

TO MEMBERS OF THE COUNCIL

Notice is hereby given that a meeting of the Council of the London Borough of Bromley is to be held in the Council Chamber at Bromley Civic Centre on Wednesday 15th May 2013 at 6.30 pm which meeting the Members of the Council are hereby summoned to attend.

Prayers

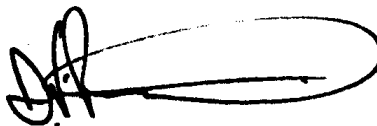
A G E N D A

- 1 To elect the Mayor of the Borough

The Mayor to make and deliver the statutory Declaration of Acceptance of Office.
- 2 To record the appointment of Deputy Mayor signified to the Council in writing
- 3 The submission of the Minutes of the proceedings of the meeting of the Council held on 27th February 2013 for confirmation. (Pages 3 - 52)
- 4 Appointment of elected Members by the Leader of the Council
 - a) To receive the appointments of the Deputy Leader and other members of the Executive of the Council from the Leader of the Council.
 - b) To receive the appointments of elected Members onto the Health and Wellbeing Board from the Leader of the Council.
- 5 To receive an address from the Leader of the Council if they so elect.
- 6 To appoint Committees, and their Chairmen and Vice-Chairmen, and agree proportionality (schedule to follow)
- 7 To receive the attached Scheme of Delegations of Executive Functions from the Leader for Members and Officers and to approve the Scheme of Delegation of non-executive functions. (Pages 53 - 140)
- 8 To agree any minor changes to the Constitution (Pages 141 - 152)
- 9 To receive the report of Councillor Attendance 2012/13 (Pages 153 - 156)

- 10 To receive the report of Councillors attending outside bodies during 2012/13 (Pages 157 - 162)
- 11 The Mayor's announcements and communications.

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Chief Executive

BROMLEY CIVIC CENTRE
BROMLEY BR1 3UH
Tuesday 7 May 2013
Vol. 50 No.1

Agenda Item 3

LONDON BOROUGH OF BROMLEY

MINUTES

of the proceedings of the Meeting of the
Council of the Borough
held at 7.00 pm on 27 February 2013

Present:

**The Worshipful the Mayor
Councillor Michael Turner**

**The Deputy Mayor
Councillor Ian F. Payne**

Councillors

| | | |
|-----------------------|---------------------|--------------------|
| Reg Adams | Simon Fawthrop | Russell Mellor |
| Graham Arthur | Peter Fookes | Alexa Michael |
| Douglas Auld | Peter Fortune | Nick Milner |
| Kathy Bance MBE | John Getgood | Peter Morgan |
| Jane Beckley | Julian Grainger | Gordon Norrie |
| Julian Benington | Ellie Harmer | Tony Owen |
| Nicholas Bennett J.P. | Will Harmer | Tom Papworth |
| Ruth Bennett | Samaris Huntington- | Sarah Phillips |
| Eric Bosshard | Thresher | Neil Reddin FCCA |
| Katy Boughey | William Huntington- | Richard Scoates |
| Lydia Buttinger | Thresher | Colin Smith |
| John Canvin | John Ince | Diane Smith |
| Stephen Carr | Russell Jackson | Tim Stevens |
| Roger Charsley | David Jefferys | Harry Stranger |
| Peter Dean | Charles Joel | Michael Tickner |
| Nicky Dykes | Kate Lymer | Pauline Tunncliffe |
| Judi Ellis | Paul Lynch | |
| Robert Evans | Mrs Anne Manning | |
| Roxhannah Fawthrop | David McBride | |

The meeting was opened with prayers

In the Chair
The Mayor
Councillor Michael Turner

50 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Humphrys, Noad, Catherine Rideout, Charles Rideout and Wells. Apologies for lateness were are received from Councillor Jackson.

51 MINUTES OF THE LAST MEETING

The Minutes of the last meeting were confirmed.

52 DECLARATIONS OF INTEREST

Councillor Auld declared an interest as his wife was an employee of the Council; Councillor Carr declared an interest as his daughter did casual work for Bromley Mytime Active; Councillor Simon Fawthrop declared an interest as his wife worked for Bromley Adult Education; Councillor Lymer declared an interest as her mother worked in Public Health and Councillors Colin and Diane Smith declared interests as their daughter worked part time for the library service.

53 QUESTION BY A MEMBER OF THE PUBLIC

One member of the public attended the meeting to ask an oral question details of which are set out in Appendix A to these Minutes.

54 PETITIONS

There were no petitions for consideration at this meeting.

55 QUESTIONS BY MEMBERS

These are attached at Appendices B and C.

**56 STATEMENTS MADE BY THE LEADER OF THE COUNCIL,
PORTFOLIO HOLDERS OR CHAIRMEN OF COMMITTEES**

No Statements were made.

**57 BUDGET (REVENUE AND CAPITAL) AND COUNCIL TAX
SETTING - RECOMMENDATIONS OF THE EXECUTIVE
MEETING HELD ON 6th FEBRUARY 2013**

1) 2013/14 Council Tax

The Finance Director circulated further changes to the levies, as set out below, and the consequent proposed amendments to be made to the recommendations of the Executive meeting on 6th February 2013. It was noted that there were no changes to the final Mayoral precept that had been accepted by the London Assembly on 25th February 2013.

| | |
|---|--------------|
| | £'000 |
| London Pension Fund Authority | 489 |
| London Boroughs Grant Committee | 341 |
| Environment Agency (Flood Defence etc.) | 237 |
| Lee Valley Regional Park | 401 |
| Total | 1,468 |

A Motion to receive and adopt the recommendations, including the revised recommendations of the Executive, was proposed by Councillor Carr and seconded by Councillor Arthur.

The following amendment to the recommendations of the Executive (as amended by the Finance Director) was proposed by Councillor Papworth and seconded by Councillor Adams –

'The following changes be made to the recommended budget for 2013/14:

New Recommendation (3)

Council to agree:

(a) That the following revenue savings in 2013/14 do not proceed:

| Dept | No. | Service Area | 2013/14 |
|-------------|------------|---|-----------------|
| ECS | 25 | Care Link | £ 50,000 |
| ECS | 29 | Tightening of FACs criteria | £100,000 |
| ECS | 30 | Contracts – disabled children | £ 35,000 |
| ECS | 35 | Older people's day care | £500,000 |
| ECS | 54 | Support planning and brokerage for ineligible service users | £ 50,000 |
| ECS | 55 | Mental Health day and support services | £ 75,000 |
| | | | £810,000 |

(b) In recognition of "red" rag status for minimising the use of temporary accommodation, reported previously to Care Services PDS Committee, to agree that a sum of £8.1m be utilised in 2013/14 for the provision for temporary accommodation to reduce the use of nightly paid accommodation to meet statutory housing duties. Based on savings

already reported to Executive from the utilisation of Bellegrove (Executive, 9 January 2013), potential savings of £810k may be realised which can be utilised to offset the impact of the above savings not progressing.

- (c) The additional costs arising from any delays in acquiring the sites and achieving the savings will be met from general fund balances.
- (d) To agree the utilisation of funding as follows:
 - (i) £8.1 million from use of invest to save fund;
 - (ii) A sum of £0.3m is set aside from general fund balances to reflect any delay in implementation of the proposals in 2013/14.'

On being put to the vote this Amendment was LOST.

Councillor Fookes advised that he would not be submitting alternative budget recommendations on behalf of his Party but made a speech on the issues that he was most concerned about.

The Recommendations of the Executive (as amended) were, after debate, put to the vote and CARRIED as follows:

Amended Recommendation (2.1)

- (f) Reduce the provision for unallocated inflation by £123k;
- (g) Approve a contingency sum of £13,022k.

To note that, since the meeting of the Executive, the Council has received notification of two further government grants. £76k of funding relates to the transfer of financial responsibility for remands to youth detention accommodation which takes place on the 1st April 2013. £698k has been allocated for the Adoption Reform Grant to target funding at the adoption process and the specialist support that children need and to address structural reform of adopter recruitment. Both of these grants have been allocated to the central contingency and any drawdown will require the approval of the Executive.

- (h) The revised provisions for levies, as shown in the table above, be included in the budget for 2013/14;
- (i) The final position on the GLA precept, as accepted by the London Assembly on 25th February 2013 be noted;
- (n) A 1.89% increase in Bromley's Council Tax for 2013/14 (including levies) be set compared with 2012/13 and a 1.21% reduction in the GLA precept. This results in an overall increase (including GLA precept) of 1.16%.

Amended Recommendation (2.2)

Council Tax 2013/14 – Statutory Calculations and Resolutions (as amended by the Localism Act 2011).

Subject to 2.1 above, the formal Council Tax Resolution as detailed below be approved, with the total Band D Council Tax as follows:

| | 2012/13 £ | 2013/14 £ | Increase/decrease (-) % |
|----------------|----------------|-----------------|----------------------------|
| Bromley | 991.31 | 1,010.07 | 1.89 |
| GLA | 306.72 | 303.00 | -1.21 |
| Total | 1298.03 | 1313.07 | 1.16 |

Amended Recommendation (2.3)

1. It be noted that, as detailed in section 15 of the report, the Council Tax Base for 2013/14 is 122,140;
2. Calculate that the Council Tax requirement for the Council's own purposes for 2013/14 is £123,370k.
3. That the following amounts be calculated for the year 2013/14 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended (the Act):
 - (a) £562,346k being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
 - (b) £438,976k being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £123,370k being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
 - (d) £1010.07 being the amount at 3(c) above, divided by (1) above, calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.
4. To note that the Greater London Authority (GLA) has issued a precept to the Council in accordance with Section 40 of the Local

Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below.

5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2013/14 for each part of its area and for each of the categories of dwellings.

LONDON BOROUGH OF BROMLEY

| Valuation Bands | | | | | | | |
|-----------------|--------|--------|----------|---------|---------|---------|----------|
| A | B | C | D | E | F | G | H |
| £ | £ | £ | £ | £ | £ | £ | £ |
| 673.38 | 785.61 | 897.84 | 1,010.07 | 1234.53 | 1458.99 | 1683.45 | 2,020.14 |

GREATER LONDON AUTHORITY

| Valuation Bands | | | | | | | |
|-----------------|--------|--------|--------|--------|--------|--------|--------|
| A | B | C | D | E | F | G | H |
| £ | £ | £ | £ | £ | £ | £ | £ |
| 202.00 | 235.67 | 269.33 | 303.00 | 370.33 | 437.67 | 505.00 | 606.00 |

AGGREGATE OF COUNCIL TAX REQUIREMENTS

| Valuation Bands | | | | | | | |
|-----------------|---------|---------|---------|---------|---------|---------|---------|
| A | B | C | D | E | F | G | H |
| £ | £ | £ | £ | £ | £ | £ | £ |
| 875.38 | 1021.28 | 1167.17 | 1313.07 | 1604.86 | 1896.66 | 2188.45 | 2626.14 |

6. That the Council hereby determines that its "relevant" basic amount of Council Tax for the financial year 2013/14, which reflects an increase of 1.97%, is not excessive. The Referendums Relating to Council Tax Increases (Principles) Report (England) 2013/14 sets out the principles which the Secretary of State has determined will apply to local authorities in England in 2013/14. The Council is required to determine whether its "relevant" basic amount of Council Tax is excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992. Taking into account the changes to levies {see 2.1.(h)}, the Council's basic amount of council tax increases by 1.89%.

2. Capital programme Monitoring Q3 2012/13 & Annual Capital Review 2013 - 2017

A Motion to approve the recommendations on the Capital Programme was duly proposed and seconded.

The Motion was CARRIED.

58 REPORT OF THE PORTFOLIO HOLDER FOR RESOURCES - TREASURY MANAGEMENT STATEMENT AND ANNUAL INVESTMENT STRATEGY 2013/14

A Motion to approve (i) the inclusion of Certificates of Deposit, commercial Paper and Floating Rate Notes as eligible investment vehicles; and (ii) adopt the Treasury Management Statement and the Annual Investment Strategy for 2013/14, together with the prudential indicators and the Minimum Revenue Provision (MRP) policy statement was duly proposed and seconded.

The Motion was CARRIED.

59 PAY POLICY STATEMENT 2013/14

A Motion to approve the Pay Policy Statement 2013/14 (Appendix D) was proposed, seconded and adopted.

60 REPORT OF THE GENERAL PURPOSES AND LICENSING COMMITTEE - WORKPLACE PENSIONS: AUTOMATIC ENROLMENT

A Motion to approve the recommendations of the General Purposes and Licensing Committee in respect of reforms under the Pensions Act 2008 and the provisions regarding Workplace Pensions and the automatic enrolment of eligible employees was duly proposed and seconded.

The Motion was CARRIED.

61 REPORT OF THE GENERAL PURPOSES AND LICENSING COMMITTEE - MEMBERS' ALLOWANCES SCHEME 2013/14

A Motion to approve the Members' Allowances Scheme for 2013/14 (Appendix E), including freezing the current allowances, was proposed, seconded and adopted.

62 HEALTH AND WELLBEING BOARD - INTERIM ARRANGEMENTS

The Health and Social Care Act 2012 introduced a requirement for local authorities to establish Health and Wellbeing Broads with effect from 1st April

2013. A report had been circulated proposing the terms of reference for the interim arrangements for the Health & Wellbeing Board's establishment.

A Motion to adopt the recommendations, subject to the following amendments, was duly proposed and seconded:

- 1) **the Leader of the Council to appoint up to 11 members of the Council as necessary, 2 of whom shall consist of 1 from each of the minority parties;**
- 2) **the quorum for the meeting to consist of one third of the membership, at least half of whom shall be Council members; and**
- 3) **a substitute member may be nominated by a member unable to attend a meeting.**

63 COUNCIL MEETING ON 12th NOVEMBER 2012 - MOTION ON GOVERNMENT PLANNING POLICIES

The response from the Government concerning the Council Motion on Government Planning Policies was duly NOTED.

64 MOTIONS

Notice of one Motion had been received.

The following Motion was proposed by Councillor John Getgood and seconded by Councillor Katherine Bance MBE.

"This Council deplores the decision of the Secretary of State for Health to downgrade the Maternity and Accident and Emergency Units at Lewisham Hospital and calls upon him to reverse his decision in the interests of Bromley residents."

A request to amend the Motion at the Council Meeting by the proposer was not agreed.

An amended Motion was moved by Councillor Tickner and seconded by Councillor which was ruled by the Mayor to be unacceptable.

The original Motion on being put to the vote was LOST.

65 THE MAYOR'S ANNOUNCEMENTS

The Mayor thanked all those Councillors and Officers who had supported the Charity Appeal Quiz Evening and also the Deputy Mayor and Deputy Mayoress for their efficiency in organising the event.

He also asked Members to note some dates for their diary - a charity fund raising dinner at Con Amore on Tuesday 30th April 2013 and the Service of Thanksgiving at St. Andrew's Church, at 10.00 a.m. on Sunday 12th May 2013. Further details would be sent out nearer the time.

Mayor

The Meeting ended at 9.50 pm

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COUNCIL MEETING

27th FEBRUARY 2013

ORAL QUESTION FROM A MEMBER OF THE PUBLIC

From Mr Martin Curry of Councillor Colin Smith, Portfolio Holder for the Environment

(Mr Curry had originally addressed his question to the Leader of the Council who had asked the Portfolio Holder responsible for the service to respond on his behalf.)

Question - Public Toilets - The Walnuts

In view of the number of complaints posted on FixMyStreet about the condition of the Male and Female public toilets next to Orpington Library, will the Leader take action to ensure that these facilities are brought up to a decent standard?

Reply:

The Portfolio Holder replied that until further notice, these toilets would continue to be cleaned to a good standard four times a day, including at weekends. The road sweeper would also call in every day when passing to remove any paper etc from the floor as well.

It was to be hoped, that following on from the excellent news that the Orpington BID project had proved successful, additional measures might also prove possible locally, to help arrest and deter the disgusting feral behaviour of the small subset of visitors to Orpington Town Centre who sully these amenities from time to time, but that question remained ongoing at present.

Supplementary Question:

Mr Curry stated that given the good news about the BID and the proposal for the toilets to be taken over at some point by the business organisation – there was still quite a lot of structural work that needed to be dealt with. He mentioned accumulated dust on the grilles, missing grilles that needed to be replaced, the health and safety problem of a broken drain cover and the replacement of tiles in the gents. He recognised that the cleaning had improved. However, he asked if the structural problems could be addressed with in terms of safety and hygiene before they were handed over.

Reply:

Councillor Smith responded that if there were health and safety issues involved he asked Mr Curry to advise the Department and they would be dealt with immediately. So far as any general upgrade to the toilets was concerned there were no plans to do that at this time.

COUNCIL MEETING

27th FEBRUARY 2013

ORAL QUESTIONS BY MEMBERS OF THE COUNCIL

1. From Councillor Peter Fookes of the Leader of the Council

What is the latest position with Old Flo?

Reply:

The Council has asserted its claim to ownership of Old Flo in correspondence with Tower Hamlets and officers are investigating the history of the statue including the statutory background to the transfer of assets from the LCC and GLC with a view to pursuing the matter further as and when appropriate.

Supplementary Question:

Cllr Fookes asked when Members would be informed of what was going on and thought it was symptomatic of this Council in terms of lack of transparency when the first Members heard about the situation was through a television interview.

Reply:

The Leader did not agree and said that it was our belief that Old Flo was left to the people of London and we were simply trying to stand up for the people of London and not allow it to be sold off in a cheap way by Tower Hamlets. He felt rather than be criticised the Council's stance should be applauded.

2. From Councillor Nicholas Bennett JP of the Leader of the Council

If he will make a statement about the relative funding for Bromley in comparison with other London Boroughs for 2013-4 and if he will publish in table format the information he has for each London Borough for 2013-4 financial year for;

- i) The grant provided by central government;
- ii) The average grant per head of population;
- iii) The proposed council tax in Band D.

Reply:

The Leader commented that this question went to the heart of the situation as to why Bromley had been lobbying the Government so hard for so long. He stated that this Borough had been significantly underfunded for far too long. It received a headline figure of £264.24p per head of population against an

outer London average of £439.62. In crude terms if Bromley were to receive that same amount per head of population it would be in receipt of an additional £56m worth of Government grant. Going one step further if Bromley were compared to the so called outer London Borough of Newham and received the same amount of funding per head of population then it would be in receipt of an additional staggering £159m of direct government grant. Councillor Carr advised that the tabulated information requested by Councillor Bennett had been circulated around the Chamber (Appendix 1).

Supplementary Question:

Councillor Bennett was grateful for the information and hoped that it would be circulated widely including to the Local Government site on Conservative Home that did not appear to understand the funding of local government. He asked the Leader to comment on why the only London Borough that received less than Bromley by about £10 per head of population, which was Richmond, charged £250 a year more in Council Tax.

Reply:

Councillor Carr thanked Councillor Bennett for his observation. He commented that it was something this Council was very conscious of and served to highlight the quirkiness and unfairness of the current system. Members would be aware of the changes to the way the Council would be funded in the future which the Leader would enlarge on later in the meeting. However, Councillor Carr felt it did serve to show that Bromley had led the way in efficiency and the way it delivers its services for it to be able to deliver high quality services at a Council Tax level D of some £200 below Richmond.

Further Supplementary Question:

Councillor Getgood asked whether the Leader would agree to recognise the great differences between some of these Boroughs in terms of the needs they had to meet and give some credit to Richmond in putting services before ideology.

Reply:

Councillor Carr responded that he considered Bromley was able to do both. There were ways to increase revenue and an increase in Council Tax was one of these. However, again as last year this administration had sought to find and identify many different ways of not just reducing the costs per head but also increasing the revenue which he would speak about later on in the meeting. The Leader advised that last week he had been able to raise these very issues with Mr Pickles, the Secretary of State for Communities and Local Government. Councillor Carr said that he was not inferring that Bromley had the same level of needs as somewhere like Tower Hamlets, Lambeth or Lewisham but the demographics of the Borough had been ignored for too long. Bromley had an aging population with more people living into old age and the consequent increases in dementia cases as well as those with

physical and learning disabilities and increases in the numbers of young children who were statemented. Also as the largest London Borough geographically there were the inherent costs of maintenance in respect of roads and pathways which had for too long been ignored and he felt it was time the government of whatever persuasion recognised these facts.

3. From Councillor Katherine Bance MBE of the Portfolio Holder for Education (*in the absence of Councillor Wells, the Executive Assistant for Education responded*)

With so many services now provided by Contractors in Bromley, particularly in education, how does the Council intend to manage the risks and monitor the impacts and where failing to deliver how will contracts be renegotiated?

Reply:

Councillor Tunnicliffe advised that where a school buys a service from a contractor, it was for the school to monitor the contract and ensure compliance.

Where the Education Service was buying the services of a contractor, then responsibility lay with the Council and ultimately the Councillors. Any failure to comply with a contract let by LBB in Education was subject to the conditions set out in the contract and could ultimately be enforced by the courts and the contract could be terminated if not complied with.

Supplementary Question:

Councillor Bance felt that this might work very well for road sweeping and bins but questioned whether what was in place was good enough and fast enough for dealing with special educational needs children. She considered they needed immediate intervention once a service was found below standard.

Reply:

Councillor Tunnicliffe responded that with regard to special needs the Education Division would be commissioning packages of school improvement support delivered by School Improvement Officers.

Any Bromley school that was categorised as a high priority because it was under-performing, whether that was in special educational needs or not, would be allocated one of those School Improvement Officers (SIO) who would be responsible for driving forward the school's action plan of improvement.

The impact of this work would be monitored by the Assistant Director Education through:

- regular 'challenge' meetings between the local authority, the school and the SIO;
- school performance data analysis by the local authority's research and statistics team;
- local authority termly scrutiny meetings with SIOs; and
- feedback from Ofsted monitoring reports on the school.

4. From Councillor Peter Fookes of the Chairman of the Development Control Committee

What was the cost to the council of dealing with the application to register land to the rear of 86 to 94 High Street, Beckenham as a town green?

Reply:

The Chairman replied that the cost of the barrister for all of the work involved in the application to register land to the rear of High Street, Beckenham as a Town Green including a pre inquiry site visit, pre inquiry consideration including directions for the parties, chairing the inquiry and preparing her report amounted to £8855. There was also an additional cost in terms of officer time and for the provision of accommodation for the inquiry but this was dealt with within existing budgets.

Supplementary Question:

Councillor Fookes responded that given the cost of The Glades redevelopment where an amount of £40,000 was referred to he thought the amount just given was remarkably low. However, he questioned whether in reality that money and other money spent on Town Greens would be better spent elsewhere by the Council.

Reply:

Councillor Dean explained that the Council was the statutory authority for Commons and Town and Village Greens and had to meet the costs of discharging this responsibility. A resident had a statutory right to apply for land in the Borough to be registered as a Town Green if they considered the legal test for registration had been met. In cases such as this where there were disputed factual matters it was acknowledged good practice to convene a non statutory public inquiry. All parties through the inquiry were given a full opportunity to make their case and Members had the benefit of the Barrister's findings on the factual matters. Members also had specialist advice as to the application of these findings to the law relating to Town Greens. The Council by convening the inquiry determined the application in a transparent way that was fair to the parties and in accordance with its legal responsibilities. In short Councillor Dean considered the Council was acting in favour of local residents.

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

Whether in advance of the move to the use of tablets by all members from 2014, he will authorise tablets for those members willing to switch over immediately?

Reply:

The Portfolio Holder replied that the New Technology Working Group was currently looking at the use of tablets, and he awaited their conclusions with interest, but he agreed that he would welcome other Members using this technology.

Supplementary Question:

Councillor Bennett commented that he noticed that the Portfolio Holder was using a tablet as were Councillors Fortune and Reddin. He asked whether it was time that those Members who were keen to stop having enormous amounts of paper delivered to their homes by van could move over quickly to using tablets. He also felt that any objections made about security by some Officers should be overcome as quickly as possible so it could happen.

Reply:

Councillor Arthur agreed that efforts should be made to press ahead. He commented that the new technology was working well in the Committee rooms and the Chamber which showed that this was being taken seriously. The Portfolio Holder advised that part of the pilot scheme now being operated was to determine which would be the most appropriate tablet to be used.

