ward Councillors on any of the licensing objectives

Seriousness

After hearing the evidence at a Review hearing Members need to decide the level of seriousness of the failure to promote the licensing objective. This guide suggests factors which Members may consider to be 'aggravating' or 'mitigating' but it is not a definitive list and Members may identify other factors during a Review hearing.

Based on Members views as to seriousness and 'aggravating' or 'mitigating' factors the suggested 'starting Point' for the imposition of actions under Section 52 can be considered and varied 'upwards' or 'downwards'.

Members are advised to note 'aggravating' or 'mitigating' factors and ensure these are recorded in their reasoned decision.

Crime & Disorder

Failure to promote the licensing objective by	Aggravating factors	Mitigating factors	Suggested Starting point action by Members in Bold
matters referred to in Paragraph 11.26 of the secretary of States Guidance			
Manufacture sale or distribution of Class A drugs	Large scale over a long period Professional operation Links to organised crime 2 nd Review	Small scale for a short period of time. No links to organised crime Licence holder genuinely unaware or had tried to deal with the problem	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
Sale or distribution of Firearms	Large scale over a long period Professional operation Links to organised crime 2 nd Review	Small scale for a short period of time. No links to organised crime Licence holder genuinely unaware or had tried to deal with the problem	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence

<p>Underage sales affecting the health, educational attainment employment prospects or the propensity for crime</p>	<p>Evidence of a significant impact / harm on a number of children Associated with significant crime and / or disorder in the area 2nd Sale 2nd Review</p> <p>See also section on underage sales in Protection of Children section</p>	<p>No evidence of a significant impact / harm on a number of children Not associated with significant crime and / or disorder in the area</p> <p>See also section on underage sales in Protection of Children section</p>	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p> <p>See also section on underage sales in Protection of Children section</p>
<p>Use of the premises for prostitution or pornography</p>	<p>Associated with serious organised crime. Involves children or trafficked women 2nd Review Large scale and for a long period</p>	<p>No association with serious organised crime. No involvement with children or trafficked women Licence holder genuinely unaware or had tried to deal with the problem Small scale and for a short period</p>	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
<p>Grooming of children by paedophiles</p>	<p>Organised and large scale Resulted in psychological harm Resulted in actual physical abuse</p>	<p>Licence holder genuinely unaware or had tried to deal with the problem No evidence of psychological harm No evidence of actual physical abuse</p>	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months</p>

			Revoke the licence
Use of premises for organised crime especially by gangs		Licence holder genuinely unaware or had tried to deal with the problem	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
Racist activity	Condoned or encouraged by the Licence holder Associated with organised groups or with organised crime	Licence holder genuinely unaware or had tried to deal with the problem	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
Unlawful gambling or gaming			Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence

Sale of smuggled alcohol or tobacco			<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Other matters			
Sale, distribution or use of Class B or C drugs	<p>Large scale over a long period Professional operation Links to organised crime 2nd Review</p>	<p>Small scale for a short period of time. No links to organised crime Licence holder genuinely unaware or had tried to deal with the problem</p>	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Other underage sales			<p>See section on the Protection of Children from harm</p>
Breach of Licence conditions 1 st occasion	<p>Previous warnings ignored</p>	<p>Minor breach</p>	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence</p>

			Suspend the licence for up to 3 months Revoke the licence
Breach of Licence conditions 2 nd occasion			Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence

Prevention of Public Nuisance

Failure to promote the licensing objective by	Aggravating factors	Mitigating factors	Suggested Starting point action by Members
One off serious noise nuisance	Long duration affecting many people Deliberate act Lack of cooperation from the licensee Significant financial gain obtained	Short duration affecting limited number of people Not deliberate Full cooperation by licences	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
More than one serious noise nuisance or second Review for a similar matter	Long duration affecting many people Deliberate act Lack of cooperation from the licensee Significant financial gain obtained		Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
Deliberate and persistent noise / nuisance, anti social behaviour	Long duration affecting many people Deliberate act Lack of cooperation from the licensee		Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for

			<p>up to 3 months Revoke the licence</p>
Breach of Licence conditions 1 st occasion	Previous warnings ignored	Minor breach	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Breach of Licence conditions 2 nd occasion			<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>

Public Safety

Failure to promote the licensing objective by	Aggravating factors	Mitigating factors	Suggested Starting point action by Members
One off failure to protect public safety / breach of a licence condition / A matter dealt with by an Improvement Notice	Long duration affecting many people Deliberate act Lack of cooperation from the licensee Significant financial gain obtained		Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
Repeated failures to protect public safety / Serious single failure or breach of condition / a matter dealt with by a Prohibition Notice	Long duration affecting many people Deliberate act Lack of cooperation from the licensee Significant financial gain obtained		Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
Deliberate / persistent placing of public / staff at risk	Actual harm caused Risk of significant harm Deliberate act Lack of cooperation from the licensee Significant financial gain obtained	No actual harm caused Risk of minor injury Cooperation	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence

Breach of Licence conditions 1 st occasion	Previous warnings ignored	Minor breach	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Breach of Licence conditions 2 nd occasion			<p>Revoke / Suspend / Remove DPS / Vary conditions</p> <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>

Protection of Children from Harm

Failure to promote the licensing objective by	Aggravating factors	Mitigating factors	Suggested Starting point action by Members
1 st time underage sale	Poor Management No effective challenge policy Poor training Deliberate Significant financial gain	Effective challenge policy but a one off failure	Vary conditions Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
2 nd Underage sale	Failed to respond to previous sale Deliberate Significant financial gain Failed other underage sales for age restricted products		Revoke or Suspend the licence / Remove DPS / Vary conditions Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence
Permitting children to be in premises where there is	Younger children would be treated more seriously	Older children may be treated as being less serious	Suspend the licence / Remove DPS / Vary

drunkenness	Regular occurrence	Infrequent occurrence	<p>conditions</p> <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Exposing children to age restricted films	<p>Poor Management no effective challenge policy Poor training Deliberate Significant financial gain</p>	Effective challenge policy but a one off failure	<p>Suspend the licence / Remove licensable activity / Remove DPS / Vary conditions</p> <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Exposing to entertainment of an adult , sexual, violent nature	<p>Poor Management & supervision No effective challenge policy Poor training</p>	Effective challenge policy but a one off failure	<p>Revoke or Suspend the licence / Remove licensable activity /Remove DPS / Vary conditions</p>

	Deliberate Significant financial gain		<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Permitting children to gamble	Poor Management & supervision No effective challenge policy Poor training Deliberate Significant financial gain		<p>Revoke or Suspend the licence / Remove licensable activity / Remove DPS / Vary conditions</p> <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Breach of Licence conditions 1 st occasion	Previous warnings ignored	Minor breach	<p>Suspend / Remove DPS / Vary conditions</p> <p>Modify licence conditions Exclude a licensable activity</p>

			<p>from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Breach of Licence conditions 2 nd occasion			<p>Revoke / Suspend / Remove DPS / Vary conditions</p> <p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>

Report No.
ES 12049

London Borough of Bromley

PART 1 - PUBLIC

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

Date: **14 March 2012**

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

Title: **GUIDANCE ON MAKING A LICENCE APPLICATION -
VOLUNTARY CONDITIONS IN THE OPERATING SCHEDULE.**

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

Chief Officer: Nigel Davies - Director of Environmental Services

Ward: All

1. Reason for report

To present draft guidance to licence applicants on voluntary conditions for Members comment and approval

2. **RECOMMENDATION(S)**

Members are asked to

1. **Comment on the suggested guidance to applicants on voluntary conditions and,**
2. **Agree to the guidance being published.**

Corporate Policy

1. Policy Status: Existing policy. Statement of Licensing Policy
 2. BBB Priority: Safer Bromley. Vibrant thriving town centres, Excellent Council
-

Financial

1. Cost of proposal: Estimated cost Approx £100 - artwork to produce a final publication
 2. Ongoing costs: Recurring cost. Approx £100 per year to review the document
 3. Budget head/performance centre: Public Protection
 4. Total current budget for this head: £3.7m
 5. Source of funding: Existing Revenue Budget
-

Staff

1. Number of staff (current and additional): 59
 2. If from existing staff resources, number of staff hours:
-

Legal

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

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Applicants for new premises licences or club premises certificates
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 After sitting on a number of recent licence 'Reviews' Councillor Nicolas Bennett noted the very variable licence conditions attached to Premises licences.
- 3.2 When a licence application is made the applicant is supposed to complete an 'Operating Schedule' (Part P of the form) in which they state how they will operate to promote the 4 licensing objectives. If there are no representations then these statements become conditions, however these are often written in very general terms and the council cannot make significant alternations to them and this leads to very variable conditions which can often be difficult to enforce.
- 3.3 In addition the Council can only impose a licence condition when an application is being decided by a Licensing Subcommittee following relevant representations based on one or more of the 4 licensing objectives. Even then the condition must be necessary and proportionate. Over time slightly different conditions may have been used by Sub Committees.
- 3.4 The Council is not able to strictly apply a set of standard conditions to applications but it would be good practice to publish examples of well written conditions, with the expectation that new applications will adopt those which are appropriate to their business.
- 3.5 It is proposed to publish a guidance document on the Councils Website and send it out with requests for application packs.
- 3.6 The version attached at appendix 1 is a first draft and would be reviewed and updated as necessary where new or improved conditions are developed.

4. POLICY IMPLICATIONS

- 4.1 The Council has a Statement of Licensing Policy, which is reviewed at least every three years. The provision of additional guidance as suggested in the report is in addition to and supports the Councils licensing policy.

5. LEGAL IMPLICATIONS

- 5.1 The proposed guidance has no statutory basis and it must be open to applicants to make an application with conditions they believe are appropriate. It is for the Responsible Authorities and other consultees to consider the proposed adequacy of the conditions and to make representations if they are not satisfied that the proposed conditions address their concerns.

Non-Applicable Sections:	FINANCIAL IMPLICATIONS. PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Secretary of States Guidance issued under Section 182 Licensing Act 2003

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Licensing Act 2003
London Borough of Bromley

Guidance on suggested conditions when applying for a Premises Licence or Club Premises Certificate

When you make an application for a new licence (Premises Licence or a Club Premises Certificate) you will need to complete an application form.

In part P of that form (Operating Schedule) you will be asked to show how you will promote the 4 licensing objectives, which are to

1. Prevent crime & disorder
2. Prevent public nuisance
3. Protect public safety
4. Protect children from harm

What you put on that form under each of those headings will be included in your licence as a condition.

When your application is being considered by the Council, the Responsible Authorities eg Police, and local residents / residents associations, they will look at the Operating Schedule and if they are not satisfied with what you are proposing they may object.

To help you complete the Operating Schedule the Licensing Team have prepared this guide with suggested wordings for conditions that you may wish to include.

You only need to include those conditions that are relevant to the type of business you are operating; you do not need to include all the suggested conditions.

If you need any further advice please contact the Licensing Team on

Telephone 0208 313 4218

Email licensing@bromley.gov.uk

Licensing Objective - Crime and Disorder

CCTV

1. The CCTV cameras/system must be in working condition, in use and recording at all times that licensable activities are taking place. The system must be maintained to ensure it is always fully operational. The images recorded must be of good evidential standard, allow for facial recognition of suspects, be able to record in all lighting conditions and be capable of being downloaded and supplied on request to either an Authorised Officer of the Council or a Metropolitan Police Officer. The recordings should be kept for a minimum of 31 days.

Note

2. *this is the lower standard of CCTV. Depending on the location, size of operation, type of premises, Police might insist on a higher NSI - NACOSS Gold standard*

3. **NACOSS Gold standard**

4. The premises shall have an approved, effective and well managed CCTV system installed by an NS1 - Nacoss Gold Standard / SSAIB registered installer in accordance with NACP 20 and shall be capable of supplying images in all lighting conditions. The installed system shall be compliant with the requirements of the Data Protection Act 1998 and the licensee shall be the data controller for any images caught on the system and register and notify the Information Commissioners Office.

The system installed shall be subject to a regular maintenance contract as stipulated by the installer, have the capability to download images on request of a lawful, relevant authority by a responsible staff member. A responsible staff member must be present at all times to be able to provide to any relevant authority on request images necessary for investigating or preventing crime or apprehending or prosecuting an offender.

5. All images shall be kept on a secure data base for a minimum of 31 days.

Entry Times

6. There shall be no new admissions of the public after XX hours on any night.

Staffing

7. 4. The Designated Premises Supervisor or a personal licence holder must be on the licensed that part of the premises (as indicated on the approved plans of the premises) whenever alcohol is sold.
8. 5. That a minimum of XX staff members are within the licensable area of the premises (as indicated on the approved plans of the premises) whenever alcohol is sold .

Draft Guidance on suggested conditions

9. The premises shall have no fewer than XX SIA Registered Door supervisors whenever licensable activities are taking place on a XX or XXX night or whenever any pre-booked event takes place. All Door Supervisors must sign a register when performing duties at the premises. This register is to contain full names, SIA badge numbers and contact details of that person. The register must be made available to Police or Council Officers on request.
10. That staff shall be required to wear badges which should include their full name and title, in order to assist Council Licensing Officers and the Police identify persons working in the premises.

Searching Policy

11. From XX hours on any evening that the premises are in use under this Licence there shall be a searching policy in place. This policy shall be lodged with the licensing authority and is subject to police approval.

Signage

12. Clear signage shall be displayed at all entrances to the premises stating that the premises operates a zero tolerance policy and that all patrons may be subject to a personal search by a clearly identified member of staff on entry, re entry and at any time whilst they are on the premises. Failure to comply with a request to be searched will result in a refusal of entry or immediate ejection from the premises. In a situation where the patrons are found to be in possession of drugs or offensive weapons this information must be passed to the Police at the earliest opportunity.

