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DATE: 5 February 2013

To: Members of the

## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Councillor Tony Owen (Chairman)

Councillor Russell Mellor (Vice-Chairman)

Councillors Nicholas Bennett J.P., John Canvin, Roger Charsley,

Roxhannah Fawthrop, John Getgood, Julian Grainger, Will Harmer, Gordon Norrie,  
Ian F. Payne, Charles Rideout, Diane Smith, Tim Stevens and Pauline Tunnicliffe

A meeting of the General Purposes and Licensing Committee will be held at Bromley Civic Centre on **THURSDAY 14 FEBRUARY 2013 AT 7.00 PM**

MARK BOWEN  
Director of Resources

*Copies of the documents referred to below can be obtained from*  
[www.bromley.gov.uk/meetings](http://www.bromley.gov.uk/meetings)

### **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 23RD OCTOBER  
AND THE SPECIAL MEETING HELD ON 21ST NOVEMBER 2012 (Pages 5 - 14)**

**4 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 Friday 8<sup>th</sup> February 2013.

**5 STATION SQUARE, PETTS WOOD (Pages 15 - 18)**

Petts Wood and Knoll Ward

**6 PAY POLICY STATEMENT 2013/14 (Pages 19 - 32)**

**7 WORKPLACE PENSIONS - AUTOMATIC ENROLMENT (Pages 33 - 40)**

- 8 **MEMBERS' ALLOWANCES SCHEME 2013/14** (Pages 41 - 48)
- 9 **EXECUTIVE ASSISTANTS: ANNUAL REPORT 2012/13** (Pages 49 - 58)
- 10 **PROGRAMME OF MEETINGS 2013/14** (Pages 59 - 64)
- 11 **APPOINTMENTS TO OUTSIDE BODIES** (Pages 65 - 68)
- 12 **LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES OF THE MEETING HELD ON 5TH SEPTEMBER 2012** (Pages 69 - 72)
- 13 **PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON (A) 19TH SEPTEMBER 2012 AND (B) 15TH NOVEMBER 2012 (EXCLUDING EXEMPT INFORMATION)** (Pages 73 - 80)
- 14 **INDUSTRIAL RELATIONS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 25TH OCTOBER 2012 (EXCLUDING EXEMPT INFORMATION)** (Pages 81 - 82)
- 15 **AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 14TH NOVEMBER 2012 (EXCLUDING EXEMPT INFORMATION)** (Pages 83 - 88)
- 16 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

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

<u>Items of Business</u>	<u>Schedule 12A Description</u>
17 <b>PENSIONS INVESTMENT SUB-COMMITTEE: EXEMPT MINUTES (A) 19TH SEPTEMBER 2012 &amp; (B) 15TH NOVEMBER 2012</b> (Pages 89 - 92)	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
18 <b>INDUSTRIAL RELATIONS SUB-COMMITTEE: EXEMPT MINUTES - 25TH OCTOBER 2012</b> (Pages 93 - 94)	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.
19 <b>AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 14TH NOVEMBER 2012</b> (Pages 95 - 102)	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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# Agenda Item 3

## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of the meeting held at 7.00 pm on 23 October 2012

### **Present:**

Councillor Tony Owen (Chairman)  
Councillor Russell Mellor (Vice-Chairman)  
Councillors Ruth Bennett, John Carvin, Roger Charsley,  
Roxhannah Fawthrop, John Getgood, Julian Grainger,  
Will Harmer, Gordon Norrie, Charles Rideout,  
Diane Smith, Tim Stevens and Pauline Tunnicliffe

### **Also Present:**

Councillor Graham Arthur, Councillor Stephen Carr and  
Councillor Colin Smith

#### **47 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillor Nicholas Bennett, who was replaced by Councillor Ruth Bennett, and from Councillor Ian Payne.

#### **48 DECLARATIONS OF INTEREST**

Councillor Diane Smith declared that her daughter worked part time in the Library Service.

#### **49 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions had been received.

#### **50 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 26TH SEPTEMBER 2012 (EXCLUDING EXEMPT ITEMS) AND MATTERS ARISING**

**RESOLVED** that the minutes of the meeting held on 26<sup>th</sup> September 2012, including those containing exempt information, be confirmed as a correct record.

#### **51 LOCALISED PAY AND CONDITIONS OF SERVICE** Report HHR12006

At its meeting on 29<sup>th</sup> May 2012 the Committee had authorised the Assistant Chief Executive (HR) to conduct formal consultation with trade union and departmental representatives and with staff on proposals for Bromley to

withdraw from national collective bargaining arrangements and introduce localised pay and conditions for all staff with the exception of teachers. The Committee received a report summarising the consultation process and the responses received from individual members of staff, Unite, Unison and the Staff-Side Secretary.

The Chairman invited Councillor Graham Arthur, Portfolio Holder for Resources, to set out the reasons for the proposals. He emphasised that the Council had to align funding with the ability to pay, and seek value for money in all its activities. High performance should be rewarded and poor performance dealt with. He thanked staff for attending the consultation meetings and submitting responses, but he felt that the trade unions had been against the proposals from the start. The Council owed it to local taxpayers and to its own good staff to expose them to a more commercial approach and seize the opportunity to remove the restrictions of the national agreement.

The Assistant Chief Executive (HR) reported that over 900 staff had attended the consultation meetings, and he personally had attended most of these meetings. He understood the concerns that had been raised, but he did not consider that any of them undermined the principles of the proposals. Linking pay awards to performance was fundamental for any organisation. He felt that staff should not be fearful of local negotiation – indeed many terms and conditions were already local, and in practice staff would notice no difference. He considered that it was inevitable that the national bargaining arrangements would collapse at some point, and already some 46 local authorities had opted out, including Kent County Council and several other local district councils. If Members agreed the proposals, he would continue to talk to staff about the details of implementation.

The Staff Side Secretary, Glenn Kelly, addressed the Committee on behalf of the staff. He emphasised that this was a time of unprecedented uncertainty and financial pressure, so any attempt to minimise the protection currently offered by national terms and conditions would be viewed with concern by staff. Workers were currently being asked to pay for parking, while managers had previously been asked to forgo their pay award. He had asked on behalf of the staff for assurances on issues such as an award at least at the level of the national award, or at the level of inflation, or that no terms and conditions would be reduced, but there had been no response from the management on any of these issues, and no assurances had been received. He rejected the argument that local pay awards would allow greater certainty on budgets, as most Councils appeared to cope with any uncertainty about the national award. He felt that the new proposals would be divisive, offering a small bonus to a very limited group of staff but giving nothing to the majority of good staff. Despite the consultation meetings and the responses received during the consultation no changes had been made to the proposals and staff, including many managers, remained opposed – over 700 had voted against the proposals in a ballot he had conducted, with only 7 voting in support. He referred to the Chief Executive's staff road-shows, where he was informing staff about the need to make cuts of £30m, and of some Members' intentions of reducing the workforce to around 300 by outsourcing the majority of

services. He questioned why the Council was doing this if it had no intention of reducing pay or terms and conditions. He felt that if the proposals were forced through the Council would have to sack and re-engage staff and would face determined industrial action, with the public sympathising with workers rather than with the Council.

The Assistant Chief Executive (HR) countered that the proposals would have no real impact for staff and that it was not helpful to be creating fear in the workforce. The Council could have taken the opportunity to make radical changes to terms and conditions, but it was not doing so. The Council appreciated its workforce and worked hard to ensure that pay and conditions were competitive. He felt that the Council could not both belong to the national framework and then undermine it by awarding the proposed additional £250 for low-paid workers. He felt that most staff understood that there should be a link between pay and performance, and that it was right to withhold pay from the very small number of under-performing staff. Indeed, the national agreement already allowed this through the practice of withholding increments.

The Committee considered the report and the statements that had been made. Councillor John Getgood asked the Committee to listen to the staff and reject the proposals, which he felt were bad not only for staff but also for the Council and for residents. It would become harder to retain good staff, who would not be motivated by the prospect of being awarded vouchers. He considered that only a few Councils had left the national arrangements, and that it was worth waiting for the outcome of LGA proposals to improve the current negotiating mechanisms. The Assistant Chief Executive (HR) countered that changes to the annual pay negotiations had been proposed for many years, but he felt that there was little prospect of the unions and the employers coming to an agreement.

Councillor Julian Grainger stated that this was an opportunity for staff, not a threat, as they were more likely to have an influence on locally determined pay than on remote national negotiations. The vast majority of staff did a good job, and the Council needed a mechanism to reward those whose performance was exceptional. Councillor Russell Mellor added that the staff side had asked for local pay agreements for many years through the Local Joint Negotiating Committee (the Staff-Side Secretary disputed this) and he also felt that staff should have nothing to fear – on the contrary the proposals offered the chance for the Council to reward good staff.

The Staff-Side Secretary argued that the annual pay award was about matching pay to the cost of living, which every worker should be entitled to. There was already a performance management and disciplinary system which managers should be using to deal with poor performance, and there was no need to add the threat of withholding pay increases. With budget cuts threatening jobs and the greatest drop in living standards since the 1970's, workers faced the double-jeopardy of pay cuts and the prospect of the sack. The national agreement was always a minimum, to which the Council could add bonuses if it wished. The Chairman responded that the Council would

always have to offer the market rate, and would have the opportunity to pay above national rates if it left the national agreement. The Staff-Side Secretary continued that it was a myth that the national agreement prevented the Council from paying its workers more – certain groups where there were recruitment and retention issues already received additional amounts, and most of those Councils which had paid the additional £250 to their lowest paid workers were in the national agreement. Abandoning the national agreement would cause additional problems with shared services as workers would be on different terms and conditions, and Bromley risked returning to its 1980s image of being a “nasty” Council.

The Chairman invited the Assistant Chief Executive (HR) to sum up the case for moving to local terms and conditions. He understood the concerns of staff and the perceived security of the national terms and conditions, but he argued that there was nothing in the proposals to fear - Members would always have to ensure that the Council remained competitive in the jobs market. In concluding, he asked staff to continue to discuss the proposals with the Council, whatever decisions were made.

The Chairman offered the Staff Side Secretary the opportunity to conclude the debate before a vote was taken by the Committee. Mr Kelly stated that there was a clear and united message coming from staff and unions that the proposals should be rejected. During the consultation, staff had asked for guarantees, but none had been given. Suggestions had been made, but not a single change had been made to the proposals. At a time of unprecedented budget cuts it was not realistic to expect staff to believe that they would receive adequate pay awards from localised arrangements. He urged the Committee to throw out the proposals, or prepare for a battle with its staff.

**RESOLVED that**

**(1) The issues set out in the report, and covered during the meeting, be noted.**

**(2) The proposals for localised pay and conditions of service be recommended to full Council for approval.**

**52           REPORT OF THE CONSTITUTION IMPROVEMENT WORKING GROUP**

The Committee received the fourth report of the Constitution Improvement Working Group. The Working Group had examined the potential to revert to a committee system, concluding that the Council should retain the leader and executive model, and looked at area committees, although it had not made any recommendations on this subject. It had also suggested some changes to executive decision making and to enhance the role of full Council and examined the use of new technology.

Councillor Julian Grainger stated that he was disappointed that a return to the committee system was not proposed, and he was concerned about the

relaxation of the pre-decision scrutiny arrangements, particularly in relation to contracts. He did not support the proposal that major planning applications could be dealt with at full Council – he considered that it would be difficult for all sixty members of the Council to match the expertise and commitment of those who sat on Development Control Committee. He also had concerns about reducing the numbers of councillors, which would have an adverse affect on democratic oversight, and wanted to see some evidence of the costs relating to the IT proposals. This would be provided for Council.

**RESOLVED that the report of the Constitution Improvement Working Group be recommended to full Council for decision.**

The Meeting ended at 8.05 pm

Chairman

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## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of the meeting held at 7.00 pm on 21 November 2012

### **Present:**

Councillor Tony Owen (Chairman)  
Councillor Russell Mellor (Vice-Chairman)  
Councillors Nicholas Bennett J.P., John Canvin,  
Roger Charsley, Roxhannah Fawthrop, John Getgood,  
Julian Grainger, Will Harmer, Gordon Norrie,  
Charles Rideout, Diane Smith, Tim Stevens and  
Pauline Tunnicliffe

### **Also Present:**

Councillor Graham Arthur, Councillor Douglas Auld,  
Councillor Ruth Bennett, Councillor Eric Bosshard,  
Councillor Stephen Carr, Councillor Judi Ellis, Councillor  
Ellie Harmer, Councillor Brian Humphrys, Councillor  
William Huntington-Thresher, Councillor Nick Milner,  
Councillor Ernest Noad, Councillor Tom Papworth,  
Councillor Sarah Phillips, Councillor Richard Scoates and  
Councillor Colin Smith

### **53 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillor Ian Payne.

### **54 DECLARATIONS OF INTEREST**

Councillor Tim Stevens declared that as a member of the Executive he would not take any part in the debate or voting on Parking Shared Services.

There were no other declarations.