Further Supplementary Question:

Councillor Papworth welcomed the New Technology Working Party's proposals and asked the Portfolio Holder whether he would acknowledge that some of the holdup was due to certain Members being reluctant to change and also that the savings resulting from this only occurred if all Members embraced it. If half a dozen Councillors continued to want papers delivered to their homes then there still would be the need to employ the staff to do it. Councillor Papworth asked what was going to be done to ensure that all Members came up to speed and embraced the new technology.

Reply:

The Portfolio Holder advised that he was well aware that some Members needed help to embrace the new technology. It had already been agreed that

as from 2014 the new Council Members would be equipped with this new technology and would move away from using so much paper. There was progress and he took the point that some Members felt it could be accelerated but it would be coming in a year's time universally across the Council.

Further supplementary question:

Councillor Fawthrop commented that he thought that Councillor Bennett's question and the answers given implied that this was a growth item which he would like confirmed.

6. From Councillor Katherine Bance of the Portfolio Holder for Renewal and Recreation

The former Penge Urban District Town Hall building is of historic value and interest in Penge can the portfolio holder give an assurance that it will not be demolished.

Reply:

The Portfolio Holder stated that as was agreed at the last Executive meeting on the 6th February 2013, officers would be bringing a further report back to a future meeting of the Executive setting out the disposal strategy for Anerley Town Hall. Officers were currently exploring a number of options which did not include demolition and these discussions were currently on going. The outcome of a consultants report due at the end of February would further inform those discussions and flowing from this, officers would prepare a further report to submit to Members.

Supplementary Question:

Councillor Bance asked if the Portfolio Holder could confirm whether as part of those options consideration could be given to transferring the building to a voluntary not for profit making organisation so that it remained a community asset.

Reply:

Councillor Morgan responded that this was something being looked at.

Further Supplementary Question:

Councillor Papworth asked if the pH could confirm that there were 3 priorities for Anerley Town Hall – i) preserving the locally listed building; ii) preserving the use of the Public Halls and iii) preserving some form of Library service.

Reply:

The Portfolio Holder said he agreed but that in respect of the first option we had to sure that it was economically viable.

7. From Councillor Peter Fookes of the Chairman of the General Purposes and Licensing Committee

What was the cost to taxpayers of writing to all residents who have a postal vote to confirm that they still need it?

Reply:

The Chairman commented that there might be a jinx over Councillor Fookes' questions of him and referred to outcome of the last one in July 2006. In response to tonight's question Councillor Owen stated that the Council had certainly not written to all residents who had a postal vote in the Borough.

Supplementary Question:

Councillor Fookes stated that he had received a letter and knew of others who had also and that this had come from other Boroughs. He wondered about the cost of such an exercise in the current situation which he thought was a waste of taxpayers' money.

The Mayor queried whether this was a question and considered it more of a statement. On being asked by Councillor Fookes as to whether he felt Councillor Owens initial response had been a proper answer the Mayor considered that it had been.

8. From Councillor Nicholas Bennett JP of the Chairman of the General Purposes and Licensing Committee

With the exception of union representatives acting in their union capacity; what is the written policy regarding members of staff expressing orally or in writing their personal political opinions whilst working in their capacity as a member of staff and what sanctions are available to deal with such incidents?

Reply:

The Chairman said that he understood this question had arisen because a Council employee had appeared on YouTube and made certain comments which local taxpayers had taken objection to. He considered it was a general warning to Members and Officers about the use of social media and what it could lead to. Councillor Owen advised that there was no written policy relating to this but he draw attention to Appendix 2 of the Disciplinary Procedure which listed the type of misconduct warranting formal disciplinary action. There were a number of items under the 'gross misconduct' heading which included a 'serious act of insubordination' but cautioned that each case would be dealt with on its merits.

Councillor Owen then referred to 2 interesting cases one was Redfern v Circo which went to the European Court; the second was Smith v Trafford Housing

Trust and outlined what they involved and felt this supported the reasons for being cautious about writing very specific procedures in such cases.

Supplementary Question:

Councillor Bennett replied that he was aware of both those cases and did not consider they related to the issues behind his question. He asked if the Chairman would agree that in the forthcoming Communications Policy that was currently under preparation there should be included a section advising staff that they should not, when they were engaged on Council business and using the Council name, indulge in their own personal political opinions which may be contrary to the policies of the Council.

Reply:

Councillor Owen advised that he had discussed this with the Assistant Chief Executive for Human Resources, Mr Obazuaye, and they were happy to look at this and decide whether something should be put in writing but again stressed the need for caution.

LONDON BOROUGHS FUNDING AND DRAFT COUNCIL TAX 2013/14

Question 2 reply

Bromley's allocation from the local government finance settlement was £84,130k providing funding of £264.25 per head of population. This is the 2nd lowest level of Government funding per head in London and compares to an Outer London Average of £439.62 and a London average of £571.13.

Details of the Start Up Funding Assessment, other Government Grants and Draft Council Tax Levels (Band 'D' Equivalent, excluding GLA) are shown in the table below:

| | Start up Funding Assessment (note 1) £'000 | Start up Funding (per head of population) £ | Other Government Grants (provisional) (note 2) £'000 | Other Government Grants (per head of population) £ | DRAFT Council Tax Band 'D' (excluding GLA) (note 3) £ |
|------------------------------|--|---|---|---|--|
| OUTER LONDON BOROUGHS | | | | | |
| Barking and Dagenham | 126,170 | 643.42 | 19,186 | 97.84 | 1016.40 |
| Barnet | 128,427 | 346.46 | 28,253 | 76.22 | 1113.20 |
| Bexley | 80,147 | 337.04 | 12,120 | 50.97 | 1128.59 |
| Brent | 193,132 | 610.01 | 29,489 | 93.14 | 1058.94 |
| Bromley | 84,130 | 264.25 | 20,273 | 63.68 | 1010.07 |
| Croydon | 161,913 | 436.42 | 29,883 | 80.55 | 1171.39 |
| Ealing | 168,606 | 485.30 | 32,485 | 93.50 | 1059.93 |
| Enfield | 162,175 | 499.35 | 23,505 | 72.37 | 1100.34 |
| Haringey | 179,286 | 682.98 | 26,299 | 100.18 | 1184.32 |
| Harrow | 86,759 | 350.12 | 15,203 | 61.35 | 1210.28 |
| Havering | 75,568 | 310.11 | 14,066 | 57.72 | 1195.18 |
| Hillingdon | 103,259 | 361.95 | 24,917 | 87.34 | 1112.93 |
| Hounslow | 107,807 | 407.79 | 21,671 | 81.97 | 1085.20 |
| Kingston-upon-Thames | 48,250 | 284.94 | 13,509 | 79.78 | 1379.65 |
| Merton | 78,636 | 373.84 | 14,613 | 69.47 | 1106.56 |
| Newham | 243,753 | 765.63 | 34,416 | 108.10 | 945.63 |
| Redbridge | 116,858 | 398.10 | 17,111 | 58.29 | 1095.53 |
| Richmond-upon-Thames | 49,362 | 255.09 | 12,375 | 63.95 | 1287.39 |
| Sutton | 79,634 | 404.37 | 14,888 | 75.60 | * 1140.89 |
| Waltham Forest | 153,411 | 575.28 | 18,630 | 69.86 | 1152.21 |
| Outer London Average | | 439.62 | | 77.09 | 1070.69 |
| INNER LONDON BOROUGHS | | | | | |
| Camden | 200,054 | 865.48 | 35,629 | 154.14 | 1021.77 |
| Greenwich | 182,561 | 705.72 | 31,023 | 119.92 | 981.04 |
| Hackney | 242,804 | 963.80 | 45,270 | 179.70 | * 998.45 |
| Hammersmith and Fulham | 135,261 | 739.15 | 26,934 | 147.18 | 757.90 |
| Islington | 186,425 | 866.52 | 39,296 | 182.65 | 961.87 |
| Kensington and Chelsea | 115,304 | 725.13 | 25,036 | 157.45 | 782.58 |
| Lambeth | 243,879 | 784.15 | 39,144 | 125.86 | 925.29 |
| Lewisham | 208,072 | 726.68 | 30,561 | 106.73 | 1060.35 |
| Southwark | 253,372 | 833.85 | 36,485 | 120.07 | 912.14 |
| Tower Hamlets | 243,865 | 902.33 | 54,281 | 200.85 | 885.52 |
| Wandsworth | 161,622 | 512.81 | 35,598 | 112.95 | 388.54 |
| Westminster | 197,640 | 858.18 | 41,213 | 178.95 | 378.01 |
| Inner London Average | | 790.32 | | 148.87 | 754.58 |
| London Average | | 571.13 | | 104.01 | 952.15 |

Notes:

(1) Start up Funding Assessment, as announced in the local government finance settlement. Based on previous method of formula funding and the rolling in of some additional specific grants. Start up Funding is split between Revenue Support Grant (RSG), the local share of retained business rates and related "top-up" payment under the new Business Rates Retention Scheme.

(2) Provisional figures as published by the CLG relating to a number of specific grants outside of the Start up Funding Assessment. These grants include funding for Public Health, New Homes Bonus, Housing Benefit Subsidy Administration and a number of smaller grants. There are also a range of other specific grants awarded throughout the year and notified separately to individual authorities for which the information is not included in the CLG published figures.

(3) Provisional draft Band 'D' Council Tax (excluding GLA Precept) based on latest available information. Figures for Sutton and Hackney are as per 2012/13 as information is not yet available relating to 2013/14.

COUNCIL MEETING

27th FEBRUARY 2013

WRITTEN QUESTIONS BY MEMBERS OF THE COUNCIL

1. From Councillor Tom Papworth of the Leader of the Council

To ask the Leader to provide the following information:

A breakdown of the number of redundancies in the council broken down by year, starting in 2010/2011, and by department.

What services have been brought back in house and how many jobs did this create;

Details of redundancies by contractors which provide services in the borough;

The amount of money the council/agencies/contractors have spent on redundancy payments during the same time, broken down the same way.

The highest redundancy payment the Council or its agencies paid, and which department/service this member of staff worked for.

Reply:

[Please see attached Appendix 1.](#)

2. From Councillor Peter Fookes of the Chairman of the General Purposes and Licensing Committee

Can he list the canvass returns from the Electoral Registration Office in percentages from each of the electoral wards in the borough for this year and last year?

Reply:

[Canvass Return Statistics 2012](#)

| Ward | Total Properties | Responses received | Percentage |
|---------------------------|------------------|--------------------|------------|
| Bromley Common and Keston | 6692 | 6581 | 98.3 |
| Biggin Hill | 4045 | 3993 | 98.7 |
| Bickley | 6261 | 6097 | 97.4 |

| | | | |
|------------------------------|------|------|------|
| Bromley Town | 7964 | 7713 | 96.8 |
| Chelsfield and Pratts Bottom | 5934 | 5842 | 98.4 |
| Copers Cope | 8487 | 8187 | 96.5 |
| Cray Valley East | 6943 | 6713 | 96.7 |
| Chislehurst | 6464 | 6352 | 98.3 |
| Clock House | 7187 | 7010 | 97.5 |
| Crystal Palace | 6492 | 6102 | 94.0 |
| Cray Valley West | 6932 | 6772 | 97.7 |
| Darwin | 2142 | 2105 | 98.3 |
| Farnborough and Crofton | 6359 | 6290 | 98.9 |
| Hayes and Coney Hall | 6306 | 6262 | 99.3 |
| Kelsey and Eden Park | 6550 | 6451 | 98.5 |
| Mottingham | 4520 | 4390 | 97.1 |
| Orpington | 6535 | 6427 | 98.3 |
| Penge | 8001 | 7659 | 95.7 |
| Plaistow and Sundridge | 6890 | 6642 | 96.4 |
| Petts Wood | 5582 | 5546 | 99.4 |
| Shortlands | 4328 | 4227 | 97.6 |
| West Wickham | 5917 | 5853 | 98.9 |

[Canvass Return Statistic 2011](#)

| Ward | Total Properties | Responses received | Percentage |
|------------------------------|------------------|--------------------|------------|
| Bromley Common and Keston | 6618 | 6444 | 97.4 |
| Biggin Hill | 4045 | 4000 | 98.8 |
| Bickley | 6243 | 6144 | 98.4 |
| Bromley Town | 7957 | 7588 | 95.4 |
| Chelsfield and Pratts Bottom | 5939 | 5893 | 99.2 |
| Copers Cope | 8472 | 8128 | 95.9 |
| Cray Valley East | 6942 | 6790 | 97.8 |
| Chislehurst | 6452 | 6304 | 97.7 |
| Clock House | 7192 | 6960 | 97.0 |
| Crystal Palace | 6452 | 5938 | 92.0 |
| Cray Valley West | 6932 | 6756 | 97.5 |
| Darwin | 2139 | 2086 | 97.5 |
| Farnborough and Crofton | 6362 | 6295 | 98.9 |
| Hayes and Coney Hall | 6307 | 6232 | 98.8 |
| Kelsey and Eden | 6554 | 6420 | 98.0 |

| | | | |
|------------------------|------|------|------|
| Park | | | |
| Mottingham | 4519 | 4319 | 95.6 |
| Orpington | 6517 | 6331 | 97.1 |
| Penge | 7997 | 7557 | 94.5 |
| Plaistow and Sundridge | 6934 | 6654 | 96.0 |
| Petts Wood | 5581 | 5518 | 98.9 |
| Shortlands | 4330 | 4209 | 97.2 |
| West Wickham | 5921 | 5853 | 98.9 |

3. From Councillor Peter Fookes of the Portfolio Holder for Resources

Can he list the percentages of residents in each ward of the borough who are online?

Reply

The percentage of residents online is not a statistic that we have freely available at ward level. The Office for National Statistics publishes regular statistical bulletins about levels of internet access, but this is derived from their Opinions and Lifestyles Survey, and is based on households not individuals. As it is based on a sample it is not possible to break the data down to ward level.

Available online access is used as a factor in commercial tools like Acorn or Experian to produce their geo-demographic profiling. Licences to access this data run into several thousand pounds and although these rankings are available down to postcode it is suspected the online access element would be derived from sample surveys and this particular data set might be difficult to disaggregate from the overall demographic ranking of an area.

The Council had discussions with a research company about 3 years ago who were able to produce this sort of data, but at the time the cost was in the region of £10k for a detailed report and it was not considered economical to proceed.

4. From Councillor Peter Fookes of the Portfolio Holder for Resources

How many Council buildings are not DDA compliant?

Reply:

DDA audits have been carried out on all operational buildings and based on the audit findings, physical adaptations have been made to ensure that buildings open to the public are DDA compliant.

DDA audits have also been carried out at schools. Responsibility for DDA compliance at schools depends on the type of school. For those schools where the authority has responsibility, works have been carried out over time and continue to be carried out to improve accessibility.

All new capital build schemes are designed with full accessibility requirements built into the brief.

5. From Councillor Russell Mellor of the Leader of the Council

Further to my question to Council on the 21st January 2013 can you provide the figures for the MG grades of staff with the relevant numbers in each grade for the two Civic years, 2011/2012 and 2012/2013 together with the salary scales.

Reply:

| As at 31 March 2011* | | |
|----------------------|---------------|---------------|
| Grade | Headcount | FTE |
| MB | 6.00 | 6.00 |
| MG1 | 3.00 | 3.00 |
| MG2 | 12.00 | 11.58 |
| MG3 | 16.00 | 16.00 |
| MG4 | 23.00 | 23.00 |
| MG5 | 54.00 | 53.80 |
| MG6 | 122.00 | 118.75 |
| Total | 236.00 | 232.13 |

| As at 31 March 2012* | | |
|----------------------|---------------|---------------|
| Grade | Headcount | FTE |
| MB | 5.00 | 5.00 |
| MG1 | 3.00 | 3.00 |
| MG2 | 9.00 | 9.00 |
| MG3 | 13.00 | 12.60 |
| MG4 | 19.00 | 18.90 |
| MG5 | 53.00 | 52.80 |
| MG6 | 114.00 | 110.86 |
| Total | 216.00 | 212.16 |

| As at 31 January 2013** | | |
|-------------------------|------------|---------------|
| Grade | Headcount | FTE |
| MB | 5 | 5.00 |
| MG1 | 2 | 2.00 |
| MG2 | 8 | 8.00 |
| MG3 | 11 | 10.80 |
| MG4 | 19 | 18.80 |
| MG5 | 48 | 47.80 |
| MG6 | 97 | 95.07 |
| Total | 190 | 187.48 |

*Headcount and FTE must be calculated as at a specific date. Therefore dates have been selected from the beginning and end of the respective years.

**As we are not at the end of the 2012/2013 Civic Year the figures were calculated as at the 31 January 2013 as it is the end of the last full calendar month.

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

Further to my question on 19th November 2007, how many sq feet of additional office accommodation have been purchased or leased since that date and how many sq feet have been sold or relinquished?

Reply:

| <u>Acquired</u> | |
|--------------------------|--|
| Burnhill Business Centre | 891ft ² (short term relocation to allow refurbishment works to permanent accommodation) |

| <u>Sold/ Relinquished</u> | |
|---|---|
| Burnhill Business Centre | 891ft ² (lease surrendered) |
| 1906 Building, Tweedy Road (Old Town Hall) | 16,930 ft ² (under offer) |
| 1939 Building, Widmore Road (Exchequer House) | 20,703 ft ² (under offer) |
| Ann Springman Hall | 20,602 ft ² (vacated and future options under consideration) |
| Joseph Lancaster Hall | 21,356ft ² (vacated and future options under consideration) |
| North Lodge | 969 ft ² (vacated and future options under consideration) |
| The Walnuts Offices | 5027 ft ² (converted to library use [new Orpington Library] during recent refurbishment works) |

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

Further to my question on 21st January 2008 if he will provide the following information for each of the subsequent years 2008-9 to 2012-13;

- i) The total kWh Gas consumption and;
- ii) The total unit electricity consumption;
- iii) The total cost for each category?

Reply:

Attached (Appendix 2) is the information requested which relates to Bromley Civic Centre. The information is extracted from our energy supplier's software system. This reporting system has been in use for the last two years and therefore the information is not based on the same criteria that were used in compiling the response in 2008.

8. From Councillor Nicholas Bennett JP of the Chairman of the General Purposes and Licensing Committee

What is the Council's policy in respect of staff found guilty of a criminal offence either by way of conviction or admission by way of police caution?

Reply:

The council gives individual consideration to each case of staff found guilty of a criminal offence and takes any appropriate action.

9. From Councillor Katherine Bance MBE of the Portfolio Holder for Care Services

Can the Portfolio Holder advise if there any services currently provided at Beckenham Beacon that will not be provided by the new Clinical Commissioning Group at Beckenham Beacon.

Reply:

The future use of Beckenham Beacon is to be determined following the changes to healthcare locally resulting from both the implementation of the Report of the Trust's Special Administrator (TSA) into the failure of the South London Healthcare Trust, and the new role of the Clinical Commissioning Group as it succeeds the local PCT. Although the Council will certainly have an opportunity to make the wishes of residents known, service delivery is primarily a matter for the health economy. I would anticipate that both the Health and Wellbeing Board and the Care PDS, acting in its Statutory health scrutiny role, will be able to inform this debate.

10. From Councillor Katherine Bance MBE of the Portfolio Holder for Education

Would the portfolio holder provide a list of Bromley schools and the outcomes of their recent Ofsted since new inspection regime introduced in Sept 2012.

Reply:

| School | New Ofsted Framework | Ofsted Judgements | | |
|----------------------|----------------------|----------------------|------------|--------------|
| | | Recent | | Previous |
| Alexandra Infant | | Outstanding | 24/05/2011 | Good |
| Alexandra Junior | √ | Good | 01/11/2012 | Satisfactory |
| Bickley Primary | | Good | 20/05/2009 | Good |
| Blenheim Primary | √ | Requires Improvement | 29/11/2012 | Satisfactory |
| Bromley Road Infant | | Satisfactory | 29/02/2012 | Satisfactory |
| Burnt Ash Primary | | Satisfactory | 18/01/2012 | Good |
| Castlecombe Primary | | Good | 15/11/2011 | Good |
| Chelsfield Primary | | Good | 11/09/2011 | Good |
| Chislehurst Primary | | Good | 26/03/2009 | Good |
| Churchfields Primary | | Satisfactory | 03/10/2011 | Good |
| Clare House Primary | | Good | 10/05/2012 | Satisfactory |

| School | New Ofsted Framework | Ofsted Judgements | | |
|------------------------|----------------------|--|------------|----------------|
| | | Ofsted Judgement | Date | Overall Rating |
| Cudham Primary | | IAL - 29.1.13 - school will not be re-inspected any earlier than summer 2014 | 18/11/2009 | Good |
| Darrick Wood Junior | √ | Good | 04/10/2012 | Satisfactory |
| Dorset Road Infant | | Good | 30/03/2011 | Good |
| Downe Primary | | Good | 18/10/2011 | Good |
| Edgebury Primary | | Outstanding | 27/01/2009 | Good |
| Farnborough Primary | √ | Outstanding | 27/11/2012 | Good |
| Gray's Farm Primary | | Special Measures | 27/06/2012 | Satisfactory |
| Hawes Down Infant | | Good | 12/02/2009 | Good |
| Hawes Down Junior | √ | Requires Improvement | 10/01/2013 | Good |
| Highfields Infant | | Outstanding | 21/01/2008 | Good |
| Highfield Junior | | Outstanding | 21/01/2009 | Good |
| Holy Innocents Primary | | Satisfactory | 03/11/2011 | Good |
| James Dixon Primary | √ | Good | 13/02/2013 | Satisfactory |
| Keston Primary | | Outstanding | 03/06/2009 | Good |
| Leesons Primary | | Good | 02/02/2012 | Satisfactory |
| Malcolm Primary | √ | Special Measures | 09/10/2012 | Satisfactory |
| Manor Oak Primary | √ | Good | 07/02/2013 | Satisfactory |
| Marian Vian Primary | | Good | 21/06/2012 | Outstanding |
| Mead Road Infant | | Outstanding | 05/03/2009 | Outstanding |
| Midfield Primary | | Good | 10/11/2010 | Satisfactory |
| Mottingham Primary | | Good | 12/05/2011 | Satisfactory |
| Oak Lodge Primary | | Satisfactory | 15/11/2011 | Good |
| Oaklands Primary | | Good | 09/12/2010 | N/A |
| Parish Primary | | Outstanding | 03/11/2011 | Good |
| Perry Hall Primary | | Outstanding | 22/11/2011 | Good |
| Poverest Primary | √ | Requires Improvement | 17/01/2013 | Satisfactory |

11. From Councillor Katherine Bance MBE of the Portfolio Holder for Resources

Can you advise what the future is for the former CAB office in Snowdon Close, Penge.

Reply:

As agreed by the Executive in December 2011, the CAB is implementing new outreach services at various locations in Penge from 4th March 2013. Consideration is being given to potential future uses for the building at Snowdon Close, Penge and I am expecting a report to be submitted to me early in the spring setting out options for the future.

12. From Councillor Fawthrop of the Chairman of the Development Control Committee (to be asked at every Council Meeting)

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

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

Reply:

There have been 20 non-householder and 16 householder meetings between 15th January and 22nd February 2013.

As you are aware details of individual applicants and sites at present is exempt information and not disclosable in response to a Council Question.

APPENDIX 1

**Written Question by Councillor Tom Papworth - Council Meeting 27 February 2013
Redundancies from 1 April 2010 to 31 January 2013 By Year and By Department**

2010 - 2011 By Department

| Dept | No of Redundancies | Redundancy Costs |
|---------------------------|---------------------------|-------------------------|
| CEX | 2 | 8,769.00 |
| Education & Care Services | 38 | 197,949.51 |
| Environment | 2 | 48,028.62 |
| Renewal and Recreation | 1 | 27,661.53 |
| Resources | 6 | 83,454.56 |
| Total | 49 | 365,863.22 |

Highest Payment 2010-11

The highest redundancy payment for 2010/11 cannot be disclosed pursuant to the Data Protection principle and relevant section of the Freedom of Information Act. This is because the information relates to a junior officer.