Training and policies

13. That all staff receive training in their roles and responsibilities under the Licensing Act 2003, that the training is repeated every x months, that records relating to this training are kept and that those records are made available to Police or Council Officers on request
14. That the premises licence holder has in place written policies to deal with the sale and supply of alcohol (including underage and to drunks), disorder and violence, drugs, and general crime reduction.
15. In addition an incident log for all incidents is to be kept and maintained. This log must be available to Police or Council Officers on request.

Off sales.

16. Alcohol may only be sold in sealed containers for consumption off the premises.

Licensing Objective - Prevent public nuisance

17. If regulated entertainment is to be provided then an in-line noise limitation device should be employed which is set & sealed to satisfaction of the Local Authority (inaudible within nearest residential property).
18. All doors and windows to remain closed whilst regulated entertainment is taking place (except to allow access and egress).
19. The external drinking areas will not be used after 11pm and no live or recorded music is to be provided outside.
20. The lobby doors at the premises shall be kept closed when regulated entertainment is taking place (except for access and egress).
21. Noise and vibration shall not be audible outside the premises
22. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between **(23.00)** hours and **(08.00)** hours.

Smoking Phrases (application to vary condition of use of outdoor area)

23. Patron's will have no use of the garden area after 2300 hours except for the use of the designated smoking area which will only be used by/for smokers and smoking.
24. No patio heaters or similar to be used after 2300 hours
25. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
26. Consideration should be given that if additional lighting is to be provided this does not cause a nuisance to neighbouring properties.

For 'One Off' Large Music Events

27. A noise management plan shall be submitted to the Licensing Authority at least 28 days prior to the event and adhered to during the course of the event.

The locations and directions of any staging must be shown on a plan as part of the noise management plan.

The MNL (Music noise level: the LAEQ of the music noise measured at a particular location) should not exceed the background noise level by more than 15dB(A) measured 1 meter from the façade of any residential premises over a 15 minute period.

Draft Guidance on suggested conditions

The 15 minute monitoring periods are to be taken over exact quarters synchronised with the current time (Eg. :00 to :15, :15 to :30, 30: to :45, :45 to :00 etc)

The music level shall not exceed a C-Weighted limit up to and no more than 70dB(c) in either of the 63Hz or 125hz octave frequency bands.

28.A letter to be sent by the event organisers to local residents whom may be reasonably affected by music from the event. The residents to be covered, to be decided in advance with the local authority as part of the noise management plan, the letter will advertise the timings of regulated entertainment, and include an event contact and the Local Authority out of hours noise service.

29. Licensing Objective - Protection of Children from Harm

30. A 'challenge 25 scheme' must be implemented and maintained, whereby any person that appears under 25 years of age has to prove they are over 18 by providing identification by means of Passport, Photographic Identity drivers licence or identification card approved by the proof of age standards scheme (PASS) and bearing the PASS logo.
31. A refusal book or a suitable software program used in conjunction with the electronic till must be used at the premises for all age restricted products. The information contained within shall be provided in a legible form and be made available to the Police or Council Officers on request

Report No.
RES12050

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

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

Date: **14th March 2012**

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

Title: **NOMINATION FOR APPOINTMENT AS AN HONORARY
ALDERMEN**

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

Chief Officer: Mark Bowen, Director of Resources

Ward: N/A

1. Reason for report

- 1.1 To agree a nomination for appointment as an Honorary Aldermen for consideration by a special meeting of the Council.
-

2. **RECOMMENDATION**

- 2.1 **That the former Councillor Peter Bloomfield be nominated to the Council for appointment as an Honorary Aldermen.**

Corporate Policy

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

Financial

1. Cost of proposal: Estimated cost. There is presently no specific budget available, but any costs will be modest and can be contained within existing budgets.
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Democratic Representation
 4. Total current budget for this head: £1,180,570
 5. Source of funding: Existing 2011/12 revenue budgets.
-

Staff

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

Legal

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

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Council on 17th March 2008 approved the Scheme of Enrolment of Honorary Alderman. A copy of the Scheme is attached as **Appendix 1**. The first appointments as Honorary Aldermen in Bromley were made and celebrated at a special Council Meeting held on 23rd June 2008, and subsequently further appointments were made by the Council at a special meeting on 19th May 2010, before the annual meeting.
- 3.2 In 2010, the list of nominees had originally included former Councillor Peter Bloomfield, but he had been ineligible because of his intention to stand in the May 2010 local elections. As a former councillor, Mr Bloomfield is now eligible to be appointed as an Honorary Alderman, having given distinguished service to the Council as member for Darwin Ward for twenty-eight years (1982-2010) and served as Vice Chairman of the Development Control Committee and as a Chairman of Plans Sub-Committees for many years.
- 3.3 A letter has been sent to Mr Bloomfield formally inviting him to accept appointment as an Honorary Aldermen.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel Implications
Background Documents: (Access via Contact Officer)	None

LONDON BOROUGH OF BROMLEY

**HONORARY ALDERMAN
SCHEME OF ENROLMENT**

1. Qualifications Required for Enrolment

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

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

2. Method of Enrolment

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

3. Rights and Privileges

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

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

Report No.
RES12042

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

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

Date: **14 March 2012**

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

Title: **APPOINTMENTS TO OUTSIDE BODIES**

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

Chief Officer: Mark Bowen, Director of Resources

Ward: N/A

1. Reason for report

- 1.1 In May each year, the Committee considers a report on the appointment of Council representatives to serve on Outside Bodies and Partnership Bodies. Most appointments are renewed annually, but a small number run for longer periods and do not necessarily tie in with the Council year. Three appointments are now due for consideration to (1) the Diocese of Rochester Board of Education, (2) the Hayes (Kent) Trust and (3) the Phillips and Lubbock Foundations.

2. **RECOMMENDATION**

- 2.1 **That the Committee appoints a Councillor to serve as the Council's representative on the Diocese of Rochester Board of Education for the three year period expiring on 31st December 2014.**
- 2.2 **That the Committee re-appoints Mrs C Truelove to the Hayes (Kent) Trust for the four year period expiring in May 2016.**
- 2.3 **That, unless a nomination is made by the trustees, the vacancy on the Phillips and Lubbock Foundation be considered at the Committee's next meeting.**

Corporate Policy

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

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £344,054
 5. Source of funding: 2011/12 budget
-

Staff

1. Number of staff (current and additional): The Democratic Services Team consists of nine posts (8.22fte).
 2. If from existing staff resources, number of staff hours: Liaison with outside bodies about Council appointments forms a small proportion of one post within the Democratic Services Team.
-

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? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 Most outside body appointments are made on an annual basis by the Committee at its first meeting of the Council year in May, but a number of appointments are for longer periods which do not necessarily match the Council year. Three appointments now need to be considered as follows.

Diocese of Rochester Board of Education

The Council appoints one Councillor to the Diocese of Rochester Board of Education, which meets about six times per annum in Rochester. The Board supports Church of England Schools in Kent, Medway, Bexley and Bromley. Councillor Roger Charsley was appointed for a three year period ending on 31st December 2011, but he resigned before the end of his term of office, and the remainder of his term was covered by Councillor Stephen Carr. Councillor Carr now wishes to stand down and the Committee is requested to appoint a new Member for the three year period ending on 31st December 2014.

Hayes (Kent) Trust

The Council appoints two representatives (not necessarily Councillors) to the Hayes (Kent) Trust, which meets about six times per annum and makes grants for the benefit of residents of Hayes. Mrs Alison Naish was appointed in May 2010 for a four year period ending in May 2014. Mrs C Truelove was appointed in May 2008 and her term of office expires in May 2012. The Secretary of the Trust has indicated that Mrs Truelove would like to continue for a further four year period and has asked the Council to confirm her re-appointment.

Phillips and Lubbock Foundations

The Council has just been informed of the death of Mrs KB Freeman, a long-serving trustee of the Phillips and Lubbock Foundations. Mrs Freeman was one of four Council appointees to the Trust, which makes educational grants within the Parishes of Farnborough and Downe. Her term of office was for three years ending in May 2014. The trustees are currently considering whether to nominate someone to complete the remainder of Mrs Freeman's term – it is recommended that unless a nomination comes forward the appointment is deferred to the Committee's next meeting.

Non-Applicable Sections:	Policy, Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Previous reports to General Purposes and Licensing Committee on outside body appointments, including the annual appointments reports presented in May each year.

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Report No.
RES12039

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

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

Date: **14th March 2012**

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

Title: **PROGRAMME OF MEETINGS 2012/2013**

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

Chief Officer: Mark Bowen, Director of Resources

Ward: N/A

1. Reason for report

1.1 This report presents the draft timetable of meetings for the next Municipal Year for Members' consideration. The proposed timetable, which has been the subject of extensive consultation, is loosely based on the current timetable, but contains a slight reduction in the overall number of scheduled meetings. It is also recommended that the standard start time for Council meetings be confirmed as 7pm.

2. **RECOMMENDATION**

2.1 **That the proposed Programme of Meetings for 2012/2013 be agreed for publication, as set out in appendix 1.**

2.2 **That the normal evening start time for Council meetings be 7pm, subject to each body retaining the flexibility to start at a different time if necessary, and further daytime meetings be permitted where there is agreement of all the relevant Members.**

Corporate Policy

1. Policy Status: Existing policy. A Programme of meetings is approved each year by this Committee.
 2. BBB Priority: Excellent Council .
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £344,054 (20011/12)
 5. Source of funding: Existing budgets
-

Staff

1. Number of staff (current and additional): There are 9 posts (8.22fte) in the Democratic Services team
 2. If from existing staff resources, number of staff hours: Preparation of the Programme of meetings, including extensive consultation, involves approximately two days of staff time.
-

Legal

1. Legal Requirement: No statutory requirement or Government guidance.
 2. Call-in: Call-in is not applicable. The Programme does not involve an executive decision, and Council is recommended to take a final decision.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Copies of the programme of meetings are distributed to all Members of the Council and Chief Officers and are available to senior officers and partnership bodies on request.
-

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 Council's programme of meetings is agreed each year by this Committee, and the proposed programme for 2012/13 is attached at **Appendix 1**. This programme has been prepared closely resembling the programme for the current year, which for the first time consolidated all meetings (except full Council) on three evenings of the week, Tuesday, Wednesday and Thursday. As in previous years, every effort has been made to avoid more than one meeting being held on the same evening but, having regard to other constraints a small number of clashes were found to be unavoidable. The programme reduces the overall number of meetings proposed by fourteen, allowing savings to be made in staff costs and other ancillary cost savings – heating, lighting, and preparing and distributing reports. Special meetings can still be arranged when necessary. The proposed numbers of each meeting in 2012/13, compared to those scheduled for 2011/12, are set out below –

Meeting	2011/12	2012/13
Council	5	5
Executive	10	9
I&E Sub-Cttee	4	4
Standards	2	1
SACRE	3	3
Development Control	6	5
Plans Sub-Cttees	26	25
GP&L Cttee	7	5
Audit Sub-Cttee	4	3
LJCC	4	4
Pensions Investment	4	4
A&C PDS	6	5
CYP PDS	8	5
Environment PDS	7	5
E&R PDS	10	9
PP&S PDS	6	5
R&R PDS	4	5
TOTAL	116	102

- 3.2 The proposed programme has been prepared on the basis that the current Executive and Committee decision-making structures will continue in the same form next year. If Members do make any substantial alterations to these (for example, changes to the remit of portfolios or any switch to a committee system as now permitted under the Localism Act) then the programme may need to be adapted accordingly. The Constitution Improvement Working Group will give further consideration to these issues in the coming months.
- 3.3 In response to Member comments, the draft programme includes various daytime meetings, including dates for the four thematic partnership meetings, the Health Scrutiny Sub-Committee and the Adoption Panel, which will meet during the day from May 2012 onwards.
- 3.4 The proposed schedule was considered by the Constitution Improvement Working Group at a meeting on 8th February 2012. The Working Group supported the approach taken to the programme, subject to further consultation. Since then, the draft programme has been circulated to all Members and to senior officers, and a number of detailed changes have been made in response to the comments received.
- 3.5 The Constitution Improvement Working Group also considered the start times of meetings. In the past, committee and other meetings always began at 7.30pm, with the exception of Plans Sub-Committees and the annual Council meeting, which began at 7pm. In recent years there has been more flexibility for meetings to start earlier, and the Executive and several of the PDS Committees now start at 7pm, with some meetings commencing earlier. Some meetings now take place during the day, for example Licensing Sub-Committee, the Health Scrutiny Sub-Committee and most partnership meetings. While this flexibility does help individual committees

to make their own arrangements to suit their needs, there is also a potential for confusion where there is not a generally accepted standard start time. Starting meetings earlier than 7.30pm will have small potential savings in terms of building running costs and overtime and will help to reduce the impact on the quality of decision making and the performance of senior officers of taking decisions late at night. However, it is also recognised that some Members feel that they would be unable to attend meetings any earlier due to work commitments, and earlier starts would preclude them from taking part in callovers and pre-meetings.