### **55 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions had been received.

### **56 PARKING SHARED SERVICE Report ES12110**

This item was considered in a joint session with the Executive and Resources PDS Committee. The following documents were circulated in addition to the report – a summary of the consultation responses received from staff, a letter

dated 20<sup>th</sup> November 2012 from the Directors of Environment & Wellbeing and Finance & Resources at LB Bexley, and the draft minutes from the meeting of the Environment PDS Committee on 20<sup>th</sup> November 2012. The Environment PDS Committee had supported the proposed shared parking service with Bexley, but added an additional request that an assessment of externalisation opportunities be brought forward once the shared service had been successfully established with a report on options in 12 months' time.

Members considered that the savings on offer of £100,000 were modest compared to the scale of the service. The proposed staffing structure appeared to contain too many managerial posts, and could be further trimmed to achieve more savings – particularly the Strategy and Service Development Team. Officers explained that the manager posts at this level, while including supervisory responsibilities, were not at management grade, and this team played an important role in developing the statutory Parking strategies for both boroughs, assessing and responding to customer needs, and dealing with issues such as complaints and freedom of information enquiries.

Members sought clarification on whether new staff would be recruited only on Bromley terms and conditions. It was confirmed that costs would be split according to the collaboration agreement, whether staff were appointed by Bromley or Bexley. The proposal was based on secondment of staff as there would be pension liabilities for Bromley.

Members were concerned at references to a joint parking strategy in the response given to staff, given that the two authorities might have different priorities and different problems to address. The aim would be to align strategies as far as possible, but the report correctly confirmed that the respective boroughs would retain their own formal Parking Strategies which would continue to be agreed by Members. Some Members suggested that as Bromley appeared to be a better performing service the advantage in the shared service would be greater for Bexley. It had been suggested at the Environment PDS Committee meeting that if Bromley was bearing a risk if performance was poor, consideration should be given to providing a financial incentive if the opportunity to improve performance was realised. Members were also reluctant to agree that the power to approve the formal Shared Service Collaboration Agreement should be delegated to an officer, and felt that this should be confirmed by the Executive.

Officers confirmed that the Parking Service was already largely outsourced, with contracts for enforcement & car parks management, and ICT. Efficiency savings had already been made, and there was little scope for "salami slicing" further savings. A larger service would reduce duplication and be better able to cope with peaks of work.

Officers were already working with Liberata to investigate the potential benefits of an outsourced debt collection service. There were differences between bailiff services for Council Tax and parking, but Liberata had invested in effective IT systems that could look at all a debtor's debts together. Further evidence was needed to show that they would be effective

at collecting parking debt. The Environment PDS Committee had suggested that outsourcing should be investigated once the shared service had been established, but other Members suggested that if the boroughs' views diverged this could mean increased costs to disentangle the new arrangements and that all options should be considered.

The Chairman of the Executive and Resources PDS Committee stated that he was not in favour of joint management and decision-making as this would lead to increased costs, delay and lack of clarity over responsibility. He was concerned that the savings were too small, and too many staff were being retained. He suggested that this was a good opportunity for an employee buy-out and that this and other options should be examined further before a decision was made.

**RESOLVED that the Committee agrees (subject to the comments made by the Environment and Executive and Resources PDS Committees, and to agreement from the Executive) in accordance with Section 113 of the Local Government Act 1972 and the Council's scheme of delegation, to place such of the Council's employees as may fall within the remit of the scoping of the shared parking service at the disposal of the London Borough of Bexley. Any such officer shall be treated for the purpose of any enactment relating to the discharge of local authorities' functions as an officer of that other local authority.**

The Meeting ended at 7.55 pm

Chairman

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Report No.  
RES13040

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** GENERAL PURPOSES AND LICENSING COMMITTEE

**Date:** Thursday 14 February 2013

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

**Title:** STATION SQUARE PETTS WOOD

**Contact Officer:** Greg Ullman, Team Leader, Planning, Litigation and Licensing  
Telephone: 0208 461 7625  
E-mail: greg.ullman@bromley.gov.uk

**Chief Officer:** Director of Resources

**Ward:** Petts Wood and Knoll

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1. Reason for report

- 1.1 The Council has received complaints that what are claimed as established rights of way over forecourts at Station Square, Petts Wood are being obstructed. A petition has also been received from the Petts Wood and District Residents' Association seeking the confirmation of a right of way for the whole of Station Square, Petts Wood, including shop forecourts, which it is claimed, has existed continuously for 20 years without let or hindrance.
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2. **RECOMMENDATION(S)**

**The Committee**

- 2.1 notes that a report will be presented by the Portfolio Holder to a future meeting of the Environment PDS Committee for pre-decision scrutiny concerning options in respect of privately owned forecourts over which it is claimed highway rights have arisen;
- 2.2 notes that the Portfolio Holder will be responding to the petition under the Council's petition scheme
- 2.3 subject to the outcome of the meeting referred to in 2.1 authorises the Director of Resources if necessary and subject to the evidence to take any necessary action under section 130 and/or 149 Highways Act 1980 in respect of the complaints made in respect of Station Square Petts Wood.
- 2.4 agrees that further reports will be presented to the General Purposes and Licensing Committee as required

## Corporate Policy

1. Policy Status: New Policy
  2. BBB Priority: Thriving Town Centres
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## Financial

1. Cost of proposal: There are no costs in respect of the receipt of the petition. Further advice will be given in respect of the report to be presented to the Environment's PDS Committee and the Portfolio Holder.
  2. Ongoing costs: Not applicable
  3. Budget head/performance centre: Environmental Services
  4. Total current budget for this head:
  5. Source of funding: Existing revenue account
- 

## Staff

1. Number of staff (current and additional): Not applicable
  2. If from existing staff resources, number of staff hours: Not applicable
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## Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Not applicable. A separate report will be presented to the Environmental Services' Portfolio Holder and the Environment PDS Committee, which will be subject to call-in.
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## Customer Impact

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

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? As result of the date of receipt of the petition, it has not been possible to consult with Ward Councillors prior to the production of the report. However, Ward Members have been advised of the report and any comments received will be reported verbally.
2. Summary of Ward Councillors comments:

### **3. COMMENTARY**

- 3.1 Several complaints have been received by the Council relating to alleged obstructions to the public right to pass and re-pass along forecourts outside premises in Station Square Petts Wood. The complaints include a petition received from the Petts Wood and District Residents' Association. The petition asks the Council to confirm that a right of way has existed, without let or hindrance, across the whole of Station Square, Petts Wood, including shop forecourts, for 20 years continuously.
- 3.2 Section 130 of the Highways Act 1980 provides that it is the duty of the Highway Authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority. It also provides that the Council may assert and protect the rights of the public to the use and enjoyment of any highway in their area for which they are not the Highway Authority.
- 3.3 The fact that a forecourt is privately owned is irrelevant as highway rights can be acquired over land in private ownership.
- 3.4 Section 149 Highways Act allows action to be taken to remove things deposited on the Highway as to cause a nuisance.
- 3.5 Sections 130 and 149 of the Highways act are listed as being non-executive functions in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
- 3.6 There are other powers which are not so listed and fall to the Portfolio Holder. These include section 166 of the Highways Act enabling the Council to take action in relation to a stall or other erection on the forecourt of premises abutting on a street as well as section 137 which deals with the general offence of obstruction.
- 3.7 The Council's recent practice in respect of private forecourts over which highway rights may be enjoyed has been to normally take action only in cases of actual danger to the public. A report, however, will be presented to a future meeting of the Environment PDS Committee and the Environment Portfolio Holder to review that policy and to see whether any changes are appropriate either generally or in the context of the complaints raised. It should be noted that throughout the Borough it is common for items associated with shops, restaurants and other businesses to be placed on forecourts and similar over which the public have rights of way. Section 115E Highways Act includes a power to formally licence tables chairs etc on highways and a future meeting of this committee may want to consider the introduction of a formal licensing policy to regulate such matters.
- 3.8 The Portfolio Holder and the Environment PDS Committee will be asked to review the current practice of the Council in respect of enforcement on private forecourts over which highway rights may be exercised. When the results of this consideration are known, a further report will then be presented to the General Purposes and Licensing Committee, which may be the appropriate time to review the section 115E powers. The Portfolio Holder will also respond to the petition.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications resulting from this report. The Environment PDS Committee and Portfolio Holder will be advised of any implications of a change in the Council's current practice.

## 5. LEGAL IMPLICATIONS

5.1 There are addressed in the report.

<b>Non-Applicable Sections:</b>	Personnel
Background Documents: (Access via Contact Officer)	



Report No.  
HHR13001

## London Borough of Bromley

### PART ONE - PUBLIC

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

**Date:** **14<sup>th</sup> February 2013**  
**27<sup>th</sup> February 2013**

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

**Title:** **PAY POLICY STATEMENT 2013/14**

**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

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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 every year.
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2. **RECOMMENDATION(S)**

- 2.1 **Members are asked to recommend that full Council approve the 2013/14 Pay Policy Statement attached as Appendix A.**

### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Excellent Council
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### Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: Not Applicable
  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: Not Applicable
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### Customer Impact

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

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### **3. COMMENTARY**

- 3.1 The Localism Act requires the Council to prepare and publish a Pay Policy statement every year. 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.
- 3.3 In accordance with the Act the current Pay Policy statement, which was approved by full Council in March 2012, has been updated. The main change to the statement, attached at Appendix A, confirms the recent decision by full Council to implement a localised terms and conditions of employment framework.

### **4. POLICY IMPLICATIONS**

- 4.1 The statement is a summary of existing policies which will continue to be applied during the financial year 2013/14.

### **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.

<b>Non-Applicable Sections:</b>	
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



**PAY POLICY STATEMENT 2013/14**

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**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 2013/14 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 A key feature of Bromley Council's Pay Policy statement for the financial year 2013/14 is the implementation of localised terms and conditions of employment for all staff except teachers, pursuant to full Council decision on 12 November 2012.
- 1.4 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.

1.5 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 Local Terms and Conditions of Employment

As stated in paragraph 1.3 above, full Council agreed to fully implement a localised terms and conditions of employment framework for all staff including "Chief Officers" as defined in paragraph 1.5 above with effect from 1 April 2013. Teachers employed by the local authority in Community Schools and Voluntary Controlled schools are excluded because their terms and conditions are set in statute and do not afford the Council the discretion to include them in the localised arrangements..

3.2.1 The main features of the localised terms and conditions framework are as follows, namely:

- (a) A single local annual pay review mechanism.
- (b) A scheme of discretionary non-consolidated/non-pensionable rewards for individual exceptional performance.
- (c) Withholding annual pay increases including annual increments (if appropriate) from under performers.
- (d) Cessation of the consolidated performance related pay scheme arrangements for Chief Officers and other managers on the Management Grades .

The links to the reports to General Purposes & Licensing Committee and Full Council are:

GP&L 29<sup>th</sup> May 2012

<http://cds.bromley.gov.uk/documents/b50004469/5.%20Localised%20Pay%20and%20Conditions%20of%20Servi.pdf?T=9>

GP&L – 23<sup>rd</sup> October 2012

<http://cds.bromley.gov.uk/documents/b50005070/5.%20Localised%20Pay%20and%20Conditions%20of%20Servi.pdf?T=9>

Full Council – 12<sup>th</sup> November 2012

<http://cds.bromley.gov.uk/documents/b50005071/8.%20LOCALISED%20PAY%20AND%20CONDITIONS%20OF%20SERVI.pdf?T=9>

3.2.2 The key drivers behind the Council decision to replace the national/regional terms with a localised terms and conditions framework include:

- (a) Gaining control over the annual pay review process and timetable at a time of significant financial challenge for the Council in order to achieve better alignment with budget setting processes and greater responsiveness to change.
- (b) Exercising local control in order to give emphasis to local circumstances and improve the Council's ability to innovate and flex in ways not always achievable within the nationally/regionally agreed terms.
- (c) Improving the Council's ability to align reward with staff and organisational performance.
- (d) Achieving efficiencies through harmonisation of pay review processes.

### 3.3 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.

### 3.4 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”.

The Council also discloses the remuneration paid to its senior employees in the Annual Report and Statement of Accounts and is accessible on the Council’s website at:

[http://www.bromley.gov.uk/downloads/file/893/lb\\_bromley\\_statement\\_of\\_accounts\\_201011](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 updated 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 B).
- 6.2 This Statement is for the Financial year 2013/14.
- 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.