2011-2012 By Department

| Dept | No of Redundancies | Redundancy Costs |
|---------------------------|---------------------------|-------------------------|
| CEX | 6 | 35,214.60 |
| Education & Care Services | 75 | 736,442.98 |
| Environment | 8 | 97,984.83 |
| Renewal and Recreation | 24 | 245,883.40 |
| Resources | 12 | 199,630.07 |
| Total | 125 | 1,315,155.88 |

Highest Payment 2011 - 2012

The highest redundancy payment – circa £72k (Resources Dept)

2012-13 By Department (to 31 Jan 2013)

| Dept | No of Redundancies | Redundancy Costs |
|---------------------------|---------------------------|-------------------------|
| CEX | 7 | 144,912.09 |
| Education & Care Services | 34 | 349,369.89 |
| Environment | 2 | 42,638.51 |
| Renewal and Recreation | 8 | 198,482.75 |
| Resources | 16 | 169,804.68 |
| Total | 67 | 905,207.92 |

Highest Payment 2012 - 31 Jan 2013

The highest redundancy payment – circa £74k (Education and Care Services Dept)

| | |
|-------------------------------|---------------------|
| Total Redundancies | 241 |
| Total Redundancy Costs | 2,586,227.02 |

**The Council does not hold information regarding redundancy payments by third party contractors.
The Council has not brought services in house since 2010/11**

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Bromley Civic Centre - Total Site Energy Consumption for Gas and Electricity

APPENDIX B

| | 2008-2009 | | | | 2009-2010 | | | | 2010-2011 | | | |
|--------------|------------------|--------------------|------------------|-------------------|------------------|--------------------|------------------|-------------------|------------------|--------------------|------------------|-------------------|
| | Elec | | Gas | | Elec | | Gas | | Elec | | Gas | |
| | Units (kWh) | Cost | Units (kWh) | Cost | Units (kWh) | Cost | Units (kWh) | Cost | Units (kWh) | Cost | Units (kWh) | Cost |
| TOTAL | 3,376,927 | £289,606.40 | 3,693,673 | £78,150.84 | 3,142,029 | £318,144.76 | 2,824,671 | £60,566.06 | 3,213,564 | £261,082.97 | 2,698,396 | £71,897.23 |

| | 2011-2012 | | | | 2012-2013 incomplete year to date | | | |
|--------------|------------------|--------------------|------------------|-------------------|-----------------------------------|--------------------|----------------|-------------------|
| | Elec | | Gas | | Elec | | Gas | |
| | Units (kWh) | Cost | Units (kWh) | Cost | Units (kWh) | Cost | Units (kWh) | Cost |
| TOTAL | 3,033,335 | £247,666.14 | 1,716,947 | £55,877.69 | 2,160,824 | £185,917.34 | 349,251 | £10,998.59 |

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PAY POLICY STATEMENT 2013/14

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 29th May 2012

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

GP&L – 23rd October 2012

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

Full Council – 12th 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

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.

| PAY POLICY STATEMENT FOR FINANCIAL YEAR 2012/13 | |
|---|--|
| POLICY AREA UNDER THE ACT | POLICY STATEMENT |
| | <i>For the purposes of this policy statement the term “Chief Officer” includes the Chief Executive, Statutory and non statutory Chief Officers and Deputy Chief Officers within the meaning of the Local Government and Housing Act 1989.</i> |
| Level and elements of remuneration of Chief Officers and relationship with the remuneration of employees who are not Chief Officers | <p>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"> 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; b) Discontinue the consolidated performance related pay scheme for Management Grade Staff (including Chief Officers – pursuant to the Local Government and Hosing Act 1989); c) Introduce a scheme of discretionary non consolidated non pensionable rewards for exceptional performance applicable to all staff; d) Withhold pay increases for underperforming staff to reinforce the link between individual performance and pay. <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

| | |
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| | <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 (MG and MB salary scales). Such circumstances include for example but are not limited to the impact of market forces and staff undertaking significant additional responsibilities on a time-limited or permanent basis. |
| Remuneration of Chief Officers on recruitment | Where the post of Chief Executive falls vacant the salary package and the appointment will be agreed by Full Council. Full Council or a Member panel appointed by full Council or the Urgency Sub Committee will also agree any salary package in excess of £100K to be offered for any new appointment in 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 www.bromley.gov.uk/councilconstitution |
| 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 Flexible retirement policy</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> |

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London Borough of Bromley

Members Allowances Scheme

From 1st 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 1st 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 31st March.
3. The Council in agreeing this Scheme has considered the recommendations of the Independent Panel commissioned by the Association of London Government on the remuneration of Councillors in London entitled “The Remuneration of Councillors in London 2010 Review” report published February 2010.

Basic Allowance

4. A basic annual allowance of £10,872.02 shall be paid to each Councillor.

Special Responsibility Allowances

5. (1) An annual Special Responsibility Allowance will be paid to those Members who hold special responsibilities. The special responsibilities are specified in Schedule 1 (attached).
- (2) During periods after an election when any position of special responsibility is unfilled, the relevant Special Responsibility Allowance shall be payable to the new holder of the position from the day after the previous holder ceases to be responsible.
- (3) The amount of each Special Responsibility Allowance is specified against that special responsibility in Schedule 1. The conditions set out in paragraphs 5(2), 5(4) and 14 apply.
- (4) Where a Member holds more than one position of special responsibility then only one Special Responsibility Allowance will be paid. Subject to sub-paragraph (5), Members may be paid quasi-judicial allowances in addition to a Special Responsibility Allowance.
- (5) All Members of the Plans Sub-Committees, Adoption Panel and Licensing Sub-Committee will be paid a quasi-judicial allowance at an annual rate £669.99 per annum.

Where a Member has membership of only one Plans Sub-Committee, the allowance will be set at half that amount, £335.

Childcare and Dependent Carers Allowance

6. The Council has agreed that no allowance will be paid for childcare or dependent carers.

Co-optees Allowance

7. The Council has agreed that no allowance will be paid for co-optees.

Pensions

8. All Councillors under the age of 75 are entitled to apply for membership of the Local Government Pension Scheme. Both Basic Allowance and Special Responsibility Allowance, including quasi-judicial allowances, will be treated as amounts in respect of which pensions are payable.

Travel and Subsistence Allowance

9. The Basic Allowance covers all intra-Borough travel costs and subsistence. All other necessarily incurred travel and subsistence expenses for approved duties as set out in the Regulations (Regulation 8(a) to (h)) will be reimbursed under the same rules and entitlement as applies to staff. Travel by bicycle will also be paid at the same rates as applies to staff. Claims for reimbursement are to be made within one month of when the costs were incurred.

Ability to Decline an Allowance

10. A Member may, by writing to the Director of Resources, decide not to accept any part of his entitlement to an allowance under this Scheme.

Withholding of Allowances

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

Members of more than one Authority

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

Part-year Entitlements

14. If during the course of a year:
 - (a) there are any changes in the Basic and/or Special Responsibility Allowances,
 - (b) a new Member is elected,
 - (c) any Member ceases to be a Member,

- (d) any Member accepts or relinquishes a post in respect of which a Special Responsibility Allowance is payable, or
- (e) the Standards Committee resolves to withhold any allowances during the suspension of a Member,

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

Payments

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

Inflation Increase

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

| | £ |
|---|-----------|
| Basic Allowance | 10,872.02 |
| Posts of Special Responsibility Allowance | |
| 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 |
| Quasi-Judicial Allowances | |
| Members of two Plans Sub-Committees | 669.99 |
| Members of one Plans Sub-Committee | 335.00 |
| Members of Adoption Panel | 669.99 |
| Members of Fostering Panel | 669.99 |
| Members of Licensing Sub-Committee | 669.99 |

Report No.
RES13079

London Borough of Bromley

Agenda
Item No.

PART 1 - PUBLIC

Decision Maker: Council/Leader

Date: 15th May 2013

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

Title: SCHEME OF DELEGATION TO OFFICERS

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

- 1.1 At the Annual Council meeting each year a Scheme of Delegation to Officers is approved by Council and by the Leader. The Scheme is an appendix to the Council's constitution. In 2010, the Scheme was amended to meet the requirements of the Local Government and Public Involvement in Health Act 2007, principally by clarifying whether powers are delegated by the Council, by the Leader in the case of executive powers, or both. The Scheme was last updated by Council on 16th May 2012 and only a small number of minor corrections are proposed which deal with changes to departments and chief officer titles.
-

2. RECOMMENDATIONS

- 2.1 That the Scheme of Delegation to Officers in respect of executive functions be received from the Leader of the Council.
- 2.2 That the Scheme of Delegation to Officers in respect of non-executive functions be approved.

Corporate Policy

1. Policy Status: Existing policy. The Council and the Leader approve a Scheme of Delegation to Officers each year at the annual meeting.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £320,320 (2012/13)
 5. Source of funding: existing revenue budgets
-

Staff

1. Number of staff (current and additional): There are eight posts (7.22 FTE) in the Democratic Services Team. No additional staff are required to update the Scheme of Delegations.
 2. If from existing staff resources, number of staff hours: Updating the Scheme of Delegations has involved a number of senior officers, but the time involved is minimal.
-

Legal

1. Legal Requirement: Statutory requirement. Local Government Act 1972 and successive legislation, including the Local Government and Public Involvement in Health Act 2007.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The delegation of powers to officers is essential to the efficient operation of most Council services.
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Scheme of Delegation to Officers sets out formal delegation of various powers to the Council's chief officers and their staff, and forms part of the Council's Constitution (Appendix 10). The Scheme is normally updated for approval at the Council's annual meeting in May each year, although under the Local Government and Public Involvement in Health Act 2007 any executive powers delegated to officers have to be delegated not by the Council, but by the Leader of the Council, and it is open to the Leader to table changes to the executive scheme. The executive or non-executive origin of each delegation in the scheme is reflected in a column which indicates whether each individual delegation derives from the Leader or from Council, or both.
- 3.2 The scheme has been reviewed and officer titles have been updated to accord with the recent changes in departmental structures and to correct any minor inaccuracies. The amended scheme is attached at [Appendix 1](#).

| | |
|---|--|
| Non-Applicable Sections: | Finance/Legal/Policy/Personnel |
| Background Documents: (Access via Contact Officer) | Scheme of Delegation to Officers considered by Council, 16 th May 2012 |

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LONDON BOROUGH OF BROMLEY
CONSTITUTION – APPENDIX 10

**SCHEME OF EXECUTIVE AND NON-EXECUTIVE
DELEGATION TO OFFICERS**

* * * *

CONTENTS

| | Page No. |
|--|----------|
| Proper Officers | 2 |
| <u>Part I</u> | |
| General Conditions governing delegation of functions to: | |
| Chief Officers | 4 |
| <u>Part II</u> | |
| (A) General Authorities applicable to the functions of the Council, Executive body or any Committee: | |
| All Chief Officers | 7 |
| Chief Executive | 9 |
| Director of Corporate Services | 10 |
| Executive Director of Education, Care and Health Services | 12 |
| (B) Authorities related to the functions of the Executive, individual Portfolio Holders and regulatory Committees: | |
| Key references to Officers | 13 |
| Development Control Committee | 14 |
| Portfolio for Education* | 23 |
| Portfolio for Public Protection & Safety* | 29 |
| Portfolio for the Environment * | 33 |
| Portfolio for Resources* | 50 |
| Portfolio for Care Services * | 61 |
| Portfolio for Renewal and Recreation* | 64 |
| * Or, as the case may be, any relevant regulatory Committee(s) | |
| Appendices | 65 |

(May 2013)

* * *

PROPER OFFICERS

The Local Government Act 1972 introduced a requirement that the officer required to perform specified duties should be the 'proper officer' appointed by the Council for that purpose.

(1) Subject to any appointment for a specific purpose, the 'proper officer' for the purpose of the Local Government Act 1972 shall be as set out below:-

| <u>Section</u> | <u>Purpose</u> | <u>Proper Officer</u> |
|--|---|---|
| 39 | Registration Officers | } Chief Executive |
| 41(2) & (3) | Returning Officers at Local Government Elections | |
| 83(1) | Declaration of Acceptance of Office | |
| | | |
| | | The Director of Corporate Services shall act as proper officer where the Chief Executive is unable to act |
| 84 | Resignation of Members | } Director of Regeneration and Transformation |
| 88(2) | Filling of casual vacancies for Chairman | |
| 89(1) | Notice of casual vacancies | |
| 212 | Local Land Charges | } Chief Executive |
| Schedule 12, Pt. 1 4(2)(b) & 4(3) | Notice of Meetings – for the issue of (i) summonses calling meetings of the Council | |
| | (ii) agenda for meetings of Committees, Sub-Committees etc. | |
| 96(1) & (2) 225(1) | Notice of pecuniary interest Deposit of Documents | } Director of Corporate Services, |
| Schedule 14, Pt. 2 Para. 25(7) 229(5) 238 | Certification of Resolutions Photographic copies of documents Evidence of Byelaws | |
| 115(2) 146 | Accountability of Officers Transfer of securities on alteration | } Director of Finance |

| <u>Section</u> | <u>Purpose of area</u> | <u>Proper Officer</u> |
|-----------------------------------|---|--|
| 151 | Financial administration | } } Director of Finance |
| | Notifiable diseases and food poisoning | } Director of Public Health |
| Schedule 22, Para.17 | Authentication of orders and notices, etc under the Housing Act | For such matters as he is authorised to deal with by the Council's Scheme of Delegation to Officers the Executive Director of Education, Care and Health Services , otherwise the Director of Corporate Services |
| Sections 28 and 29 | Regulation of Investigatory Powers Act 2000 | Director of Corporate Services |
| Section 29(b) | - ditto - | Director of Corporate Services to have general oversight of the use made of the source in respect of covert human intelligence sources. |
| Sections 29 (a), (c), (d) and (e) | - ditto - | Chief Planner, Executive Director of Education, Care and Health Services , Executive Director of Environment & Community Services, Director of Finance and Head of Audit to have day-to-day responsibility for Sources and responsibility for the security and welfare of Sources. |

(2) For all other functions the 'proper officer' shall be the Officer authorised in accordance with the Council's Scheme of Delegation to Officers or, where none is specified, the Chief Executive.

(3) Where written evidence of any such appointment as aforesaid is required the Chief Executive is hereby authorised to issue it, save for evidence of the appointment of the Chief Executive which will be issued by the Director of Corporate Services.

PART I

GENERAL CONDITIONS GOVERNING DELEGATION OF FUNCTIONS TO CHIEF OFFICERS

| | Responsibility Delegated from |
|--|----------------------------------|
| 1. These General Conditions and any amendment of or addition to made by the Council, shall apply to the delegation of functions specified in Part II of this document, and to any amendment of or addition to made by the Council or the Leader or the Monitoring Officer under paragraph 12 of this Part. | - |
| 2. Powers delegated shall be exercised in conformity with the Constitution, Standing Orders, Financial Regulations and other directives of the Council in force from time to time, and in accordance with the expressed policies and objectives of the Council, the Executive or Committees relevant to the matter upon which action is to be taken. | - |
| 3. The delegation of authority to deal with any matter shall not derogate from the power of the Council, the Executive, or Committee, Sub-Committee or Panel to call for a report on any decision or action taken, or to require any such matter under consideration to be referred to the Council or to the appropriate Executive body or Committee Sub-Committee or Panel for determination so far as this accords with the law. | Council/Leader |
| 4. A Chief Officer may refer a matter to the Executive, the appropriate Executive Portfolio Holder or to the Chairman of an appropriate Committee and will, in any event, ensure that care is taken to identify any case within his delegated authority where unusual circumstances or other reasons suggest the desirability of Member consideration. | Council/Leader |
| 5. If a matter involves considerations not within the purview of the Chief Officer primarily concerned, he shall consider whether it is necessary to consult any other Chief Officer concerned before authorising action, shall do so if he concludes it is necessary and shall take due account of any views that are expressed. | Council/Leader |
| 6. When the implementation of a decision taken under the delegated authority by a Chief Officer requires the preparation of formal documents, legal proceedings or other legal process or advice, the Chief Officer concerned shall refer the matter to the Director of Corporate Services for appropriate action. | Council |

| | |
|--|-----------------------|
| <p>7. Authority to take decisions and other action including but not limited to the signing of documents and the requirement to arrange consultations shall be exercised and undertaken on behalf of the Council in the name of the Chief Officer to whom the authority to act is given, but not necessarily personally by him.¹ Therefore, under this condition each Chief Officer has power to authorise others to exercise any power conferred on him provided that any such authorisation shall be subject to these General Conditions and be commensurate with the nature of the matters to be dealt with. Further, the Chief Executive may authorise any other Chief Officer to exercise any power delegated to him in this scheme which in his judgement is consistent with that other officer's responsibility. Authorisations given by Chief Officers to others to exercise powers delegated under this scheme should be recorded in writing in a list maintained by each Chief Officer. This shall be taken to mean that, provided a Chief Officer has authorised the person making a decision on his behalf to act, that person may sign in his own name or in his Chief Officer's name when he makes that decision.</p> | <p>Council/Leader</p> |
| <p>8. The Chief Executive may, after consultation with any Chief Officer, refer to the Executive, the appropriate Executive Portfolio Holder, or appropriate Committee for decision any matter which has been brought to his notice and which, in his opinion, because of special difficulty or otherwise, warrants such reference.</p> | <p>Council/Leader</p> |
| <p>9. For the purposes of these General Conditions and the general and specific authorities to act to which they apply, the expression 'Chief Officer' shall mean:- The Chief Executive, the Director of Corporate Services, the Executive Director of Education, Care and Health Services, the Executive Director of Environment and Community Services, the Director of Regeneration and Transformation, the Director of Human Resources, the Director of Finance, the Director of Public Health and the Chief Planner.</p> | <p>Council</p> |
| <p>10. Reference to an enactment in a grant of delegation shall be deemed to extend to and include reference to any subsequent enactment having like or similar effect as though the delegation had been granted under the subsequent enactment.</p> | <p>Council/Leader</p> |
| <p>11. An officer exercising any power under this scheme of delegation shall ensure that some written or other permanent record is made of his decision and, in cases where a range of alternative decisions presented themselves, shall record why he made the particular decision.</p> | <p>Council/Leader</p> |

¹ This shall be taken to mean that, provided a Chief Officer has authorised the person making a decision on his behalf to act, that person may sign in his own name or in his Chief Officer's name when he makes that decision.

² Under the provisions of the Local Government Act 2000 as amended, the Council undertakes executive and non-executive functions. The Leader is responsible for delegated executive functions. The Council delegates non-executive functions. Save where a contrary intention is stated, the Leader and the Council have delegated the necessary general functions as is stated in Part 1 of this scheme above.

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| <p>12. For the avoidance of doubt, the Council and the Leader hereby declare that any exercise of a power by a Chief Officer, or an officer authorised by him and which, if expressly provided for by this Scheme of Delegation, could have been lawfully exercised by an officer under powers delegated to him by the Council or a Committee, shall be deemed to be authorised by this Scheme notwithstanding such express provision may not have been made in it; PROVIDED THAT, where an officer relies on this paragraph, the Monitoring Officer shall be informed by the officer of this action and the Monitoring Officer shall make a report on the matter to the next ordinary meeting of the Council.</p> | <p>Council/Leader</p> |
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PART II

Subject to the foregoing, and without derogation from the powers or duties now or hereafter conferred or imposed upon officers of the Council, by statute or by any statutory instrument or regulation, authority to act for and on behalf of the Council without reference to the Council or Executive body or any Committee shall be delegated as follows:-

| A. GENERAL AUTHORITIES | Responsibility Delegated from |
|---|---|
| <p>1. To each Chief Officer, authority to:-</p> <p>(i) Take all necessary action for the effective day-to-day management, administration and supervision of their Department and of the services for which they are responsible, and for the efficient discharge of the professional responsibilities of their office.</p> <p>(ii) Within budgetary provision, take all necessary action for the effective day-to-day management, administration and supervision of the land and buildings for which they are responsible, such action to include for each property concerned and as far as practicable</p> <p style="padding-left: 40px;">(a) proper documentation; (b) appropriate occupation; (c) maintenance to retain value; (d) security and satisfactory appearance; (e) an annual review to ensure property is still required; and (f) prompt release if surplus to requirements.</p> <p>(iii) That all powers delegated to Chief Officers include authority to take action in respect of any London Residuary Body matter transferred to Bromley by virtue of the London Residuary Body (Transfer of Property etc) Order 1990 in the same way and to the same extent that they have delegated powers in respect of any equivalent Bromley matters.</p> <p>(iv) Incur expenditure and accept tenders for items provided for in the approved revenue estimates or approved capital programme, in accordance with the Council's Contract Procedure Rules.</p> <p>(v) Select quotations and tenders for works, services and/or goods within approved budgetary provision on all contracts in accordance with the Council's Contract Procedure Rules.</p> <p>(vi) On the best terms obtainable, dispose of stores, plant, vehicles, equipment, furniture or other such items which are obsolete, or are unusable for or surplus to the Council's requirements, subject to the Director of Finance's prior agreement to</p> | <p>Council/Leader</p> <p>Council/Leader</p> <p>Leader</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Leader</p> |

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| any consequential writing off of balances of book value. | |
| (vii) Make adjustments of stock ledgers and accounts following stocktaking, subject to the Director of Finance's prior agreement. | Leader |
| (viii) Authorise officers under their control to attend conferences, courses and similar events appropriate to their personal, official responsibilities and to the work of the particular Department, in accordance with an approved list or agreed code of practice. | Council/Leader |
| (ix) Vary annually fees and charges (except car parking) within policy established by an Executive body or Committee. | Council/Leader |
| (x) Deal with applications for re-grading in accordance with the Council's agreed procedures. | Council |
| (xi) Sign authorisation documents, with the exception of the Chief Officer's own personal authorisation, which shall be signed by the Director of Corporate Services. | Council |
| (xii) Where a complaint has been made through the Council's complaints system, decide whether there is a justifiable case for which the Council should apologise and pay compensation, up to a limit of £5,000 in any one case (or, in the case of the Chief Executive, £10,000). | Council/Leader |
| (xiii) Approve trips to EU countries made on Council business subject; in each case, to a subsequent report to the appropriate Executive body or Committee on the action taken. | Leader |
| (xiv) Enter into contracts with any voluntary sector organisation (VSO) for the provision of services by way of a service level agreement (SLA) without the necessity of competition, provided that: | Council/Leader |
| (1) the Chief Officer is satisfied that the VSO is able to provide a satisfactory quality of service and that the sums payable under the SLA represent best value; | |
| (2) the relevant Portfolio Holder is notified of any new SLAs being entered into; | |
| (3) any approval, extensions or renewals of such SLAs comply with the provisions of rule 13.1 of the Contract Procedure Rules; | |