- 3.6 The Working Group concluded that 7pm should now be adopted as the standard start time for all evening meetings, subject to each body retaining the flexibility to start at a different time if necessary. It was also suggested that meetings could take place during the day where there was agreement from all the Members of the relevant body.
- 3.7 The Working Group also considered whether it was appropriate to introduce a guillotine to limit the length of meetings (there is a guillotine for full Council, but not for other meetings). Members did not consider that this was necessary, noting that meetings could be adjourned if they ran on too long, and that agendas could be shortened by reducing “to note” reports in conjunction with wider use of information briefings. The Working Group did also suggest that in some circumstances part 2 reports could be dealt with at the start of a meeting, to avoid officers having to wait until the end of the evening for their reports to be considered.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel Implications
Background Documents: (Access via the Contact Officer)	Previous Programme of Meetings Reports Report and Minutes - Constitution Improvement Working Group on 8 th February 2012

Report No.
RES12037

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

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

Date: **14 March 2012**

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

Title: **EXECUTIVE ASSISTANTS: ANNUAL REPORT 2011/12**

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

Chief Officer: Mark Bowen, Director of Resources

Ward: N/A

1. Reason for report

- 1.1 As part of this Committee's decisions in relation to the Members' Allowances Scheme 2008/09, it was agreed that this Committee should receive an annual report from each of the Executive Assistants outlining the work they have undertaken over the past year in justification of the receipt of their allowance. This decision was reaffirmed by the Committee at subsequent meetings. Reports from the four current Executive Assistants in 2011/12 are attached as **Appendix 1**.
-

2. **RECOMMENDATION**

- 2.1 **The Committee is requested to consider and, if appropriate, comment on the submissions received from the four Executive Assistants relating to the work they have undertaken during 2011/12.**

Corporate Policy

1. Policy Status: Existing policy. Payments to Executive Assistants are made under the London Borough of Bromley Members' Allowances Scheme.
 2. BBB Priority: Excellent Council .
-

Financial

1. Cost of proposal: Estimated cost (In 2011/12, four Executive Assistants were appointed at an annual cost of £14,292.88.)
 2. Ongoing costs: Recurring cost .
 3. Budget head/performance centre: Democratic Representation - Members' Allowances.
 4. Total current budget for this head: £1,150,870; up to five Executive Assistants each receive an allowance of £3,573.22.
 5. Source of funding: 2011/12 budget
-

Staff

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

Legal

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

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Currently 4 Councillors.
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Following a review of the Members' Allowances Scheme 2008/09 which had been carried out by a Member Working Group, this Committee on 21st May 2008 recommended, and the full Council subsequently adopted, various amendments to the Scheme.
- 3.2 As part of the Committee's decisions in relation to the Members' Allowances Scheme 2008/09, it was agreed that an annual report should be submitted to this Committee's February meeting from each of the Executive Assistants outlining the work they had undertaken over the past year in justification of the receipt of their allowance, which currently amounts to £3,573.22 each. That decision has been reaffirmed by this Committee in subsequent years.
- 3.3 The Members' Allowances Scheme currently allows for the appointment of up to five Executive Assistants. In 2011/12, four Executive Assistants were appointed –

Cllr Diane Smith (Adult and Community)

Cllr Peter Fortune (Environment)

Cllr Brian Humphrys (Children and Young People)

Cllr Lydia Buttinger (Children and Young People)

Submissions from these Councillors are attached in **Appendix 1**.

Non-Applicable Sections:	Policy, Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Previous reports to General Purposes and Licensing Committee.

Cllr Diane Smith

Executive Assistant to the Portfolio Holder for Adult and Community:

I have held the Executive Assistant post within the Adult and Community Services portfolio since May 2011.

During this time I have provided support and assistance to the Portfolio Holder, Councillor Robert Evans, operating and working closely under his direction on the wide ranging business which is within his scope of responsibility.

In addition to attending the scheduled Adult and Community PDS meetings and associated Health Scrutiny Sub Committee, I am also committed to participating in the weekly Portfolio Holder briefing sessions which currently, due to the vacancy at Director level are with the Associate Directors within the division.

At these meetings specific and pertinent business areas within the scope of the Portfolio are discussed and I am able to contribute, and support the Portfolio Holder in the decision making process and in shaping key work streams. Members will appreciate that much of the focus has been around identifying and delivering substantial budget savings against a backdrop of protecting services that need to be provided to some of the most vulnerable people within our Borough. In this respect there has been ongoing and keen debate and discussion around services and priorities.

Having had a previous professional career within the National Health Service I have specifically been asked for opinion on health related matters which particularly impact on the Portfolio and Bromley residents. In addition I have also been given the opportunity to further contribute to the health and social care agenda by serving as the LBB representative on the Bromley Healthcare Council of Governors and more recently have welcomed the invitation to become a member of the multi-agency Health and Well-being Board. I have similarly also been involved in discussions with the Orpington project board regarding the future provision of health services within the Orpington area.

With regard the on going concerns raised by Members and planned introduction of new Government legislation, I was asked by the Portfolio Holder to undertake a piece of work looking at the Council's approach to the issuance of Blue Badges with particular reference/ focus on the application of the assessment process in relation to discretionary criteria.

As part of this work I was able to attend the assessment of a Bromley resident who had appealed against their rejection for a badge and who was subsequently asked to attend in person for a further eligibility assessment.

In addition to observing the process I was also able to meet key operational staff including Occupational Therapists responsible for undertaking the reviews, and discuss with them and their managers concerns raised around the administration of the service.

Subsequent to this a request was made for Officers to produce a report and provide detailed and up to date guidance regarding the application of the discretionary eligibility criteria for Bromley residents who are "subject to further assessment". This was considered at the September 2011 PDS and was subsequently approved by the Committee and endorsed by the Portfolio Holder. I understand that a further briefing is currently being prepared and will be distributed to all Members to advise on the current Blue Badge allocation/assessment process.

I have recently visited and observed the work of the Admissions Avoidance Service and PACE (Post Acute Care Enablement) team at the PRUH. I have subsequently been able to provide specific feedback to the Portfolio Holder, giving assurance that by working collaboratively with partners in Health, the LBB funding and staffing components of these teams are effectively contributing to the delivery of care to some of Bromley's most vulnerable residents with improved outcomes. In particular the length of hospital stay has been reduced and there is the opportunity for people to be rehabilitated in their own homes at an earlier stage than was previously possible. Early social care intervention has also contributed to a reduction in the need for longer term care.

Over the last nine months in conjunction with the Portfolio Holder I have taken part in visits to the Borough's Older People's Day Centres, Learning Disability services and housing developments including a visit to the Extra Care Housing development at Crown Meadow Court and the Travellers site in Cray Valley East. I also visited the secure unit at SLAM in the Autumn where there was an opportunity to tour the unit and discuss aspects of the therapy programme.

In addition to meeting and observing LBB frontline staff in the workplace I have also attended departmental management meetings in order to gain a greater understanding of day to day operational issues. Work with the Third sector is an on going theme within the Portfolio and I have attended individual meetings with providers as well as AGMs with key partners such as Community Links Bromley, Mencap, CAB etc.

The above information is a brief overview of my work to date. The ACS portfolio is both diverse and complex and looking ahead there will continue to be some significant challenges. There are several workstreams already underway in which I have a particular interest and I would welcome the opportunity to continue to contribute to these, under the direction of Councillor Evans, providing support to him as the Executive Decision maker.

.....

Cllr Peter Fortune
Executive Assistant to the Portfolio Holder for the Environment:

The role of Executive Assistant is a demanding and fulfilling one that brings you to the heart of policy making. It is a role that I very much enjoy and one to which I believe I still have much to contribute.

The Environment department touches the lives of all of our residents every day. Whether it be the road networks, waste and recycling or the use of our many green parks – the Environment Department is often seen as the 'face' of our green borough.

As a result of this the Environment Portfolio is a large and demanding one. Credit must be given to Councillor Smith for his efforts in maintaining the very high standards that the department constantly sets. It is my job to support him in this role.

I do this by attending meetings and corresponding with various Bromley based members and officers. I also attend Environment PDS committees and other meetings outside of the Borough. I also attend regular meetings with the Portfolio Holder. In these meetings I am often tasked to work on certain initiatives across the portfolio. One such initiative was the Snow Friends scheme.

As a result of the huge amount of Snow Fall in late 2011 I was asked to help prepare the Councils' Snow Friends initiative for 2012. I worked with both the Portfolio Holder and various officers to prepare a strategy encompassing marketing, delivery and logistics for the Snow Friends scheme. We organised two Snow Friends conferences to which we invited residents associations, Safer Neighbourhood Panels, Schools and businesses from across the Borough. We utilized local media and Council literature to widely publicise the scheme and conferences. As a result of our efforts we signed up over 4000 volunteers to hundreds of Snow Friends groups. As well as the administrative side of the scheme I was also questioned by the Environment PDS and received their backing for it.

When the snow fell we were overwhelmed by the positive response from residents and I am now working on efficiencies for the scheme next year.

The Environment Department works right across the spectrum of Council services. As a result, there is often cause for liaising with other departments. One such occasion this year found me working with the ACS department to tackle the fraudulent use of Blue Badges. Working under the leadership of Cllr. Diane Smith (EA for ACS) we investigated ways of punishing those who misuse Blue Badges whilst protecting those deserving users. As a result of this work we have seen some positive results and are continuing to work to discourage fraudulent behaviour.

I have also worked with numerous other councillors, officers, businesses and working parties on road repairs, the use of satellite navigation devices by HGVs, recycling issues and various other projects.

The role of Executive Assistant is one I greatly enjoy and I believe I provide some real value for the department. I am grateful to the Portfolio Holder, PDS committee and to the excellent departmental officers for all of their support over the year.

.....

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

I have attended numerous visits to the DfE to meet Ministers and senior civil servants to support the Portfolio holder and Director in trying to redress and or clarify issues that have arisen from recent Education legislation; with some success I might add.

Attend all Council CYP PDS meetings as an observer.

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

Attend the Schools Forum meetings as an observer.

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

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

Am present at award ceremonies for Governors and other groups.

I attended the Safeguarding Board conference.

Prior to my appointment, I have been for many years, and still am, on the Officer/Member Working Party for Primary and Secondary School Development as well as the Executive Working Party for SEN. I am now also a member of the Children's Safeguarding Executive Working Party.

.....

**Cllr Lydia Buttinger,
Executive Assistant to the Portfolio Holder for Children and Young People:**

Over the last year I have supported the Portfolio Holder for Children and Young people (CYP) through the role of Executive Assistant. I have attended all CYP PDS meetings, I am vice chair of Children's safeguarding Executive working party and am a member of SEN Working Party.

This year has been exceptionally busy for this portfolio given the fast moving academy agenda, where Bromley has been one of the country's leading Boroughs for schools converting. In addition there has been significant work on budget setting given the reduced government formula grant and much of our focus has been spent on preserving front line and essential services and improving the overall efficiency of the service. In addition we have worked on several invest to save schemes which will help with improved efficiency in the longer-term. The merging of CYP and Adults and Community Services has also been a key focus this year with the new structure being effective from April. Our regular 1:1s with the Director and Portfolio Holder cover both these large ongoing areas of focus in addition to day to day issues that arise.

Another key element of the role has been in engaging both staff and young people within the Portfolio's remit, scrutinising spend on projects and representing the Portfolio at events. This has included; visiting the Hawes Down Centre, the Youth Offending Team, CYP offices and Ravens Wood, opening the Mottingham BMX track, attending the Priory prize giving and governor briefings and meeting with the living in care council.

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Report No.
RES12038

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

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

Date: 14th March 2012
26th March 2012

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

Title: **MEMBERS' ALLOWANCES SCHEME 2012/13**

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

Chief Officer: Mark Bowen, Director of Resources

Ward: Borough Wide

1. Reason for report

- 1.1 The regulations governing Members' allowances require that, before the beginning of each financial year, the Council shall make a scheme of allowances for that year and this report details the proposed allowances for 2012/13, recommending that the current allowances remain frozen.
-

2. **RECOMMENDATION(S)**

General Purposes and Licensing Committee are recommended to agree that the Members' Allowances Scheme 2012/13 be submitted to Council for approval on 26th March 2012; this would include the recommendations to -

- (a) freeze the current allowances in the light of the current economic circumstances with no other changes to the existing scheme,**
- (b) agree the Mayoral and Deputy Mayoral allowance at the same rate as last year.**

Corporate Policy

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

Financial

1. Cost of proposal: Estimated cost
 2. Ongoing costs: Recurring cost .
 3. Budget head/performance centre: Democratic Representation - Members' Allowances
 4. Total current budget for this head: £1,095,620 (Members Allowances 2011/12) and £17,000 (Mayoral Allowance, 2011/12)
 5. Source of funding: 2012/13 Budget
-

Staff

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

Legal

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

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Every local authority is expected to have a basic, flat rate allowance which is payable to all Members. The basic allowance recognises the time commitment of Councillors, including meetings with Council managers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of Councillors' homes. It must be the same for each Councillor and may be paid either as a lump sum or in instalments through the year.
- 3.2 The regulations governing Members' allowances require that, before the beginning of each financial year, the Council shall make a scheme of allowances for that year. The regulations also provide that before the Council makes or amends a scheme it shall have regard to the recommendations made in relation to it by an independent remuneration panel report. This requirement does not apply if the only change is the application of an annual indexation increase. Paragraph 16 of the existing scheme provides for annual indexation of allowances every year by the same percentage increase as the market movement change for officers under the PE Inbucon scheme.
- 3.3 Following a detailed review in 2008 Members' allowances were scrutinised by a specially formed Member working party which reported through to the Council. As a result certain allowances were upgraded to reflect current Member duties and remuneration adjustments were recommended and agreed having regard to the previous independent review, the work of the working party and comparative allowances paid by other London Authorities. No further changes were recommended after the April 2010 published review undertaken by Sir Rodney Brooke.
- 3.4 **Appendix 1** shows the scheme and the proposed allowances for 2012/13 in schedule 1 which will remain the same as last year, if frozen, depending on the Members' decision.
- 3.5 The Mayoral and Deputy mayoral allowance can also be approved at this meeting and this is included in the budget for 2012/13. The allowance is recommended to stay at the same level for 2012/13, £15,697 and £2,093 respectively.

4. FINANCIAL IMPLICATIONS

- 4.1 Provision has been made for the outlined allowances in the revenue budget to be approved by Council of £1,113,410.