<b>PAY POLICY STATEMENT FOR FINANCIAL YEAR 2012/13</b>	
<b>POLICY AREA UNDER THE ACT</b>	<b>POLICY STATEMENT</b>
	<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>Pursuant to Full Council decision on 12 November 2012 the authority will implement a localised pay and conditions of service framework for all staff except teachers, with effect from 1 April 2013. Under the local framework it means that the Council will:</p> <ul style="list-style-type: none"> <li>a) Withdraw from the NJC, JNC, GLPC and Soulbury Committees and introduce an annual local pay review mechanism to replace the national and regional collective bargaining arrangements and the existing local arrangements for Lecturers in Adult Education;</li> <li>b) Discontinue the consolidated performance related pay scheme for Management Grade Staff (including Chief Officers – pursuant to the Local Government and Hosing Act 1989);</li> <li>c) Introduce a scheme of discretionary non consolidated non pensionable rewards for exceptional performance applicable to all staff;</li> <li>d) Withhold pay increases for underperforming staff to reinforce the link between individual performance and pay.</li> </ul> <p>The move to fully localised terms and conditions is on the back of the Bromley Single Status agreement reached with the relevant recognised trade unions in 2009 affecting the BR grade staff. Under the new localised terms and conditions of service framework the Council retains its existing terms and conditions including the grading and job evaluation schemes for BR staff and MG staff, except for the annual pay review and PRP process. Under the localised terms and conditions framework the Council will not be bound by the national or/and regional pay settlements. Instead, by means of the process of the localised annual pay review the Council aims to:</p>

- ensure that staff are appropriately rewarded for the job that they do
- enhance the Council's ability to compete by maintaining a simple, fair, transparent and affordable pay and reward structure that attracts and keeps a skilled and flexible workforce;
- improve the links between organisational efficiency, individual performance and reward
- ensure that decisions on reward and recognition are better aligned with the considerations and timetable of the annual budget setting process

The current rates for Management Grade Staff, BR staff and Lecturers and sessional staff at Bromley Adult Education College can be found at [MG and MB salary scales](#), [BR salary scales](#) and [BAEC salary scales](#);

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 and consist of incremental 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.

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 capped locally at the rate for cars not exceeding 1199cc, other than in exceptional circumstances where the Assistant Chief Executive (HR) agrees that a car with a larger engine size

	<p>is necessary for the efficient performance of the job. There are two car user allowances namely essential car user allowance and casual car user allowance. The former includes an annual lump sum currently £963 (1199cc rate).</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 apply for 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> <p>Also, the Council operates a Salary Sacrifice scheme for all staff. This covers childcare vouchers and the cycle to work scheme.</p>
Use of PRP for Chief Officers	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. As stated above, from 2013/14 the consolidated performance related pay element for MG staff will cease. Instead all staff apart from teachers will be eligible to be considered on merit for the one off non consolidated non pensionable reward payment for exceptional performances.
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 London Borough of Bromley spine. The value of this spine point as at 31 March 2013 is £14,697 per annum and the Council therefore defines its lowest paid employee as anyone earning £14,697 (pro rata for part-time staff). Currently the Council's pay multiple – the ratio between the Chief Executive as the highest paid employee and the lowest paid employee is 1:13, and between the Chief Executive and the median salary is £28,032 (ratio of 1:7).
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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 ( <a href="#">MG and MB salary scales</a> ). 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 2013/14 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 <a href="http://www.bromley.gov.uk/councilconstitution">www.bromley.gov.uk/councilconstitution</a>
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 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 <a href="#">Flexible retirement policy</a></p>
Approach to severance payments - any non statutory payment to Chief	<p>Where demonstrable benefit exists it is the Council's policy to calculate redundancy payments on the basis of the statutory number of 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</p>

<p>Officers who cease to hold office/be employed</p>	<p>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. 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 senior employees in the annual report and statement of accounts as part of its published accounts.</p>

PART ONE - PUBLIC

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**Decision Maker:** GENERAL PURPOSES AND LICENSING COMMITTEE  
COUNCIL

**Date:** 14<sup>th</sup> February 2013  
27<sup>th</sup> February 2013

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

**Title:** WORKPLACE PENSIONS: AUTOMATIC ENROLMENT

**Contact Officer:** Janice Castle, Pensions Monitoring Officer  
Tel: (020) 8461 7503 E-mail: janice.castle@bromley.gov.uk  
Sue Sydney, Head of HR Operational Services  
Tel: (020) 8313 4359 E-mail: sue.sydney@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Resources  
Charles Obazuaye, Assistant Chief Executive (HR)

**Ward:** Borough Wide

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1. Reason for report

- 1.1 Under reforms originally introduced in the Pensions Act 2008, every employer will be required to automatically enrol their eligible jobholders into a pension scheme and to pay contributions to that scheme in respect of that worker with effect from a “staging date”. Automatic enrolment is being phased in between 1st October 2012 for the largest employers, extending to 2017 for small employers. The Council’s ‘staging date’ for its own workers, including teachers, is 1st March 2013.
- 1.2 This report considers how this requirement sits with the Council’s current pension arrangements, including the impact on those employees who have previously decided to opt out of the Local Government Pension Scheme (LGPS) or the Teachers Pension Scheme (TPS).
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2. RECOMMENDATION(S)

The General Purposes and Licensing Committee is recommended to:

- 2.1 Agree to use the transitional period to defer automatic enrolment for eligible jobholders who, on 1st March 2013, are not members of either the LGPS or the TPS on the basis that they have previously opted out and have the right to join the relevant scheme at any time whilst they continue in employment (see paras. 3.14 to 3.16 below).
- 2.2 Recommend to Council that authority be delegated to the Assistant Chief Executive (HR) and the Finance Director to:
- (i) use postponement for workers on short-term contracts and in circumstances where it aids administrative processes;
  - (ii) take all necessary action to ensure that the Council’s responsibilities under the requirements of automatic enrolment are met.

## Corporate Policy

1. Policy Status: Existing Policy The Council's Pension Fund is a defined benefit scheme operated under the provisions of the Local Government Pension Scheme (LGPS) Regulations for the purpose of providing pension benefits for its employees
  2. BBB Priority: Excellent Council
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## Financial

1. Cost of proposal: It is not currently possible to quantify the financial impact of meeting the new requirements.
  2. Ongoing costs: N/A
  3. Budget head/performance centre: Pension Fund
  4. Total current budget for this head: £34.3m expenditure (pensions, lump sums, etc.), £41.3m income (contributions, investment income, etc.), £526.0m total fund market value at 31<sup>st</sup> December 2012.
  5. Source of funding: Contributions to Pension Fund.
- 

## Staff

1. Number of staff (current and additional): 3,720 fte's (per 2012/13 budget) which includes 1,510 fte's for delegated budgets to schools.
  2. If from existing staff resources, number of staff hours: N/A
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## Legal

1. Legal Requirement: Statutory Requirement : Pensions Act 2008 (as amended)
  2. Call-in: Call-in is not applicable
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 5,054 current employees in the pension fund, 4,718 pensioners, 4,380 deferred pensioners as at 31<sup>st</sup> December 2012. These figures represent the whole fund, including LBB staff, scheduled and admitted bodies who are all affected by the proposals.
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Council Wide



### 3. COMMENTARY

#### Background

- 3.1 Automatic enrolment was one of the key recommendations of the independent Pensions Commission, which reported in October 2004 and November 2005, in response to findings that people are living longer and not saving enough to provide an adequate income in retirement. The Pensions Act 2008 laid the foundations for fundamental change requiring every employer to automatically enrol their eligible jobholders into a qualifying pension scheme and to pay contributions to that scheme. Since the framework was introduced there have been changes to the 2008 Act, several statutory instruments issued, and further draft legislation on implementation proposed.
- 3.2 Automatic enrolment is a statutory duty for employers, both in the private and public sector. The vast majority of the provisions relating to automatic enrolment (as set out in the Pensions Act 2008 and related Statutory Instruments) relate to duties and responsibilities placed on employers, not the Pension Fund administering authority. Robust measures are required to address processes and procedures and this work will be undertaken in partnership with the Council's external provider, Liberata.
- 3.3 The new law takes effect from 1st October 2012 and over a phased period requires all employers, both public and private sector, to:
- provide a qualifying scheme for workers
  - provide information to all workers on workplace pension reform, including rights to opt-in and/or opt-out
  - automatically assess all workers and automatically enrol all eligible jobholders into the scheme and enrol all other jobholders if they ask to join
  - pay employer contributions to the scheme
  - register with the Pensions Regulator and provide details of the scheme(s) and the number of people that have been automatically enrolled
  - keep specified records of optants out, and continually monitor age and pay of employees which may trigger a duty under automatic enrolment
- 3.4 Workers are employees who work under a contract of employment or have a contract to perform work or services personally and are not undertaking the work as part of their own business. An elected member is not classified as a jobholder. Under the rules on automatic enrolment workers fall into three categories:

<b>AUTOMATIC ENROLMENT</b>		
	Criteria	Requirement
Eligible jobholders	Aged 22 - State pension age (SPA) Earning above £8,105*	Must be automatically enrolled to a qualifying pension scheme
Non-eligible jobholders	Aged 16 - 21 or SPA - 74 Earning above £8,105* OR Aged 16 - 74 Earning above £5,564 but below £8,105*	Have a right to join to join a qualifying pension scheme
Entitled workers	Aged 16 - 74 Earning below £5,564*	Have a right to join a pension scheme but this need not be a qualifying pension scheme

\* Figures for 2012-2013 tax year; increases to £9,440 from 01/04/13

- 3.5 Under automatic enrolment eligible jobholders may still choose to opt out of the qualifying pension scheme but the new rules make it more difficult for workers to do so. For example, they may only opt out after they have started work and been automatically enrolled or opted in whereas previously they were able to opt out in advance. Eligible jobholders who have opted out will also have to be re-enrolled at least every three years. It became unlawful from 1st July 2012 to encourage employees to opt out of the Scheme, have recruitment practices that benefit job applicants who indicate that they are prepared to opt out, or to treat an employee unfairly or put them at a disadvantage because of automatic enrolment.
- 3.6 The new employer duties are being introduced in stages between October 2012 and 2018. The Pensions Regulator will allocate a 'staging date' to each employer based on the number of people in an employer's PAYE scheme. The Pensions Regulator has notified the Council that its staging date is 1st March 2013. This date also applies to any maintained community, voluntary controlled, community special or maintained nursery school because their staff are employees of the Council even if they run their own payroll in-house or have outsourced their payroll function to an external payroll provider, even if they have a separate PAYE reference from the Council. Employees in foundation, voluntary aided or foundation special schools, academies and further and higher education colleges will have their own staging dates unless they share a PAYE scheme reference with the Council.

### **Effect on the Council's pension arrangements**

- 3.7 Both the Local Government Pension Scheme (LGPS) and the Teachers Pension Scheme (TPS) are qualifying schemes for automatic enrolment purposes. Both schemes already provided for employees' contractual enrolment but have been amended to ensure compliance with the new automatic enrolment legislation.
- 3.8 Amendments to the LGPS came into force on 1st October 2012. The main change that immediately affected the Council and other employers in the Bromley Pension Fund was the provision to allow employees with a contract of employment of less than 3 months, who would not currently be eligible, to have the option to apply for Scheme membership.
- 3.9 Amendments to the Teachers Pension Scheme also came into effect on 1st October 2012, the main changes being the reduction in minimum age for joining to age 16 and the abolition of the minimum salary requirement. Where a teacher cannot be permitted to join the Teachers Scheme because of restrictions in that Scheme, the teacher must be automatically enrolled into the LGPS.
- 3.10 The Pensions Regulator has powers to impose substantial penalties for non-compliance with employer duties, although its approach is intended to educate and enable in the first instance. The fixed penalty notice is currently set at £400, but escalating penalty notices can be as high as £10,000 per day and prohibitive recruitment penalty notices as high as £5,000 per day. The Council will also be responsible for any fines incurred by a school maintained by the Council but would seek, in all cases, to pass the cost of any penalties on to the relevant school. Where a school commissions their HR/Payroll services from the Council we will ensure that the necessary processes are in place to avoid such penalties arising.

3.11 The majority of the new automatic enrolment duties fall on the Council as an employer and there is a considerable administrative burden on employers arising from the operation of the new requirements. In this respect work is already in progress to ensure that, in connection with our staging date of 1 March 2013, we:

- review HR and payroll processes and systems to ensure compliance
- review and update contracts of employment
- communicate directly with all staff, including those already in the scheme
- decide whether or not to apply a 'transitional period' in order to defer to 30th September 2017 automatically enrolling staff who are eligible employees on the Council's staging date and who have previously opted out
- decide the circumstances in which 'postponement' should be used in order to avoid payroll difficulties and to meet automatic enrolment legislation where the LGPS and TPS does not provide for contractual enrolment

3.12 As an LGPS administering authority we will also need to:

- review pension processes, forms and guides
- communicate with other employers in the Bromley Fund

3.13 The automatic enrolment legislation is complex and the Pensions Regulator has provided various guides, information, letter templates and webinars for employers and pension schemes. The Local Government Association has also published a Guide for employers and administering authorities which is updated as the requirements become clearer but which already runs to some 160 pages.

### **Particular Issues requiring consideration**

#### **a) Transitional Period**

3.14 For existing workers as at 1st March 2013, the Council has the option to defer the automatic enrolment of eligible jobholders (see para. 3.4 above) who opted out of the LGPS or TPS prior to 1st March 2013 until a fixed date of 30th September 2017. The transitional period can be used for any or all eligible jobholders, and does not need to be the same for teaching and non-teaching staff. Other LGPS employers in the Fund also have this option, and do not have to follow the Council's decision. If the transitional period is used there is no duty to assess or automatically enrol affected staff until 2017, although the employee may choose to join at any time under the relevant pension scheme regulations. On the last day of the transitional period each employee must be assessed and automatically enrolled if they are an eligible jobholder at that time.