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| <p>2. To the Chief Executive, authority to:-</p> <p>(i) undertake all duties and responsibilities of the Council's Head of Paid Service as defined in the Local Government and Housing Act 1989;</p> <p>(ii) take all action necessary for the efficient management and execution of the Council's policies, services and functions;</p> <p>(iii) determine in conjunction with the Assistant Chief Executive - Human Resources, starting salaries of staff on Management Grades 1 and 2;</p> <p>(iv) authority to make detailed arrangements, in consultation with the Leader of the Council, for consultation with residents on service priorities and Council Tax implications.</p> <p>In exercising such authority the Chief Executive shall have full regard to the position where:-</p> <p>(a) Chief Officers are exercising responsibilities directly imposed on them by statute; or</p> <p>(b) the professional discretion or judgement of Chief Officers is involved subject to any difference of opinion between the Chief Executive and the Chief Officer being referred to the next available appropriate meeting of the Executive Portfolio Holder, Executive or committee for determination;</p> <p>(v) settle any points requiring interpretation or clarification in the practical application of this code of delegated authorities to Chief Officers.</p> <p>(vi) Parliamentary Matters - Take urgent action to protect the Council's interest (through Members of Parliament and/or by petition or otherwise) in consultation with the Leader of the Council.</p> <p>(vii) Electoral Fees - To approve the annual revision of the scale of fees within the approved estimate provision, payable to canvassers, checkers and coders.</p> | <p>Council</p> <p>Council/Leader</p> <p>Council</p> <p>Leader</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Council</p> |
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| 3. To the Director of Corporate Services, authority to:- | |
| (i) authorise proceedings before any Court of Summary jurisdiction in respect of any offence for which the Council by virtue of any Act of Parliament; , regulation, order or bye-law, is now or may hereafter be empowered to prosecute or to authorise the institution of such proceedings; except in cases where some other officer is specifically authorised to act; | Council/Leader |
| (ii) authorise proceedings for the recovery of debts of all kinds due to the Council (other than rates) and for the recovery of possession of premises; | Council/Leader |
| (iii) authorise the institution or defence of proceedings in the Courts to safeguard the Council's interest; | Council/Leader |
| (iv) obtain Counsel's Opinion to ensure adequate advice to the Council or Committees; | Council/Leader |
| (v) in accordance with instructions given, institute or defend any legal proceedings authorised to be taken or defended on behalf of the Council, or serve notices, including directions under section 77 of the Criminal Justice and Public Order Act 1994; | Council/Leader |
| (vi) take any action urgently required to settle legal proceedings during the course of a trial or other hearing; | Council/Leader |
| (vii) authorise permanent or temporary members of staff to represent the Council under Section 223 of the Local Government Act 1972 in proceedings before a Magistrates' Court or a Juvenile Court or Family Proceedings Court and under Section 60(2) of the County Courts Act 1984 to represent the Council in the County Court; | Council |
| (viii) issue written authorities to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties (as evidence of their bona fides); provided that any written authority to enter upon land or premises is in pursuance of a statutory power of entry or inspection; | Council/Leader |
| (ix) sign and serve on behalf of the Council notices authorised by statute to ascertain ownership and other interest in land; | Council |
| (x) sign and approve service of Notices to Treat in pursuance of confirmed compulsory purchase orders and, where possession is required without waiting for settlement of terms of acquisition, sign and approve the service of Notices of Entry; | Leader |
| (xi) approve the assignment of contracts; | Council/Leader |

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| <p>(xii) take appropriate action in individual cases to enable him to effect registration as a registered charge of any local land charge arising by virtue of the statutory provisions set out below, or as amended in subsequent legislation:</p> | |
| <p>(1) the Housing Act 2004; (2) Public Health Act 1936, Section 291; (3) Building Act 1984, Section 107; (4) Greater London Council (General Powers) Act 1972, Section 19; and (5) Highways Act 1980, Section 212;</p> | <p>Leader</p> |
| <p>(xiii) deal with applications for the use of the Borough Arms in accordance with arrangements as approved by the Committee;</p> | <p>Council</p> |
| <p>(xiv) allocate the use of the Committee Suite subject to new applications for use by outside bodies being decided in consultation with the Leader of the Council;</p> | <p>Leader</p> |
| <p>(xv) allocate and re-allocate existing offices, subject to reference to the Leader of the Council or the Committee in cases of significant changes involving transfer of a department or service from one part of the Council to another;</p> | <p>Leader</p> |
| <p>(xvi) authorise expenditure from the office improvements budget;</p> | <p>Leader</p> |
| <p>(xvii) to act as Monitoring Officer;</p> | <p>Council</p> |
| <p>(xviii) to maintain a Register of Members' Interests under Section 81 of the Local Government Act 2000;</p> | <p>Council</p> |
| <p>(xix) to sign Chief Officer's authorisation documents;</p> | <p>Council</p> |
| <p>(xx) determine, in consultation with the relevant Chief Officer, where a complaint has been made to the Ombudsman whether there is a justifiable case for which the Council should apologise and pay compensation as part of a local settlement – up to a limit of £5,000 in consultation with the Director or £10,000 in consultation with the Director and Chief Executive;</p> | <p>Council</p> |
| <p>(xxi) take any action urgently required to settle legal proceedings prior to a court hearing or to enter into a Compromise Agreement in potential Employment Tribunal cases where it is considered appropriate so to do;</p> | <p>Council/Leader</p> |
| <p>(xxii) to be the proper officer for, and issue any notice, permission, authorisation or other document under, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2000;</p> | <p>Leader</p> |
| | <p>Council</p> |

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| <p>(xxiii) to maintain a list of politically restricted posts under Section 2 of the Local Government & Housing Act 1989 and consider and grant exemptions under Section 3 of the Act;</p> <p>(xxiv) to authorise payments in respect of maladministration under Section 92 of the Local Government Act 2000.</p> | <p>Council/Leader</p> |
| <p>4. To the Executive Director of Education, Care and Health Services , authority to:-</p> <p>Negotiate schedules of rates and other contractual provisions with registered residential and nursing home providers and/or care service providers to facilitate client choice within community care legislation. Clients should be directed to providers on such Approved Lists although the Director may agree to placement with a non approved provider provided that</p> <p>(i) the clients' choice is appropriate to their needs and</p> <p>(ii) the client meets the relevant eligibility criteria</p> <p>(iii) the costs fall within the rates accepted by the Council for accommodation and/or care for clients with their specific eligibility or a third party has entered into a binding contract with the provider and Council to meet any difference</p> <p>(iv) as far as possible inflationary increases in such rates should be negotiated at the outset.</p> | <p>Leader</p> |
| <p>5. To the Director of Public Health, authority to:-</p> <p>Undertake functions relating to Public Health, save where these are delegated to any other body or person.</p> | <p>Leader</p> |

B. AUTHORITIES RELATED TO THE FUNCTIONS OF INDIVIDUAL PORTFOLIO HOLDERS AND COMMITTEES

KEY REFERENCES TO OFFICERS

| | | |
|------|---|---|
| All | - | Chief Officers |
| CE | - | Chief Executive |
| DCS | - | Director of Corporate Services |
| DECH | - | Executive Director of Education, Care and Health Services |
| DECS | - | Executive Director of Environment and Community Services |
| DRT | - | Director of Regeneration and Transformation |
| DHR | - | Director of Human Resources |
| DF | - | Director of Finance |
| DPH | - | Director of Public Health |
| CP | - | Chief Planner |

DEVELOPMENT CONTROL COMMITTEE

| Officer(s) Authorised | Authority to: | Responsibility Delegated from |
|----------------------------------|--|--|
| Building Regulations | | |
| CP (1) | Give consents where applications conform with Regulations. | Leader |
| CP (2) | Refuse applications which do not conform with Regulations. | Leader |
| CP (3) | Decide applications for relaxation where the Council have the power of decision. | Leader |
| CP (4) | Decide upon the observations to be made to the appropriate Minister with applications for relaxation of the Regulations. | Leader |
| DCS/CP (5) | Authorise and serve notices under Section 36 of the Building Act 1984 and the current Building Regulations. | Leader |
| DRT (6) | The Director of Regeneration and Transformation be authorised to amend the building control fees as required with the aim of ensuring the service is provided on a cost recovery basis in line with the 2010 Building (Local Authority Charges) Regulations and to change staffing levels to reflect changes to activity volume as required. | Leader |
| CP (7) | To be designated as "Appointing Officer" under Section 10 (8) of the Party Wall etc Act 1996 and have delegated power to act in that capacity. | Leader |
| Dangerous Structures | | |
| CP (8) | Take appropriate action in respect of dangerous structures as set out in sections 60-70, 125, 126, and 142 of the London Building Acts (Amendments) Act 1939 Part VII including the removal of any danger where immediate action is required. | Leader |

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| CP | (9) | To make appropriate charges regulations for dangerous structures as provided for within the relevant sections of the following Acts – London Building Acts (Amendment) Act 1939: Part VII. London County Council (General Powers) Act, 1955: Part II (including section 9 (power of entry with respect to dangerous and neglected structures). London County Council (General Powers) Act, 1958: Part III. London Local Authorities Act 1994. | Leader |
| CP | (10) | To operate the new scale of fees for dangerous structure activities and to waive the fees in case of extreme hardship. | Leader |
| CP | (11) | Authorise and serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 to obtain particulars of persons interest in land and where there is default in compliance with any such notice refer the matter to the Director of Corporate Services to consider taking legal proceedings. | Council |

Operation of Tree Preservation Orders

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| CP | (12) | Consent with or without conditions, or refuse consent to the pruning, cutting down, topping, lopping or destruction of trees which are the subject of Tree Preservation Orders in accordance with the provisions of such orders. | Council |
| CP | (13) | Consent with or without conditions to the pruning, cutting down, topping, lopping or destruction of trees within designated Conservation Areas. | Council |
| CP | (14) | The making of Tree Preservation Orders and provisional TPOs Section 198 and 201 of the Town & Country Planning Act 1990, including the making of TPOs in Conservation Areas. | Council |

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| CP | (15) | Confirm opposed or unopposed TPOs. | Council |
| CP | (16) | Agree to the revocation of TPOs. | Council |
| CP | (17) | Issue tree planting notices. | Council |
| CP | (18) | Enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981. | Council |
| CP/DRT | (19) | Authorise legal proceedings to be taken in respect of breaches of TPOs and the legislation relating to trees in Conservation Areas, subject to the Director of Resources being satisfied as to the evidence. | Council |
| Determination | | | |
| CP (Subject to consultation with DCS) | (20) | Determine applications for certificates of lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990. | Council |
| CP (Subject to consultation with DCS) | (21) | Determine applications for certificates of lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990. | Council |
| CP | (22) | Deal with applications for determination of the Council's prior approval for demolition of dwellings and buildings attached to dwellings except for the authorisation of any Article 4 direction. | Council |
| CP | (23) | Determine applications for hazardous substances consent. | Council |
| CP | (24) | The power to grant outline or full planning permission, approve details, give advertisement, listed buildings, or conservation area consent, with or without conditions to planning applications or proposals excluding those in the following categories: | Council |
| | (i) | Council proposals as defined by the Town & Country Planning General Regulations 1992 (but not details pursuant, revised plans and proposals to renew deemed permissions). | Council |

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| | (ii) | Permission to applications involving three or more purpose-built new dwellings (but not other associated buildings, conversions, extensions and changes of use, details pursuant, revised plans and renewal permission applications. | Council |
| | (iii) | Permissions to applications for new commercial development such as industry, offices and shops (but not other associated buildings, conversions, extensions and change of use, details pursuant, revised plans and renewal applications). | Council |
| | (iv) | Applications submitted by members of staff in the Planning Division, or other Chief Officers, or submitted by or on behalf of Bromley Councillors or Members of Parliament. | Council |
| | (v) | Applications and other matters which one or more Members formally request are put before a Committee or Sub-Committee of Members. | Council |
| CP | (25) | The power to: | |
| | (i) | refuse planning permission; | Council |
| | (ii) | refuse express consent for advertisements; | Council |
| | (iii) | refuse Listed Building Consent; | Council |
| | (iv) | not approve details submitted pursuant to a condition of a permission or consent; | Council |
| | (v) | refuse revisions and amendments to plans and to specify reasons for so doing whatever representations are received for or against the application; | Council |
| | (vi) | provide grounds of appeal and contest all appeals; | Council |
| | (vii) | observations on proposals for development by Government | Council |

departments or in adjoining authority areas which would otherwise fall within the delegated categories.

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| CP/DCS | (26) | Power to authorise the issue of the following (the signing and actual issue of the notices to be dealt with by the Director of Corporate Services): | |
| | | (i) Enforcement Notices under Section 172 of the Town & Country Planning Act 1990. | Council |
| | | (ii) Stop Notices under Section 183 of the Town & Country Planning Act 1990. | Council |
| | | (iii) Completion Notices under Section 94 of the Town & Country Planning Act 1990. | Council |
| | | (iv) Unopposed revocations under Section 97 of the Town & Country Planning Act 1990 and Section 239 of Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (with DRT) | | (v) Section 106 Agreements (Town & Country Planning Act 1990) and similar agreements concerning related legislation. | Council |
| | | (vi) Orders under Section 102 Town & Country Planning Act 1990 requiring discontinuance of use, or alteration, or removal of buildings and works. | Council |
| | | (vii) Unopposed revocations of Listed Buildings Consent under Section 23 of Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| | | (viii) Notices under Section 54 and 55 of the Planning (Listed Building & Conservation Areas) Act 1990 concerning urgent works and recovery of expenses. | Council |
| | | (ix) Making and recovery of grants under Section 57 and 58 of Planning (Listed Building & Conservation Areas) Act 1990. | Council |

- (x) Listed Building Enforcement Notices under Section 38 of the Planning (Listed Building & Conservation Areas) Act 1990. Council
- (xi) The enforcement of advertisement control. Council
- (xii) The authorisation of Rights of Entry to premises and any land for all the purposes of the Town & Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Building Act 1984 (all these Acts as amended) and any Orders or Regulations made there under. Council
- (xiii) The power to require information as to interests in land under Section 330 of the Town & Country Planning Act 1990. Council

and to give reasons in the Notice or Order for taking such action; such action in respect of (i) (ii) (iii) (vi) (x) to be reported to the next available meeting of the Plans Sub-Committee or Development Control Committee.

- (xiv) Planning Contravention Notices under Section 171C of the Town & Country Planning Act 1990 Council
- (xv) Breach of Condition Notices under Section 187A of the Town & Country Planning Act 1990 Council

Subject to agreement by the Director of Corporate Services, the service of the notices under 21(xiv) and (xv) being reported to the next available meeting of the Plans Sub-Committee or Development Control Committee. Council

CP

- (27) The power to:
 - (i) give directions and notifications under Regulation 4 of the Town & Country Council

Planning (Applications) Regulations 1988 and Article 7 of the Town & Country Planning General Development Order 1988 to require applicants to submit further information to enable the Council to deal with an application or to verify any particulars;

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| (ii) | make determinations as to whether planning applications are departures from the development plan; | Council |
| (iii) | make determinations as to whether development would affect the character or appearance of a conservation area or the setting of a listed building to enable such applications to be advertised; | Council |
| (iv) | make determinations under Section 73 of the Planning (Listed Building & Conservation Areas) Act 1990 as to whether a proposal should be advertised as affecting the character or appearance of the Listed Building or Conservation Area; | Council |
| (v) | determine whether prior approval of the method of demolition and any proposed restoration is required in accordance with Part 31 of Schedule 2 of the Town & Country Planning General Development Order 1988 (as amended); | Council |
| (vi) | approve or not approve the details referred to in (v) above; | Council |
| (vii) | determine whether in a particular case details of siting and appearance of certain telecommunications apparatus are required and to determine such details submitted. | Council |
| (viii) | determine applications for non-material amendment to planning permission, minor material amendments to planning permission and extensions to time limits of existing planning permissions. | Council |

Notes:

- (i) No decision will normally be issued within 4 weeks of the date of the weekly listed supplied to Members.
- (ii) In relation to paragraph 19(ii) above the definition of “dwelling” includes bungalows, flats, maisonettes and multi-occupied premises.
- (iii) “Details” as mentioned herein include siting, design, external appearance, materials, car parking, landscaping, site lines, access, levels and drainage.
- (iv) The Chief Planner will continue long established practice to deal administratively with very minor revisions, details, without formal registration, circular consultations or consultations from adjoining boroughs.

Means of Escape in Case of Fire

| | | | |
|----|------|--|--------|
| CP | (28) | Decide what means of escape in the case of fire are necessary at premises to which the Housing Acts 1985 and 2004 and Sections 24 and 71 of the Building Act 1984 apply; and serve a notice under those sections where these means are not provided. | Leader |
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Buildings of Special Architectural or Historic Interest

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| CP | (29) | Approach the Department of the Environment to spot list properties on the list of buildings of special architectural interest if they are threatened. | Leader |
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Repeat Planning Applications

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| CP | (30) | Authority to decline to determine repeat applications in accordance with the provisions of Section 70(a) of the Town & Country Planning Act 1990. | Council |
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Agricultural Buildings/Private Way

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| CP | (31) | Authority to determine under the Town & Country Planning General Development (Amendment No.2) Order 1991 whether the | Council |
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prior approval of the Local Planning Authority is required to the siting, design and external appearance of agricultural and forestry buildings, or the siting and means of construction of a private way and, where an application is required, to determine such application.

Control of Unauthorised Advertisements

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| CP | (32) | Authority to take action under Sections 10-12 of the London Local Authorities Act 1995 relating to the control of unauthorised advertisements. | Council |
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Untidy Site Notices

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| CP | (33) | Authority to issue Untidy Site Notices under Section 215 of the Town & Country Planning Act 1990, with such decisions being reported to the next available meeting of Plans Sub-Committee for information. | Council |
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**EDUCATION PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

| Officer(s) Authorised | Authority to:- | Responsibility Delegated from |
|----------------------------------|---|--|
| DECH | (1) Ensure that the powers and duties to provide for the welfare and protection of children and young people are carried out in accordance with statutory requirements and Council policy. | Leader |
| DECH | (2) Provide preventative services and support for the care of mothers and young children. | Leader |
| DECH | (3) As Head of the Adoption Agency set up by the local authority, ensure that the agency and the Adoption Panel functions in accordance with statutory requirements, save that this does not include a power to increase fostering allowances which exceed inflation. | Leader |
| DECH | (4) Direct the Authority's functions in its capacity as a local education authority, except those excluded under section 18(3) of the Act (namely certain functions relating to further education, higher education and adult education). | Leader |
| DECH | (5) Direct the Authority's social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children and the Local Authority's functions for children and young people leaving care. | Council/Leader |
| DECH | (6) Direct any health-related functions exercised on behalf of an NHS body under section 31 of the Health Act 1999, insofar as they relate to children. | Leader |
| DECH | (7) Direct the new functions of the Children's Services Authority set out in the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation. | Council/Leader |
| DECH | (8) Make and sustain arrangements to promote co-operation between the Authority and its partner organisations to improve the well-being of children in the Authority's area. | Leader |

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| DECH | (9) | Maintain the database of basic information on all children in the Authority. | Leader |
| DECH | (10) | Maintain the Local Safeguarding Children Board, (LSCB) to co-ordinate and ensure the effectiveness of board members' activities for the purpose of safeguarding and promoting the welfare of children in the Authority's area. | Leader |
| DECH | (11) | Prepare and publish a Children and Young People's Plan (CYPP) to set out the Authority's strategy for discharging their functions in relation to children and young people. | Leader |
| DECH | (12) | Co-ordinate statements of proposed action in light of a Joint Area Review report, in consultation with partners. The DECH will also exercise a key role in monitoring and evaluating implementation of the proposed action. | Leader |
| DECH | (13) | Second at least one children's social worker and at least one education professional to the Youth Offending Team. | Leader |
| DECH | (14) | Promote the educational achievement of looked after children. | Leader |
| DECH | (15) | Provide the Secretary of State, if he so directs the Authority, with information on individual children. | Leader |
| DECH | (16) | Interpret conditions of service and all related matters for all teaching staff and non-teaching staff in schools in consultation with the Director of Human Resources where these concern matters which remain to be set by the LEA. | Council |
| DECH | (17) | Implement payment of teachers' pay awards and secure the LEA's responsibilities as the Relevant Body under the School Teachers' Pay and Conditions. | Council |
| DECH | (18) | Subject to any existing right of appeal to an Appeals Panel, to suspend, relegate or dismiss school based employees on all grades under the Education Act 2002 and any Regulations made there under. | Council |

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| DECH | (19) | Review and fix, subject to provision of the approved estimates, the establishment of employees at all maintained educational services not covered by a scheme of local management. | Council |
| DECH | (20) | Exercise all of the statutory functions of the LEA as regards staffing matters in LEA maintained schools as provided for under the Education Act 2002 and any Regulations made there under with the exception of any exercise of discretion concerning the funding of discretionary early retirement with added years or redundancy costs which fall to be determined by the Executive Portfolio Holder. | Council |
| DECH | (21) | Manage the provision of training and support to the Education Service. (The element of training relating to an individual's terms and conditions is a non-executive matter. However, the Executive may recommend appropriate training within this framework.) | Council/Leader |
| DECH | (22) | Approve requests from employees in all maintained educational institutions for special leave in accordance with the Council's policy. | Council |
| DECH | (23) | Approve the payment of relocation and removal expenses to employees in all maintained educational institutions in accordance with the scheme agreed by the Executive Portfolio Holder. | Council |
| DECH | (24) | Approve payment of grants to individuals and organisations in accordance with the Executive's policy. | Leader |
| DECH | (25) | Agree annually increases in charges for service within the remit of the Executive Portfolio Holder. | Leader |
| DECH | (26) | Manage the admissions procedure in accordance with the Executive's policy. | Leader |
| DECH | (27) | Approve the placing of children with special educational needs in suitable schools as specified in a statement and including day, residential, independent and non-maintained special schools and special schools maintained by other authorities. | Leader |
| DECH | (28) | Arrange for home or hospital tuition in appropriate cases. | Leader |

| | | | |
|------|------|---|--------|
| DECH | (29) | Fix school terms and holiday dates in consultation with teachers' organisations. | Leader |
| DECH | (30) | Make arrangements for transport of pupils. | Leader |
| DECH | (31) | Provide support services as requested by establishments. | Leader |
| DECH | (32) | Approve the provision of free meals, essential clothing, school uniform and educational maintenance grants in accordance with approved scales. | Leader |
| DECH | (33) | Approve applications for children to be employed in work or in entertainment, in conformity with relevant bye-laws and statutory obligations. | Leader |
| DECH | (34) | Take all action including service of notices, consultation, making and service of school attendance orders and to authorise institute and conduct legal proceedings under Sections 437, 438, 439, 440, 441, 443 and 444 of the Education Act 1996 and to make decisions relating to applications for Education Supervision Orders under Section 447 of the Education Act 1996 | Leader |
| DECH | (35) | Approve the making of parenting contracts, parenting orders and the issue of penalty notices under Sections 18 and 23 of the Anti-Social Behaviour Act 2003. | Leader |
| DECH | (36) | Approve the issue of mini bus passes under Section 19 of the Transport Act 1985. | Leader |
| DECH | (37) | Undertake the duty of the local education authority with regard to exclusions as specified by Section 67 of the School Standards and Framework Act 1998. | Leader |
| DECH | (38) | Initiate renewals of temporary planning permissions. | Leader |
| DECH | (39) | Authorise a fee remission policy for instrumental music tuition provided by Bromley Youth Music Trust in consultation with the Trustees. | Leader |
| DECH | (40) | Authorise work by the Standards and Effectiveness Services on behalf of other Local Authorities, foundation schools (both within and outside the Borough) and independent schools in accordance with the principles and procedures set | Leader |

out by the Council.

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|------|------|---|---------|
| DECH | (41) | In cases of urgency seek planning permission for mobile accommodation at primary and secondary schools in accordance with Regulation 3 of the Town & Country Planning General Regulations Act 1992 on the understanding that a full explanation for the need will accompany each application. | Leader |
| DECH | (42) | To act in support of the Borough's Major Incident Controller in respect of emergency accommodation, provisions and staffing. | Leader |
| DECH | (43) | Approve, after consultation with the Director of Corporate Services and the Head of Strategic Property, leasing arrangements in respect of educational premises where the terms of the lease or agreement do not exceed five years without a break clause. | Leader |
| DECH | (44) | In consultation with the Director of Corporate Services and Director of Human Resources, interpret and apply the provisions of the Teachers' Pension Scheme Regulation in respect of current and ex employees where the LEA is deemed to be the employer for pension purposes. | Council |
| DECH | (45) | Agree teachers' applications for early retirement without enhancement by way of added years. | Council |
| DECH | (46) | Approve the appropriate use of the Priority Schools Budget, Schools Budget Central Contingency as approved by the School's Forum subject to their use being monitored by the budget review process and the relevant consultation with the School's Forum. | Leader |
| DECH | (47) | Approve the arrangements for teachers who are to be awarded qualified teacher status after 7 th May 1999 to undertake an induction period in accordance with the provision of any regulations laid down by the Secretary of State and subsequent amendments; to grant extensions of the induction period as specified in the regulations and determine whether or not an induction period has been completed satisfactorily. | Council |
| DECH | (48) | Decide on action in response to individuals OFSTED reports and, when the circumstances of the report are exceptional, submit the report to the | Leader |

Portfolio Holder for detailed consideration.