5. LEGAL IMPLICATIONS

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

Non-Applicable Sections:	Policy/Personnel
Background Documents: (Access via Contact Officer)	Report from the Independent Panel on Remuneration of Councillors in London (2010) - http://www.londoncouncils.gov.uk/londonfacts/londonlocalgovernment/remunerationofboroughcouncillors.htm

London Borough of Bromley

Members Allowances Scheme

From 1st April 2012, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003 (2003 No. 1021) [as amended by SI 2003 No. 1692], the London Borough of Bromley will operate the following Members Allowances Scheme.

1. This Scheme is known as the London Borough of Bromley Members Allowances Scheme and will operate from 1st April 2012 until amended.
2. In this Scheme:
 - “Councillor” means a member of the London Borough of Bromley who is an elected Member;
 - “Member” for the purposes of this Scheme shall mean elected Councillors;
 - “year” means the 12 months ending 31st March.
3. The Council in agreeing this Scheme has 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. 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 £669.99 per annum. Where a Member has membership of only one Plans Sub-Committee, the allowance will be set at half that amount, £335.

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 Resources, 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 may 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

Allowances for the year ending 31st March 2013

	£
Basic Allowance	10,872.02
Posts of Special Responsibility Allowance	
Leader of the Council	30,600.00
Portfolio Holders (x6)	20,400.00
Executive Assistants (x5)	3,573.22
Executive Members without Portfolio (x2)	3,573.22
Chairman of Portfolio PDS Committees (x6)	7,140.00
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 Pensions 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

Report No.
CEO1194

London Borough of Bromley

PART 1 - PUBLIC

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

Date: 14 March 2012
26th March 2012

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

Title: **PAY POLICY STATEMENT**

Contact Officer: Charles Obazuaye, Assistant Chief Executive (HR)
Tel: 020 8313 4355 E-mail: charles.obazuaye@bromley.gov.uk

Chief Officer:
Charles Obazuaye, Assistant Chief Executive (HR)

Ward: N/A

1. Reason for report

- 1.1 Under the Localism Act 2011 the Council is required to publish a Pay Policy statement which must be prepared and approved by full Council by 31 March 2012.
-

2. **RECOMMENDATION(S)**

- 2.1 **Members are asked to recommend that full Council approve the Pay Policy Statement attached as Appendix A.**

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:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

1. Number of staff (current and additional): Those staff covered by this report and the accompanying Pay Policy Statement are Chief Officers as defined by the Local Government and Housing Act 1989 as set out in paragraph 1.4 of Appendix A to this report.
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1. The Localism Act requires the Council to prepare and publish a Pay Policy statement. The statement must articulate the Council's policies towards a range of issues relating to the pay of its workforce, particularly its senior staff and its lowest paid employees.
- 3.2 The objective of this aspect of the Act is to require authorities to be more open and transparent about local policies and how local decisions are made.
- 3.2 In accordance with the Act the Pay Policy statement attached at Appendix A sets out the Council's current position on various matters relating to the employment of Chief Officers, Deputy Chief Officers and other staff in the Council including the lowest paid employees.

4. POLICY IMPLICATIONS

- 4.1 The statement is a summary of existing policies which will continue to be applied during the financial year 2012/13.

5. FINANCIAL IMPLICATIONS

- 5.1 All decisions taken in accordance with this policy statement will be contained within existing budgets.

6. LEGAL IMPLICATIONS

- 6.1 The requirement to adopt and publish a Pay Policy statement arises under the Localism Act 2011. The Policy statement is consistent with the statutory guidance published by the Secretary of State for Communities and Local Government to which all relevant authorities must have regard.

7. PERSONNEL IMPLICATIONS

- 7.1 As set out in the report and the accompanying policy statement.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Localism Act 2011 "Openness and accountability in local pay: Guidance under section 40 of the Localism Act" DCLG February 2012

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PAY POLICY STATEMENT 2012/13

1. Introduction

1.1 The Localism Act 2011 introduces a requirement for public authorities to publish annual pay policy statements. It states, in the main, that a relevant authority must prepare a pay policy statement for the Financial Year 2012/13 and each subsequent year.

1.2 Pursuant to the Act and the associated guidance and other supplementary documents, this pay policy statement sufficiently summarises Bromley Council's approach to the pay of its workforce and, in particular, its "Chief Officers". In summation, the statement covers the Council's policies for the 2012/13 Financial Year, relating to:

- i) remuneration of its Chief Officers;
- ii) remuneration of its lowest paid employees;
- iii) the relationship between (i) and (ii) above.

1.3 In relation to "Chief Officers" the pay policy statement must describe the Council's policies relating to the following:

- i) the level and elements of remuneration for each Chief Officer;
- ii) remuneration of Chief Officers in recruitment;
- iii) increases and additions to remuneration for each Chief Officer;
- iv) the use of performance related pay for Chief Officers;
- v) the use of bonuses for Chief Officers;
- vi) the approach to the payment of Chief Officers on their ceasing to hold office under, or to be employed by, the authority; and
- vii) the publication of access to information relating to remuneration of Chief Officers.

1.4 As required by the Act and the supporting statutory guidance which, in turn, reflects the Local Government and Housing Act 1989, the definition of Chief Officer for the purpose of the pay policy statement covers the following roles:

- i) the Chief Executive/Head of Paid Service;
- ii) the Monitoring Officer;
- iii) a statutory Chief Officer and non-statutory Chief Officer under Section 2 of the Local Government and Housing Act 1989;
- iv) a Deputy Chief Officer responsible and accountable to the Chief Officer. However, it does not include those employees who report to the Chief Executive or to a statutory or non-statutory Chief Officer but whose duties are solely secretarial or administrative or not within the operational definition or the meaning of the Deputy Chief Officer title.

2. Exclusion

2.1 The Act does not apply to schools staff, including teaching and non-teaching staff.

3. Context: Key Issues and Principles

3.1 General Context – clearly there are a number of internal and external variables to consider in formulating and taking forward a pay policy. Reward and recognition is a key plank of the Council's agreed HR Strategy. This includes establishing strong links between performance and reward and celebrating individual and organisational achievements.

The HR Strategy is based on an assumption that all staff come to work to do a good job and make a difference. The Council expects high standards of performance from staff at all levels and seeks, in return, to maintain a simple, fair, flexible, transparent and affordable pay and reward structure that attracts and keeps a skilled and flexible workforce.

3.2 Industrial relations: Recruitment and Retention

The Council aims to enhance its ability to recruit and retain high quality staff by being competitive in the labour markets. This is still the case even in the current financial straitened times. As Members make difficult and unpalatable financial decisions and staff step up to the challenges of delivering more (or the same) with less resources, the Council faces the challenges of retaining a motivated and flexible workforce which is adequately remunerated and valued for their contribution to “Building a Better Bromley”. We will keep our pay policy updated and align it to reflect the “Bromley Council employee of the future” characterised by innovation, flexibility, empowerment, leadership and individualised rewards for exceptional performers.

3.3 Contractual/Legal context:

- i) Currently most Bromley Council employees, other than teachers, are employed on terms and conditions which fall within a national/regional pay and conditions framework including employees under:
 - the NJC for Local Government Services (Green Book);
 - the NJC for Youth and Community workers;
 - the Soulbury Committee (Education Advisers, Educational Psychologists)

- ii) additionally, with the exception of their pay and grading arrangements, the contracts for employees on the Bromley Management grades incorporate either the conditions of service of the JNC for Chief Officers of local authorities or the NJC Green Book. Likewise, although their pay and grading structure is negotiated locally, many of the terms and conditions of the lecturers at Bromley Adult Education College are aligned with the “Green Book”.

- iii) for legal reasons this pay policy statement does not change or propose to change the existing terms and conditions of service. Any pay policy would need to take account of the Council's legal obligations to effect any contractual changes, either through collective agreement with recognised Trade Unions or individual agreements, or through the dismissal and re-engagement route;
- iv) that said, going forward, the Council, subject to further staff and Trade Union discussions and negotiation, is seeking to localise its terms and conditions for its entire workforce, except teachers. One of the key reasons behind the proposal is that local control will give greater emphasis to local circumstances and improve the Council's ability to innovate and flex in ways that the current nationally agreed terms have often not encouraged. In summary, the proposal will introduce a single local annual pay review mechanism to replace the current separate arrangements for Bromley employees under the Green Book, Soulbury Committee and Management Grade staff.

The detail of how the single annual pay review will operate has yet to be determined and will be the subject of consultation and discussion locally with staff and their representatives. It will have regard to:

- affordability, inflation;
 - market settlements elsewhere;
 - flexible reward package;
 - organisational performance;
 - local and national circumstances and being competitive in the labour markets;
 - firm but fair performance management culture;
 - non-consolidated payments for exceptional performers
- v) The outcome of the proposal and any subsequent changes to the current terms and conditions of staff and, in particular, "Chief Officers"

will be reported to a future meeting of Full Council for consideration and approval.

3.4 Accountability

3.4.1 The Act requires that pay policy statements and any amendments to them are considered by a meeting of Full Council and cannot be delegated to any Sub-Committee.

3.4.2 Such meetings should be open to the public and should not exclude observers.

3.4.3 All decisions on pay and reward for “Chief Officers” must comply with the agreed pay policy statements.

3.4.4 As stated above, the Council must have regard to any guidance issued/approved by the Secretary of State. The latest guidance recently issued by the Department of Communities and Local Government (DCLG) states in inter alia “that full Council should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment.” The Secretary of State considered that £100,000, including salary, bonus, fees or allowances or any benefit in kind, is the right level to trigger Member approval.

4. Transparency

4.1 In line with the guidance, the pay policy statement will be published on the Council’s website and accessible for residents to take an informed view on whether local decisions on all aspects of remuneration are fair and reasonable.

4.2 The Council is also required to set out its approach to the publication of and access to information relating to the remuneration of “Chief Officers”.

Information on pay and reward for senior employees required to be published under the Code of Recommended Practice for Local Government on Data Transparency and by the Accounts and Audit (England) Regulations 2011 is already accessible on the Council's website at:

http://www.bromley.gov.uk/downloads/file/893/lb_bromley_statement_of_accounts_201011

For the purposes of the Code, senior employee salaries are defined as all salaries which are above £58,200. The information, including the posts which fall into this category, will be regularly up-dated and published.

5. Fairness

5.1 The Council must ensure that decisions about senior pay are taken in the context of similar decisions on lower paid staff. In addition, the Act requires the Council to explain the relationship between the remuneration of its Chief Officers and its employees who are not Chief Officers, and may illustrate this by reference to the ratio between the highest paid officer and lowest paid employee and/or the median earnings figure for all employees in the organisation.

5.2 Additionally, the Act specifically requires the Council to set out its policies on bonuses, performance related pay, severance payments, additional fees/benefits (including fees for Chief Officers for election duties), re-employment or re-engagement of individuals who were already in receipt of a pension, severance or redundancy payment, etc.

6. Position Statement

6.1 The Council's position on the requirement of the Act and the information that it is required to include its Pay Policy Statements is as summarised above and as set out in the attached table (Appendix 1).

6.2 This Statement is for the Financial year 2012/13.

- 6.3 The Statement must be approved by Full Council. Once approved it will be published on the Council's website. Any amendments during the Financial Year must also be approved by a meeting of Full Council.
- 6.4 This Statement (including the Appended table) meets the requirement of the Localism Act 2011 and the Department for Communities and Local Government (DCLG) guidance.

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PAY POLICY STATEMENT FOR FINANCIAL YEAR 2012/13	
POLICY AREA UNDER THE ACT	POLICY STATEMENT
	<i>For the purposes of this policy statement the term “Chief Officer” includes the Chief Executive, Statutory and non statutory Chief Officers and Deputy Chief Officers within the meaning of the Local Government and Housing Act 1989.</i>
Level and elements of remuneration of Chief Officers and relationship with the remuneration of employees who are not Chief Officers	<p>In response to market forces the Council has adopted a local pay and grading system known as the Management Grades (MG) for senior managers including Chief and Deputy Chief Officers.</p> <p>Following a fundamental pay and grading review the Council has also adopted a local pay and grading structure known as the Bromley Grades (BR) for other staff employed within the framework of the NJC for Local Government Services. These arrangements were implemented via a Bromley Single Status Collective Agreement reached with the relevant recognised trade unions.</p> <p>Senior managers at Bromley Adult Education College are employed on the MG grades. Lecturers and sessional staff at the College are employed on pay and grading arrangements agreed locally by the Local Joint Negotiating Committee consisting of elected Members and staff representatives. The current rates can be found at BAEC Pay Scales 2009</p> <p>The Council has agreed the process of job evaluation as a way of ensuring a fair system of remuneration relative to job weight thereby managing any risk of equal pay claims. MG jobs are graded using the James job evaluation system, and BR jobs are graded using the Greater London Provincial Council (GLPC) Job Evaluation Scheme. The BR grades are based around “anchor” salary points on the GLPC pay spine and consist of incremental scales; the values of the spine points are reviewed annually via a process of collective</p>

bargaining at regional level. A copy of the current BR salary scales can be found at [BR scales](#)

Individuals employed on the MG grades are appointed to a spot salary within the relevant salary bands having regard to the Council's ability to recruit and retain suitably qualified, skilled and experienced officers to deliver excellent front line services and achieve Council priorities. Exceptionally staff may be paid outside of the relevant band for their grade because of market forces. The same principles apply to anyone who is engaged on a self-employed basis and paid under a contract for services. Under the [Special Recruitment measures](#) agreed by Chief Officers, every recruitment request including permanent, temporary, casual, agency staff or self employed is scrutinised and formally approved first by the Director and then the Assistant Chief Executive (Human Resources) on behalf of the Chief Executive.

Management Grade salary bands are currently reviewed annually in line with advice from external consultants as to the extent of market movement for jobs at this level. In the last 2 years this process has resulted in no increase being applied to the salary bands. A copy of the current MG salary bands can be found at [MG and MB Salary Scales](#). There is also an annual review of individual salaries within these bands however as with NJC staff on the BR grades the annual review process for Chief Officers and other senior staff in each of the last 2 years has resulted in there being nil increase or PRP (see below) applied to individual salaries.