3.15 By using the transitional period to delay automatic enrolment the Council will not incur the increased cost of employer contributions to the LGPS or TPS, unless of course the employee decides to exercise their right to opt in before 30th September 2017. Under auto-enrolment eligible jobholders can only opt out of the qualifying pension scheme after they have been automatically enrolled and use of the transitional delay will therefore also save administrative time and cost in setting up pension deductions on the payroll and then refunding them if the employee subsequently opts out within a three month period. If the Council chooses to use the transitional period, each employee must be written to individually to inform them of the Council's decision and to remind them of their right to opt to join by giving written notice.

3.16 The transitional period cannot be used for non-eligible job-holders or entitled workers (see para. 3.4 above). These employees will not be automatically enrolled on 1st March 2013, but must be provided with information telling them about their right to join. If at any date after 1st March 2013 they become an eligible jobholder for the first time (i.e. their earnings are increased to £8,105 or more and they are between age 22 and state pension age) they must be automatically enrolled.

#### **b) Postponement**

3.17 Postponement (or waiting period) is an added flexibility that may be used to suspend the duty of assessment and automatic enrolment from 1 day up to 3 months, and can vary by individual. Periods of postponement cannot overlap or be used consecutively. An employee has the right to opt in during postponement and it is only the automatic enrolment process that is suspended. On the last day of the postponement, the employee must be assessed and automatically enrolled if they are an eligible jobholder.

3.18 The Council will need to use postponement in various circumstances, in particular for eligible employees with a contract of employment of less than 3 months and casual staff. This is because the rules do not allow for these employees to be contractually enrolled automatically into the LGPS although they may opt to join if they wish. As they are not contractually enrolled on starting a postponement notice must therefore be issued.

3.19 The Council may also use postponement to aid administrative and payroll processes. These circumstances may include postponing the automatic enrolment duty for a member of staff:

- who triggers automatic enrolment just before ceasing employment, or
- who triggers automatic enrolment because of a rare spike in earnings (eg. backdated pay arrears or pay for working additional hours), or
- where part-period earnings temporarily changes the category in which a member of staff falls.

This list is not exhaustive, and further situations may arise once automatic enrolment is operative.

#### **c) Communication with staff**

3.20 The Council is required to provide every member of staff with information about automatic enrolment and how it affects them, irrespective of whether they are already a member of the LGPS or TPS. The information must be given in writing and must be direct to each individual (eg. by letter or email). The letter or email must give specified information and cannot merely signpost an individual to an intranet or internet site or to a poster. Staff were alerted to automatic enrolment in the recent pensions newsletter and will be written to individually within the required timescales of the Council's staging date of 1st March 2013. Contracts of employment have also been amended to provide the necessary detail for newly recruited staff to the Council.

### **4. POLICY IMPLICATIONS**

4.1 The Council's Pension Fund is a defined benefit scheme operated under the provisions of the Local Government Pension Scheme (LGPS) Regulations for the purpose of providing pension benefits for its employees.

## 5. FINANCIAL IMPLICATIONS

- 5.1 It is not possible to estimate with any degree of accuracy the financial impact of an increase in employer pension contributions arising from the full implementation of auto-enrolment. Work is currently underway to identify those staff who qualify as 'eligible employees' and would therefore need to be automatically enrolled. It is also difficult to estimate the number of employees who will elect to opt-out of the scheme after they have been automatically enrolled.
- 5.2 It is estimated that around 12% - 15% of current 'full-time equivalent' employees are not in the pension scheme (excluding schools and casual staff). As an illustrative example, if 100 'eligible employees' who are not currently in the scheme were automatically enrolled and did not elect to opt-out, additional employer contributions of around £370k per annum would be incurred (based on an average salary of £25k and the current employer contribution rate of 14.7%).
- 5.3 There will also be a financial impact on the Pension Fund should membership significantly increase. The impact of this will be dependent upon a number of factors including the level of employee contributions, period of membership and age profile of scheme members. The impact may not be known for some time and is unlikely to be separately identifiable within the triennial actuarial valuations.
- 5.4 As detailed in the report, there is a considerable administrative burden arising from the implementation and operation of the new requirements. Whilst every effort will be made to accommodate this within existing resources, the vast majority of the additional work required will fall to payroll and, to some degree, pensions. Until processes are more specifically defined, it is not possible to quantify the impact but it is expected that there will be additional cost implications for the contract to meet these additional responsibilities. Any requirement for additional costs that cannot be contained within existing budgets will be subject to a request for funding to the Executive.

## 6. LEGAL IMPLICATIONS

- 6.1 As is set out in the report, the Pensions Act 2008 (as amended) and subsequent regulations have introduced and set the timetable for the auto-enrolment provisions.

## 7. PERSONNEL IMPLICATIONS

- 7.1 The Corporate Trade Union and Departmental Representative Group were briefed on automatic enrolment, including the proposal to use the transitional period for existing staff, in November 2012.
- 7.2 All other considerations are as set out in this report.

<b>Non-Applicable Sections:</b>	None
Background Documents: (Access via Contact Officer)	<a href="http://www.thepensionsregulator.gov.uk/automatic-enrolment.aspx">http://www.thepensionsregulator.gov.uk/automatic-enrolment.aspx</a> <a href="http://www.lge.gov.uk/lge/core/page.do?pagelId=17995528">http://www.lge.gov.uk/lge/core/page.do?pagelId=17995528</a>

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# Agenda Item 8

Report No.  
RES13010

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** GENERAL PURPOSES AND LICENSING COMMITTEE  
COUNCIL

**Date:** 14 February 2013  
27 February 2013

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

**Title:** MEMBERS' ALLOWANCES SCHEME 2013/14

**Contact Officer:** Graham Walton, Democratic Services Manager  
Tel: 0208 461 7743 E-mail: graham.walton@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Resources

**Ward:** N/A

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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 2013/14, recommending that the current allowances remain frozen. The report also provides an update on the Government's announcement that it intends to withdraw the right of Councils to allow Councillors to participate in the Local Government Pension Scheme.

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2. **RECOMMENDATION(S)**

(1) **General Purposes and Licensing Committee are recommended to agree that the Members' Allowances Scheme 2013/14 be submitted to Council for approval; this would include the recommendations to -**

- (i) **freeze the current allowances in the light of the current economic circumstances;**
- (ii) **amend the scheme to replace the reference in paragraph 16 to the PE Inbucon scheme with reference to the Council's arrangements for localised pay;**
- (iii) **agree the Mayoral and Deputy Mayoral allowance at the same rate as last year.**

(2) **Members are requested to note the Government's proposal, subject to statutory consultation, to withdraw the right of Councils to allow their Councillors to contribute to the Local Government Pension Scheme from April 2014.**

### Corporate Policy

1. Policy Status: Existing Policy: The proposed scheme for 2013/14 is based on the existing scheme for 2012/13.
  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: £1,112,380 (2012/13)
  5. Source of funding: 2013/14 Revenue 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 and 19 of the Local Government and Housing Act 1989, Section 100, Local Government Act 2000, The Local Authorities (Members' Allowances) (England) Regulations 2003
  2. Call-in: Not Applicable: Making and varying the Members' Allowances Scheme is reserved to full Council and is not an executive decision.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All 60 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. Bromley has always paid allowances by monthly instalment.
- 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 2012/13 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. It is proposed that this is replaced by a reference to the Council's new arrangements for locally-determined pay.
- 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 review published in 2010 by the Independent Panel chaired by Sir Rodney Brooke covering all London boroughs. Although Bromley's basic allowance is slightly above the level suggested by the Panel in 2010 (which was £10,597pa), Bromley's special responsibility allowances are substantially below the recommended levels.
- 3.4 **Appendix 1** shows the scheme and the proposed allowances for 2013/14 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 by Council and this is included in the budget for 2013/14. The allowance is recommended to stay at the same level for 2013/14, at £15,697 and £2,093 respectively, making a total of £17,790.
- 3.6 On 19<sup>th</sup> December 2012, in a written statement, Brandon Lewis MP, Parliamentary Under Secretary of State for Communities and Local Government, announced the Government's intention to withdraw the right of Councillors to participate in the Local Government Pension Scheme as of April 2014. It is proposed that those Councillors already in the scheme would have their accrued rights up to April 2014 fully protected, but would not be able to accrue any further benefits after that date in the existing scheme. The statement also declares that there is no justification for putting up Member's Allowances to compensate for the loss of this pension provision. These proposals are subject to statutory consultation which will commence in due course as part of the planned consultation on the wider reform of the Local Government Pension Scheme. Should they be implemented 34 Bromley Councillors who currently make contributions to the Scheme will be affected.

### **4 FINANCIAL IMPLICATIONS**

- 4.1 Provision has been made for the outlined allowances in the revenue budget to be approved by Council of £1,112,380 and £17,790.

## 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).

<b>Non-Applicable Sections:</b>	Policy/Personnel
Background Documents: (Access via Contact Officer)	Report from the Independent Panel on Remuneration of Councillors in London (2010) - <a href="http://www.londoncouncils.gov.uk/londonfacts/londonlocalgovernment/remunerationofboroughcouncillors.htm">http://www.londoncouncils.gov.uk/londonfacts/londonlocalgovernment/remunerationofboroughcouncillors.htm</a>  Ministerial Statement on abolition of taxpayer funded pensions for Councillors - <a href="https://www.gov.uk/government/speeches/local-government-pension-scheme">https://www.gov.uk/government/speeches/local-government-pension-scheme</a>

## **London Borough of Bromley**

### **Members Allowances Scheme**

From 1<sup>st</sup> April 2013, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003 (2003 No. 1021) [as amended by SI 2003 No. 1692], the London Borough of Bromley will operate the following Members Allowances Scheme.

1. This Scheme is known as the London Borough of Bromley Members Allowances Scheme and will operate from 1<sup>st</sup> April 2013 until amended.
2. In this Scheme:
  - “Councillor” means a member of the London Borough of Bromley who is an elected Member;
  - “Member” for the purposes of this Scheme shall mean elected Councillors;
  - “year” means the 12 months ending 31<sup>st</sup> March.
3. The Council in agreeing this Scheme 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 Council's 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 2014

	£
<b>Basic Allowance</b>	10,872.02
<b>Posts of Special Responsibility Allowance</b>	
Leader of the Council	30,600.00
Portfolio Holders (x6)	20,400.00
Executive Members without Portfolio	3,573.22
Executive Assistants (x5)	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
<b>Quasi-Judicial Allowances</b>	
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

# Agenda Item 9

Report No.  
RES13024

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** GENERAL PURPOSES AND LICENSING COMMITTEE

**Date:** Thursday 14 February 2013

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

**Title:** EXECUTIVE ASSISTANTS: ANNUAL REPORT 2012/13

**Contact Officer:** Graham Walton, Democratic Services Manager  
Tel: 0208 461 7743 E-mail: graham.walton@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Resources

**Ward:** N/A

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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 2012/13 are attached as **Appendix 1**.
- 

2. **RECOMMENDATION(S)**

- 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 2012/13.**

### 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 2012/13, four executive assistants were appointed resulting in total allowance payments of £14,289.
  2. Ongoing costs: Recurring Cost:
  3. Budget head/performance centre: Democratic Representation – Members' Allowances
  4. Total current budget for this head: £1,112,380
  5. Source of funding: 2012/13 Revenue 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: Not Applicable: This report does not involve an executive decision.
- 

### 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? N/A
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 21<sup>st</sup> 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 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 2012/13, four Executive Assistants were appointed –
- Cllr Peter Fortune (Executive Assistant, Environment)
  - Cllr Richard Scoates (Executive Assistant to the Leader)
  - Cllr Diane Smith (Executive Assistant, Care Services)
  - Cllr Pauline Tunnicliffe (Executive Assistant, Education)
- 3.4 Submissions from these Councillors are attached in **Appendix 1**

<b>Non-Applicable Sections:</b>	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Previous reports to General Purposes and Licensing Committee

## **Appendix 1**

### **Cllr Peter Fortune (Executive Assistant, Environment) -**

The Environmental Services Department remains the 'face' of the London Borough of Bromley and, as a result, we have worked tremendously hard to maintain our high standard of service despite a myriad of pressures.

These pressures have resulted in an exceptionally demanding year for the Department. Budget stresses and infrastructural right-sizing have required leadership, determination and painfully difficult decision making in order to face these continuing challenges.

The challenges facing the Department arrive due to the scope of services we provide – services that are demanded by our residents and very often the reason they moved to the Borough in the first place. With a wide and diverse portfolio that covers everything from tree maintenance to snow clearance it is often environmental matters that will fill a members' inbox and the most obvious sign of local authority activity. Our residents have come to expect the high 'Bromley Standard' and we have worked hard to maintain it.

I am grateful to have played a part during this challenging year in my role as Executive Support Assistant to the Portfolio Holder, Councillor Colin Smith.