Adult Education

| | | | |
|------|------|--|--------|
| DECH | (49) | To ensure the provision of Adult Education Services under Section 85 of the Further and Higher Education Act 1992 in accordance with Committee policy. | Leader |
|------|------|--|--------|

**PUBLIC PROTECTION & SAFETY PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

| Officer(s) Authorised | Authority to: | Responsibility delegated from |
|---|--|--|
| DCS (1) | In consultation with the Executive Director of Environment and Community Services, prosecution of offences for the selling of spray paint and graffiti implements to children under 16 under the Anti-Social Behaviour Act Section 54 and Environmental Protection Act 1990 Section 59. | Leader |
| DECS (2) | The issue of fixed penalty notices to abate noise under the London Local Authorities' Act 2004 Sections 15-17 and Schedule 2. | Council |
| DECS (3) | Enforcement of by-law breaches under the London Local Authorities' Act 2004. | Council |
| DCS (4) | In consultation with the Executive Director of Environment and Community Services, make parenting contracts and parenting orders in respect of criminal conduct and anti-social behaviour under sections 25 and 26 of the Anti-Social Behaviour Act 2003. | Leader |
| Fireworks | | |
| DECS (5) | The grant of new applications and the renewal of a licence to retail fireworks outside prescribed periods in cases where (in the latter case) the applicant has not committed any offence prescribed in the Fireworks Regulations 2004 during the licence period. | Leader |
| Environmental Health/Weights and Measures/Consumer Protection | | |
| DECS (6) | Carry out the Council's functions with regard to weights and measures and other relevant trading standards and consumer protection legislation. | Leader |
| DECS (7) | Administer the legislation listed in Part I of Appendix C of the report of the Director of Environmental Services to Environmental Services Committee on 7 th June 2000, (<i>as updated at appendix A to this scheme</i>) with the exception of any provision delegated exclusively by statute to another person or body, or any provisions the administration of | Council/Leader |

which have already been delegated within this Authority.

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| DECS | (8) | Carry out the Council's functions with regard to public health, environmental protection control of pollution, food safety and quality, health and safety at work, pest control, communicable disease control, animal welfare, water supply and water quality, young persons and tobacco and other relevant environmental health legislation. | Council/Leader |
| DECS | (9) | Institute enforcement action and, subject to the Director of Corporate Services being satisfied with the evidence in each case, legal proceedings, in respect of (6) and (7) above. | Council/Leader |
| DECS | (10) | Authorise employees and, where appropriate, inspectors to carry out functions in relation to (6) and (7) above. | Council/Leader |
| DECS | (11) | Authorise employees to sign statutory notices in respect of functions relating to (6) and (7) above. | |
| DECS | (12) | Authorise persons other than employees of the Council for the purposes of providing specialist advice and support in relation to (6) and (7) above. | Council/Leader |
| DECS | (13) | Grant, renew or transfer (but not refuse or revoke) licences, registrations and authorisations relating to food safety, animal welfare, special treatments, public entertainment, late night refreshment, nurses agencies, caravan sites, environmental protection and Houses in Multiple Occupation. | Council |
| DECS | (14) | Refuse an occasional public entertainment licence (excluding pop concerts) under the London Government Act 1963. | Council |
| DECS | (15) | Manage caravan sites owned by the Council. | Leader |
| DECS | (16) | Carry out the Council's functions under S.16 of the Local Government (Miscellaneous Provisions) Act 1976 and authorise officers to serve notices under S.16 of the Act. | Council |
| DECS | (17) | Discharge functions relating to the detainment, examination and seizure of food under the Food Safety Act 1990 both within the Borough and in all local authorities in England and Wales where reciprocal arrangements exist. (In addition all local authorities in England and Wales are authorised to | Council/Leader |

discharge the above functions within Bromley Borough.)

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|------|------|--|---------|
| DECS | (18) | Take action under the Fire Safety and Safety at Places of Sport Act 1987 to approve but not refuse applications for certificates or licences under the Act. | Council |
| DECS | (19) | Employ veterinary surgeons in conjunction with the Council's functions under diseases of animals, animal welfare and other related legislation. | Leader |
| DECS | (20) | Authorise persons as competent engineers under Section 31 of the GLC (General Powers) Act 1973. | Council |
| DECS | (21) | Carry out the Council's functions under Sections 27 and 29 to 32 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of blocked and defective drains and securing of buildings. | Leader |
| DECS | (22) | Waive the standard fees in respect of occasional licences for music, dancing or plays where the organisations which will provide such entertainment are doing so for: <ul style="list-style-type: none"> (a) educational purposes (b) in support of a registered charity; or (c) non profit making fund raising or similar activity except in the case of pop concerts and open air discos. | Council |
| DECS | (23) | Approve payment of compensation under the Public Health (Control of Diseases) Act 1984. | |
| DECS | (24) | Administer the registration system pursuant to Part V of the London Local Authorities Act 1995 (registration of door supervisors), including refusal of registration of a door supervisor. | Council |
| DECS | (25) | Authorise competent Council officers to act under the provisions of the Health Act 2006, Schedule 2 (powers of entry) and Section 9 (fixed penalty notices). | Leader |
| DECS | (26) | Act as the "Proper Officer" under the Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008 and appoint officers from the Council, Health Protection Agency or other organisations as necessary to exercise specific functions and powers as given to them (as | Leader |

set out in Appendix B to this scheme.)

Regulation of
Investigatory
Powers

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| DECS | (27) | Authorise action under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000. | Leader |
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**ENVIRONMENT PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

| Officer(s) authorised | Authority to: | Responsibility delegated from |
|----------------------------------|---|--|
| New Streets | | |
| DECS | (1) Decide the question of liability or exemption under the Advance Payments Code, including decision on the amount of the payment to be made other than determinations under Section 219(4)(h) of the Highways Act 1980. | Leader |
| DECS | (2) Agree requirements in relation to new street construction in planning applications. | Leader |
| DCS | (3) On recommendation of the Executive Director of Environment and Community Services negotiate and complete agreements under Section 38 of the Highways Act 1980 for the construction of new streets. | Leader |
| Private Street Works | | |
| DECS | (4) Provide street trees where appropriate under Section 2 of the Local Government Act 2000. | Council/Leader |
| DRS | (5) Sign and serve demands for payment under Sections 204-206 of the Highways Act 1980. | Leader |
| DCS | (6) Enter into agreements permitting frontagers to pay by instalments. | Leader |
| DCS | (7) Refer objections to Magistrates Court for determination. | Leader |
| DCS | (8) Arrange for the implementation of ministerial decisions on appeals by frontagers. | Leader |
| DECS | (9) Designate the "proper officer" for the purposes of Sections 205, 210 and 211 of the Highways Act 1980. | Leader |
| Private Streets | | |
| DECS | (10) Within the limits of approved estimates determine priority and execute urgent repairs under Section 230 of the Highways Act 1980. | Leader |

Street Naming and Numbering

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|----|------|---|---------|
| CP | (11) | Decide action on applications for approval of intended names of streets. | Leader |
| CP | (12) | Make and sign orders under the London Buildings Acts to give effect to decisions on naming and numbering, including renaming and renumbering. | Council |

Private Direction Signs

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|------|------|--|----------------|
| DECS | (13) | In appropriate circumstances, approve applications, subject to suitable indemnity and on condition that signs are fixed by the Environment and Community Services Department at the applicant's expense. | Council/leader |
| DECS | (14) | In appropriate circumstances, approve applications received from the Automobile Association or the Royal Automobile Club for the erection of temporary signs. | Council/Leader |

Erection of hoardings and scaffolding during building operations and the temporary deposit of materials and excavation

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|------|------|--|---------|
| DECS | (15) | Operate the provision of Sections 169, 171 and 172 of the Highways Act 1980. | Council |
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Grass Verges

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|------|------|--|--------|
| DECS | (16) | Authorise and erect notices against parking of vehicles. | Leader |
| DECS | (17) | Construct pedestrian access over. | Leader |

Overhanging Trees and Hedges

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|--------------|--|---|--------|
| DECS (18) | | Authorise and serve notices and take action under the Highways Act 1980, Section 154. | Leader |
|--------------|--|---|--------|

Dangerous Trees

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|--------------|--|--|--------|
| DECS (19) | | Authorise and serve notices under Section 154 of the Highways Act 1980 requiring owners or occupiers to cut or fell trees that are dead, diseased or insecure and are likely to cause damage by falling on a highway or footpath. On | Leader |
|--------------|--|--|--------|

default to carry out the work and recover the cost from the owner or occupier.

Refuse Disposal (Amenity) Act 1978 (Removal of abandoned motor cars and removal and disposal of other refuse abandoned in open air or on land forming part of highway)

| | | | |
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| DECS | (20) | Authorise and serve notices, and take action under Sections 3 and 6 of the Refuse Disposal (Amenity) Act 1978. | Leader |
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|------|------|--|--------|
| DECS | (21) | Remove forthwith from the highway and dispose of any vehicle obviously abandoned and ownership unidentifiable. | Leader |
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Car Parks

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| DECS | (22) | Allow refunds on car park season tickets. | Leader |
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| DCS | (23) | Make supplementary orders to apply the Off-Street Parking Places Order to further parking places provided by the Council. | Leader |
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| DECS | (24) | Accept commuted payments in lieu of car parking within a scheme approved by the Council. | Leader |
|------|------|--|--------|

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| DECS | (25) | Approve and provide means of access to any premises under Section 340, Highways Act 1980. | Leader |
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|-----|------|---|--------|
| DCS | (26) | On the recommendation of the Director of Environment and Community Services and on terms negotiated, complete agreements with owners and occupiers concerned. | Leader |
|-----|------|---|--------|

Off-Street Car Parking

| | | | |
|------|------|--|--------|
| DECS | (27) | Authority to institute proceedings for contraventions of parking orders relating to the use of off-street car parks. | Leader |
|------|------|--|--------|

Parking Enforcement

| | | | |
|------|------|---|--------|
| DECS | (28) | Sign, on behalf of the Council, requests for information as to the identity of the driver of a vehicle alleged to be guilty of an offence to which Section 85 of the Road Traffic Regulations Act 1967 applies, and sign notices under Sections 2 | Leader |
|------|------|---|--------|

and 3 of the Road Traffic Act 1974 relating to excess parking charges.

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| DECS | (29) | Authority to determine applications for exemption from the footway parking ban. | Leader |
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Special Parking Areas

| | | | |
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| DECS | (30) | Authority to institute or contest any action or administrative proceedings arising out of contraventions of traffic management orders relating to the Special Parking Area designated pursuant of the Road Traffic Act 1991. | Leader |
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Private Sewers and Drains – Overflow Prevention

| | | | |
|------|------|--|--------|
| DECS | (31) | Install and maintain anti-flood ball valves. | Leader |
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Temporary Direction Signs, Street Banners etc

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|------|------|---|----------------|
| DECS | (32) | Deal with all applications for temporary direction signs, street banners, etc, including seasonal and occasional decorations. | Council/leader |
|------|------|---|----------------|

Sight-Lines

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|-----|------|---|--------|
| DCS | (33) | Authorise and serve notices and act under Highways Act 1980, Section 79, to secure sight-lines recommended by the Director of Environment and Community Services. | Leader |
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Temporary Closure of Highways

| | | | |
|-----|------|--|--------|
| DCS | (34) | Make orders for temporary closures recommended by the Director of Environment and Community Services | Leader |
|-----|------|--|--------|

Minor Improvements of Highways and Sewers

| | | | |
|------|------|--|--------|
| DECS | (35) | Approve and execute minor schemes of improvement of all categories of highways and sewers maintainable at public expense, subject to all necessary consents, etc, being obtained and statutory action taken. | Leader |
|------|------|--|--------|

Prescription of Building Lines

| | | | |
|-----|------|---|--------|
| DCS | (36) | Prescribe building lines under Highways Act 1980, Section 74 recommended by the Executive | Leader |
|-----|------|---|--------|

Director of Environment and Community Services.

Highway Adoptions

| | | | |
|------|------|--|--------|
| DECS | (37) | After construction to his satisfaction declare streets to be highways maintainable at the public expense, and declare the associated drainage to be vested in the Council. | Leader |
|------|------|--|--------|

Public Footpaths

| | | | |
|------|------|--|---------|
| DECS | (38) | Approve the making of orders for the diversion of public footpaths where no objections are made following prior consultations with relevant owners and occupiers of land and with local and other interested organisations or statutory undertakers. | Council |
|------|------|--|---------|

| | | | |
|-----|------|--|---------|
| DCS | (39) | Make orders for diversion of public footpaths approved by the Executive Director of Environment and Community Services and confirm such orders where no statutory objections are made. | Council |
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| DCS | (40) | The Director of Resources, in consultation with the Executive Director of Environment and Community Services, to confirm: | Council |
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|--|-----|--|---------|
| | (a) | all unopposed Orders for the creation, extinguishment, stopping-up or diversion of any footpaths, bridleways and byways; and | Council |
|--|-----|--|---------|

| | | | |
|--|-----|--|---------|
| | (b) | all unopposed modification Orders made under the Wildlife and Countryside Act 1981 relating to footpaths, bridleways and byways. | Council |
|--|-----|--|---------|

| | | | |
|------|------|--|---------|
| DECS | (41) | Make comments, on behalf of the Highway Authority, on the diversion of footpaths or bridleways necessitated to enable development for which planning consent has been given, to take place | .Leader |
|------|------|--|---------|

Markets

| | | | |
|------|------|---|---------|
| DECS | (42) | Deal with the day-to-day supervision and management of markets. | Council |
|------|------|---|---------|

Walkways in Buildings

| | | | |
|-----|------|---|--------|
| DCS | (43) | On terms recommended by the Executive Director of Environment and Community Services complete agreements for the provision of dedication of footways or walkways under the provisions of Section 35, Highways Act 1980. | Leader |
|-----|------|---|--------|

Drainage of Highways

| | | | |
|------|------|--|--------|
| DECS | (44) | Take all action necessary for the drainage or prevention of flooding of highways under the provisions of Sections 100, 299 and 339 of the Highways Act 1980. | Leader |
|------|------|--|--------|

Control of Builders' Skips

| | | | |
|------|------|---|---------|
| DECS | (45) | Operate the provisions of Section 139 and 140, Highways Act 1980 in respect of skips deposited on highways. | Council |
|------|------|---|---------|

Retaining Walls near Streets

| | | | |
|------|------|---|--------|
| DECS | (46) | Operate the provisions of Section 167 of the Highways Act 1980 in respect of the erection and condition of retaining walls. | Leader |
|------|------|---|--------|

Construction of Buildings over Highways

| | | | |
|------|------|--|--------|
| DECS | (47) | Issue licences for construction of buildings over any part of a publicly maintained highways under the provisions of Section 177 of the Highways Act 1980. | Leader |
|------|------|--|--------|

Vehicle Crossings over Footways

| | | | |
|------|------|---|--------|
| DECS | (48) | Operate the provisions of Section 184 of the Highways Act 1980 relating to the construction of vehicle crossings over footways and verges. | Leader |
| DECS | (49) | Authorise, the waiver of charges in respect of the provision of crossovers in association with other adaptations to disabled persons' properties, and in accordance with the recommendations of the Executive Director of Education, Care and Health Services (Occupational Therapy Service). | Leader |

Trees and Shrubs in a Highway

| | | | |
|------|------|--|---------|
| DECS | (50) | Grant licences for the planting and maintenance of trees and shrubs under the provisions of Section 142 Highways Act 1980. | Council |
|------|------|--|---------|

Powers of entry for Survey

| | | | |
|------|------|--|---------|
| DECS | (51) | Authorise entry on to land for surveys in connection with highway functions under the provisions of Sections 289 and 290, Highways Act 1980. | Council |
|------|------|--|---------|

Powers of Entry to Maintain Structures and Works

| | | | |
|------|------|---|--------|
| DECS | (52) | Authorise entry on to land for the purpose of maintaining, altering etc, works or structures owned by the Highway Authority under the provisions of Section 291 of the Highways Act 1980. | Leader |
|------|------|---|--------|

Provision of Dustbins

| | | | |
|------|------|--|--------|
| DECS | (53) | Authorise and serve notices under Section 46 of the Environmental Protection Act 1990, as amended, requiring owners or occupiers of premises to provide the required number and type of covered dustbins for household refuse. | Leader |
|------|------|--|--------|

Trade Refuse Disposal Facilities

| | | | |
|------|------|--|---------|
| DECS | (54) | Authorise and serve notices on the owner or occupier of a building under Section 11 of the London County Council (General Powers) Act 1963 as amended requiring the carrying out of works or taking action to secure that the building is provided with trade refuse disposal facilities approved by the Executive Director of Environment and Community Services. | Council |
|------|------|--|---------|

Offences involving the use of a vehicle

| | | | |
|------|------|---|---------|
| DECS | (55) | Authorise and serve notices under Section 17 of the Greater London Council (General Powers) Act 1972 relating to an offence involving the use of a vehicle on a highway or parking area requiring information as to the identity to the driver or person in charge. | Council |
|------|------|---|---------|

Dangerous Land Adjoining Streets

| | | | |
|------|------|--|--------|
| DECS | (56) | Authorise and serve notices and take action under Section 165, Highways Act 1980 in respect of dangerous land adjoining streets. | Leader |
|------|------|--|--------|

Footbridges over Highways

| | | | |
|------|------|--|--------|
| DECS | (57) | Grant licences for the construction of footbridges over highways under provisions of Section 176 of the Highways Act 1980. | Leader |
|------|------|--|--------|

Restriction on placing rails, beams, etc over highways

| | | | |
|------|------|---|---------|
| DECS | (58) | Determine applications and grant consents under Section 178, Highways Act 1980, to place rails, beams, pipes, cables, wires, or other similar apparatus over, along or across highways. | Council |
|------|------|---|---------|

Cellars under Streets

| | | | |
|------|------|---|---------|
| DECS | (59) | Determine applications and grant consents under Section 179, Highways Act 1980 for the construction of cellars, etc under the carriageway of a street and authorise and serve notices for removal, or alteration, of any cellar, etc, constructed in contravention of that section. | Council |
|------|------|---|---------|

Openings in footways into cellars and pavement lights and ventilation

| | | | |
|------|------|--|---------|
| DECS | (60) | Determine applications and grant consents under Section 180, Highways Act 1980, to make an opening in the footway of a street to a cellar, or vaults; or to carry out works in a street to provide means for the admission of air or light to premises situated under or abutting onto the street and authorise and serve notices where default arises in complying with statutory requirements as to repairs. | Council |
|------|------|--|---------|

Minor Improvement Budget Schemes

| | | | |
|------|------|--|--------|
| DECS | (61) | Approve expenditure on schemes from within the minor improvement budget. | Leader |
|------|------|--|--------|

Traffic Management Schemes – Civil Engineering Costs

| | | | |
|------|------|--|--------|
| DECS | (62) | Following agreement in principle to traffic management schemes by the Council, approve the detailed civil engineering element costs. | Leader |
|------|------|--|--------|

Land Drainage and Watercourses

| | | | | |
|------|------|------|--|---------|
| DECS | (63) | (i) | Issue approvals under Section 11 (Restrictions as to buildings etc, in or over streams) and Section 13 (Restrictions on new connections with streams) of the River Ravensbourne etc (Improvements and Flood Prevention Act 1961. | Council |
| | | (ii) | In accordance with the Land Drainage Acts 1991 and 1992 implement the Council's National Rivers Authority policies on: | Leader |
| | | (a) | building over, adjacent to or in the flood plain of any watercourse; | Leader |
| | | (b) | the use and maintenance of any watercourse; | |
| | | (c) | the prevention of pollution to, and protection of the water environment; | |
| | | (d) | in accordance with the Land Drainage Act 1991 Section 25, to serve notices on riparian owners for maintenance of watercourses and, if in default, carry out works and recharge the owner all reasonable costs. | |

Bromley Town Centre – Closure of White Hart Slip

| | | | |
|------|------|--|---------------|
| DECS | (64) | Approve the issue of permits and determine any conditions that should be imposed thereon in respect of vehicles carrying out infrequent specialised maintenance or building activities and for infrequent delivery or collection of exceptional loads needing to gain access to White Hart Slip. | <i>Leader</i> |
|------|------|--|---------------|

Bromley Town Centre – Parades etc in High Street

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|------|------|---|---------|
| DECS | (65) | Determine applications for exemptions for parades and other similar events in the pedestrianised area of the High Street. | Council |
|------|------|---|---------|

Disposal of small surplus highway sites

| | | | |
|------|------|---|--------|
| DECS | (66) | Authority to declare as surplus to the requirements land held for highways purposes, being small areas of highway land not exceeding 500 square metres and to take such action as is necessary to extinguish highway rights associated with the land, subject to the receipt of planning consent for the change of use and the views of the local Ward Councillors being sought before any application is determined. | Leader |
|------|------|---|--------|

Licences – use of highway land

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|-----|------|--|---------------|
| DCS | (67) | On the recommendation of the Executive Director of Environment and Community Services prepare licences under the provisions of the Highways Act 1980 to enable the owners of properties fronting public highways to use adjoining highway land as part of their gardens. | <i>Leader</i> |
|-----|------|--|---------------|

Neighbourhood Watch Signs

| | | | |
|------|------|--|----------------|
| DECS | (68) | Authorise and/or refuse consent for the erection of Neighbourhood Watch signs on Council street furniture. | Council/Leader |
|------|------|--|----------------|

Street Trading

| | | | |
|------|------|--|---------|
| DECS | (69) | To recommend legal proceedings subject to the Director of Corporate Services being satisfied as to the sufficiency of evidence. | Council |
| DECS | (70) | To grant unopposed applications for full and temporary licences and applications for renewals of such licences where the terms and conditions are unchanged. | Council |
| DECS | (71) | To refuse applications for street trading licences in circumstances where Section 25(4)(a) and (b) apply. | Council |
| DECS | (72) | To grant unopposed applications by licence holders for variation of conditions attached to their licence. | Council |
| DECS | (73) | To waive fees for temporary licences in respect of national charity events. | Council |

| | | | |
|------|------|---|---------|
| DECS | (74) | To remit or refund fees or charges associated with street trading licences on production of a medical certificate or where because of road works etc a trader is unable to trade or for any other approved reason. | Council |
| DECS | (75) | To accept applications for renewal of licences later than two months before expiry date (submitted before the expiry date). | Council |
| DECS | (76) | To accept the surrender of a street trading licence. | Council |
| DECS | (77) | To refuse the granting of a temporary licence for a street trader. | Council |
| DECS | (78) | Confirm all experimental traffic regulation orders after an operational period of 12 months subject to: <ul style="list-style-type: none"> (i) the Ward Members concerned, the police and the public where appropriate being consulted; (ii) no objections being forthcoming; (iii) a report being made to the Executive Portfolio Holder in respect of those locations where objections have been received. | Leader |
| DECS | (79) | Powers to control unlicensed street trading under the London Local Authorities' Act 2004 Section 20 and Schedule 4. | Council |

School Keep Clear Markings

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| DECS | (80) | Introduce mandatory school Keep Clear markings when the need is apparent and, the cost of each Traffic Order be funded from the block revenue provision for minor traffic management schemes. | Leader |
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Central Islands/Refuges

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| DECS | (81) | Approve the installation and removal of central islands/refuges subject to consultation with ward members. | Leader |
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Environment Bromley – Grant

DECS (82) Approve annual requests from Environment Bromley for grant funding. Leader

Graffiti Removal

DECS (83) The Power to require the removal of graffiti from shops, commercial properties, apparatus and plant under the London Local Authorities' Act 2004. Council

DECS (84) Approve action to secure the removal of graffiti in consultation with the Director of Corporate Services. Council/Leader

Waiting and Loading Restrictions

DECS (85) Authority to:

- (i) suggest the sites for the introduction or amendment of waiting and loading restrictions. Leader
- (ii) consult the Executive Portfolio Holder, Ward Members concerned, the Police and the public on the proposals. Leader
- (iii) subject to no objections being forthcoming, or where the scheme is less than £5,000 to introduce the restrictions; and Leader
- (iv) report to the Executive Portfolio Holder in respect of schemes costing over £5,000 where objections have been received but it is still considered that the restrictions should be implemented. Leader

Disabled Persons Parking Bays

DECS (86) Approve applications which meet all the following criteria and where no objections are received during consultation with the Ward Members, Police and local residents. Leader

- (i) only disabled drivers will be considered, except in exceptional circumstances; Leader

- | | | |
|-------|---|--------|
| (ii) | only applicants with no suitable off-street parking available to them will be considered; | Leader |
| (iii) | serious and frequent problems must be experienced in parking near the applicant's residence; | Leader |
| (iv) | applicants must undergo a medical assessment by the Council-appointed doctor; | Leader |
| (v) | applicants under 65 years of age should be receiving the higher mobility component of disability living allowance whilst applicants over 65 years of age would be assessed by the Council-appointed doctor only as in (iv) above. | Leader |
| (vi) | the exceptional circumstances referred to in (i) above be: | Leader |
| | (a) the application is on behalf of a minor; and | |
| | (b) the refusal of the application would cause hardship to the carers or the disabled person. | |

Street Works etc

- | | | | |
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| DECS | (87) | Operate the provisions of Section 50 of the New Roads and Street Works Act 1991, for the granting of street works licences. | Council |
| DECS | (88) | Operate the provisions of Section 56 of the New Roads and Street works Act 1991, for giving the undertaker such directions as to the times when works may or may not be carried out. | Leader |

Unauthorised Signs on the Highways

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| DECS | (89) | Operate the provisions of Section 132 of the Highways Act 1980 to remove unauthorised signs placed on the highway in roads which are on the Council's statutory list of maintained highways and rights of way in the Definitive Map. | Leader |
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Wilful Obstruction of the Highway

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| DECS | (90) | Operate the provisions of Section 148 of the Highways Act 1980 for the removal of unauthorised things on the highway which are on the Council's statutory list of maintained highways and rights of way in the Definitive Map. | Leader |
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Removal of Projections from Buildings

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| DECS | (91) | Serve notice under Section 152 of the Highways Act 1980 in respect of any projection from a building which may endanger the public. | Leader |
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White Bar Carriageway Markings

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| DECS | (92) | Decide whether white bar markings should be laid to reduce the incidence of car parking obstruction in the following cases: (a) access to public places such as churches, halls and libraries; (b) accesses to groups of garages or similar situations where obstruction causes for delivery or loading including refuse collection. (c) access for individual disabled drivers who park off-street; and (d) to assist pedestrian access where vehicle parking obstruction takes place at crossing sites, excluding formal pedestrian crossings. | Leader |
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Consultation Documents

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| DECS | (93) | Consider and submit comments in respect of consultation documents received seeking the Council's views on all matters within the portfolio's purview subject to there being no policy issues or substantial expenditure, involved. In those instances, where the Executive Director of Environment and | Leader |
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Community Services considers it appropriate prior consultation should be undertaken with the Executive Portfolio Holder before observations are submitted.