The pay arrangements for both MG and BR staff are currently under review. The proposals include the introduction of a single localised annual pay review mechanism for all staff, and improving the links between pay and performance on a more individualised basis in the future.

The Council offers a lease car arrangement as a recruitment and retention incentive to certain staff occupying key posts including some front-line posts on the BR grades. Employees with a lease car are expected to make a 30% contribution to the cost and for Chief and Deputy Chief Officers the value range of this benefit is between £3,920 and £3,207 per annum subject to this not exceeding 70% of the car's current benchmark value plus insurance.

Any employee who does not have a lease car is eligible to receive a car user allowance if they use their own vehicle for business purposes. Rates are agreed nationally by the NJC but capped locally at the rate for cars

	<p>not exceeding 1199cc, other than in exceptional circumstances where the Assistant Chief Executive (HR) agrees that a car with a larger engine size is necessary for the efficient performance of the job.</p> <p>The Council normally engages a mix of external and internal personnel for election duties. The fees generally reflect the varying degree of roles undertaken by individuals. Fees paid to both the Returning Officer and the Deputy Returning Officer are in accordance with the appropriate Statutory fees and Charges Order and they reflect their personal statutory responsibilities.</p> <p>The Council is required to have measures in place to respond to any major emergency incidents in the Borough or on a pan London basis which includes a small group of Senior Officers on standby for the LA GOLD rota. The Chief Executive and Director of Environmental Services undertake the lead role and do not receive any additional remuneration for this. Other officers who undertake this role receive a payment commensurate with other call out allowances for the relevant period of the standby.</p> <p>All employees including Chief Officers are entitled to claim an interest free season ticket loan and reimbursement of any expenses necessarily incurred in the performance of their role including but not limited to travelling, and subsistence.</p>
Use of PRP for Chief Officers	<p>The annual review of individual MG salaries includes an assessment of work performance in the preceding twelve months. The performance of the Chief Executive in this process is appraised by the Leader and other elected Members. The Chief Executive and Directors are subject to a 360 degree appraisal process involving a range of feedback sources. Chief Officers and senior staff do not currently have an element of their basic pay “at risk” to be earned back each year; instead eligible staff normally receive a minimum of 50% of any recommended market increase as an ‘across the board’ inflation provision, whilst the remainder of the recommended % increase forms the basis of a calculation of performance related pay which is consolidated into basic salaries. However as noted above there has been no increase to individual salaries or payment of PRP as a result of the annual review process in each of the last 2 years, and the arrangements are under review for 2012 onwards.</p>

Use of bonuses for Chief Officers	Not applicable.
Remuneration of lowest-paid employees	The Council's grading structure for BR staff starts at point 4 on the GLPC spine. The value of this spine point is currently £14,697 per annum and the Council therefore defines its lowest paid employee as anyone earning £14,697 (pro rata for part-time staff). The Council's pay multiple – the ratio between the Chief Executive as the highest paid employee and the lowest paid employee in the year 1 April 2010 to 31 March 2011 is 1:13, and between the Chief Executive and the median salary is £33,516 (ratio of 1:6).
Increases and additions to remuneration of Chief Officers	Where it is in the interests of the Council to do so the Chief Executive may review the salaries of Chief Officers and Senior Staff from time to time within the approved grading structure for their post (MG and MB Salary Scales). Such circumstances include for example but are not limited to the impact of market forces and staff undertaking significant additional responsibilities on a time-limited or permanent basis.
Remuneration of Chief Officers on recruitment	Where the post of Chief Executive falls vacant the salary package and the appointment will be agreed by Full Council. Full Council or a Member panel appointed by full Council or the Urgency Sub Committee will also agree any salary package in excess of £100K to be offered for any new appointment in 2012/13 to an existing or new post. All Chief Officer and Senior staff appointments will be made in accordance with the Council's agreed Constitution and Scheme of Delegation which can be found at www.bromley.gov.uk
Any discretionary increase in or enhancement of a Chief Officer's pension entitlement	<p>Chief Officers are eligible to join the Local Government Pension Scheme. The Council will not normally agree to any discretionary increase in or enhancement of a Chief Officer's pension entitlement. However each case will be considered on its merits and the Council recognises that exceptionally it may be in the Council's interests to consider this to achieve the desired business objective. Members' agreement will be required in all cases taking into account legal, financial and HR advice appropriate to the facts and circumstances.</p> <p>A Chief Officers' Panel is authorised to consider applications from staff aged 55 and over for early retirement without enhancement. The Panel may exercise discretion to waive any actuarial reduction of pension benefits in individual cases based on the demonstrable benefits of the business case including the cost, impact on the</p>

	<p>service, officer's contribution to the service and any compassionate grounds.</p> <p>The Council has adopted a Flexible Retirement Policy under which a Chief Officers' Panel may agree to release an employee's pension benefits whilst allowing them to continue working for the Council on the basis of a reduced salary resulting from a reduction in their hours and/or grade. The policy requires that the employee is aged 55 or over and that there is a sound business case for any such decision and can be found at Flexible Retirement Policy</p>
<p>Approach to severance payments - any non statutory payment to Chief Officers who cease to hold office/be employed</p>	<p>Where demonstrable benefit exists it is the Council's policy to calculate redundancy payments on the basis of the statutory weeks' entitlement using the employee's actual salary.</p> <p>Under the Council's agreed Scheme of Delegation the Director of Resources has delegated authority to settle legal proceedings and/or to enter into a Compromise Agreement in relation to potential or actual claims against the Council. Settlement may include compensation of an amount which is considered to be appropriate based on an assessment of the risks and all the circumstances of the individual case.</p> <p>In exceptional cases where it is in the interests of the service to do so a payment in lieu of notice or untaken leave may be made on the termination of an employee's employment.</p> <p>The Council will not normally re-engage anyone as an employee or consultant who has received enhanced severance/redundancy pay or benefited from a discretionary increase in their pension benefits. However exceptionally it may be that business objectives will not be achieved by other means in which case a time-limited arrangement may be agreed by the Assistant Chief Executive (HR) and Director of Resources having regard to the Council's financial rules and regulations.</p> <p>Any application for employment from ex-employees who have retired at no cost to the Council, or who have retired or been made redundant from elsewhere will be considered in accordance with the Council's normal recruitment policy. However the Council operates an abatement policy which means that the pension benefits in payment to anyone who is re-employed in Bromley could be reduced in line with that policy.</p>

<p>Publication of and access to information relating to this Policy and to the remuneration of Chief Officers</p>	<p>Once agreed the Council will publish this Pay Policy on its website www.bromley.go.uk. Full Council may by resolution amend and re-publish this statement at any time during the year to which it relates.</p> <p>The Council also discloses the remuneration paid to its Chief Officers and the remuneration of senior employees whose salary is equal to or more than £58,200 per year as part of its published accounts.</p>
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RIGHTS OF WAY SUB-COMMITTEE

Minutes of the meeting held at 7.30 pm on 1 November 2011

Present:

Councillor Stephen Wells (Chairman)
Councillor Michael Tickner (Vice-Chairman)
Councillors Gordon Norrie, Richard Scoates and
Harry Stranger

1 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

Councillor Stephen Wells was appointed Chairman for the remainder of the Council year, and took the chair.

Councillor Michael Tickner was appointed Vice-Chairman for the remainder of the Council year.

2 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillor Julian Grainger.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

(1) From Nigel Mclnery, Camden Park Road, Chislehurst

Please confirm that pursuant to correspondence between the solicitors acting for Camden Park Estate Limited and the Legal Democratic and Customer Services Department of the London Borough of Bromley (in particular our solicitors' letter of 16th November 2010 to the council, the council's response of 22nd December 2010 and the council's further letter to our solicitors of 9th May 2011) that the Minutes of the Sub Committee meeting held on 1st September 2010 be amended and corrected by adding the following statement:-

By way of correction it is to be noted that the minutes of the Rights of Way Sub Committee held on 5th January 2010 as are set out at point 4 of the Minutes of that Sub Committee held on 1st September 2010, are incorrect in that they stated that the correspondence with the solicitors acting for Camden Park Estate limited had ended on January 2008. Correspondence with the solicitors acting for Camden Park Estate Limited in fact continued into February 2008 when those solicitors wrote to the council on 7th February 2008 raising a number of points to which Tony Tompkins, on behalf of the council, responded by way of

letter on 12th February 2008 acknowledging receipt of the solicitors' letter and stating that he was taking further instructions and would then write again in due course. No further letters were sent by the council to the solicitors acting for Camden Park Estate Limited pursuant to the said letter from Mr Tompkins of 12th February 2008, notwithstanding the fact that the solicitors sent two further letters dated 19th March 2008 and 22nd May 2008 chasing a reply.

Reply:

The point you make can be addressed by adding the following clarification to the end of minute 4 from the meeting on 1st September 2010, and I will ask the Sub-Committee whether they will accept this change when we reach the confirmation of the minutes on our agenda.

"Note: It was subsequently confirmed that solicitors acting for Camden Park Estate Limited had written to the Council on 7th February 2008, and that the Council had acknowledged receipt of this on 12th February 2008 in a letter from Mr Tony Tompkins in which he said that he was taking further instructions. Two further letters had been sent by the solicitors on 19th March and 22nd May 2008, but no replies had been sent."

As a supplementary question, Mr McInery queried why the amended wording did not follow the precise wording given in earlier correspondence. In response the Council's legal advisor confirmed that the wording now proposed did in his opinion address the concerns that had been raised.

(2) From Ed FitzGerald, Camden Park Road, Chislehurst

With reference to the second resolution contained in point 6 of the Minutes of the meeting held by the Rights of Way Sub Committee on 1st September 2010 would the council please confirm that it has noted or will have noted on its records and in the Minutes of this meeting that Camden Park Estate Limited does not accept the proposed entry in the council's non statutory list that Camden Park Road is an unadopted highway and that it is the view of the company that the road should be listed as an unadopted highway with pedestrian rights of access only as confirmed by David Bartlett Chief Executive of Bromley Council in a letter to Mr W Hucklesby dated 30th July 2001 (the then chair of Camden Park Estate Ltd)?

Reply:

The Sub Committee agreed on 1 September 2010 that the entry for Camden Park Road in the Council's non-statutory list of un-adopted highways should be described as

" a highway restricted to footway rights running along the south side of Camden Park Road between the kerb line and street boundary and crossing Camden Park Road to join Footpath 41 on the other side, as shown along the route A to B in drawing EHP/9808/01 as circulated to the Rights of Way Sub-Committee for its meeting on 27 April 2005"

This description is entirely consistent with the description of Camden Park Road in the Council's street register as described in the then Chief Executive of LBB, David Bartlett's letter to Sir William Hucklesby of 30 July 2001.

Further, it is important that the description of the pedestrian highway running along Camden Park Road continues to be correctly recorded as described in drawing EHP/9808/01 as is shown in the description as agreed by the Sub-Committee on 27 April 2005.

Mr FitzGerald did not have a supplementary question.

5 MINUTES OF THE MEETING HELD ON 1ST SEPTEMBER 2010

It was proposed that the minutes as circulated be amended by the addition of the following note of clarification at the end of minute 4 -

"Note: It was subsequently confirmed that solicitors acting for Camden Park Estate Limited had written to the Council on 7th February 2008, and that the Council had acknowledged receipt of this on 12th February 2008 in a letter from Mr Tony Tompkins in which he said that he was taking further instructions. Two further letters had been sent by the solicitors on 19th March and 22nd May 2008, but no replies had been sent."

RESOLVED that, subject to the addition of the note set out above, the minutes of the meeting held on 1st September 2010 be confirmed as a correct record.

6 FOOTPATH 280 (PART) GRAYS ROAD TO BOROUGH BOUNDARY - APPLICATION FOR DEFINITIVE MAP MODIFICATION ORDER TO UPGRADE TO BRIDLEWAY Report ES11136

The Sub-Committee received the Secretary of State's decision upholding an appeal against the Sub-Committee's decision on 1st September 2010 not to make a Definitive Map Modification Order (DMMO) to upgrade Footpath 280 to a bridleway. The Council was now required by the Secretary of State to make the DMMO.

Councillor Richard Scoates, as the ward Councillor, insisted that the Sub-Committee had taken the correct decision in 2010 and should be prepared to object to the order. He considered that the evidence supporting the existence of a bridleway was circumstantial and did not provide a strong case, and he drew attention to a number of sections in the Inspector's report, including the Inspector's statement that she had not visited the site (paragraph 4), the delay in making the application (paragraph 19), the issue of logs placed across the path (paragraph 23) and the two witness forms that were not considered (paragraph 26.) He also stated that he was disappointed that he had not been informed as the Ward Councillor of the Inspector's decision.

Other Members agreed with Councillor Scoates, and were concerned that opening the gates could increase the risk of trespass on adjoining land given the history of traveller incursions in the area. Members also referred to the costs of making the path up to bridleway standards, and the amount of time spent on the issue already.

The Sub-Committee was informed that Kent County Council had already agreed to follow the Secretary of State's direction to make the Order and to take a neutral stance in any subsequent appeal should further objections be made to the confirmation of the Order.

The report recommended that the Council should take a neutral stance at any Public Inquiry into any further objections resulting from the making of the Order, and in any similar cases in the future where the Secretary of State directed the Council to make a DMMO. The Sub-Committee considered that, while the Council should neither take a neutral stance or a pro-active stance of opposition, it should await responses to the DMMO and support any objections that were made. The Sub-Committee accepted that the Council ran the risk of unlawfully fettering its discretion if it were to authorise a particular position in respect of potential appeals on other Public Path Inquiries in the future and unanimously resolved that it would consider each case and the Council's position on their merits at the appropriate time.