It is appropriate at this juncture to thank Councillor Smith for both his Leadership of the Department and the professional guidance he has provided me. It is my job as his assistant to support him in whatever way I can and I hope I have done this over the past year.

To support the Portfolio Holder I have attended a number of meetings at various levels. I have also been involved with policy discussion and meetings with senior officers.

Within the Council I have attended Environmental PDS committees often taking notes and following up on certain issues. This will usually result in my liaising with a number of other portfolios, members and officers.

At a London wide level I have represented the Borough and the Department at London Councils on issues ranging from Climate Change to Transport for London matters at venues across the capital.

Out in the public arena I was happy to again represent both the Department and the Borough when opening outdoor gyms in parks across the Bromley. I was thrilled to give the appropriate public speeches and was joined by ward members from Bromley, Farnborough, Penge and Crystal Palace. I was further tasked to follow up (with officers) with the media coverage and, as a result, we received press in the local newspapers.

I was also very pleased to be able to stand in for the Portfolio Holder at Full Council – answering oral questions and the subsequent follow-ups. This was a challenge I enjoyed and would be pleased to perform again.

We have also continued our work with Snow Friends, the benchmark setting volunteer initiative which I'm sure needs no further introduction here. Suffice to say that the scheme goes from strength-to-strength. I was pleased to, once again, speak and answer questions at the Snow Friends conference. Also pleasing is the opportunity to talk with residents across the Borough and, after the recent bout of inclement weather, receive unsolicited letters of gratitude. Snow Friends continues to enhance and develop. This year our Friends were also contacted using

both e-mail and social media. For example, our Twitter account is currently linked to over 860 people; all receiving instant updates and advice. I have also been engaged in talks with the Department for Local Government regarding the scheme and hope, under Cllr Smith's leadership, to continue to develop the scheme.

In conclusion - this has been a busy year with innumerable challenges. I believe I have contributed to some of the solutions we have put forward and once again give thanks to Cllr Smith and the exceptional officers of the Department for their support and guidance.

### **Cllr Richard Scoates (Executive Assistant to the Leader) -**

I have been the Leader's Executive Assistant since May 2012.

My main role is to lead on the recommendations made by the E&R Working Party on voluntary activity (Active Citizens) that I chaired in the previous year. In addition, I regularly attend meetings of the E&R PDS and the Executive, as well as the routine weekly meetings with the Leader and Chief Executive.

#### **Active Citizens:**

The main driving force behind the work of Active Citizens is to reassess the responsibilities of residents, and that of the Council; in order to empower local residents to take a greater ownership of their communities and the people within it. In doing so, it is important that the Council keeps interference to a minimum, but acts to facilitate, expand, and to sign post existing voluntary activity to a wider section of the Borough.

Bromley already exhibits 2190 voluntary organisations registered with Community Links Bromley (CLB), and as much as 3000, often unacknowledged, additional organisations already operating throughout the borough – so the fundamental foundations already exist.

I am currently looking at where I can expand on the recommendations of the working party, such as implementing a Time Bank scheme which allows volunteers to earn time credits for a voluntary activity that they can then use to 'pay' for volunteers to help themselves. I am also looking at how to overcome issues with implementing some of the recommendations to ensure their success.

I have had meetings with charities, and have been working with CLB, who have already compiled a map of voluntary organisations across the borough for which allows greater accessibility to potential volunteers.

I keep in regular contact with Harriet Martyn who is the lead officer of this project, who is excellent at pulling the many cross-departmental strands of the recommendations together. It is a very fulfilling experience to be involved with this project right from the review and the scoping of the recommendations, to now making headway in getting the recommendations off of the ground.

#### **Preferred Route Map through the borough for HGVs:**

I have been working with Cllr Smith and Cllr Fortune on developing a preferred route map. HGVs are often a major issue in narrow country lanes and restricted roads, right across the borough when drivers follow car SatNavs, and ignore road signs. The result is that they often find themselves stuck in roads that they shouldn't be using, thus causing congestion and disruption to other road users.

The preferred route map was compiled through a study of the borough's roads, in order to understand which were not suitable for HGVs, and for those that could accommodate HGVs via various entry points into the borough and through it. All 60 Councillors were consulted on the proposals as the map was drawn up.

The map will be distributed to haulage firms to try and achieve a change in mindset to appropriately planning haulage journeys, and not solely relying on SatNavs that are unfit for purpose. I have also written to many haulage firms that residents have noted causing disruption, and on the whole, they have been accommodating in making the changes needed to reduce particular situations from arising again. This will undoubtedly be an ongoing gradual process.

### **Cllr Diane Smith (Executive Assistant, Care Services) -**

I was originally appointed to the role of Executive Assistant in May 2011 when in my first year I provided support to Councillor Robert Evans in his capacity as the Portfolio Holder for Adult and Community Services. Following a restructuring in May 2012 and the creation of the Care Services Division, I am to date continuing to work alongside Councillor Evans as his Executive Assistant, however now with wider responsibilities as the portfolio has grown to include all elements of children's safeguarding and social care.

Taking this into account the last year has been exceptionally busy for both the Portfolio Holder and me as whilst we continued to undertake our previous duties, we have also been required to gain an understanding of the detailed work undertaken by departments that were new to us.

I have continued to support the Portfolio Holder by attending the scheduled Care Services PDS meetings and associated Health Scrutiny Sub Committee, and also the Children's Safeguarding and Corporate parenting meetings. In addition I am also committed to participating in the weekly Portfolio Holder briefing sessions with the Director of the Division and other key personnel. As Members will appreciate there has been significant work undertaken with officers in relation to budget setting and also the base line reviews, balanced against a requirement and focus on improving efficiency and preserving front line and essential services for the most vulnerable people within our community. Invest to save schemes have also been discussed and are currently being progressed with officers.

Over the last year I have continued to undertake a rolling programme of visits to services which are relevant to the business of the Care Services Division. I have visited the Borough's Older People's Day Centres, in order to support and inform the significant piece of work looking at the future of day opportunities for older people, and have also supported the Portfolio Holder by attending forums looking at this issue with Officers, voluntary organisations and the Day centre providers themselves.

I have spent time visiting the varied Learning Disability Services that are available within the Borough including Hollybank, also the extra care housing developments and have been out 'on the buses' with the council's SEN and Older People's passenger transport operations. In addition I have made time to observe LBB frontline staff in the workplace, e.g. Carelink, Occupational Therapy and social work teams, and have also visited other services and staff which due to the expansion of the portfolio were new to me for example the adoption and children's safeguarding teams. Work with Third sector partners is an on going theme within the Portfolio and I have attended individual meetings with providers as well as their scheduled public meetings.

In April I attended The Bromley and Bexley National Pathfinder and Stakeholder conference at the EDC. I also recently attended the Phoenix Children's resource centre for a planned visit

looking at the services provided there and was able to talk to Edward Timpson, Parliamentary under Secretary of State for Children and Families, who was also visiting and who has a specific interest in the Pathfinder project.

I have continued to be asked for opinion on health related matters which particularly impact on the Portfolio and Bromley residents. I have attended public meetings as well as those with individual local healthcare providers particularly when these have had relevance to the ongoing health and social care needs and provision within our community. I have also continued to serve as the LBB representative on the Bromley Healthcare Council of Governors since its inception in 2011 attending their regular meetings, and in September 2012 attended their AGM and Staff awards ceremony.

Specifically with regard the health agenda and associated responsibilities already mentioned above I have also visited and observed the work of several services both in the Acute sector and Primary Care. With this in mind I have particularly focussed on areas where there is a key and identified LBB interest either via a commitment to funding partnership arrangements, or where priorities have been identified through the JSNA of the Health and Wellbeing board of which I am also a member. Over the last year I have spent time with the long term conditions team, diabetes service, intermediate care services at both Orpington Hospital and Mission care home in Bickley and the Phoenix children's resource centre. I am currently in the process of organising further visits.

With regard the Health and Wellbeing board I have attended 3 health and wellbeing events/conferences organised by various agencies including London Councils, govtoday and NHS London as well as our own local Board awayday. I have also attended both the annual safeguarding conferences for Children and Adults plus the Looked After Children's Annual achievement event.

Finally I have recently been asked to undertake the role of Older People's Champion by the Leader on behalf of LBB, and will be progressing with officers a piece of work around contracting monitoring of care homes as well as taking a specific interest in the older person's agenda.

#### **Cllr Pauline Tunnicliffe (Executive Assistant, Education) –**

I was appointed as an Executive Assistant in May 2012. It is an unusual role in that I act as a liaison between two Portfolios, Education and Care.

It was felt that there was a need for someone to speak out for the most vulnerable groups of our children and young people, in particular looked after children, those with special educational needs and those with emotional and behavioural difficulties.

A new role of Children's Champion for Bromley was introduced and I was to act as an advocate for the specific area of Council business relating to children.

Terms of reference were established and are available for members. It is an interesting and challenging role, that has evolved over the past few months.

I work directly with the Leader and both portfolio holders but when necessary I think it important that children and young peoples issues, where relevant are taken into account by all portfolios. I have received a great deal of help and information from many of our officers up to Director level and I would like to thank all concerned for that.

I attend meetings of the Council, Committees and the Cabinet relating to children's issues. I am a member of The Children's Board.

I am Chairman of the MOWGSEN committee, which is currently focusing on specific areas to act as a catalyst for change and improvement in delivering this service. This is especially important as major changes are taking place currently and Bromley, along with Bexley has been given Pathfinder status. We are hoping to receive Championship status based on the work we have already done. I represented Bromley at The Pathfinder Stakeholder Conference in October.

I attend Bromley Behaviour Services Working Group. I am very concerned about some of the provision for our out of school children and am in the process of finding out more information about this area. I have also focused on research in the area of respite care, especially for those with complex needs.

I attend the Executive Working Party on Child Safeguarding and Corporate Parenting. Also, Bromley Children and Young People Partnership Board.

I have yet to attend The Bromley Schools Forum.

I am involved with the Bromley Mentoring Initiative and would like to further this work with Councillor Stevens. I am also in the process of finding a suitable candidate for The Life Project with the London Fire Brigade. It is possible that a child on the mentoring scheme could benefit from such an opportunity.

I am a member of Bromley Foster Carers Association and where appropriate am able to bring issues of carers to the attention of officers.

I have met with children and young people both formally and informally on a regular basis to ensure that their views are understood and to report back to the Portfolio Holders in order to influence policy development.

I have attended many events which have helped me gain an insight into the difficulties many of these children, young people and their families and carers face on a daily basis.

These include, Bromley's Looked After Children Awards, a celebration for children and their carers where I met with the Chairman and members of The Living in Care Council who all impressed me with the work that they do, despite some very difficult personal challenges.

The AGM of Advocacy for All.

Bromley Youth Council event, along with Councillor Wells and Councillor Stevens in The Glades to highlight the issue of bullying and cyber-bullying.

Anti-bullying workshops in primary schools.

Visits to other schools and Kingswood.

I have also worked closely with Susie Clarke on articles to highlight this new role, the work it does and what I hope to achieve in the local press.

As I have said this is a new role and hope that I will have the opportunity to continue next year. If this is the case, although not a role that can easily deliver outcomes, I would hope that I would be able to produce a written piece of work to show that my work has been of value and influence.



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Report No.  
RES13008

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** GENERAL PURPOSES AND LICENSING COMMITTEE

**Date:** Thursday 14 February 2013

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

**Title:** PROGRAMME OF MEETINGS 2013/14

**Contact Officer:** Graham Walton, Democratic Services Manager  
Tel: 0208 461 7743 E-mail: graham.walton@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Resources

**Ward:**

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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 based on the current timetable, with only minor alterations.
- 

2. RECOMMENDATION(S)

2.1 That the Programme of Meetings for 2013/14 be approved.

2.2 That, should the date of the 2014 local elections be changed the alternative arrangements for May 2014 set out at paragraph 3.4 be approved.

### Corporate Policy

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

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £320,320
  5. Source of funding: 2012/13 Revenue Budget
- 

### Staff

1. Number of staff (current and additional): 8 posts (7.22fte)
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory Requirement: Although the Council is required to hold an annual meeting and to appoint an Executive and a scrutiny committee the Council can set its own meeting dates.
  2. Call-in: Not Applicable: This report does not involve an executive decision.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 60 Members of the Council.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? All Members have been consulted
2. Summary of Ward Councillors comments: See section 3.