Signing to Places of Worship

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| DECS | (94) | Approve or refuse application for signing to places of worship, based on the criteria approved by the Executive Portfolio Holder – any complex or sensitive issues to be referred to the Executive Portfolio Holder for determination. | Leader |
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Environmental Improvements

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| CP | (95) | Select environmental improvement schemes for implementation, following consultation with the Ward Members concerned (the CP also to report annually on the Committee on the action taken). | Leader |
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Blue Badge Scheme

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| DECS | (96) | The issue and administration of the Blue Badge Scheme as provided for under the Chronically Sick and Disabled Persons Act 1970. | Leader |
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Lease of Council Facility

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| DECS | (97) | Let or lease a Council facility or part to a Council contractor to assist with the performance of their contract with the Council. | Leader |
| DECS | (98) | Authority to approve highways and transport planning schemes for signs and disabled parking bays, including consultation and implementation stages, provided costs are within current budgets. | Council/Leader |
| DECS | (99) | Authority, in consultation with the Director of Corporate Services, to make Orders in respect of waiting restrictions and loading bays. | Leader |
| DECS | (100) | Decide on action in response to petitions related to environmental operational matters. | Council/Leader |

Allotments

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|------|-------|--|--------|
| DECS | (101) | Manage and let allotment plots (in conjunction with allotment society or association where management agreement exists between Council and the society or association). | Leader |
| DECS | (102) | Waive all or part of the rent due in the initial year of a tenancy where in his opinion a plot requires additional work to put it into a satisfactory state for cultivation. | Leader |
| DECS | (103) | Deal with applications for permission to erect buildings and structures, subject to consultation with local allotment society or association in the case of those exceeding two feet in height and not being the replacement of an existing building or structure. | Leader |
| DECS | (104) | Authorise the signature of tenancy agreements on behalf of the Council. | Leader |
| DECS | (105) | Authorise and service notices to quit or notices or re-entry on allotment tenants:- (a) where the Council determine alternative use of the land, and (b) for arrears of rent or other breach of tenancy agreement. | Leader |
| DECS | (106) | In consultation with the Director of Corporate Services, approve changes of trustees appointed for the purposes of a management agreement between the Council and an allotment society or association. | Leader |

Parks, recreation grounds, open spaces

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| DECS | (107) | Approve occasional, general or individual variations of dates and opening hours. | Leader |
| DECS | (108) | Allocate seasonal reservations in accordance with priorities approved. | Leader |
| DECS | (109) | Restrict public use to accommodate lettings, reservations and other special occasions. | Leader |
| DECS | (110) | Let all premises in accordance with policy and permitted uses approved by the Executive or | Leader |

Executive Portfolio Holder.

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| DECS | (111) | Let catering rights in all premises, on the best available terms, in respect of arrangements of up to one year's duration only and where arrangements for a longer period have not previously been made, subject to consultation where necessary with the Director of Corporate Services and the signing by the Chief Executive of any consequent licence. | Leader |
| DECS | (112) | Deal with applications for commercial purposes at a charge to be negotiated in each case. | Leader |
| DECS | (113) | Let sports pitches and facilities. | Leader |
| DECS | (114) | Set the dates of commencement and completion of sports seasons, including occasional, general or individual extension or contraction. | Leader |
| DECS | (115) | Grant temporary use and letting of parks, open spaces and premises to outside organisations including temporary closure to the public so that admission charges may be levied. | Leader |
| DECS | (116) | Accept gifts of memorial and other seats. | Leader |
| DECS | (117) | (a) Decide conditions for suitable applicants to be allowed to use the Council's parks and open spaces for filming and commercial photography on payment of prescribed fees, but with power to waive the fee for filming or photography by an education authority, or in such a case, to charge a nominal fee of £1, at his discretion. | Leader |
| | | (b) Refuse an application where the films or photographs are likely to be detrimental to the Council's interests. | Leader |
| DECS | (118) | Deal with applications for use by circuses and small family fun fairs of areas within the Council's control which have been approved as suitable for such use. | Leader (Licensing decision Council) |
| DCS | (119) | Approve the use of the forecourt at the Churchill Theatre/Central Library for events. | Leader (Licensing decision Council) |

Commons

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| DECS | (120) | Deal with applications for fetes and other special activities on commons. | Leader (Licensing decision Council) |
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Cemeteries

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| DECS | (121) | Manage the Council's cemeteries including the allocation of burial space and the authorisation and execution of grave grants. | Leader |
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Anti Social Behaviour

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| DECS | (122) | In consultation with the Director of Corporate Services issue of fixed penalty notices in respect of graffiti and fly posting under the Anti-Social Behaviour Act 2003 Section 43. | Leader |
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| DECS | (123) | Issue of graffiti removal notices under the Anti-Social Behaviour Act 2003 Section 48. | Leader |
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| DECS | (124) | Powers to deal with the clearance of works and litter under the Anti-Social Behaviour Act 2003 Sections 55 and 56. | Leader |
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| DECS | (125) | Control of high hedges under the Anti-Social Behaviour Act 2003 Sections 68, 69 and 70. | Council |
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| DECS | (126) | Propose the making of a Gating Order under the Clean Neighbourhoods and Environment Act 2005. | Leader |
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Miscellaneous

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| DECS | (127) | Deal with dangerous trees pursuant to Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976. | Leader |
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| DECS | (128) | Approve the purchase of selected horticultural stock, without recourse to competitive quotations. | Leader |
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| DECS | (129) | Refer to the Director of Corporate Services for consideration with a view to prosecutions, cases under the Council's byelaws or other statutes. | Council |
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| DRT | (130) | Manage the staff canteens and catering service without prejudice to the Director of Finance's financial responsibilities referred to | Council/Leader |
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in Minute 1/356 (General Purposes Committee – 8.6.65) and subject to consultation as appropriate with and by the Director of Human Resources on staff welfare aspects.

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| DECS | (131) | Issue of fixed penalty notices for fly posting under the London Local Authorities' Act 2004 Sections 15-17 and Schedule 2 | Council |
| DECS | (132) | Destruction of vehicles which are unlicensed, without a valid registration plate, or which have no registered keeper and associated powers under the London Local Authorities' Act 2004 Sections 3, 4, 6 and 7. | Council |
| DECS | (133) | The control of car repairs on the street under the London Local Authorities' Act 2004 Section 11. | Council |
| DECS | (134) | Pigeon proofing of bridges under the London Local Authorities' Act 2004 Section 9. | Council |

**RESOURCES PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Where marked * exercise of an authority to act is conditional upon the authorised officer consulting with the Chief Executive.

| Officer(s) authorised | Authority to: | Responsibility delegated from |
|--|---|--|
| Staff Appointments | | |
| All | (1) With the exception of the post of Chief Planning Officer, appoint staff in authorised posts of "Deputy Chief Officer" as defined by the Local Government Act 2002. A procedure for notifying the Executive will apply before a formal offer can be made. | Council |
| Suspension, relegation and dismissal of officers | | |
| All | * (2) Subject to any existing right of appeal to an Appeals Panel to suspend, relegate or dismiss Deputy Chief Officers as defined by the Local Government Act 2002. | Council |
| | Consider appeals from employees against their dismissal, except where the Council's procedures provide for these to be heard by a Members' Appeal Panel | Council |
| DHR | (3) Authorise the release of statutory minimum redundancy payment and basic pension to eligible staff as provided for under redundancy payments legislation and the LGPS Regulations. | Council |
| Departmental Structures and Job Grade Reviews | | |
| All | (4) (i) Authorise departmental restructurings and grading reviews in consultation with the Director of Human Resources, provided that these are in line with the overall strategic direction of the Council and do not involve redundancies or early retirement and are self financing. | Council/Leader |
| Chief Executive | (ii) Authorise reorganisations and restructurings involving redundancies and /or early retirement to be made by the Chief Executive after consultation with the Leader, relevant Director(s) and Portfolio Holder(s) on the service and financial implications where there is funding available to meet the associated costs. | Leader |

Conditions of Service

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| All | (5) | Approve payment of, in accordance with procedures laid down from time to time:- Leased cars; Car allowances; Car purchase loans; Removal expenses for new staff; Telephone installation and rental charges; Travelling and subsistence expenses; Excess travelling expenses for transferred staff for up to 4 years; Interest free loans for annual season tickets. | Council |
| All | (6) | Permit, as appropriate, staff to undertake activities such as the giving of lectures or instruction associated with professional or analogous training which may fall partly within office hours. | Council/Leader |
| DHR | (7) | Determine variations to local conditions of service in exceptional individual employee cases in consultation with the departmental Chief Officer and with the Director of Finance when direct costs are incurred. | Council |
| Early Retirement | | | |
| All and DHR | (8) | Authority to agree applications for early retirement outside the redundancy policy where this will lead to compensatory staff savings, and act as a member of the Chief Officer Early Retirement Panel to determine applications for early retirement under the Local Government Pension Scheme Regulations. | Council |
| DHR | (9) | Make all necessary arrangements for implementation of the Council's long service awards. | Council |
| Leave | | | |
| All | (10) | Grant annual and special leave in accordance with the Council's policy. | Council |
| Superannuation etc | | | |
| DF | (11) | Determine and apply the provisions of the Local Government Pension Scheme Regulations excluding matters relating to ill-health, as applicable to employees, pensioners, dependents and estates. Determine and | Council |

apply the provisions of the Social Security Acts and Occupational Pension Scheme Regulations to leavers, pensioners, dependants and transfer values.

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| DHR | (12) | The determination and application of all matters relating to ill-health retirement under the Local Government Pension Scheme Regulations. | Council |
| DF and DHR | (13) | Authority to determine future applications for early payment of deferred benefits under the Local Government Pension Scheme Regulations. | Council |
| DF and DHR | (14) | To implement the Council's schemes for gratuities and severance payments. | Council |
| DF and DHR | (15) | With regard to automatic enrolment under the Pensions Act 2008 authority to - <ul style="list-style-type: none"> (i) use postponement for workers on short-term contracts and in circumstances where it aids administrative processes; and (ii) take all necessary action to ensure that the Council's responsibilities under the requirements of automatic enrolment are met. | Council |

Implementation of Awards etc

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| DF | (16) | Implement payment of salary and wage awards by the Council. | Council |
| CE | (17) | Implement decisions of appropriate national negotiating bodies of a routine or minor character affecting the working conditions of employees. | Council |

Ex Gratia Payments

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| All | (18) | Authorise, in consultation with the Director of Finance,, ex gratia payments not exceeding £500 in any one case to persons in the employment of the Council in respect of loss of or damage to personal property sustained during the course of duty when reimbursement for such loss or damage is not recoverable from any other source. | Council |
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Industrial Injuries Scheme

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| DHR | (19) | Determine, in consultation with the Executive Director of Education, Care and Health Services so far as teachers are concerned, all applications under Paragraph 8 of the Greater London Whitley Council Industrial Injuries Scheme as at 31 March 2013. | Council |
|-----|------|--|---------|

Honoraria

All (20) Authorise the payment of honoraria to employees in accordance with conditions of service and the Council's scheme. Council

DHR (21) Determine any individual variations to the Council's scheme for the payment of honoraria to management grade staff. Review periodically the basis of the honoraria in the light of pay awards and any other relevant factors and revise the honoraria amounts accordingly. Council

Essential Car users – Car Loan Council

DF/DHR (22) Authority to carry out an annual review of the maximum sum the Authority is prepared to make available in the form of a loan to "essential car users" for the purpose of purchasing a car and to agree an increase in the maximum loan as necessary to reflect any increase in the cost of new cars, subject to an individual not being permitted to borrow more than 50% of their annual salary. Council

DCS (23) Determine the area over which rights alone should be acquired in respect of the Bromley Town Centre redevelopment. Leader

Benchmark Lease Cars

DECS/DF (24) The Executive Director of Environment and Community Services, in consultation with the Director of Finance, be authorised to revise benchmark lease car contributions as and when manufacturers vary prices during the course of the year. Council

DHR/DF (25) The Director of Human Resources, in consultation with the Director of Finance, be authorised to vary the mileage rates payable to leased car users. Council

Mortgages

DCS (26) Seal: Council

- (a) vacating receipts and discharges of mortgages;
- (b) mortgages where the advances are made by instalments;
- (c) mortgages to secure the external borrowing of money.

CE/DCS (27) Sign receipt on mortgages and discharges of registered charges where the Council's seal is not Council

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| | | required. | |
| DCS | (28) | Approve advances for the connection of houses to public sewers. | |
| DCS | (29) | Approve applications for the consent of the Council as mortgages to: (i) the grant of rights of way and other easements, and licences; (ii) the carrying out of alterations and/or improvements to the mortgaged properties; subject in each case to being satisfied that the Council's security will not be adversely affected. | Leader |
| DCS | (30) | Authorise and institute proceedings for the recovery of arrears and/or possession of the property where mortgagors under the Council's Housing Act Advance Scheme have made default in payment of sums secured by the mortgage. | Leader |
| DCS | (31) | Authorise and give permission for short-term lettings of mortgaged property by mortgagors. | Leader |
| DECHS | (32) | Approve Housing Act advances in accordance with the scheme and criteria approved by the Executive. | Leader |
| DF | (33) | Approve increases or reductions in mortgage periods. | Leader |
| DCS/DF | (34) | Approve applications for the transfer of mortgages from the husband and/or wife to husband and/or wife subject to normal income limits. | Leader |
| DCS | (35) | Endorse extensions of mortgages executed by the Council in connection with external loans. | Leader |
| Private Street Works Charges, etc. | | | |
| DCS/DF | (36) | Approve the suspension of repayment of the principal element of private street works charges and loans for house connections to sewers for such period as the applicant is in receipt of Social Security income support | Leader |
| Loans | | | |
| DF | (37) | To make all necessary arrangements for efficient debt and cash management in accordance with any statutory requirements and the Treasury Policy | Council/Leader |

Statement approved by the Council. In particular to:

- (i) arrange loans, as required, on terms appropriate to market conditions in order to finance new capital expenditure or refinance maturing loans;
- (ii) raise temporary loans and invest surplus cash;
- (iii) arrange leasing finance as appropriate.

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| DECH | (38) | Authority to approve maturity loans applications. | Leader |
| Rates of Interest | | | |
| DCS | (39) | Determine rates of interest of (a) local bonds and mortgages and (b) Housing Act mortgage advances, subject to referral to Committee of any proposal to vary existing practice in the relative treatment of pre- and post-1980 Act mortgages. | Council/Leader |
| Local Taxes | | | |
| DF | (40) | Authority to act on behalf of the Council in all matters concerning the administration, collection, recovery or community charges, Council Tax and non-domestic rates (including authority to authorise bailiffs to levy distress on behalf of the Council) and the administration of community charge and Council Tax benefits (including, for the avoidance of doubt, the consideration of any complaint or appeal by a Council tax payer). | Council/Leader |
| Value Added Tax | | | |
| DF | (41) | To take any necessary action to "opt to tax" exempt supplies where the third party is VAT registered. | Leader |
| Contractors Bonds | | | |
| All | (42) | Allow contractors to obtain their own bonds for due performance of any proposed contract, subject to the nominated bondsman being acceptable to the Director of Finance and to any additional cost being met by the contractor. | Leader |
| Carry Forward of Budgets | | | |
| DF | (43) | Authorise spending officers to carry forward from one financial year to the next any unspent General Fund or Housing Revenue Account budget provision, provided that the goods were ordered or the work was started in the expectation that the order would be completed by 31 st March. | Council/Leader |

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| DF | (44) | The Director of Finance shall be the Chief Finance Officer for the purposes of Section 114 of the Local Government Finance Act 1988. | Council |
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| DF | (45) | In respect of benefit fraud, impose or request administration penalties as appropriate. | Leader |
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Management of The Glades

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| DRT | (46) | Following, where appropriate, consultations with the Director of Corporate Services to take decisions concerning the management of The Glades shopping centre so as to maintain the Council's overall interests. | Leader |
|-----|------|--|--------|

Property

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| DCS/DRT | (47) | <p>Authority to:-</p> <ul style="list-style-type: none"> (i) approve purchases of properties in pursuance of confirmed compulsory purchase orders, on terms recommended and endorsed, when necessary, by the District Valuer; (ii) To approve the terms of any property transaction where there has been a decision of the Council, Executive, Executive Portfolio Holder, Committee or Sub-Committee, to acquire or dispose subject to a capital value less than £500,000 or rental value less than £50,000; (iii) To sell land not required for operational purposes with an area less than 500 sq. meters and value less than £10,000; (iv) To sell property or purchase it by private treaty when such action was included in the Asset Management Plan, subject to the financial limits set out in (ii) above; (v) Carry out all functions relating to the leasing and management of property, including landlords' consent, unless they fall outside the financial limits detailed in (ii) above, or the matter is particularly referred by Members to the Executive or Portfolio Holder; (vi) To take action on all London Residuary Body matters, subject to the financial limits set out in (ii) above. | <p>Leader</p> <p>Leader</p> <p>Leader</p> <p>Leader</p> <p>Leader</p> <p>Leader</p> <p>Leader</p> |
|---------|------|--|---|

- (vii) authorise the making of a Home Loss Payment in any case in which such a payment is appropriate;
- (viii) grant leases to public utility undertakings for land required for the erection of sub-stations or other similar purposes; Leader
- (ix) grant leases of Council land or properties not immediately required for the purposes for which they were originally acquired or are currently held, provided such leases are Leader
 - (a) for a period not exceeding seven years; or
 - (b) where the premium does not exceed £5,000 or the annual rent £500;
- (x) consent to the assignment of leases and tenancies of Council properties; Leader
- (xi) negotiate and agree terms in respect of easements, wayleaves, consents and licences affecting land and property; Leader
- (xii) approve applications for the consent of the Council, as landlord, for minor alterations or improvements to buildings; Leader
- (xiii) determine rent reviews and agree changes in use of commercial properties in Council ownership where the Council is acting as landlord; Leader
- (xiv) on terms determined in accordance with provisions of the Act, approve sales or the extension of leases under the Leasehold Reform Act 1967, as amended by the Housing Act 1980, where appropriate claims have been accepted as being legally valid and without grounds for counter-claim; Leader
- (xv) enter into an agreement, or agreements under Section 1 of the Local Authorities (Goods and Services) Act 1975, on such terms as he considers appropriate: Council/Leader
 - (1) with the London Fire and Emergency Planning Authority, to act on its behalf in respect of the sale of Beckenham Fire Station and any other property owned by

that body; and

(2) with any other public body which may request such service.