RESOLVED that

(1) The Director of Resources, in consultation with the Director of Environmental Services, be authorised to make a Definitive Map Modification Order under section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 to 'upgrade' that part of footpath 280 shown on dwg. ESD-10967-1 to bridleway.

(2) Kent County Council be informed of the Council's decision and invited to send their views to the Chairman.

(3) The Director of Environmental Services be authorised to take further action as necessary on behalf of the Council, subject to consultation with the Chairman and Ward Councillor in the event of objections being lodged by third parties.

7 MAINTENANCE OF THE PUBLIC RIGHTS OF WAY NETWORK
Report ES11138

The Sub-Committee considered a report which had been requested by Councillor Tickner on the options for reducing the maintenance costs of little-used paths and bridleways. The annual budget for maintenance of the Rights of Way network was £58,550, of which around £25,000 was used for the clearance of vegetation. Use was made of Community Payback teams for removing graffiti, rubbish and litter and clearing vegetation, but this required extensive supervision and could not meet all the borough's maintenance needs. Officers confirmed that it was more cost effective to have a planned programme for

clearing vegetation than to have a reactive approach based on responding to reports and complaints.

Members considered that, although this was a relatively small budget, the possibilities for making savings should still be investigated. It was noted that closing a footpath would require the extinguishment of highway rights and compelling evidence that it was redundant, and that there would probably be strong resistance to any proposed closures. Some Members commented that hard-earned access rights should be protected.

The Council had been successful in harnessing the support of local residents through various initiatives such as the Friends of Parks, Snowfriends and footpath custodians, of whom there were about thirty five across the borough. The Sub-Committee suggested that the possibilities for increased use of this approach to support the maintenance of the Rights of Way network should be investigated.

Members also noted that although fines imposed by the courts on fly-tippers did not come to the Council, officers had been successful in persuading residents caught fly-tipping to reimburse the Council's costs.

RESOLVED that the report be noted, and that efforts be made to extend the involvement of voluntary groups and footpath custodian schemes in the maintenance of footways and bridleways in the borough.

The Meeting ended at 8.32 pm

Chairman

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PENSIONS INVESTMENT SUB-COMMITTEE

Minutes of the meeting held at 7.30 pm on 9 November 2011

Present:

Councillor Paul Lynch (Chairman)
Councillor Richard Scoates (Vice-Chairman)
Councillors Julian Grainger, Russell Jackson and Neil Reddin

Also Present:

Mr Glenn Kelly (Non-Voting Staff Representative)
Mr Alick Stevenson, Allenbridge Epic Investment Advisers

13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies were received from Councillors Eric Bosshard and Russell Mellor.

14 DECLARATIONS OF INTEREST

Councillors Paul Lynch, Julian Grainger, Neil Reddin and Richard Scoates declared a personal interest as Members of the Bromley Local Government Pension Scheme.

15 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 14th SEPTEMBER 2011, EXCLUDING THOSE CONTAINING EXEMPT INFORMATION

The minutes were agreed.

16 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

There were three matters outstanding – from the Sub-Committee's previous meeting - and the position on these was summarised on the agenda front sheet.

Concerning the appointment of an independent adviser to the Sub Committee, the Chairman introduced Mr Alick Stevenson of Allenbridge Epic Investment Advisers. Considering the implications of the Myners review, the Finance Director had discussed the need for an independent adviser with other boroughs and Allenbridge would work with LB Bromley with an agreement for one year. Mr Stevenson would contribute to performance reporting on the Pension Fund - providing independent advice at the meetings - and contribute to the review of the Fund's asset allocation strategy. It was intended that

Members see how the arrangement worked and provide feedback. Mr Stevenson's crucial role would be to provide independent financial advice.

17 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

There were no questions.

18 GENERAL UPDATE

Report RES11123

Members considered a general update on changes that will impact on the Pension Fund including proposals for short term savings in the LGPS and key elements of the Government's revised offer on Public Sector Pensions published on 2nd November 2011.

The Finance Director introduced the report. Concerning the Government's revised offer on public sector pensions announced on 2nd November the Director felt that the proposals would not necessarily represent a "sustainable deal that will endure for at least 25 years" as further change would seem inevitable given a cap on employers costs by the cost ceiling. Although there would be potential short term savings with employer savings of £1.5m by year 3, the opt out issue from the scheme was a key factor that could impact on the pension fund.

Mr Glen Kelly felt there would be opt out by staff who were effectively having to take a pay cut and work longer. He felt that the Sub Committee could give a strong measure of support against the Government's proposals. Mr Kelly felt that staff with a lot of service could stop paying into the scheme and the Council would continue to have a liability for those staff leaving the scheme. Mr Kelly also highlighted that a part time worker has to pay the pension scheme contribution rate of a full time worker and proposals for higher contribution rates effectively equated to a real time pay cut. A Member questioned whether it was right that a part time member of staff would have to pay the contribution rate of a full time member of staff and the Director confirmed that this was the position suggesting that there was a larger risk of opt outs within this category of staff. A Member highlighted that contribution rates were not proposed to change for low paid workers.

RESOLVED that the report be noted.

19 PENSION FUND PERFORMANCE

Report RES11129

The report to Members included: details on the investment performance of Bromley's Pension Fund for the first two quarters of 2011/12; information on general financial and membership trends of the Fund; and summarised information on early retirements.

In introducing the report the Director referred to a general concern for short term performance against benchmark – particularly by Fidelity and whether this would continue. A meeting would be held with Fidelity where there would be discussion on whether the company would be looking to change investment strategies.

The Chairman welcomed Mr Stevenson and invited him to provide a report on fund performance and economic outlook. A quarterly investment report had been provided by Mr Stevenson/Allenbridge and emailed to Sub Committee Members in advance of the meeting.

On Fund Performance Mr Stevenson explained that both Fund Managers had under performed during the last quarter and for each of them it was the third quarter of under performance. Baillie Gifford's performance was strong though given the economic climate but Fidelity had slightly under performed over three years and this was a worry.

It was felt that Fidelity's tendency to hug the benchmark asset allocations had had a detrimental effect on their performance and was perhaps an indication that they had lost their appetite for risk. Baillie Gifford, on the other hand, made much more use of the benchmark "band widths" to invest in other places e.g. emerging markets and they invested with intellect.

Additionally Mr Stevenson commented that the two Fund Managers were in separate silos each with their specific benchmark and there was no holistic approach. The Fund had performed well over the past five to ten years but strains were now coming into the structure.

Concerning economic outlook Mr Stevenson explained that the markets were volatile and were, he felt, reacting to disinformation. It was likely that Greece would accept the EU bailout and for Italy, where funding had hit rates of 7%, Mr Stevenson thought it would be difficult for the country to rein in profligate spending. Further afield Chinese domestic inflation had fallen slightly which might mean the US and China having a more level playing field.

The Chairman asked how the positions in Greece and Italy might affect Bromley's Fund. Mr Stevenson explained that the Fund Managers had little investment in either country. Mr Stevenson also suggested that questions be asked of Baillie Gifford on their holdings in Olympus Corporation.

Highlighting a scenario where QE might be used in Europe to pay for debt, a Member felt that this approach risked inflation in the eurozone which could result in certain countries reverting back to former currencies. Accordingly he enquired why the Fund Managers did not report on currency as an asset class. The Member also enquired about benchmark drivers. He felt that the benchmarks should be set relative to a target return (i.e. the rate of future increase in pension fund liabilities) rather than have a position where they are relative to a market which is fluctuating.

Responding on currencies as an asset class, Mr Stevenson felt that Baillie Gifford had not hedged currencies because they had not been asked to when their choice of funds had been approved and their benchmark set on appointment. It was possible to have a hedged benchmark hedging back to sterling but this was a decision LBB needed to make.

Mr Stevenson felt that a benchmark that moved around was not good. If it was possible to calculate the rate of return needed that would become the benchmark. The Principal Accountant (Technical and Control) added that this approach was tried with Credit Agricole in 2008 with the target of matching the rate of future increase in the fund's liabilities (c.6.7% at that time). For the first six months, performance was good, but returns for the following year were poor and the agreement was terminated. In considerations going forward Mr Stevenson explained that benchmarks/structure can be looked at along with actuarial performance and LBB could come to a conclusion on which measure was appropriate for the Fund.

Responding to further questions from another Member, Mr Stevenson referred to chasms having appeared in the Euro project. A low proportion of Bromley's Fund is invested in Europe (c. 16%). The knock on effect of the current euro zone crises was difficult to predict. Overall Mr Stevenson felt that it was not a time to change asset allocation but to think about the future.

Concerning the U.S., Mr Stevenson felt that it would come back at some stage as it was a large economy. The biggest problem he felt for the U.S. was its trade deficit with China. If the U.S. "went wrong" China would suffer as the U.S. was a key market.

RESOLVED that the report be noted.

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

21 CONFIRMATION OF EXEMPT MINUTES - 14TH SEPTEMBER 2011

The Part 2 minutes were agreed.

22 PENSION FUND - INVESTMENT REPORT

Quarterly reports (to 30th September 2011) from Fidelity and Baillie Gifford had been circulated prior to the meeting and two Baillie Gifford representatives attended the meeting to present their report and answer questions.

The Meeting ended at 9.25 pm

Chairman

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PENSIONS INVESTMENT SUB-COMMITTEE

Minutes of the meeting held at 7.30 pm on 9 February 2012

Present

Councillor Paul Lynch (Chairman)
Councillor Richard Scoates (Vice-Chairman)
Councillors Eric Bosshard, Julian Grainger and Russell Mellor

22 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies were received from Councillors Neil Reddin and Russell Jackson.

23 DECLARATIONS OF INTEREST

Councillors Paul Lynch, Eric Bosshard, Julian Grainger, Russell Mellor and Richard Scoates declared a personal interest as Members of the Bromley Local Government Pension Scheme.

24 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 9TH NOVEMBER 2011 EXCLUDING THOSE CONTAINING EXEMPT INFORMATION

The minutes were agreed.

25 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS

It was reported that the Pension Fund Annual Report 2010/11 was published by the statutory deadline of 1st December 2011.

The latest position agreed by Government on the Local Government Pension Scheme was also reported and provided the following main proposals:

(a) the planned increase in employee contributions would not be implemented in 2012/13 and 2013/14;

(b) the changes arising from the Hutton proposals would be implemented from April 2014 (brought forward from April 2015).

26 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

There were no questions.

27 PENSION FUND PERFORMANCE Q3 2011/12

Report RES12030

Summary details were provided of the investment performance of Bromley's Pension Fund for the first three quarters of the 2011/12 financial year along with information on general financial and membership trends of the Fund and summarised information on early retirements. Further detail on investment performance was provided by the Fund's external advisers, AllenbridgeEpic, and appended to Report RES12030.

The market value of the Fund rose during the December quarter to £462.1m and at 30th January 2012 the fund value had increased to £483.2m. Both managers were 0.4% ahead of their respective benchmarks for the December quarter but over the year to 31st December 2011, both Managers had a negative return of -4.5%, Baillie Gifford being 0.4% behind their index and Fidelity being 2.6% behind theirs. Nevertheless the Fund's medium and long-term returns remained strong. Comparative returns for the fund managers over 3, 5 and 10 years to 31st December 2011 showed that Baillie Gifford's returns compared favourably with those of Fidelity.

The Fund Managers had provided a brief commentary on recent developments in financial markets, their impact on the Council's Fund and the future outlook. A further appendix to Report RES12030 provided commentary and a summary of early retirements by employees in the Fund in the current and previous years.

Details of the position to 31st December 2011 for the 2011/12 Pension Fund Revenue Account was additionally provided along with fund membership numbers. A net surplus of £6.4m was achieved in the first three quarters of the year (mainly due to investment income) and total membership numbers rose by 129. The overall proportion of active members, however, was declining and had fallen from 38.5% at 31st March 2011 to 36.7% at 31st December 2011.

The Sub-Committee's Independent Adviser, Mr Alick Stevenson, provided views on the Fund's performance during the last quarter. He felt that Baillie Gifford continued to do well but on a rolling three years he felt that Fidelity had started to drift, simply hugging the benchmark and indices. At total Fund level returns were still good but with Baillie Gifford producing most of them. It was important to find out how Fidelity intended to improve their performance and was it the case that Fidelity's mandate was not suiting their purposes? Mr Stevenson also highlighted that four senior Partners were leaving Baillie Gifford and the company were to be congratulated on the smooth handover of responsibilities to those who had been shadowing the Partners in their work. Responding to a suggestion from Councillor Julian Grainger that Allenbridge Epic's quarterly investment report on the Fund included some commentary on

currency exposure, Mr Stevenson suggested that Councillor Grainger define in writing what he particularly wanted to see.

RESOLVED that the report be noted.

28 PENSION FUND INVESTMENT STRATEGY REVIEW

RES12031

In September 2011, the Sub-Committee agreed that *“a review of the Fund’s asset allocation strategy, including property and absolute return funds, be undertaken, with outcomes reported to the Sub-Committee in February 2012”*. The report to the Sub Committee included an Investment Strategy Review report prepared by the Council’s actuary, Barnett Waddingham LLP, and a future investment strategy was recommended for the Fund.

At a meeting of interested parties shortly before Christmas, there was a degree of consensus with discussions and views matching fairly closely the thoughts and conclusions of Barnett Waddingham’s detailed report, which, although not available at the meeting, was nearing its first draft stage. Detailed minutes of the meeting were appended to Report RES12031.

The proposals for a future investment strategy sought to retain an 80%/20% growth/protection profile similar to the existing strategy. They also sought to improve the underlying long-term investment return by eliminating arbitrary regional weightings (e.g. UK, Europe, US, etc), so providing more flexibility for Fund Managers to take advantage of investment opportunities in the world’s stock markets. This approach to improving long-term investment returns was endorsed by the Fund Managers and the Council’s external advisers, AllenbridgeEpic. The fee profile would change, but this was expected to be offset by higher investment returns.