### 3. COMMENTARY

- 3.1 The Council's programme of meetings is agreed each year by this Committee, and the proposed programme for 2013/14 is attached at **Appendix 1**.
- 3.2 For 2012/13, the overall number of meetings scheduled was reduced by fourteen, allowing savings to be made in staff costs and other ancillary cost savings – heating, lighting, and preparation and distribution of reports. The proposed Programme for 2013/14 has been prepared closely resembling the programme for the current year, but one major change is proposed, which is to re-instate one extra meeting of full Council. In 2012, there was a large gap between Council meetings in June and November; to overcome this it is proposed that full Council meets on 23<sup>rd</sup> September and 2<sup>nd</sup> December 2013.
- 3.3 As in previous years, every effort has been made to avoid more than one meeting being held on the same evening. 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 alterations to these then the programme may need to be adapted accordingly. Dates can be changed by individual Chairmen and Committees, and special meetings can still be arranged when necessary. In response to Member comments, the draft programme includes various daytime meetings, including dates for the four thematic partnership meetings (where known), the Health Scrutiny Sub-Committee, the Health and Wellbeing Board, the Schools Forum and the Adoption Panel.
- 3.4 One area of uncertainty in the Programme is the date for the 2014 local elections. At present, they are scheduled to take place on 1<sup>st</sup> May 2014, but it is possible that they will be re-scheduled to coincide with the European elections, due in June 2014. If this happens, it is proposed that the current dates for May 2014 are abandoned and the following changes are made –
- Plans Sub-Committees continue on a fortnightly basis throughout May 2014 (Plans 3 on 1<sup>st</sup> May, Plans 4 on 15<sup>th</sup> May, Plans 1 on 29<sup>th</sup> May);
  - The Executive should meet on 7<sup>th</sup> May 2014, with Executive and Resources PDS on 1st May 2014.
  - The meetings of Pensions Investment Sub-Committee (20<sup>th</sup>), Health and Wellbeing Board (22<sup>nd</sup>), General Purposes and Licensing Committee (22<sup>nd</sup>) and Adoption Panel (28<sup>th</sup>) are retained.

Any other changes necessary can be made at the time.

- 3.5 The draft programme was circulated to all Members and to senior officers, and a number of detailed changes have been made in response to the comments received.

<b>Non-Applicable Sections:</b>	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Previous report to this Committee on the Programme of meetings (14 <sup>th</sup> March 2012)

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# LONDON BOROUGH OF BROMLEY PROGRAMME OF MEETINGS 2013-2014

(Draft February 2013)

Latest information available on the Council's website, [www.bromley.gov.uk](http://www.bromley.gov.uk)

	APRIL 2013			MAY 2013			JUNE 2013				JULY 2013				
<b>MONDAY</b>	22	29	6 Public Holiday	13	20 HSC&H Pship*	27 (Half Term) Public Holiday	3	10 CYP Part*	17	24	1 COUNCIL	8	15	22	29
<b>TUESDAY</b>	23	30 Licensing*	7	14 Licensing*	21	28	4 PP&S	11 RR PDS	18 CS PDS	25 ENV PDS Licensing*	2 ED	9 Econ P'ship*	16	23 ED Budget	30
<b>WEDNESDAY</b>	24 Adoption*	1	8	15 ANNUAL COUNCIL	22 EXECUTIVE Adoption*	29 Licensing*	5 SACRE	12 E&R PDS Licensing*	19 EXECUTIVE	26 I&E Adoption*	3	10 Health Scrutiny*	17 GP&L	24 EXECUTIVE Adoption*	31
<b>THURSDAY</b>	25	2 Plans 2	9 Pensions	16 Plans 3 E&R PDS	23 GP&L Schools' Forum*	30 Plans 4 Health & WB*	6 Audit	13 Plans 1	20 DC	27 Plans 2 SB P'ship*	4 LJCC	11 Plans 3	18 E&R PDS Schools' Forum*	25 (Term Ends) Plans 4 Health & WB*	1
<b>FRIDAY</b>	26	3	10	17	24	31	7	14	21	28	5	12	19	26	2

	AUGUST 2013				SEPTEMBER 2013					OCTOBER 2013				NOVEMBER 2013	
<b>MONDAY</b>	5	12	19	26 Public Holiday	2	9	16	23 COUNCIL	30	7	14	21	28 (Half Term)	4	11
<b>TUESDAY</b>	6	13	20	27	3 (Term starts) CS PDS	10 PP&S PDS	17 ED PDS	24 ENV PDS	1 R&R PDS	8 LJCC Econ P'ship*	15	22	29 CS PDS	5 PP&S PDS	12 ED PDS
<b>WEDNESDAY</b>	7	14	21	28 Adoption*	4 E&R PDS	11 EXECUTIVE	18 Pensions	25 GP&L Adoption*	2 Ed Budget	9 I&E	16 EXECUTIVE	23 Adoption*	30	6 Audit SACRE	13 E&R PDS
<b>THURSDAY</b>	8 Plans 1	15 Plans 2	22 Plans 2	29	5 Plans 3	12 DC	19 Plans 4 SB P'ship*	26 Health & WB* Schools' Forum*	3 Plans 1	10 E&R PDS	17 Plans 2	24	31 Plans 3	7 Pensions	14 Plans 4
<b>FRIDAY</b>	9	16	23	30	6	13	20	27	4	11	18	25	1	8	15

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**Key/Numbers of meetings** (Most meetings start at 7pm and are held at the Civic Centre - please check the Council website for details.)

Council	5
General Purposes & Licensing Cttee	5
Audit Sub-Cttee	3
Local Joint Consultative Cttee (LJCC)	4
Pensions Investment Sub-Cttee	4
Development Control Cttee	5
Plans Sub-Cttees	25

Executive	9
Improvement & Efficiency Sub-Cttee	4
SACRE	3

Executive & Resources PDS Cttee (E&R PDS)	9
Care Services PDS Cttee (CARE PDS)	5
Education PDS Cttee (ED PDS)	5
Environment PDS Cttee (ENV PDS)	5
Public Protection & Safety PDS Cttee (PP&S PDS)	6
Renewal & Recreation PDS Cttee (R&R PDS)	5
Education Budget PDS Sub-Cttee	4

Daytime Meetings *	
Adoption Panel	
Health Scrutiny PDS Sub-Cttee	
Bromley Economic Partnership (Econ Pship)	
CYP Partnership Board (CYP Pship)	
Health, Social Care & Housing Partnership Board (HSCH Pship)	
Safer Bromley Partnership (SB Pship)	
Licensing Sub-Cttee (dates to be set by GP&L Cttee)	
Schools' Forum	
Health and Wellbeing Board (Health & WB)	

# LONDON BOROUGH OF BROMLEY PROGRAMME OF MEETINGS 2013-2014

(Draft February 2013)

Latest information is available on the Council's website, [www.bromley.gov.uk](http://www.bromley.gov.uk)

	NOVEMBER 2013		DECEMBER 2013					JANUARY 2014					FEBRUARY 2014		
<b>MONDAY</b>	18	25	2	9	16	23 (Term ends)	30	6 (Term starts)	13	20	27	3	10	17 (Half Term)	
			COUNCIL												
<b>TUESDAY</b>	19	26	3	10	17	24	31	7	14	21	28	4	11	18	
	ENV PDS	R&R PDS	I&E					Ed Budget	Econ Pship*	PP&S PDS	R&R PDS	GP&L	Pensions		
<b>WEDNESDAY</b>	20	27	4	11	18	25	1	8	15	22	29	5	12	19	
	EXECUTIVE	Adoption*		LJCC Adoption*		Christmas Day	New Year's Day	E&R PDS	EXECUTIVE	CS PDS Adoption*	ENV PDS	E&R PDS	EXECUTIVE		
<b>THURSDAY</b>	21	28	5	12	19	26	2	9	16	23	30	6	13	20	
	DC Schools' Forum*	Plans 1 Health & WB*	SB P'ship*	Plans 2		Boxing Day		Plans 3	DC Health & WB*	Plans 4 Schools' Forum*	ED PDS Health Scrutiny*	Plans 1	Schools Forum*	Plans 2	
<b>FRIDAY</b>	22	29	6	13	20	27	3	10	17	24	31	7	14	21	

	FEB 2014	MARCH 2014					APRIL 2014					MAY 2014**			
<b>MONDAY</b>	24	3	10	17	24	31	7 (Term ends)	14	21	28	5	12	19	26	
	COUNCIL	COUNCIL (Fallback)						COUNCIL	Easter Monday		Public Holiday			Public Holiday (Half Term)	
<b>TUESDAY</b>	25	4	11	18	25	1	8	15	22 (Term starts)	29	6	13	20	27	
		PP&S PDS	CS PDS	ED PDS	ENV PDS	R&R PDS	Ed Budget						Pensions		
<b>WEDNESDAY</b>	26	5	12	19	26	2	9	16	23	30	7	14	21	28	
	I&E Adoption*	SACRE	Audit	LJCC	GP&L Adoption*	EXECUTIVE	Econ P'ship*		Adoption*			ANNUAL COUNCIL	EXECUTIVE	Adoption*	
<b>THURSDAY</b>	27	6	13	20	27	3	10	17	24	1	8	15	22	29	
		Plans 3	SB P'ship*	Plans 4 Schools' Forum*	E&R PDS Health & WB*	Plans 1	DC	Plans 2		Local Elections**		Plans 3 E&R PDS	GP&L Health & WB*	Plans 4	
<b>FRIDAY</b>	28	7	4	21	28	4	11	18	25	2	9	16	23	30	
								Good Friday							

Key/Numbers of meetings (Most meetings start at 7pm and are held at the Civic Centre - please check the Council website for details.)

Council	5	Executive	9	Executive & Resources PDS Cttee (E&R PDS)	9	<b>Daytime Meetings *</b>
General Purposes & Licensing Cttee	5	Improvement & Efficiency Sub-Cttee	4	Care Services PDS Cttee (CARE PDS)	5	Adoption Panel
Audit Sub-Cttee	3	SACRE	3	Education PDS Cttee (ED PDS)	5	Health Scrutiny PDS Sub-Cttee
Local Joint Consultative Cttee (LJCC)	4			Environment PDS Cttee (ENV PDS)	5	Bromley Economic Partnership (Econ Pship)
Pensions Investment Sub-Cttee	4			Public Protection & Safety PDS Cttee (PP&S PDS)	6	CYP Partnership Board (CYP Pship)
Development Control Cttee	5			Renewal & Recreation PDS Cttee (R&R PDS)	5	Health, Social Care & Housing Partnership Board (HS)
Plans Sub-Cttees	25			Education Budget PDS Sub-Cttee	4	Safer Bromley Partnership (SB Pship)
						Licensing Sub-Cttee (dates to be set by GP&L Cttee)
						Schools Forum
						Health & Wellbeing Board

\*\* Dates in May 2014 could change should the election date be moved to coincide with European elections in June 2014.

Report No.  
Res13009

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** GENERAL PURPOSES AND LICENSING COMMITTEE

**Date:** Thursday 14 February 2013

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

**Title:** APPOINTMENTS TO OUTSIDE BODIES

**Contact Officer:** Graham Walton, Democratic Services Manager  
Tel: 0208 461 7743 E-mail: graham.walton@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Resources

**Ward:** (All Wards)

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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. The Committee is asked to consider a new appointment to the Orpington BID (Business Improvement District) Board if this proceeds, and three re-appointments for the Beckenham Parochial Charities. The Committee is also reminded that appointments to the Oxleas NHS Foundation Trust and the Diocese of Rochester Board of Education remain unfilled from recent meetings.

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2. **RECOMMENDATION(S)**

That the Committee appoints the following –

- (a) **Councillor William Huntington-Thresher to the Orpington BID Board for the remainder of the Council year (subject to the outcome of the ballot currently taking place.)**
- (b) **Three nominated trustees to the Beckenham Parochial Charities for the four year term of office from 24<sup>th</sup> January 2013 – the Charity has proposed that Mr A J Duncan, Mrs G Scales and Mr M J Winsor are re-appointed;**
- (c) **one Councillor to the Oxleas NHS Foundation Trust Council of Governors for the remainder of the three year period ending in May 2015; and**
- (d) **one Councillor to serve as the Council's representative on the Diocese of Rochester Board of Education for the remainder of the three year period expiring on 31<sup>st</sup> December 2014.**

### Corporate Policy

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

### Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £320,320
  5. Source of funding: 2012/13 Revenue Budget
- 

### Staff

1. Number of staff (current and additional): 8 posts (7.22fte)
  2. If from existing staff resources, number of staff hours: Liaison with outside bodies about council appointments forms a very small proportion of one post within the Democratic Services Team.
- 

### Legal

1. Legal Requirement: None:
  2. Call-in: Not Applicable: This report does not involve an executive decision.
- 

### Customer Impact

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

### Ward Councillor Views

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



### 3. COMMENTARY

- 3.1 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. Four appointments now need to be considered as follows.

#### **Orpington BID Board**

- 3.2 Councillor William Huntingdon-Thresher has been offered a place on the Orpington BID Board to represent the Council (which will be provisional on the result of the BID ballot now taking place until 21<sup>st</sup> February 2013). The role is expected to involve 4 -6 meetings per annum once the BID is established. It is suggested that the role becomes part of the annual round of outside body appointments in May.

#### **The Beckenham Parochial Charities**

- 3.3 The Council nominates six trustees to the Beckenham Parochial Charities. The term of office is for four years, with three terms expiring in January 2013 and three in January 2015. The Charity has confirmed that the three nominees whose terms have just expired would like to continue to serve, and is recommending to the Council that they are re-appointed. These are Mr AJ Duncan, Mrs G Scales and Mr MJ Winsor. (The Council's other three nominees, whose terms do not expire until January 2015, are Cllr Russell Mellor, Mrs M Jessiman and Mr AM Wilkinson.)