(xvi) Agree terms, in consultation with the Leader of the Council, for the disposal of the Council's reversionary interest in small areas of non-housing land and buildings on the former GLC Seaside and Country Home estates, subject to an upper price limit of £200,000. Leader

(xvii) Decisions on former London Residuary Board matters which do not involve expenditure by the Council and are not of a controversial or sensitive nature. Leader

(xviii) Approve transactions when the name of the purchaser or transferee changes, but not the ownership, and all other terms and conditions remain as originally approved; Leader

(xix) Dispose of small areas of former highway land not exceeding 500 square metres which have been declared surplus to the requirements of the Council and upon which highway rights have been extinguished subject to consultation with Ward Members. Leader

Energy Contracts

DF (48) In consultation with the DECH and relevant Executive Portfolio Holders, to accept energy tenders for gas and electricity for those schools which have opted into a corporate contract (in accordance with the decision of the Executive on 21st July 2008). Leader

DF (49) To accept energy tenders for gas and electricity for the remainder of the Council (in accordance with the decision of the Executive on 21st July 2008). Leader

Registration Service

DCS (50) Be "Proper Officer" in respect of the Births Deaths and Marriages Registration Service. Council

**CARE SERVICES PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

| Officer(s) Authorised | Authority to:- | Responsibility delegated from |
|----------------------------------|--|--|
| DECH/ DECS(1) | Ensure that the powers and duties to provide for the social care of elderly people, people with a disability and/or chronic sicknesses are met in accordance with statutory requirements and Council policy. | Council/Leader |
| DECH (2) | Exercise the statutory functions (including under the Mental Health Acts and Mental Capacity Act 2005) to safeguard the welfare of people suffering from a mental illness. | Leader |
| DECH (3) | Arrange burials and cremations in cases where no other suitable arrangements have been made. | Leader |
| DECH/ (4) DRT/DECS | Consider the conditions and housing needs of the Borough. | Leader |
| DECH (5) | Assess and arrange rehousing for homeless applicants in accordance with statutory requirements and Council policy. | Leader |
| DECH (6) | Nominate applicants to Housing Associations. | Leader |
| DECH/DRT (7) | Monitor the performance of Housing Associations and arrange for collection and production of statistical information. | Leader |
| DECH/DRT (8) | Consult with and provide advice to Housing Associations and other housing organisations on the housing needs of the Borough. | Leader |
| DECH (9) | Manage and provide temporary accommodation for homeless people and in cases of emergencies. | Leader |
| DECH (10) | Agree the terms and conditions for block booking arrangements for temporary accommodation. | Leader |
| DECH/DRT (11) | Manage the Council funded development programme in line with Council policy. | Leader |
| DECH (12) | Undertake the general supervision and management of social work support services provided under the Local Authority Social Services Act 1970 (and any other enactment) not generally covered elsewhere in this scheme of delegation. | Leader |

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|------|------|---|----------------|
| DECH | (13) | Ensure that reasonable costs are recovered for certain services in line with statutory regulations and Council policy. | Leader |
| DECH | (14) | Discharge the Council's transport functions in accordance with statutory requirements. | Council/Leader |
| DECH | (15) | Dispose of small plots of land which are surplus to requirements and which do not exceed 200 square metres in area, subject to consultation with local Ward Members. | Leader |
| DECH | (16) | Waive or abate charges and to take further action in relation to recovery of charges. | Leader |
| DECH | (17) | Approve applications for joint financing of less than £50,000. | Leader |
| DECH | (18) | Authority to allocate Housing Association Programme funds in accordance with the criteria contained in Social Services and Housing Committee Minute 232(g) (21 st July 1997). | Leader |
| DRT | (19) | Determine and pay claims for "well maintained" payments following directions given by the Secretary of State for the Environment. | Leader |
| DRT | (20) | Negotiate with owners and accept tenancies of properties in compulsory purchase orders awaiting confirmation by the Secretary of State and from which immediate rehousing is considered necessary. | Leader |
| DRT | (21) | Deal with the day-to-day management of all maisonettes associated with shop premises. | Leader |
| DF | (22) | Authorise payment of disturbance claims. | |
| DECS | (23) | Approve all renovation, disabled facilities and other housing grants and loans in accordance with the schemes approved by the Executive Portfolio Holder. | Leader |
| DECS | (24) | Require and enforce repayment of housing and disabled facilities grants in accordance with the practice of the Executive. Approve the waiving of repayments where financial hardship to the owner would arise. | Leader |
| DECS | (25) | Carry out the Council's functions relating to private sector housing in connection with hazard rating, disrepair, provision of amenity, means of escape in the case of fire, overcrowding, energy efficiency, empty property, management and control. | Leader |

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|---------|------|---|--------|
| DECS | (26) | Institute enforcement action and, subject to the Director of Corporate Services being satisfied with the evidence in each case, legal proceedings, and hearings in respect of (25) above. | Leader |
| DECS | (27) | Authorise the carrying out of work in default in appropriate cases of non-compliance. | Leader |
| DECS/CP | (28) | Arrange for the demolition of properties for redevelopment purposes. | Leader |
| DF | (29) | Determine the amounts of rent rebates to be allowed under approved scheme. | Leader |
| DECH | (30) | Authorise the approval of discretionary disabled facilities grants in exceptional circumstances. | Leader |
| DECH | (31) | Authority to approve Social Workers' warrant cards. | Leader |

**RENEWAL AND RECREATION PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

| Officer(s) Authorised | Authority to: | Responsibility delegated from |
|----------------------------------|---|--|
| Libraries | | |
| DECS | (1) Select and purchase books and other library and museum materials and arrange loan exhibitions. | Leader |
| DECS | (2) Amend list of purchased periodicals, such amendments to be reported to the Portfolio Holder annually. | Leader |
| DECS | (3) Publish book lists. | Leader |
| DECS | (4) Decide on the closure of libraries at Christmas, Easter and public holidays. | Leader |
| DECS | (5) Decide on occasional variation of library opening hours. | Leader |
| DECS | (6) Deal with the letting of library halls. | Leader |
| DECS | (7) Carry out the Council's functions and duties under the Public Libraries and Museums Act 1964 and any amendments. | Leader |
| DECS | (8) Approve the secondment of trainee librarians for training, subject to the following: (a) such trainees to sign the usual undertaking in respect of staying in the Council's service for two years after completion of their studies; and (b) financial provision being agreed in the revenue budget annually. | Council |
| Local Land Charge Searches | | |
| DRT | (9) Deal with local land charge searches. | Leader |

Legislation enforced by Bromley Public Protection Division
(Public Protection and Safety Portfolio – Delegation (7))

PRIMARY LEGISLATION

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|--|---|
| Accommodation Agencies Act 1953 | To perform functions and investigate offences related to the practices of accommodation agencies |
| Administration of Justice Act 1970 | To perform functions and investigate offences related to the harassment of debtors |
| Animal Welfare Act 2006 | Powers relating to the control of animal welfare |
| Animal Health Act 1981 | Provisions for welfare of farm animals in transit, on the farm and at market |
| Animal Boarding Establishments Act 1963 | Provisions relating to the commercial boarding of animals |
| Agriculture Act 1970 | 67(1) Duty Of local authority to enforce part IV of the Act in respect of fertilisers and animal feeding stuffs.67(4) Power to grant consent for inspectors of another enforcement authority to exercise powers within the London Borough of Bromley;67(3) Power to appoint agricultural analyst and deputies; to perform functions and investigate offences related to fertilisers and animal feeding stuffs;75(2) Power to require information and documentation; 76 – Power to enter premises and take samples |
| Advanced Television Services Regulations 1996 | Provisions relating to supply & construction of television equipment. |
| Aerosol Dispensers (EEC Requirements) Regs 1977 | Re marking, inspecting, testing and content of aerosols |
| Anti-Social Behaviour Act 2003 | To perform functions and investigate offences related to the sale of aerosol paint to persons under age. |
| Architects Act 1997 | To perform functions and investigate offences related to unregistered architects |
| Breeding and sale of dogs (welfare) Act 1999 | Provisions to control the activities of commercial dog breeders |
| Breeding of dogs Act 1973 & 1991 | Provisions to control the activities of commercial dog breeders |
| Building Act 1984 | Provisions relating to adequate water supply, drainage and sanitary ware repair/improvement, in dwellings and emergency abatement of certain statutory nuisances. |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|---|---|
| Business Names Act 1985 | Provisions relating to ownership details on premises and stationery. |
| Cancer Act 1939 | To perform functions and investigate offences connected to advertisements relating to the treatment of cancer |
| Caravan Sites and Control of Development Act 1960 | Provisions for granting licences to caravan sites, attachment of conditions and the provision of caravan sites. |
| Charities Act 1992 | To perform functions and investigate offences connected with information to be provided, and false statements made by, professional fund raisers. |
| Charities Act 2006 | To perform functions and investigate offences connected with unauthorised use of badges certificates and articles and of false statements made, in respect of charitable appeals. |
| Children & Young Persons Act 1933 | To perform functions and investigate offences connected with the sale of tobacco and cigarette papers to persons under age and in respect of tobacco vending machines. |
| Children & Young Persons (Protection Tobacco) Act 1991 | Duty of local authority to consider a programme of enforcement action in respect of the sale of tobacco to persons under age. |
| Children & Young Persons (Protection Tobacco) Act 1991 | To perform functions and investigate offences connected with the sale of single cigarettes [3(1)] and in respect of tobacco warning notices [4(1) & 4(2)] |
| Cinemas Act 1985 | The provisions relating to the regulation of cinemas and film exhibitions |
| Clean Air Act 1993 | Provisions relating to control of smoke from chimneys and the chimney height; smoke grit and fumes from furnaces and the height of the furnace; the control of appliances and fuels in smoke control areas; controls over cable burning and the power to publish information thereof. Duty to enforce regulations concerning the composition and content of motor fuel [30(4)] and the sulphur content of oil fuel [31(4)] To perform functions and investigate offences connected to regulations made under section 30 & 31 related to the composition and content of motor fuel and fuel oil. To exercise powers of entry, inspection, seizure and test purchase in respect of motor fuel and fuel oil |
| Copyright, Designs & Patents Act 1988 | To perform functions and investigate offences related to making or dealing with infringing articles etc Duty of enforcement by local weights and measures authority and powers of authorised officers related to entry, inspection, seizure and test purchase etc To perform functions and investigate offences related to making dealing with or using illicit recordings etc Duty of enforcement by local weights and measures authority and powers of authorised officers related to entry, inspection, seizure and test |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|---|--|
| | purchase etc |
| Companies Act 2006 | Where relevant to other authorised functions, to perform functions and investigate offences related to the display and disclosure of company names [Part 5], fraudulent trading [part 29], display and disclosure of business names [part 41]. |
| Consumer Credit Act 1974 | Duty of enforcement by local weights and measures authority Powers of authorised officers related to entry[including making application for warrants], inspection, seizure etc [162] and test purchase [164] |
| Consumer Protection Act 1987 | Duty of enforcement by local weights and measures authority of safety provisions [part II of Act] Power of authorised officers to issue suspension notices in respect of goods suspected of contravening safety provisions and to give consents in respect of notices issued. Power of authorised officers to apply for forfeiture of goods contravening safety provisions. Powers of authorised officers to make test purchases [28(1)], of entry inspection & seizure etc [29], to apply for warrants of entry [30(2)], to request information & assistance [32(1)], to request information & assistance from Commissioners of Customs & Excise [37(1)]. |
| Control of Pollution (Amendment) Act 1989 | Powers relating to control of waste carriers and power to seize vehicles. |
| Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 | Power to require information in relation to waste carriers. |
| Control of Pollution Act 1974 | Provisions relating to the control of certain paints and treatments; noise and vibration from building sites; noise in the streets; noise abatement zones and the carrying out of certain works by the Council. |
| Criminal Justice and Public Order Act 1994 | Power to remove unauthorised traveller encampments |
| Criminal Justice and Police Act 2001 | Closure of certain classifications of premises |
| Criminal Attempts Act 1981 | To perform functions and investigate offences connected to attempts to commit an indictable offence, where relevant to other authorised functions. |
| Criminal Justice Act 1988 | To perform functions and investigate offences connected to the supply of offensive weapons [141] and the sale of knives etc. to underage persons [141A] |
| Criminal Law Act 1977 | To perform functions and investigate matters connected to conspiracy to commit offences where relevant to other authorised functions. |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|--|--|
| Crossbows Act 1987 | To perform functions and investigate matters connected to– the supply of crossbows to persons underage. |
| Dangerous Wild Animals Act 1976 | Provisions relating to control of dangerous wild animals and power to seize dangerous wild animals. |
| Dangerous Dogs Act 1991 | Provisions relating to breeding, supply, control and abandonment of dangerous dogs. |
| Development of Tourism Act 1969 See also schedule of secondary legislation [orders & regulations] | To perform functions and investigate matters connected to the notification of pricing of accommodation. |
| Deer Act 1991 | The provisions relating to control of the sale of deer and associated record keeping |
| Eggs (Marketing Standards) Regs 1995 | Control provisions for quality, marking and grading of eggs |
| Education Reform Act 1988 | To perform functions and investigate offences connected to unrecognised degrees Duty of local weights and measures authority to enforce provisions of section 214 Trading Standards List 2 Powers of authorised officers in respect of premise entry, inspection search & seizure etc [215(2), 215(6)], to apply for warrants of entry [215(4). |
| Enterprise Act 2002 | Designation and power of local weights and measures authority to act as a general enforcer in respect of certain consumer legislation. Power of authorised officers to seek undertakings in respect of domestic and community infringements. Power of authorised officers to give notice requiring that information be provided Duty of local weights and measures authority to give notice of intended proceedings under specified enactments or legislation. Power to disclose specified information To investigate offences in respect of disclosure of specified information |
| Energy Act 1976 See also schedule of secondary legislation [orders & regulations] | Enforcement of orders relating to passenger car fuel consumption |
| Energy Conservation Act 1981 | Power of local weights and measures authority to enforce provisions concerning the design, construction and operation of energy consuming appliances. Powers of authorised officers in respect of entry, inspection, seizure & detention etc [20(2),20(3),20(7) and warrants of entry [20(5) |
| Environment Act 1985 | Provisions imposing certain requirements and provision of controls relating to the control of air quality in the Borough |
| Environmental Protection Act 1990 | Duty of Local authority to inspect its area for nuisance and to investigate all complaints of statutory nuisance. Power of entry, power to require works, power to carry out works and powers to recover costs in relation to said |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|---|---|
| | statutory nuisance. |
| Estate Agents Act 1979 | Duty of local weights and measures authority to enforce the provisions of the Act Powers of authorised officers in respect of entry, inspection, seizure & detention etc and warrants of entry. |
| European Communities Act 1972 Refer to schedule of secondary legislation [orders and regulations]. | Enforcement of <i>any</i> orders, regulations or other instruments made there under or relating thereto, or having effect by virtue of the Act, in as far as they relate to consumer protection, fair trading, weights and measures and any other matters considered to be trading standards functions. |
| Explosives Act 1875 to 1976 | To perform functions and investigate offences connected to the sale of gunpowder [30,32] and the sale of gunpowder to persons under age [31]. |
| Fair Trading Act 1973 | Duty of local weights and measures authority to enforce orders made under section 22 of the Act Power to make test purchases [28]. Powers of entry, inspection, seizure & detention etc 7 warrants of entry [29] |
| Farm & Garden Chemicals Act 1967 | To perform functions and investigate offences connected to transactions in unlabelled products |
| Financial Services & Markets Act 2000 Refer to schedule of secondary legislation [orders and regulations]. | To exercise the functions of a 'relevant officer' under the Money Laundering Regulations 2007 |
| Fire Safety & Safety of Places of Sport Act 1987 | Provisions relating to the safety of sports grounds |
| Fertilisers Regulations 1991 | Provisions for labelling and sampling controls of fertilisers |
| Fireworks Act 2003 | Duty of local weights and measures authority to enforce provisions in respect of firework regulations Powers of entry and inspection etc [by reference to the Consumer Protection Act 1987] |
| Firearms Act 1968 | To perform functions and investigate offences connected to the supply of air weapons to persons under age. |
| Feeding Stuffs Regs 1991 & 1995 | |
| Food Act 1984 | |
| Food & Environment Protection Act 1985 | Duty of local weights and measures authority to enforce regulations relating to the sale, labelling and advertising of pesticides Exercise of enforcement powers by authorised officers |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|--|--|
| Forgery & Counterfeiting Act 1981 | To perform functions and investigate offences connected to forgery and false instruments where relevant to other authorised functions. |
| Fraud Act 2006 | To perform functions and investigate offences where relevant to other authorised functions. |
| Food Safety Act 1990 | To perform functions in relation to food safety |
| Gaming Act 1968 | Provisions for controls over gaming machines |
| Gambling Act 1985 | Provisions for controls over gambling activities |
| Game Licences Act 1970 | Provisions for licensing dealers in game, sale and purchase of game and the keeping of records |
| Game Acts 1831 & 1970 | Provisions for licensing dealers in game, sale and purchase of game and the keeping of records |
| Greater London (General Powers) 1984 | To exercise powers in respect of the registration of premises used for sales by way of competitive bidding Powers of entry and inspection in connection with sales by way of competitive bidding |
| Greater London (General Powers) 1978 | Licensing of places concerned with entertainment |
| Greater London (General Powers) 1967 | Licensing of places concerned with hairdressers and barbers |
| Greater London (General Powers) 1966 | Licensing of places concerned with exhibitions |
| Guard Dogs Act 1975 | Provisions for control of the use of guard dogs on premises. |
| Hallmarking Act 1973 | Duty of local weights and measures authority to enforce the provisions of the Act. Powers of authorised officers in respect of test purchasing, entry and inspection etc |
| Housing Act 2004 | Duty of local weights and measures authority to enforce sections 155 to 159 inclusive and 167(4) [provisions related to home information packs]. Powers of authorised officers to require production of home information packs Powers of authorised officers to issue penalty charge notices in connection with breaches of 155 to 159 inclusive, 167(4), 172(1) Powers to confirm or withdraw a penalty charge notice. Powers to extend the period for complying with a penalty charge notice requirement. Duty to investigate, obtain information, inspect and take action in relation to housing conditions, houses in multiple occupation and empty property as set out in parts 1-1V and all associated schedules. |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|---|--|
| Housing Act 1985 | Section 17 in relation to compulsory purchase |
| Housing Grants, Construction and Renovation Act 1996 | Whole Act |
| Health Act 2006 | |
| Health and Safety at Work etc Act 1974 | Section 18(4) of Act – duty of local authority to enforce relevant provisions. Appointment of inspectors Authority to exercise power of inspector |
| Home Energy Conservation Act 1974 | The provisions requiring local authorities to adopt a strategy for improving energy efficiency |
| Insurance Brokers [Registration] Act 1977 | To perform functions and investigate offences connected to false registration |
| Intoxicating Substances [Supply] Act 1985 | To perform functions and investigate offences connected to the sale of solvent based products to persons under age. |
| Knives Act 1997 | To perform functions and investigate offences connected to the unlawful marketing of knives and the publication of associated material. |
| Legal Services Act 2007 | To perform functions and investigate offences connected to carrying on restricted legal activities when not entitled [14] or carrying on those activities through persons not entitled [16] Powers of authorised officers to enter premises, powers to require production or take copies of documents, to request information . Power to apply for warrants of entry [198(6)]. To perform functions and investigate offences connected to obstruction and failing to provide information etc |
| Licensing Act 1964 | To comment on applications for licences and permits |
| Licensing Act 2003 | All I Authority Licensing functions including the duty of local weights and measures authority to enforce the provisions of section 146, 147, 147A in respect of the sale of alcohol to persons under age. To issue a closure notice in respect of persistently selling alcohol to persons under age To request a person under age to buy or attempt to buy alcohol To perform functions and investigate offences connected to the sale of liqueur confectionery to persons under age |
| Local Government (Miscellaneous Provisions) Act 1982 | Powers relating to the protection of unoccupied buildings |
| Local Government (Miscellaneous Provisions) Act 1976 | Power to require information |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|---|---|
| London Local Authorities Act 1996 | The provisions relating to licensing premises where occasional sales take place |
| London Local Authorities Act 1995 | The provisions relating to licensing of door supervisors |
| London Local Authorities Act 1991 | The provisions relating to licensing premises where special treatments are carried out and provision for the control of burglar alarms |
| London Local Authorities Act 1990 | To enforce provisions in respect of street trading licences including the power to require production of a licence by a licence holder Powers in respect of the removal of receptacles Enforcement of provisions in respect of unlicensed street trading including seizure of relevant articles and things Powers of entry and inspection of authorised officers in connection with occasional sales Power to institute legal proceedings if a relevant person fails to furnish an authorised Officer with a name, provides a false name or false address |
| London Local Authorities Act 2004 Part 4 | Administration of accounts for Fixed Penalty Notices, use of surplus, report to Secretary of State Power to enforce provisions including the Issuing of Fixed Penalty Notices in respect of contraventions of section 34(1 – 4) and 38(1) of Local Authorities Act 1990 |
| Plastic materials & Articles in Contact with Food Regulations 1992 | The provisions relating to plastic materials that are to be in contact with food |
| Magistrates Courts Act 1980 | Where relevant to other authorised functions, to perform functions and investigate offences related to the aiding, abetting, counselling or procuring the commission of offences. |
| Malicious Communications Act 1988 | Where relevant to other authorised functions, to perform functions and investigate offences related to sending letters etc. with intent to cause distress or anxiety |
| Materials & Articles in Contact with Food Regulations 1987 | The provisions relating to materials that are to be in contact with food |
| Medicines Act 1968 | Powers of authorised officers related to inspection, premise entry, taking of samples, seizure & detention etc related to medicated animal feed stuffs. |
| Motor Cycle Noise Act 1987 | To perform functions and investigate offences related to the supply of motorcycle silencers and exhaust systems. |
| National Assistance Act 1948 | Power of entry to inspect property |
| Noise & Statutory Nuisance Act 1993 | Provisions for powers in relation to noise and nuisance in the street, control of alarms and recovery of costs |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|---|--|
| Noise Act 1996 | Power to issue warning notices and fixed penalty notices for noise and the power to enter premises and seize equipment |
| Natural Mineral Water, spring water and bottled drinking water Regs 1999 | Provisions for the control of the bottling, supply and quality for natural mineral water |
| National Lottery Act 1993 | To perform functions and investigate offences related to the supply of lottery tickets etc to persons under age |
| Olive Oil (Marketing Standards) Regulations 1987 | Provisions for the control of the bottling, supply and quality for olive oils |
| Olympic Symbol etc (Protection) Act 1995 | Power of local weights and measures authority to enforce provisions relating to relevant goods |
| Olympic Symbol etc (Protection) Act 1995 | Powers of test purchase, entry, inspection & seizure of authorised officers |
| Pet Animals Act 1951 & 1983 | Provisions for the control of sale of pet animals |
| Personal Protective Equipment (EC Directive) Regs 1992 | Provisions for the control of the supply and quality of Personal Protective Equipment |
| Performing Animals (Regulation) Act 1925 | Provisions for the control of the training or exhibition of performing animals |
| Poisons Act 1972 | Provisions for the control of the supply and sale of poisons and the registration of sellers of poisons. |
| Prices Acts 1974 & 1975 | Duty of local weights and measures authority to enforce orders made under sections 2, 4 & 5 in respect of the prices of goods. Powers of entry, inspection, seizure etc of authorised officers |
| Prevention of Damage by Pests Act 1949 | Powers to enter premises for the control of rodents, to require treatments and to carry out works. |
| Protection of Animals Act 1911 | Provisions relating to animal welfare |
| Proceeds of Crime Act 2002 | Matters in relation to the investigation and charging of money laundering offences |
| Property Mis-descriptions Act 1991 | Duty of local weights and measures authority to enforce the provisions of the Act Powers of inspection, seizure, to request the production etc of goods and documents Power of authorised officers to enter premises [paragraph 4(1)] and to apply for warrant of entry [paragraph 4(2)] |
| Protection From Harassment Act 1997 | Where relevant to other authorised functions, to perform functions and investigate offences related to harassment and putting people in fear of violence |
| Public Health (Control of Diseases) Act 1984 | The obligations placed upon, and provisions empowering local authorities with regard to the control of disease |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|--|--|
| Public Health Act 1961 | The obligations placed upon, and provisions empowering local authorities with regard to the control of public health |
| Public Health Act 1936 | The obligations placed upon, and provisions empowering local authorities with regard to the control of public health |
| Recreational Craft Regs 1996 | The obligations placed upon, and provisions empowering local authorities with regard to the supply of recreational craft |
| Restriction of Offensive Weapons Act 1959 | Where relevant to other authorised functions, to perform functions and investigate offences related to the sale and supply of knives and other dangerous weapons. |
| Riding Establishments Act 1964 - 1970 | Provisions relating to licensing of horse riding establishments |
| Road Traffic (Foreign vehicles) Act 1972 | Provisions relating to the powers of authorised persons to prohibit overloaded vehicles |
| Road Traffic Act 1988 | To perform functions and investigate offences related to the sale of motorcycle helmets To perform functions and investigate offences related to the supply of unroadworthy vehicles [75] and the fitting or supply of defective or unsuitable vehicle parts [76]. |
| Scotch Whiskey Act 1988 | Provisions relating to the supply and sale of products described as scotch whiskey. |
| Safety of Sports Grounds Act 1975 | The provisions relating to the safety of sports grounds |
| Solicitors Act 1974 | To perform functions and investigate offences related to pretending to be a solicitor and engaging in various practices when unqualified Powers of inspection, entry, seizure & detention, application for a warrant of entry of authorised officers |
| Sunday Trading Act 1994 | Controls over hours of opening on Sundays and Easter for large shops. |
| Scrap Metal Dealers Act 1964 | The provisions relating to the registration of scrap metal dealers |
| Solicitors Act 1974 | The provisions relating to the preparation of certain instruments by unqualified persons |
| Telecommunications Act 1984 | To perform functions and investigate offences related to the marking and labelling of telecommunications apparatus and information contained in advertisements for telecommunications apparatus. |
| Tattooing of minors act 1969 | The provisions relating to the tattooing of young persons |
| Theft Act 1968 | Where relevant to other authorised functions, to perform functions and investigate offences related to false accounting [17] and going equipped to cheat [25]. |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|--|---|
| Timeshare Act 1992 | Duty of local weights and measures authority to enforce the provisions of the Act. Power of authorised officers to request information and seize documents |
| Tobacco Advertising and Promotion Act 2002 | Duty of local weights and measures authority to enforce the provisions of the Act. Powers of authorised officers to enter premises, perform inspections, seize items, apply for warrants of entry etc. |
| Trade Descriptions Act 1968 | Duty of local weights and measures authority to enforce the provisions of the Act Power of authorised officers to make test purchases Power of authorised officers to enter premises, inspect goods, of seizure and detention, to apply for warrants of entry etc. |
| Trade Marks Act 1994 | Duty of local weights and measures authority to enforce provisions of section 92 (unauthorised use of trade mark, etc. in relation to goods). Powers of authorised officers to inspect goods and enter premises etc, of seizure and detention, to apply for warrants of entry etc. Power to apply for forfeiture of goods To perform functions and investigate offences related to the falsification of the trademarks register etc [94] and falsely representing a trade mark as registered [95]. |
| Trading Representations (Disabled Persons) Acts 1958 and 1972 | To perform functions and investigate offences related to registration of sellers of goods made by persons with disabilities |
| Unsolicited Goods and Services Act 1971 & 1975 | To perform functions and investigate offences related to unsolicited demand for payment etc |
| Veterinary Surgeons Act 1966 | To perform functions and investigate offences related to the carrying out of veterinary practices by unqualified persons and the use of practitioners titles when unqualified. |
| Video Recordings Act 1984 | Duty of local weights and measures authority to enforce the provisions of the Act Powers of authorised officers to make test purchases, to enter premises, carry out inspections, powers of seizure & detention and to apply for warrants of entry etc To investigate outside of Bromley, offences suspected of being linked to or suspected to have been committed within the borough. To give consent to officers from other local authorities to investigate within Bromley, offences suspected of being linked to that other authority or suspected to have been committed within it. |
| Water Industry Act 1991 | The provisions relating to the control of water to premises, including sufficiency, wholesomeness, and contamination; the control of waste water and duties placed upon the local authority. |
| Weights and Measures Act 1985 | Designation of the London Borough of Bromley as a local weights and measures authority. <i>Power to provide consumer advice</i> Delegation of Chief Inspector of weights and measures To authorise an inspector to act as Deputy |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|------------------------------------|--|
| | Chief Inspector of weights and measures To appoint inspectors of weights and measures To act as Deputy Chief Inspector of weights and measures To perform functions related to passing weighing & measuring equipment as fit for use for trade To issue certificates to operate public weighing and measuring equipment Powers of inspector in connection to certain goods [38] and certain documents [39], goods on road vehicles [40] and check weighing of certain road vehicles [41]. <i>Power to make test purchases</i> General powers of inspector to enter, inspect, seize & detain & to apply for warrants of entry etc |
| Public Protection - General | All other legislation or parts thereof considered to be relevant to the Public Protection Division that may be in force from time to time including amendments and additions to existing legislation. |