The proposals also included investment in Diversified Growth Funds (DGF), which was expected to provide a proportion of investment in property assets as well as in a variety of other investment opportunities. A 20% protection profile remained for investment in corporate bonds and gilts.

Given the importance of medium and long-term performance, other future changes related to implementation of the Hutton Report recommendations from April 2014, and potential implications arising from a reduction in the proportion of active Fund members, there would need to be ongoing periodic review of the investment strategy as well as any long-term changes arising from economic events.

Introducing the item, the Finance Director referred to the economic times and the expectation of at least 7% ongoing returns as an underlying assumption with the aim of an even higher return. A positive cash position continued to be maintained. Regional classes were held on equities but it was important for Fund Managers to make the right choices and achieve the best returns. The

approach was also about how employer contributions to the fund could be minimised.

Linked to Barnett Waddingham's Investment Strategy Review, a Partner of Barnett Waddingham gave a presentation detailing considerations and recommendations from the review. Details of the presentation are provided at **Appendix A** and Baillie Gifford and Fidelity representatives were also present during this item. Barnett Waddingham also provided a handout of asset classes available to local government pension funds.

Concerning an 80% proportion of the proposed mandate allocation recommended for growth (paragraph 3.11 of Report RES12031), the Finance Director indicated a preference to see further consideration given to the balance between passive global equities at 30% and unconstrained (active) growth at 40% with 10% to DGF. He indicated that the proposed further report to the next meeting would include consideration of the passive and active balance of the Fund's global equities element. This approach was agreed.

RESOLVED that the Sub-Committee:

(1) note the report;

(2) agree proposed changes to the asset allocation strategy outlined in Report RES12031, including a strategy allocation of 80% for growth and 20% for Protection, subject to the balance between passive global equities and unconstrained growth being considered further at the next meeting; and

(3) receive a further report at the Sub Committee's next meeting outlining (i) the detailed arrangements required to implement the new asset allocation strategy and (ii) any further consideration of the allocation of global equities between passive and unconstrained as referred to at (2) above.

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

30 CONFIRMATION OF EXEMPT MINUTES - 9TH NOVEMBER 2011

The Part 2 Minutes were agreed.

31 PENSION FUND - INVESTMENT REPORT

Quarterly reports (to 31st December 2011) from Baillie Gifford and Fidelity had been circulated prior to the meeting and on this occasion representatives of

both Baillie Gifford and Fidelity attended independently to present their investment report and answer questions.

The Meeting ended at 9.40 pm

Chairman

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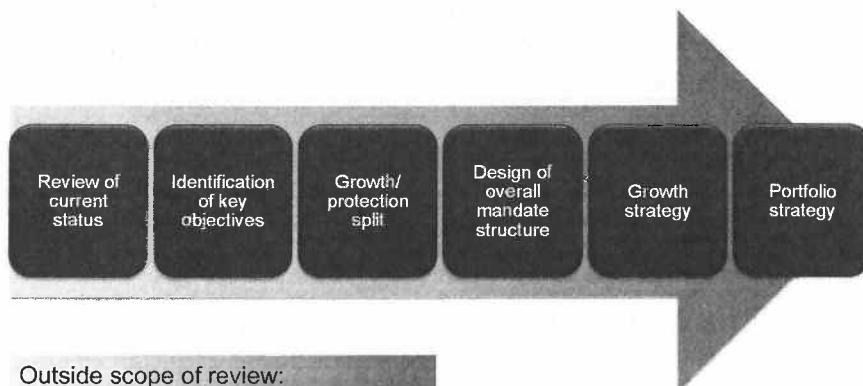
London Borough of Bromley Pension Fund

Investment strategy review

Marcus Whitehead FIA, Partner

9 February 2012

Investment strategy review process

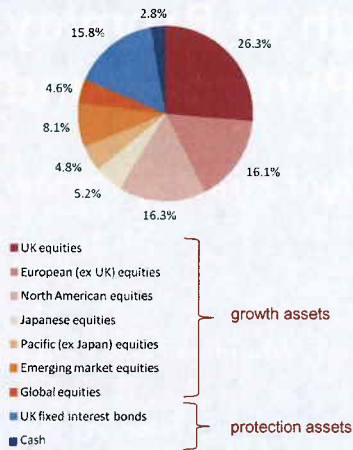


Outside scope of review:

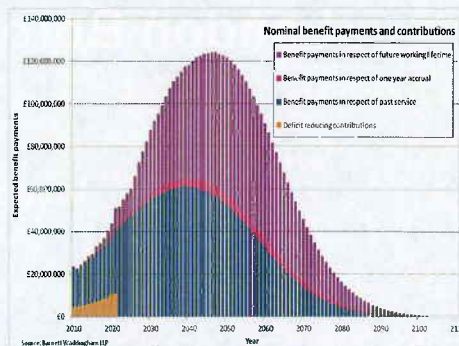
- Manager/fund selection
- Implementation considerations

Current Fund position

Asset allocation



Liability profile



Source: Asset information as at 30.09.2011. Valuations sourced from Raiffe Gifford and Fidelity. Liability cashflows provided by Barnett Waddingham Public Sector Consulting Team as at 31 March 2010.

Fund objectives

- To ensure that sufficient resources are available to meet all liabilities as they fall due.
- To achieve this with as stable as possible employer contributions at the minimum level agreed by the Actuary.
- To maximise the returns from investments within reasonable risk parameters.

Source: Funding Strategy Statement



Funding strategy sets investment return targets

Changing profile of the LGPS

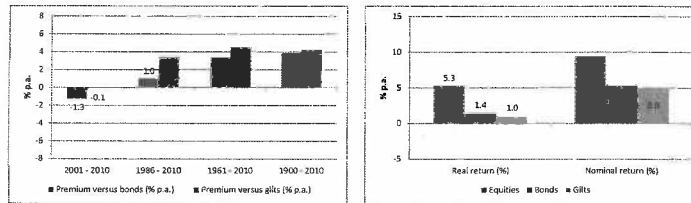
Long-term net investor

Growth/protection split

- Actuary's investment assumptions

Investment return assumption	% per annum	Real % per annum
Equities/absolute return funds	7.5	4.0
Gilts	4.5	1.0
Bonds	5.6	2.1

- Are these returns achievable?



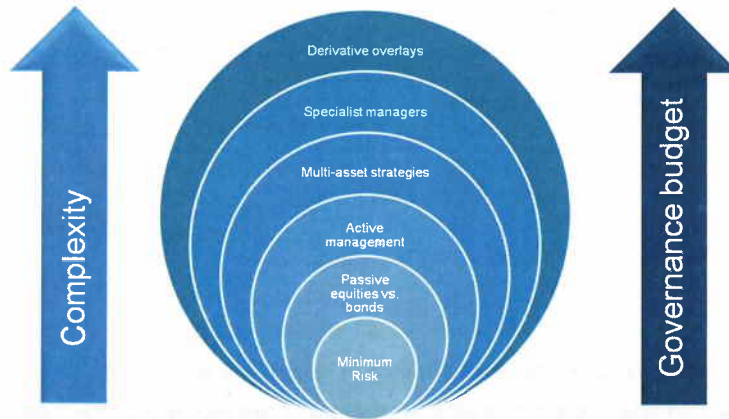
Source: Elroy Dimson, Paul Marsh and Mike Staunton, Credit Suisse Global Investment Returns Sourcebook 2011

- 80%:20% growth:protection allocation remains appropriate....
- but consider the separation into explicit growth and protection mandates

Design of overall mandate structure

A LOOK AT THE BUILDING BLOCKS

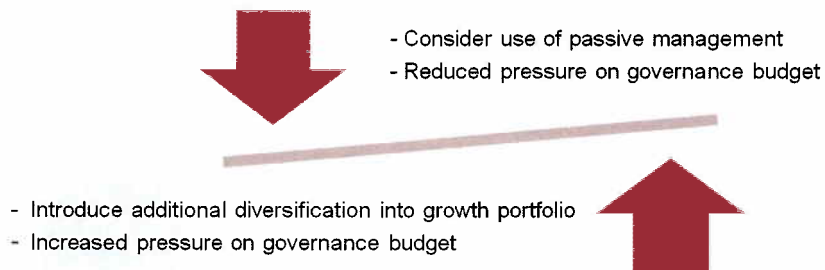
Importance of the governance budget



7

Barnett Waddingham

Governance budget in operation

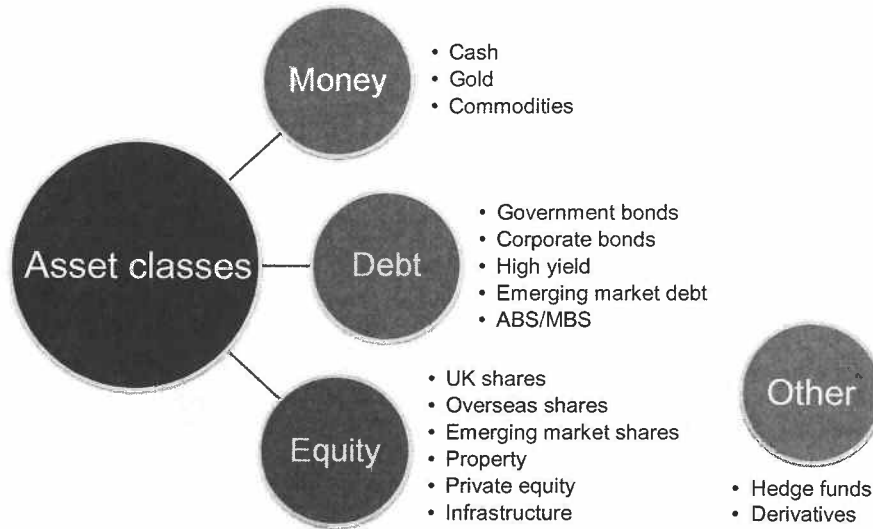


Passive core/ active satellite structure

8

Barnett Waddingham

Asset classes



9

Barnett Waddingham

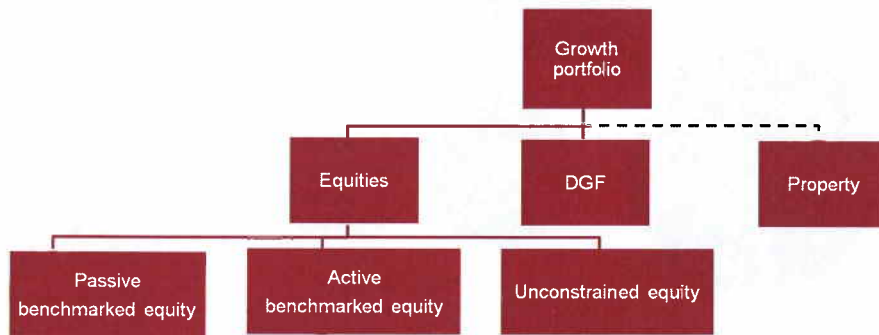
Growth
strategy

CHOOSING RETURN-SEEKING ASSETS

10

Barnett Waddingham

Possible growth portfolio strategies



11

Barnett Waddingham

Traditional investing vs DGF investing

Traditional investing

Performance objective relates to a benchmark

Managers rarely deviate materially from benchmark

Asset class	Example benchmark (%)	Example ranges (%)
UK equities	30	25 - 35
US equities	10	8 - 12
European equities	10	8 - 12
Japan/Asia equities	10	8 - 12
Bonds	40	35 - 45
Cash	0	0 - 5

DGF investing

Performance objective is independent of benchmark

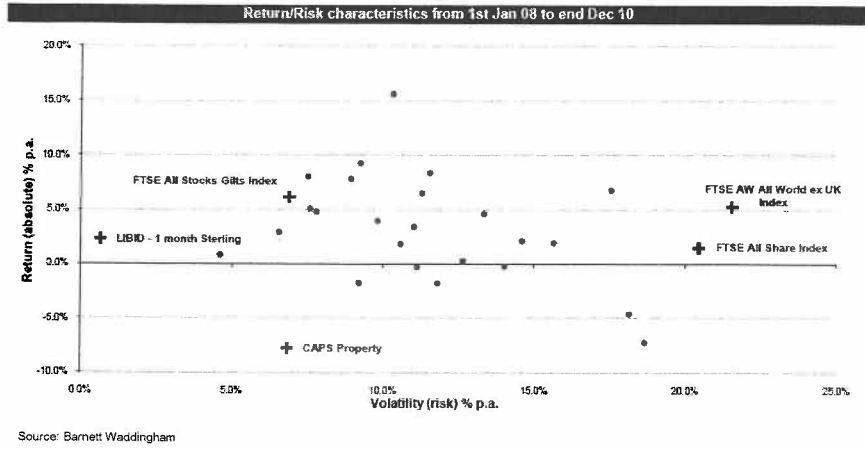
Managers have freedom to invest in a diverse portfolio of assets

Asset class	Example ranges (%)
Equities	0 - 75
Bonds	0 - 75
Alternative assets	0 - 20
Cash	0 - 100

12

Barnett Waddingham

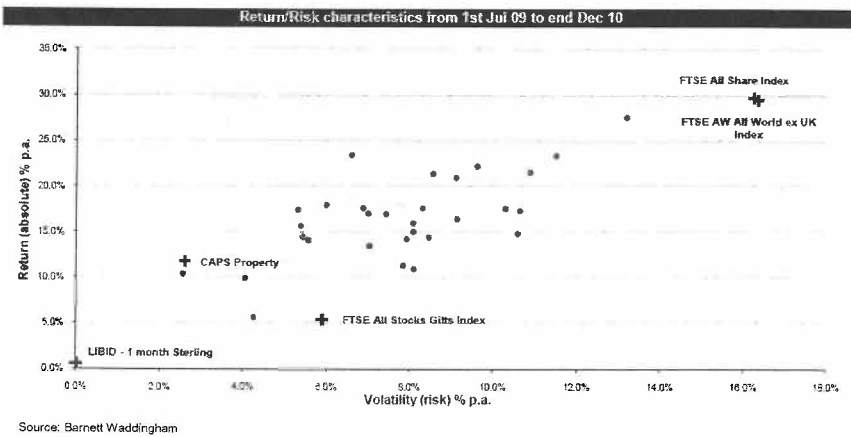
DGF: Risk vs return



13

Barnett Waddingham

DGF: Bull market



Barnett Waddingham

Protection
strategy

MATCHING THE FUND'S LIABILITIES

15

Barnett Waddingham

Protection portfolio recommendations

- Fund liabilities are entirely inflation-linked.....
-but the Fund's bond assets are entirely fixed interest.