#### **Oxleas NHS Foundation Trust Council of Governors**

- 3.4 The Council appoints one representative to the Oxleas NHS Foundation Trust Council of Governors for three year terms of office. Councillor Michael Turner, the current Mayor of Bromley, represented the Council for some time, but he has decided not to continue. A vacancy therefore exists for the remainder of the three year term expiring in May 2015.

#### **Diocese of Rochester Board of Education**

- 3.5 The Council appoints one Councillor to the Diocese of Rochester Board of Education, which meets about six times per annum in Rochester. Terms of office are for three years and the current term expires at the end of December 2014. The Board supports Church of England Schools in Kent, Medway, Bexley and Bromley. The appointment has been vacant since the appointment of Cllr Stephen Carr ended on 31<sup>st</sup> December 2011.

<b>Non-Applicable Sections:</b>	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Previous reports to General Purposes and Licensing Committee on outside body appointments.

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## LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 5 September 2012

### Present:

#### Employer's Side

Councillor Russell Mellor (Chairman)  
Councillor Nicholas Bennett J.P.  
Councillor Eric Bosshard  
Councillor Ellie Harmer  
Councillor William Huntington-Thresher  
Councillor Mrs Anne Manning  
Councillor Tony Owen

#### Staff Side and Departmental Representatives

Kathy Smith (Unite) (Vice-Chairman)  
Adam Jenkins, Unite  
Glenn Kelly, Staff Side Secretary

### **46 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN**

Councillor Russell Mellor was appointed Chairman for 2012/13 and took the chair. Kathy Smith was appointed Vice-Chairman for 2012/13.

### **47 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Stephen Carr, Colin Smith (who was replaced by Councillor Mrs Anne Manning) and Diane Smith (who was replaced by Councillor Julian Benington) and from Richard Harries, Mary Odoi and Max Winters.

### **48 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **49 MINUTES FROM THE PREVIOUS MEETING OF THE LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 22ND MARCH 2012**

**RESOLVED** that the minutes of the meeting held on 22<sup>nd</sup> March 2012 be confirmed.

### **50 LOCALISED PAY AND CONDITIONS** Report HHR12003

The Committee considered the proposals for localised pay and conditions of service which had been approved for consultation by General Purposes and Licensing Committee on 29<sup>th</sup> May 2012.

The Staff Side Secretary informed the Committee that as the Council had refused to ballot staff on the proposals he had carried out his own ballot – over 700 staff had voted against the proposals and only 7 supported them. He felt that it was a myth that national agreements prevented the Council making additional payments, and he reported that staff were concerned that there were no assurances about the annual pay round. He was sceptical that avoiding the uncertainty around the announcement of the national award by the Council setting pay each year would improve budgeting as claimed. He also rejected the idea of withholding pay awards for poor performers, as there were already procedures for dealing with performance issues, and stated that staff could be rewarded under the national agreement and did not see the need for a bonus scheme. He added that the proposals did not seem to have the support of senior managers and concluded by asking the Council to withdraw them.

The Chairman emphasised that the proposals were for consultation, no final decisions had been taken and it was the Council's intention to make pay increases if the money was available. He agreed with comments made by Councillor Arthur that the majority of Council staff were very good and would have nothing to fear from local pay awards.

Mr Kelly countered that, unlike with single status, the staff had not been given the opportunity to present their case. Staff were concerned about the lifelong attack on poor performers and mistrusted the Council's intentions. They feared that the Council would use mass sackings and re-engagement to force the proposals through. He had requested an assurance that staff would be paid at least at the level of the national agreement, but no such assurance had been given. He pointed out that a number of Councils had made the £250 award to low paid workers, so the Council's assertion that it would require a change in contracts was fundamentally untrue. He warned that a major industrial dispute would result if the proposals were not withdrawn.

The Assistant Chief Executive (HR) clarified that the £250 recommendation had come from central government, not the Local Government Employers, who had decided not to make the award, and very few Councils had actually paid the extra money. He stated that the Council could not be party to a national agreement without obeying the terms of that agreement. The Council had extended the consultation period and all comments received from staff would be reported to Councillors before a decision was made. He urged the staff side to make specific suggestions for improving the proposals which he could put to Members. He confirmed that the proposals for withholding pay increases for poor performers were not a life sentence – the intention was that performance would be improved so that the pay could be re-instated. Councillor Nicholas Bennett added to this that although there might be differences in principle that were difficult to overcome it was important that the staff side should be prepared to negotiate and propose practical changes to the system. He accepted that the timing of the change when salaries were falling behind inflation was difficult, but the Council could not just reduce pay as good staff would be lost to other employers.

The Vice-Chairman stated that there would be no negotiation with staff – there might be consultation, but the Council would still decide, whatever was said by staff. Ten other authorities in London had been able to pay the £250 to their lowest paid staff – Croydon was an example of where the money had been paid even though it remained in the national agreement. She was disappointed that the Staff Side Secretary was only given five minutes to put the staff's case, whereas Councillors could speak unchallenged. Unite was against the proposals, and staff who had not had a pay rise for three years did not trust the Council. Staff feared that they would not have the safety net of the national agreement, or any other guarantees, and would have to pay for economic problems that were not of their making.

The Staff Side Secretary stated that although he had discussions with the senior officers leading the project he had received no guarantees in writing. He repeated that not paying the £250 was a political decision, not a contractual one, and he denied that the road-shows for staff were winning anyone over. He concluded by stating that he would be happy to verify the votes cast in his ballot, without identifying individuals.

The Assistant Chief Executive, HR concluded the discussion by asking the staff representatives to continue to submit comments. He accepted that there was never an ideal time to introduce change, but he believed that this was the right thing to do. Although trust was the biggest issue, the proposals did not in themselves change the fact that the Council always had to be aware of what neighbouring authorities were paying their staff.

## **51 STAFF CAR PARKING AND ESSENTIAL USER CRITERIA/ALLOWANCES**

The Committee received a report on the proposals for introducing car parking charges for staff and Councillors and the review of essential car user criteria. The report included summaries of the staff representations made during the two consultations, and management responses.

The Staff Side Secretary stated that there was no support from staff for the proposals and he believed that the Council had not responded to staff concerns. The proposals amounted to a £300 pay cut for some staff, and undermined trust between employer and employees at a difficult time. The Vice-Chairman added that the proposals were unfair for those staff who needed to use their cars, for example for doing school visits.

## **52 COUNCIL POLICY ON USE OF VOLUNTEERS**

The Staff Side were concerned to ensure that volunteers were not used to replace existing public sector staff. They believed that a clear Council policy was required on the use of volunteers, and commended the agreement recently adopted by the Library Service as a template for use across the Council.

*Local Joint Consultative Committee*  
*5 September 2012*

The Assistant Chief Executive (HR) confirmed that he had already agreed to meet with the Staff Side Secretary to discuss this.

**53            DATE OF NEXT MEETING**

It was noted that the next meeting was scheduled for 5<sup>th</sup> December 2012.

The Meeting ended at 7.37 pm

Chairman

## PENSIONS INVESTMENT SUB-COMMITTEE

Minutes of the meeting held at 7.00 pm on 19 September 2012

### **Present:**

Councillor Paul Lynch (Chairman)  
Councillor Julian Grainger (Vice-Chairman)  
Councillors Graham Arthur, Richard Scoates and Stephen Wells

### **Also Present:**

Glenn Kelly (Non-Voting Staff Representative)

#### **44 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors John Ince, Russell Mellor and Neil Reddin who was replaced by Councillor Graham Arthur.

#### **45 DECLARATIONS OF INTEREST**

Members present declared an interest as members of the Bromley Local Government Pension Scheme.

Councillor Paul Lynch declared an interest as the company he worked for were on the long list of potential DGF Managers (minute 53 – Revised Investment Strategy - Update).

#### **46 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 8TH MAY 2012 EXCLUDING THOSE CONTAINING EXEMPT INFORMATION**

**RESOLVED** that the minutes of the meeting held on 8<sup>th</sup> May 2012 (excluding exempt information) be confirmed as a correct record.

#### **47 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS**

Members noted the following updates from previous meetings –

##### **(A) Auto-enrolment (Minute 35, 8<sup>th</sup> May 2012)**

Auto enrolment was due to start in March 2013, although a later start was still possible. A report from Liberata had indicated that, in the year ended 30<sup>th</sup> June 2012, 31% of new staff who were eligible did not join either the LGPS or the Teachers' Pension Scheme.

**(B) Pension Fund Investment Strategy Review (minute 38, 8<sup>th</sup> May 2012)**

An update was provided in part 2 of the agenda.

**(C) London Mutual Pension Fund (minute 35, 8<sup>th</sup> May 2012)**

The Finance Director reported that it was now unlikely that the proposals would proceed in the near future.

**(D) Government Proposals for the LGPF (minute 35, 8<sup>th</sup> May 2012)**

The latest proposals from Government were intended to reduce employers' cost, but savings were likely to be modest, at most 1-2%, with 10 year protection reducing this further. The reference to a cost ceiling was more helpful, though. The Council was lobbying to change the rules for non-consolidated bonuses, which were non-pensionable in other public sector schemes, but not in the LGPS. There were also changes to give more protection to staff whose work was outsourced and there might be more applications for admitted body status – further detail was awaited in the next few months.

**48 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions had been received.

**49 PENSION FUND PERFORMANCE Q1 2012-13**  
Report RES12159

The Sub-Committee received a summary of the investment performance of Bromley's Pension Fund for the first quarter of the financial year 2012/13. The report also contained information on general financial and membership trends relating to the Pension Fund and summarised information on early retirements.

The Sub-Committee's Independent Advisor, Mr Alick Stevenson, briefed Members on three significant factors –

(i) The announcement at Jackson Hole by Ben Bernanke, Chairman of the US Federal Reserve, of a significant round of quantitative easing, which had not been expected so close to the US presidential election.

(ii) The statement by Mario Draghi, President of the European Central Bank, that it would do everything possible, without limit, to protect the euro.

(iii) The decision by Saudi Arabia to pump more oil in an effort to promote growth in the global economy.

In addition, he thought that further quantitative easing from the Bank of England was possible in the next few months.



Turning to the performance of the Council's fund managers, Mr Stevenson reported that it had been a poor quarter, with both Fidelity and Baillie Gifford producing negative returns and staying close to their benchmarks. However, Baillie Gifford had used their asset class bandwidth and as a result produced better results, with a 1.1% impact from currency attribution, whereas with Fidelity it was just 0.5%.

Mr Stevenson also informed the Sub-Committee about Fidelity's Europe (Ex UK) fund, as nearly 16% of funds were now invested in the UK, and 1.9% in the USA. He explained that the fund manager was permitted to generate performance outside their benchmark by up to 20%, but he was concerned that this had not been highlighted.

**RESOLVED that the contents of the report be noted.**

**50 PENSION FUND ANNUAL REPORT 2011-12**  
Report RES12158

The Sub-Committee received the annual report and accounts of the Bromley Pension Fund for the year ended 31<sup>st</sup> March 2012 which the Council was required to publish. The report had been submitted in draft form to the external auditor, PricewaterhouseCoopers LLP (PWC) in June and a final draft was submitted for audit on 4<sup>th</sup> September. No significant issues had been raised in this audit, and PWC's ISA 260 (International Standards for Auditing) report was attached as appendix 2 to the report.

The Chairman suggested that a training evening be held for Members which could focus on issues such as global equities and fixed income. The Finance Director would prepare a framework for the evening and seek the views of the Sub-Committee.

Alick Stevenson reported that there had been talk at the recent Local Government Association conference of a 50% or low cost pension option, and it was suggested that, along with auto-enrolment, this might help to stop the rate of opting out from increasing. With fewer members funds would lose flexibility and need to focus more on low risk investments.

**RESOLVED that the Pension Fund Annual Report 2011/12 be noted and approved and, on completion of the external audit by PWC, arrangements be made to ensure publication by the statutory deadline of 1<sup>st</sup> December 2012.**

**51 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 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**

**52 CONFIRMATION OF EXEMPT MINUTES - 8TH MAY 2012**

The exempt minutes of the meeting held on 8<sup>th</sup> May 2012 were confirmed.

**53 REVISED INVESTMENT STRATEGY - UPDATE**  
Report RES12160

The Sub-Committee received an update on progress with a revised investment strategy.

**54 PENSION FUND - INVESTMENT REPORT**

Quarterly reports from both Fund Managers, Fidelity and Baillie Gifford, had been circulated prior to the meeting and a representative from Fidelity attended the meeting to present their report and answer questions.

The Meeting ended at 8.26 pm

Chairman

## **PENSIONS INVESTMENT SUB-COMMITTEE**

Minutes of the meeting held at 7.00 pm on 15 November 2012

### **Present:**

Councillor Paul Lynch (Chairman)  
Councillor Julian Grainger (Vice-Chairman)  
Councillors John Ince, Russell Mellor and Neil Reddin FCCA

### **Also Present:**

Alick Stevenson (AllenbridgeEpic Investment Advisers)

#### **55 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillor Richard Scoates and Councillor Stephen Wells.

#### **56 DECLARATIONS OF INTEREST**

Members present declared an interest as members of the Bromley Local Government Pension Scheme.