Maintain equal weighting to government
and corporate debt

Switch fixed interest gilts into index-
linked gilts

- To introduce inflation protection into the Fund

Consider passive index-linked gilt
exposure

- Limited size of index-linked gilt market

16

Barnett Waddingham

Investment strategy proposals

Proposal		Section reference
Equity:bond split	<ul style="list-style-type: none"> Maintain a strategy structured around an investment of 80% in growth type assets (i.e. equities) and 20% in protection type assets (i.e. bonds). However, consider the separation of the current multi-asset briefs into explicit growth and protection mandates. 	5
Management structure	<ul style="list-style-type: none"> Consider adopting a core/satellite management structure, including an assessment of the merits of active versus passive management and the extent to which single mandates could be added to the investment strategy having regard for the resulting governance implications. 	6
Growth portfolio	<ul style="list-style-type: none"> Whilst we believe the Fund's current equity portfolio is suitably diversified, we would favour the use of an unconstrained global equity mandate, where the manager would be given the freedom to invest in different equity regions on a tactical basis rather than being constrained to benchmark allocations. 	7.1
	<ul style="list-style-type: none"> No separate strategic allocation to emerging market or frontier market equities to be considered given exposure within the above mandates. 	
	<ul style="list-style-type: none"> Adding complexity to the investment strategy as noted above leads us to believe that, whilst the introduction of property to the investment strategy is not unreasonable, there are other demands on the governance budget that should take precedence at the current time. 	7.2
	<ul style="list-style-type: none"> An active approach to commodity investing is preferred, although no separate strategic allocation to commodities is proposed for the Fund at this time. Instead, consider exposure to commodities through a diversified growth fund. 	7.3
	<ul style="list-style-type: none"> Introduce diversification away from the equity market within the growth portfolio via the use of a diversified growth mandate. 	7.4
Protection portfolio	<ul style="list-style-type: none"> Maintain an equal weighting to government and corporate bonds within the protection portfolio. Replace the fixed interest gilts exposure with index-linked gilts thus introducing an element of inflation protection into the Fund. 	8

Proposed mandate allocation

All allocations as a % of total Fund assets		
	80% growth	20% protection
Core: 40%	30%	10%
	- passive global equities	- passive index-linked gilts
Satellite: 60%	50%	10%
	- 40% allocated between an unconstrained equity mandate and the Fund's existing mandates	- active corporate bonds
	- 10% diversified growth	

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INDUSTRIAL RELATIONS SUB COMMITTEE

Minutes of the meeting held at 7.30 pm on 22 November 2011

Present:

Councillor Michael Tickner (Vice-Chairman in the chair)
Councillors Councillor Eric Bosshard, Councillor Stephen Carr, Councillor Russell Mellor, Councillor Colin Smith and Councillor Michael Turner

8 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies for absence were received from Councillor Tony Owen.

9 DECLARATIONS OF INTEREST

Councillor Colin Smith declared a personal interest as his daughter was a part-time employee of the Library Service.

Councillors Eric Bosshard, Russell Mellor and Colin Smith declared personal interests as members of the Local Government Pension Scheme.

10 MINUTES OF THE MEETING HELD ON 28TH JUNE 2011 (EXCLUDING EXEMPT INFORMATION)

RESOLVED that the minutes of the meeting held on 28th June 2011 (excluding exempt information) be confirmed as a correct record.

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

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

**The following summaries
refer to matters
involving exempt information**

12 EXEMPT MINUTES OF THE MEETING HELD ON 28TH JUNE 2011

The exempt minutes of the meeting held on 28th June 2011 were confirmed.

**13 PROPOSED STRIKE ACTION RELATING TO PUBLIC SECTOR
 PENSION REFORM**

The Sub-Committee considered a report on the proposed strike action by trade unions on 30th November 2011 in respect of a dispute with the Secretary of State for Communities and Local Government in England and Wales in response to proposed changes to the Local Government Pension Scheme and the Teachers' Pension Scheme. The Sub-Committee agreed the basis of the pay deduction for staff in the event that they decided to strike in relation to this dispute.

The Meeting ended at 7.48 pm

Chairman

AUDIT SUB-COMMITTEE

Minutes of the meeting held at 7.30 pm on 15 December 2011

Present:

Councillor Neil Reddin FCCA (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Reg Adams, Nicholas Bennett J.P.,
Ruth Bennett, Will Harmer and Stephen Wells

71 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

All Members of the Sub-Committee were present.

72 DECLARATIONS OF INTEREST

Councillor Ruth Bennett declared a personal interest in relation to the Internal Audit Progress Report as a governor of Princes Plain Primary School.

Councillor Simon Fawthrop declared a personal interest as his daughter attended a school in the borough.

73 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 22ND SEPTEMBER 2011 EXCLUDING THOSE CONTAINING EXEMPT INFORMATION

The Sub-Committee's new terms of reference, as agreed by General Purposes and Licensing Committee on 1st December 2011, were tabled. The Committee had added the words "demonstrated and" to the penultimate bullet point.

RESOLVED that the minutes of the meeting held on 22nd September 2011 (excluding those containing exempt information) be confirmed.

74 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

75 MATTERS OUTSTANDING FROM THE LAST MEETING Report RES11138

The Sub-Committee noted the list of matters outstanding from previous meetings.

76 ANNUAL AUDIT LETTER 2010/11
Report CEO1118

The Sub-Committee received the Annual Audit Letter which provided a high level summary of the results of the 2010/11 audit work that had been undertaken. Stuart Brown from PricewaterhouseCoopers LLP (PWC) attended the meeting.

The Sub-Committee discussed the following issues with Mr Brown –

- Low value expenditure items recorded in the wrong financial period. These were two relatively small items totalling £12.5k; this was about process and control, but there were no systematic issues.
- Holiday Pay Accrual. It was confirmed that this issue related to the entire payroll, including teachers and school-based staff. The large figure was down to term-time working, and was affected by when the school holidays fell in relation to the end of the financial year.
- Value for Money (VFM). Audit work was now more streamlined compared to the previous Use of Resources/CAA regime. Mr Brown confirmed that Bromley had always scored well and there were no concerns on this point – the Vice-Chairman suggested that this could be noted in future letters.
- Use of CIPFA statistics. It was explained that PWC focussed on management arrangements, rather than on making detailed comparisons using CIPFA comparative data.
- Balancing resources and risks. Mr Brown stated that all authorities faced a difficult task in balancing audit resources and risks. It was important to understand the risks and ensure that there was focus on key risks.

The report had also been submitted to the Executive the previous night. They had noted the Council's success in meeting the new International Financial Reporting Standards (IFRS) during 2010/11, and Mr Brown confirmed that his team had commended the Bromley accounts. The Executive had asked the Executive and Resources PDS Committee to receive a report on the Councils' disaster recovery plans. Members were also informed that there would be a review of the effectiveness of the Audit Sub-Committee.

Mr Brown also ran through a short presentation for Members on the Future of Local Public Audit. This set out the key milestones for change following the Government's decision to abolish the Audit Commission. Bromley was not affected immediately by most of the proposals, as PWC would remain in place under their current contract. Changes to the composition of Audit Committees were proposed, including a requirement for independent membership. The Chairman commented that this was a fundamental misunderstanding of the

role of Councillors, and he hoped that the Government would be persuaded to change this proposal.

The Chairman thanked Mr Brown for attending and for his helpful comments and presentation.

RESOLVED that the report be noted, and the Sub-Committee's appreciation be recorded for the work of Mark Gibson and other staff in meeting the IFRS requirements.

77 INTERNAL AUDIT PROGRESS REPORT
Report CEO1187

The Sub-Committee received its regular update on internal audit activity across the Council, and discussed the following matters in particular.

- The future of Internal Audit. Following an Aligning Policy and Finance Review, which had been considered by the Improvement and Efficiency Sub-Committee in October, it was proposed to reduce the size of the Internal Audit Team to a Head of Internal Audit and six auditors, four devoted to Bromley work and two to sold services with LB Greenwich and Academy Schools. A 40% reduction in auditor days to around 700 to 750 for Bromley work would be required. Staff were currently being consulted on the proposals. Servicing the Sub-Committee's meetings used considerable management resources, so Members accepted that it would be appropriate to reduce the scheduled meetings to three per annum, with more information briefings being circulated. The Chief Internal Auditor informed the Sub-Committee that he did have reservations about the scale of the reduction, which would leave Bromley with one of the lowest internal audit coverages in London. He had discussed this with the Chief Executive, who had undertaken to buy in additional support in the event of significant fraud cases or other unpredicted levels of unplanned work.
- Academy Schools. It was confirmed that a stand-alone unit was in place to deal with Academies. The fee of £290 per day was considered to be competitive, but Internal Audit needed to market their service effectively. It was also commented that there should be a proper cost-base so that the Council was not under-cutting unfairly other providers.
- Review of ACS Debtors. A report had been submitted to Adult and Community PDS Committee in November setting out the new actions being taken to reduce the level of outstanding debt, including fortnightly arrears meetings. Internal Audit would monitor the situation and report back as necessary.
- Risk Management. The Sub-Committee noted the Corporate Risks set out in Appendix G to the report – a senior officer would be named for each risk, although in some cases they had not yet been allocated. The

Vice-Chairman reminded officers about the need to put values against risks – it was confirmed that this had been attempted where possible.

- Audit Plan Progress (Appendix B) Councillor Nicholas Bennett requested a copy of the Communications Audit report, and noted that there was limited assurance on the HR Agency Staff review. On the Information Requests audit, he stated that it was essential to have a central coordinator for Freedom of Information requests, and that Members needed more information about the pattern of requests. He was concerned that Members were not aware of the decisions being taken by officers about the future of this service, and suggested that this issue needed to be flagged up at the next meeting of the General Purposes and Licensing Committee. The Chief Internal Auditor confirmed that the proposals had arisen out of the need to achieve budget savings in the central departments, and that in some cases the central coordination role might be carried out in other departments.

RESOLVED that

- (1) **The updates in the report and the continuing achievements of the counter fraud benefit partnership with Greenwich Council be noted.**
- (2) **The Sub-Committee notes that Aligning Policy and Finance review of Internal Audit and the budget savings proposed as part of the Council's challenging but necessary savings targets.**
- (3) **The Sub-Committee notes the valuable work of Internal Audit both in conducting "value for money" assessments and in ensuring that the financial information provided to Members and managers is of sufficient quality to make reliable and quality decisions, particularly in the light of the current financial challenges facing all of the Council.**
- (4) **The Sub-Committee also notes the key role played by Internal Audit (in conjunction with the Joint Fraud partnership with LB Greenwich) and in particular the significant increase in reports and cases of fraud seen across the public sector recently, and the call on audit resources that this has required and which will continue to do so in the current economic climate.**

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

RESOLVED that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings

that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters
involving exempt information**

**79 EXEMPT MINUTES OF THE MEETING HELD ON 22ND
SEPTEMBER 2011**

The exempt minutes of the meeting held on 22nd September 2011 were confirmed.

**80 INTERNAL AUDIT FRAUD AND INVESTIGATION PROGRESS
REPORT**

The Sub-Committee considered a report updating them on recent Internal Audit activity on investigations across the Council. The report detailed new areas of investigation, detailed cases on the fraud register and expanded on cases of particular interest.

The Meeting ended at 9.07 pm

Chairman

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APPEALS SUB-COMMITTEE

Notes of the meeting held on 25th November 2011

Present

Councillors Judi Ellis, Diane Smith and Michael Turner

1 APOINTMENT OF CHAIRMAN

RESOLVED that Councillor Judi Ellis be appointed Chairman of the meeting.

(Councillor Judi Ellis in the Chair.)

2 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

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

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

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

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

5 GRIEVANCE DISMISSAL APPEAL: MS J.S-N.

In accordance with the Council's Grievance Procedure, the Appeals Sub-Committee gave consideration to a grievance appeal which had been made by a member of staff employed within the Resources Department.

RESOLVED that the decision of the Director of Adult and Community Services at Stage 2 of the grievance procedure be upheld.

The meeting started at 11.30am and terminated at 5.10pm.

These notes have been checked and approved by senior officers and the Chairman.

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APPEALS SUB-COMMITTEE

Notes of the meeting held on 26th January 2012

Present

Councillors Judi Ellis, Tony Owen and Michael Turner

1 APOINTMENT OF CHAIRMAN

RESOLVED that Councillor Judi Ellis be appointed Chairman of the meeting.

(Councillor Judi Ellis in the Chair.)

2 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

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

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

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

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

5 DISMISSAL APPEAL: Mr M.F

In accordance with the Council's Disciplinary Procedure, the Appeals Sub-Committee gave consideration to an appeal against a decision to dismiss made by a member of staff previously employed within the Children and Young People Department.

RESOLVED that the decision of the Director of Children and Young People Services at Stage 2 of the disciplinary procedure be upheld.

The meeting started at 1.00 p.m. and terminated at 3.50 pm.

These notes have been checked and approved by senior officers and the Chairman on 31 January 2012.

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