The Chairman declared a pecuniary interest in relation to Item 9: Revised Investment Strategy – Diversified Growth Fund Manager Selection, as the company he worked for was on the short list of potential DGF Managers. The Chairman left the room and did not take part in the discussion or vote on this item.

#### **57 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 19TH SEPTEMBER 2012 EXCLUDING THOSE CONTAINING EXEMPT INFORMATION**

**RESOLVED** that the minutes of the meeting held on 19<sup>th</sup> September 2012 (excluding exempt information) be confirmed as a correct record.

#### **58 MATTERS OUTSTANDING FROM PREVIOUS MEETINGS**

Members noted the following updates from previous meetings –

##### **(A) Pension Fund Annual Report (Minute 50, 19<sup>th</sup> September 2012)**

The Finance Director reported that three organisations had been approached to deliver a training evening to Members, focusing on issues such as global equities, fixed income and the tri-ennial review. Baillie Gifford offered standard Member training in this area which was free of charge, and members of the Sub Committee agreed that Baillie Gifford should be approached to provide this training in early January 2012, and that all Members be invited to attend. Officers would provide an outline of the training evening to all Members of the Pensions Investment Sub-Committee in advance of the meeting.

**(B) Auto-enrolment (Minute 35, 8<sup>th</sup> May 2012)**

The Finance Director advised the Sub-Committee that the implementation of auto enrolment to the pension scheme could be delayed from March 2013 to September 2017 for existing staff, and that this would be considered at a future meeting of the General Purposes and Licensing Committee.

**(C) London Mutual Pension Fund (Minute 35, 8<sup>th</sup> May 2012)**

The Finance Director noted that work continued to be undertaken around options for greater collaboration between London Boroughs pension funds and that there were many significant issues, including areas of real concern that needed to be considered. The outcome of any further work would be reported back to the Sub-Committee. No commitment from London Boroughs was required at this stage.

**59 QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

No questions had been received.

**60 PENSION FUND PERFORMANCE Q2 2012/13**

**Report RES12181**

The Sub-Committee received a summary of the investment performance of Bromley's Pension Fund for the first two quarters of the financial year 2012/13. The report also contained information on general financial and membership trends relating to the Pension Fund and summarised information on early retirements.

The Independent Advisor to the Sub-Committee, Mr Alick Stevenson advised Members that the market value of the Fund rose during the September quarter to £509.2m which was an increase of £22.6m from the previous quarter. The comparable value as at 30<sup>th</sup> September 2011 was 434.0m, which showed an increase in the Fund value of £75.2m over the previous 12 months.

Returns for the quarter had been positive. Baillie Gifford had returned 4.3% in the quarter, which was 0.1% above the benchmark. Fidelity had returned 4.9% which was 0.8% above the benchmark.

With regard to Local Authority averages, the WM Company measure had ranked the Borough's performance over the 12 month period to 30<sup>th</sup> September 2012 as being in the 5<sup>th</sup> percentile (out of 100), with performance over the last 3 years and 5 years both ranked in the 9<sup>th</sup> percentile.

A Member highlighted the ongoing discussions with Affinity Sutton around the continued inclusion of former Broomleigh Housing Association employees as part of the Council's pension fund under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE), which protected employee's terms and conditions of employment when a business was transferred from one owner to another. It was key to ensure that all liabilities were covered as the Council underwrote the costs of the pension. The Finance Director confirmed that work was being undertaken to secure a guarantee from Affinity Sutton to underwrite any future liabilities and noted that a further report would be provided to the next meeting of the Sub-Committee.

**RESOLVED that the contents of the report be noted.**

**61 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 consideration of the items of business referred to below as it was 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**

**62 CONFIRMATION OF EXEMPT MINUTES - 19TH SEPTEMBER 2012**

The exempt minutes of the meeting held on 19<sup>th</sup> September 2012 were confirmed.

**63 REVISED INVESTMENT STRATEGY- DIVERSIFIED GROWTH FUND MANAGER SELECTION**

The Sub-Committee considered the revised investment strategy and heard presentations from the shortlist of prospective fund managers.

**64 PENSION FUND INVESTMENT REPORTS**

Quarterly reports from the Council's Fund Managers, Fidelity and Baillie Gifford had been circulated prior to the meeting.

The Meeting ended at 10.13 pm

Chairman

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## **INDUSTRIAL RELATIONS SUB COMMITTEE**

Minutes of the meeting held at 7.00 pm on 25 October 2012

### **Present**

Councillors Councillor Eric Bosshard, Councillor Stephen Carr, Councillor Russell Mellor, Councillor Tony Owen, Councillor Colin Smith and Councillor Michael Tickner

### **Also Present**

Councillor Stephen Wells

#### **1 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN FOR 2012/13**

For 2012/13, Councillor Tony Owen was appointed Chairman of the Sub-Committee with Councillor Michael Tickner appointed as Vice-Chairman.

#### **2 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillor Nicholas Bennett J.P.

#### **3 DECLARATIONS OF INTEREST**

Councillor Colin Smith declared a personal interest in view of his daughter being a part-time employee of the Library Service.

#### **4 MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2011 (EXCLUDING EXEMPT INFORMATION)**

The previous Part 1 minutes were agreed.

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

#### **6 EXEMPT MINUTES OF THE MEETING HELD ON 22ND NOVEMBER 2011**

The previous Part 2 minutes were agreed.

**7 NASUWT/NUT "ACTION SHORT OF STRIKE ACTION" IN SCHOOLS**

Members considered a report outlining jointly co-ordinated industrial action - "*discontinuous action short of strike action*" - by The Teachers' Union (NASUWT) and the National Union of Teachers (NUT) as part of a national dispute.

The report sought Member endorsement of a recommended approach to action being taken locally as part of the dispute.

The Meeting ended at 7.04 pm

Chairman



## AUDIT SUB-COMMITTEE

Minutes of the meeting held at 7.00 pm on 14 November 2012

### Present:

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

### Also Present:

Councillor Peter Fookes

### 13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Cllr. Will Harmer.

### 14 DECLARATIONS OF INTEREST

Cllr. Reg Adams declared a personal interest as a governor of Churchfields Primary School.

Cllr. Ruth Bennett declared a personal interest as a governor of Princes Plain Primary School.

Cllr. Peter Fookes declared a personal interest as a governor, since 2011, of the Royston Primary School.

Cllr. Reddin declared a personal interest as he had a child at Warren Road Primary School, his wife was a governor at Hayes Primary School and He was a governor at St. Olave's School.

### 15 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

### 16 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 6TH JUNE 2012, EXCLUDING THOSE CONTAINING EXEMPT INFORMATION

**RESOLVED** that the minutes of the meeting held on 6<sup>th</sup> June 2012 (excluding exempt information) be confirmed.

**17 MATTERS ARISING**  
Report No. RES12186

Members considered a report on progress with matters arising from the previous meetings including three matters from the last meeting of the Sub-Committee. The Chairman advised that all three actions on the appendix to the report had been completed.

**RESOLVED that the report be noted.**

**18 ANNUAL AUDIT LETTER 2011/12**

The Sub-Committee received the Annual Audit Letter which provided a high level summary of the results of the 2011/12 audit work that had been undertaken. The Sub-Committee noted that the General Purposes and Licensing Committee had also considered the Annual Audit Letter.

**RESOLVED that the report be noted.**

**19 INTERNAL AUDIT PROGRESS REPORT**  
Report No. CE0 1208

The Sub-Committee considered a summary of recent internal audit activity across the Council. The following matters were considered in particular:

**Social Care Payments** – The Head of Audit advised that he had nothing to add to this matter and it had been treated as a normal audit. However he was not sure that the list being investigated was exhaustive and he undertook to ensure that there had been no further over-payments. A decision had been made that the new Executive Director of Education and Care Services would be involved in progressing this matter to a satisfactory conclusion...

Following a question from a Member the Head of Audit undertook to check if the Christmas payment had been recovered.

**Direct Payments** – This recommendation was primarily in respect of a lack of monitoring information, mainly in the area of Children and Young People, that had not been received from clients in receipt of direct payments. The Deputy Director of Finance confirmed that controls had been put in place and returns of direct payments had to be made within 4 weeks. The CareFirst system was monitoring the repayment and direct payments would automatically be stopped if the excess payment had not been recovered.

**Emergency Accommodation and Rent Arrears** – The Head of Audit reported that there were still some problems with arrears. However the personal charge element had now been resolved and was being charged back to the service.

**Primary School** – It was noted that there had been poor record keeping at the school in question and the school had been notified of this weakness.

Audit Activity – In relation to academies, the Head of Audit reported that a total of twelve academies (primary and secondary schools) had requested the services of the Council as responsible officers. It was noted that new requirements on academies required that the responsible officer could only be a non-paying Governor of the Academy Trust.

Housing Benefit Update – The Head of Audit advised that the Single Fraud Integrated Service (SFIS) timetable process had been delayed until April 2014.

Future of Public Audit – The report advised that following a decision to disband the Audit Commission, the draft Bill set out the Government's vision for a new local audit framework where bodies would be able to appointment their own auditors from an open and competitive market, on the advice of an independent auditor panel.

Appendix E (page 40) – The Head of Audit advised that the drop in numbers of cases was a distortion caused by NFI.

Appendix B – Waivers – Following a question about the entry for Special Educational Needs and Disability Services a waiver of £247,014 for therapy provision within schools, the Portfolio Holder for Education explained that this was due to the contract being extended for one year.

In relation to an Renewal and Recreation entry for Health and Safety (£870,000) for occupational health services, the Finance advised that this was Section 106 monies which the Council had 5 years to spend. This was a way of retaining the monies with the Council and the spend would be subject to the Council's conditions being met.

Cumulative Spend—The Head of Audit advised that, following a request from the Finance Director to audit the cumulative spend report, this audit had been completed. Internal Audit had examined any expenditure with a three year cumulative spend of £200k to verify if there were supporting contracts, SLAs or waivers. The Internal Audit report concluded that there were a number of cases that needed to be examined further by management in ECS and Procurement .

**RESOLVED that:**

- (a) the report be noted;
- (b) the Priority One Recommendations be noted;
- (c) waivers issued over the period February 2012 to September 2012 be noted;
- (d) the continuing achievements of the counter fraud benefit partnership with the London Borough of Bromley be noted; and
- (e) the cumulative spend exercise outcome be noted.

**20 OFFICE ACCOMMODATION STRATEGY**  
Report No. RES12187

At a meeting of the Executive held on 12<sup>th</sup> September 2012 a report was considered on the refurbishment of the North Block requesting a supplementary capital allocation of £400,000 to ensure successful completion of the project. The report had been scrutinised by the Executive and Resources Policy Development and Scrutiny Committee on 6<sup>th</sup> September 2012.

The Head of Audit reported that there were lessons to be learned from the overspend on this capital project. The report listed a number of failings from lack of effective project management, reporting requirements not adhered to, the budget being wrong from the start of the tender process. The budget had been set and the responses to the tender process had quoted amounts far above the budget allocation. This should have been addressed at the time. Five tenders had been accepted that had been difficult to monitor and had not been managed in a cohesive and efficient way and suppliers had not been working in unison which caused delays in the project.

The Director of Renewal and Recreation admitted that there had been lessons to be learned from this project. He advised that new protocols had been introduced which included assigning a lead officer with the correct skills set and training to manage a project, a detailed breakdown of the cost of a project before agreeing any contracts, no splitting of contracts without the agreement of the Director and the Portfolio Holder and tender outcomes to be reported to the Renewal and Recreation PDS Committee. There would also be quarterly reports to the Executive and the Departmental Management Team. He felt that the Department must tighten up on what had caused the failures in this project.

Many of the Sub-Committee reported that they had not had confidence in the lead officer for this project. Also many basic issues had been forgotten in the planning of the project such as paying for furniture disposal and archiving. The question was asked whether the Council had the skills to manage this kind of project or should the Council employ specialist consultants.

In response to a question from a Member, the Director of Renewal and Recreation responded that a significant amount of old furniture had been used in the project together with new furniture. In hindsight the Director admitted that the officer should have been monitored more closely and had not scrutinised the officer's previous experience before allocating him this task.

**RESOLVED that the report be noted.**

**21 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.

**22 EXEMPT MINUTES OF THE MEETING HELD ON 6TH JUNE  
2012**

The Exempt minutes of the meeting held on 6<sup>th</sup> June 2012 were confirmed.

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

The Sub-Committee received the Internal Audit Fraud and Investigation Progress report.

**24 COMPROMISE AGREEMENTS**

A report was tabled with properly redacted details of compromise agreements.

The Meeting ended at 11.30 pm

Chairman

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# Agenda Item 17

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

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# Agenda Item 18

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of the Local Government Act 1972.

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# Agenda Item 19

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of the Local Government Act 1972.

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