SECONDARY LEGISLATION

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|---|---|
| Secondary legislation made under the European Communities Act 1972 | |
| Aerosol Dispensers (EEC Requirements Regulations 1977) | Powers of authorised officers related to entry (including making application for warrants), inspection, 'testing' etc... To perform functions and investigate offences/breaches under the Regulations |
| Boiler (Efficiency) Regulations 1993 | Duty of local weights and measures authority to enforce the provisions of the Regulations. |
| Business Protection from Misleading Marketing Regulations 2007 | Duty of local weights and measures authority to enforce the provisions of the Regulations Power to request information by notice in writing. Power to make test purchases and enter into an agreement to secure the provision of a service. Power to enter premises, inspect goods require production and seize or take copies documents and seize goods. Power to enter premises with a warrant. |
| Chemical (Hazard Information & Packaging for Supply) | Duty of the local weights and measures authority to enforce where the supply is from any form of retail outlet |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|---|---|
| Regulations 2002 | and to enforce the provisions relating to the control of advertising (Reg 6) and child resistant packaging (Reg 11) Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants |
| Construction Products Regulations 1991 | Duty of the local weights and measures authority to enforce the provisions of Part II of the Regulations (requirements relating to construction products). Power of authorised officers to issue suspension notices in respect of products suspected of contravening the regulations and to give consents in respect of notices issued. Power of authorised officers to apply for forfeiture of products contravening the Regulations Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry, to request information & assistance. |
| Consumer Protection from Unfair Trading Regulations 2007 | Duty of local weights and measures authority to enforce the Regulations. Power to carry out test purchases or enter into arrangements to purchase products. Power to enter premises, inspect goods require production and seize or take copies documents and seize goods. Power to enter premises with a warrant. |
| Control of Misleading Advertisements Regulations 1988 | To perform functions and investigate breaches under the Regulations |
| Consumer Protection (Cancellation of Contracts made in a consumers home or place of work etc) Regulations 2008 | Duty of local weights and measures authority to enforce the provisions of regulations (offence relating to the failure to provide cancellation rights). Power of authorised officers to request production of documents and to seize documents. |
| Consumer Protection (Distance Selling) Regulations 2000 | Duty of local weights and measures authority to consider complaints made to it about a breach. To perform functions and investigate offences/breaches under the Regulations |
| Cosmetic Products (Safety) Regulations 2004 | To perform functions and investigate offences under the Regulations |
| Crystal Glass (Descriptions) Regulations 1973 | Duty of local weights and measures authority to enforce Regulations. Powers of authorised officers to make test purchases, of entry inspection & seizure etc , to apply for warrants of entry |
| Electromagnetic Compatibility Regulations 2006 | Duty of local weights and measures authority to enforce the Regulations (except the provisions relating to electricity water meters). Powers of authorised officers to make test purchases, of entry inspection & seizure etc), to apply for warrants of entry, to issue compliance and suspension notices and to request information & assistance. |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|--|--|
| Electro-medical Equipment (EEC Requirements) Regulations 1988 | Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry Power to make test purchases, enter premises and inspect and seize goods and entry by warrant. |
| Energy Efficiency (Ballasts for Fluorescent Lighting) Regulations 2001 | Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant. |
| Energy Information (Washing Machines) Regs 1996 | Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant. |
| Energy Information (Household Air Conditioners) Regs 2005 | Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant. |
| Energy Information (Combined washer driers) Regs 1997 | Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant. |
| Energy Information (Dishwashers) Regs 1999 | Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant. |
| Energy Information (Household electric ovens) Regs 2003 | Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant |
| Energy Information (Household refrigerators and freezers) Regs 2004 | Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant. |
| Energy Information (lamps) Regs 1999 | Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant. |
| Energy Information (tumble dryers) Regs 1996 | Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant |
| The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 | Duty of local weights and measures authority to enforce regulations 5(2), 5(5), 6(2), 9(2), 10, 16(2), 21(1), 23, 24 and 39(4). Powers to request copies of documents to issue a penalty charge notice |
| Financial Services (Distance Marketing) Regulations 2004 | Duty of local weights and measures authority to consider complaints about a breach of the Regulations To perform functions and investigate breaches/offences under the Regulations |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|--|--|
| Footwear (Indication of Composition) Labelling Regulations 1995 | Duty of local weights and measures authority to enforce the Regulations. Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry. |
| General Product Safety Regulations 2005 | Duty of local authority to enforce the provisions of the Regulations. Power to issue suspension notices, require to 'mark,' require to warn, issue a withdrawal notice, issue a recall notice, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants |
| Manufacture and Storage of Explosives regulations 2005 | Inspection of premises in relation to storage of explosives |
| Measuring Container Bottles (EEC Requirements) Regulations 1977 | To perform functions and investigate offences related to the Regulations. Power of inspection, entry and testing. |
| Measuring Instruments (Automatic Discontinuous Totalisers) Regs 2006 | Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant |
| Measuring Instruments (Automatic Rail-weighbridges) Regs 2006 | Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant |
| Measuring Instruments (Automatic Catchweighers) Regs 2006 | Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant |
| Measuring Instruments (Gravimetric Filling Instruments) Regs 2006 | Duty of the local weights and measures authority to enforce the Regulations |
| | Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant |
| Measuring Instruments (Beltweighers) Regs 2006 | Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant |
| Measuring Instruments (Capacity Serving Measures) Regs 2006 | Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant |
| Measuring Instruments (Liquid Fuel and Lubricants) Regs 2006 | Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant |
| Measuring Instruments (Liquid Fuel Delivered from Road Tankers) Regs 2006 | Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|---|---|
| | inspection testing and search by warrant |
| Measuring Instruments (Material Measures of Length) Regs 2006 | Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant |
| Measuring Instruments (Cold-water Meters) Regs 2006 | Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant |
| Measuring Instruments (EEC Requirements) Regulations 1988 | To perform functions and investigate offences related to the Regulations. Power to entry, inspection testing and search by warrant. |
| Medical Devices Regulations 2002 | Powers of forfeiture, issue suspension notices, enter premises and seize goods and entry by warrant. Duty of local weights and measures authority to enforce these regulations in relation to devices that are consumer goods. |
| Medicines (Advertising) Regulations 1994 | To perform functions and investigate breaches under the Regulations |
| Non-Automatic Weighing Instruments (EEC Requirements) Regulations 2000 | To perform functions and investigate offences related to the Regulations. Only local weights and measures authority can institute proceedings. Powers of entry, inspection, testing and entry by warrant. |
| Packaging (Essential Requirements) Regulations 2003 | Duty of local weights and measures authority to enforce the Regulations. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants |
| Packaged Goods Regulations 2006 | Duty of local weights and measures authority to enforce the Regulations. Powers of entry, inspection, testing and search by warrant. |
| Passenger Car (Fuel Consumption & CO2 Emissions Information) Regulations 2001 and The Passenger Car (Fuel Consumption) Order 1983. | Duty of local weights and measures authority to enforce the Regulations. Power to enter premises to request production to seize a certificate of conformity. Power to search by warrant. |
| Personal Protective Equipment (EC Directive) Regulations 2002 | Duty of local weights and measures authority to enforce the Regulations Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants |
| Package Travel, Package Holidays and Package Tours Regulations 1992 | Duty of local weights and measures authority to enforce the Regulations for the purposes of regs 5, 7, 8, 16 & 22. Powers of entry, seizure, production of documents and entry by warrant. |
| Pressure Equipment Regulations 1999 | Duty of local weights and measures authority to enforce the Regulations in relation to pressure equipment or assemblies for private use or consumption. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... |

| ACT/REGULATION | DESCRIPTION OF DELEGATION |
|---|--|
| | and obtain search warrants |
| Radio Equipment & Telecommunications Terminal Equipment Regulations 2000 | Duty of local authority to enforce the Regulations. Power to serve enforcement notice. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants |
| Recreational Craft Regulations 2004 | Duty of local weights and measures authority to enforce the Regulations. Power to service compliance notice. Power to issue suspension notices, apply for forfeiture and obtain information. |
| Simple Pressure Vessels (Safety) Regulations 1991 | Duty of local weights and measures authority to enforce the Regulations where they relate to vessels and relevant assemblies as consumer goods. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants |
| Supply of Machinery (Safety) Regulations 1992 | Duty of local weights and measures authority to enforce where it relates to relevant machinery as goods for private use or consumption Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants |
| Unfair terms in consumer contracts Regs 1999 | Enforcement of unfair terms in consumer contracts |
| Secondary legislation made under the Development of Tourism Act 1969 | |
| Tourism (Sleeping Accommodation Price Display) Order 1977 | Power of entry and inspection. |
| Secondary legislation made under the Financial Services & Markets Act 2000 | |
| Money Laundering Regulations 2007 | Pursuant to arrangements made with the Office of Fair Trading (reg. 40) Power to request information, records and attendance of persons to answer questions. Powers of entry, inspection, take copies of documents and entry by warrant. Upon failure by a person to provide information, power (pursuant to arrangements made with the Office of Fair Trading) to make an application to the courts requesting person to take certain action. |

Legislation enforced by Bromley Public Protection Division
(Public Protection and Safety Portfolio – Delegation (26))

Public Health (Control of Disease) Act 1984
as amended by Health and Social Care Act 2008

| Section | Power |
|---------|---|
| 45M | Apply for orders under part 2A |
| 46 | Duty of the La to bury or cremate a body where no other arrangements made |
| 48 | Power to apply to Court for an order removing a body to a mortuary |
| 61 | Power of entry for appointed 'Proper Officer' |
| 62 | Supplementary powers as to entry |
| 64 | Power to prosecute |

The Health Protection (Local Authority Powers) Regulations 2010

| Section /Regulation | Power |
|---------------------|--|
| 2 | To serve / review vary or revoke a notice to keep a child away from school when a child is or may be infected or contaminated |
| 3 | To serve notice on a head teacher of school to provide names addresses and contact numbers of pupils |
| 4 | To disinfect or decontaminate things at the request of the owner and charge for the service |
| 5 | To disinfect or decontaminate things at the request of a person with custody or control of the things and charge for the service |
| 6 | To disinfect or decontaminate premises at the request of the owner and charge for the service |
| 7 | To disinfect or decontaminate things at the request of the tenant and charge for the service |

| | |
|----|--|
| 8 | Power to serve notice on a person or groups requesting co-operation for health protection purposes. Offer compensation |
| 9 | Serve notice on the person having charge or control of premises in which a dead body is located prohibiting contact with the body |
| 10 | Serve notice on the person having charge or control of premises in which a dead body is located prohibiting entry to the room in which the body is located |
| 11 | To relocate or cause to be relocated a dead body |

Health Protection (Notification) Regulations 2010

| Section / Regulation | Power |
|----------------------|---|
| | Appointment of the 'Proper Officer' for the receipt of information and notifications |
| Regulation 6 | Duty of the Proper Officer to disclose a notification to the Health Protection Agency and or Proper Officer of another LA or Port Authority |

Health Protection (Part 2A Order) Regulations 2010

| | |
|--------------|---|
| Regulation 7 | Power to charge in connection with Part 2A orders relating to things and premises |
|--------------|---|

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Agenda Item 8

Report No.
RES13078/1

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: 15th May 2013

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

Title: CHANGES TO THE CONSTITUTION

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 1.1 The Constitution Improvement Working Group has made a number of recommendations for minor changes to the Council's Constitution relating to the Council Procedure Rules and terms of reference for the Rights of Way Sub-Committee and the Health and Wellbeing Board. These were supported by General Purposes and Licensing Committee at its meeting on 10th April 2013, with an additional recommendation that the terms of reference of the Appeals Sub-Committee should include listing and compensation appeals under the Community Right to Bid.
- 1.2 Changes to officer structures and chief officer titles have recently been announced and it is also recommended that the Constitution be updated wherever necessary to take these into account.
-

2. **RECOMMENDATION(S)**

- 2.1 That Council approves the proposed changes to the Constitution set out at appendix 1 to this report, and also approves any necessary corrections to the Constitution to accord with the new officer structures and titles.

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 (7.22 fte)
 2. If from existing staff resources, number of staff hours: N/A
-

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? Not Applicable
2. Summary of Ward Councillors comments: Not applicable

3. COMMENTARY

- 3.1 The Constitution Improvement Working Group, meeting on 4th April 2013, has proposed a number of minor changes to the Constitution. The proposed changes are –
- Enabling any five Councillors (three of whom must be members of the body concerned) to add an item to the agenda for the next scheduled meeting of the Council, a Committee or Sub-Committee, or where this will not allow the matter to be dealt with adequately, to have the matter considered at a special meeting.
 - Setting a three-hour guillotine for meetings. This does not mean that meetings cannot take longer than three hours, but it does require that Chairmen and Committees consider at the three hour mark whether to continue.
 - Clarifying the right of Councillors to ask supplementary questions by stating that this will normally be limited to one supplementary question.
 - Reinforcing access to part 2 papers and meetings by Councillors.
 - Setting out terms of reference for Rights of Way Sub-Committee and the Health and Wellbeing Board.
- 3.2 At its meeting on 3rd April 2013, the Executive approved procedures for administering the Community Right to Bid under the Localism Act 2011. The Community Right to Bid gives local groups the right to nominate a building or other land for listing as an asset of community value. Once an asset is listed the owner cannot dispose of it without notifying the Council, and the Council then has to give the community group six weeks to decide whether or not they want to bid for it. If they want to bid, the owner cannot dispose of the asset to anyone else for six months from the notification to sell the asset. At the end of this period (known as the moratorium period) the owner can dispose of the asset to whomever they choose. Owners can also claim compensation for losses arising out of the listing or the moratorium period.
- 3.3 At the suggestion of the Executive and Resources PDS Committee, the Executive added a requirement that appeals under this process against listing and compensation decisions be heard by Members at the Appeals Sub-Committee. This was approved by General Purposes and Licensing Committee on 10th April 2013, and the additional wording is included in appendix 1, which shows all the proposed amendments highlighted in *italics*.
- 3.4 The Constitution contains numerous references to chief officer titles and also at appendix 5 a diagram of the Council's departmental structure. To keep these up to date with the changes that took effect on 1st April 2013 it is recommended that Council gives authority for officer/departmental titles in the Constitution to be amended as necessary. Updates to the Scheme of Delegation to Officers, which is also part of the Constitution (Appendix 10), are dealt with in a separate report to annual Council.

| | |
|---|---|
| Non-Applicable Sections: | Policy/Legal/Financial/Personnel |
| Background Documents: (Access via Contact Officer) | Constitution of the London Borough of Bromley |

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CHANGES TO THE CONSTITUTION: PART 3 - RESPONSIBILITY FOR FUNCTIONS

1. Responsibility for Local Choice Functions

- (a) The Council has determined that all local choice functions contained in Schedule 2 of the Local Authorities (Functions and Responsibilities) Functions Regulations) are to be Non-Executive functions, except for Best Value Reviews which shall be both an Executive and Non-Executive function; and
- (b) That all local choice functions contained in Schedule 3 of the Functions Regulations are to be Non-Executive functions.

2. Responsibility for Council Functions

The Council has delegated the responsibilities and functions to the Committees and Sub-Committees named below and these delegations will include appointment of Councillors to all relevant outside bodies that fall within the Council's policy for making such appointments. These Committees may consider and decide any matter of relevant Non-Executive business referred to the Committee by a Sub-Committee or a Chief Officer.

2.01 General Purposes and Licensing Committee (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)

- (a) Electoral issues
- (b) Making byelaws
- (c) Administration of the Local Government Pension Scheme
- (d) Staffing matters
- (e) Probity Strategy
- (f) Audit
- (g) Open Government
- (h) Fraud Prevention
- (i) Complaint Procedures
- (j) Member appointments
- (k) Health and Safety
- (l) Licensing of births, deaths and marriages
- (m) Licensing matters
- (n) *Non-executive highway functions as set out in Schedule 1 to the Functions Regulations (excluding functions under the Town & Country Planning Act 1990)*
- (o) Any non-executive function not delegated elsewhere or reserved to Council.

2.02 **Audit Sub-Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)

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

2.03 **Pensions Investment Sub-Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)

- (a) monitoring the financial position of the Pension Fund, including consideration of the triennial actuarial valuations;
- (b) investment of the Pension Fund, including the appointment of investment managers;
- (c) management of the Council's additional voluntary contributions (AVC) scheme;

2.04 **Rights of Way Sub-Committee** (*Membership proportional – may include one Member of the Executive from each recognised party group subject to Executive Members not being in the majority*) – Functions relating to non-vehicular highway matters within the remit of the General Purposes & Licensing Committee.

2.05 **Local Joint Consultative Committee** (Membership proportional to include the Leader or named Deputy also from the Executive, the Chairman of General Purposes and Licensing Committee or named Deputy also from the General Purposes and Licensing Committee and the Chairman of the Main Policy Development and Scrutiny

Committee or named Deputy also from the Main Policy Development and Scrutiny Committee)

- (a) To enable regular consultation and discussion between the Local Authority and its employees.
- (b) To consider matters referred to it by the General Purposes and Licensing Committee or the Executive or by employee representatives or Trade Union representatives.
- (c) To make recommendations to the General Purposes and Licensing Committee or Executive.
- (d) To refer matters for consideration by and advice of *London Councils*.

2.06 **Appeals Sub-Committee** (Membership excluding Members of the Executive drawn from a panel appointed by the Council and constituted as and when necessary by the Council or, where delegated, named decision-maker.)

To determine appeals against any decision of the Council including:

- staff dismissal, discipline, grading, capability, early retirement, pension entitlement or other reasons
- access to information
- social services matters including domiciliary charges, registration of child minders, persons providing day care for children, registration of residential care homes and others, which carry a statutory right of appeal
- education transport appeals.
- *internal reviews relating to listing and compensation appeals under the community right to bid.*

(Note: This Sub-Committee will not consider appeals by Chief Officers concerning appraisal, disciplinary investigations or disciplinary matters).

2.07 **Licensing Sub-Committee** (Three Members to be drawn from the General Purposes and Licensing Committee and to include no more than one Member of the Executive)

1. Gaming, entertainment, food and miscellaneous licensing and functions relating to licensing and registration as set out in Schedule 1 of the Functions Regulations.
2. All functions arising pursuant to the Licensing Act 2003 apart from a function conferred by Section 5 of that Act in respect of the Statement of Licensing policy.

2.08 **Development Control Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)

1. **Planning and conservation.** All the Council's powers and duties relating to town and country planning and development control as specified in Schedule 1 of the Functions Regulations.
 2. **Unitary Development Plan.** To be responsible for preparing, revising and recommending the Plan to the Executive.
 3. **Highways use and regulation.** The exercise of powers relating to the regulation of the use of highways *under the Town & Country Planning Act 1990*, as set out in Schedule 1 to the Functions Regulations.
 4. **Common land and village greens.** Power to register common land or village greens and to register variation of rights of common.
- 2.09 **Plans Sub-Committees** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)
1. To exercise all the powers and duties of the Council as local planning authority – as set out in Schedule 1 of the Functions Regulations.
 2. To exercise all the powers and duties of the Council in relation to Building Control matters – as set out in Schedule 1 to the Functions Regulations.
- 2.10 **Standing Advisory Council on Religious Education (SACRE)** (Seven Members)
- An independent Statutory body charged to advise the Council upon matters connected with religious worship in schools and the religious education to be given in accordance with an Agreed Syllabus.
- 2.11 **Urgency Committee** (Five Members, comprising the Mayor, the Chairman of the General Purposes and Licensing Committee and the Leaders of the three largest party groups).
- To deal with urgent non-executive decisions that are not of a sensitive nature – any such decisions made shall be reported to the next available meeting of the full Council.
- 2.12 **Health & Wellbeing Board** (11 Elected Members, including one representative from each of the two Opposition Parties; the two statutory Chief Officers (without voting rights); two representatives from the Clinical Commissioning Group (with voting rights); a Health Watch representative (with voting rights) and a representative from the Voluntary Sector (with voting rights). The Chairman of the Board will be an Elected Member appointed by the Leader. The quorum is one-third of Members of the Board providing that elected Members represent at least one half of those present. Substitution is permitted. Other members without voting rights can be co-opted as necessary.)
1. *Providing borough-wide strategic leadership to public health, health commissioning and adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts.*
 2. Commissioning and publishing the Joint Strategic Needs Assessment (JSNA) under the Health and Social Care Act.

3. *Commissioning and publishing a Joint Health & Wellbeing Strategy (JHWS) – a high level strategic plan that identifies, from the JSNA and the national outcomes frameworks, needs and priority outcomes across the local population, which it will expect to see reflected in local commissioning plans.*
4. *Receiving the annual CCG commissioning plan for comment, with the reserved powers to refer the CCG commissioning plan to the NHS Commissioning Board should it not address sufficiently the priorities given by the JSNA.*
5. *Holding to account all areas of the Council, and other stakeholders as appropriate, to ensure their annual plans reflect the priorities identified within the JSNA.*
6. *Supporting joint commissioning and pooled budget arrangements where it is agreed by the Board that this is appropriate.*
7. *Promoting integration and joint working in health and social care across the borough.*
8. *Involving users and the public, including to communicate and explain the JHWS to local organisations and residents.*
9. *Monitor the outcomes and goals set out in the JHWS and use its authority to ensure that the public health, health commissioning and adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the Borough.*
10. *Undertaking and overseeing mandatory duties on behalf of the Secretary of State for Health and given to Health and Wellbeing Boards as required by Parliament.*
11. *Other such functions as may be delegated to the Board by the Council or Executive as appropriate.*

3. Responsibility for Executive Functions

Other than those matters reserved to the Council or delegated to a Non-Executive Committee or to a Chief Officer as a Non-Executive function, all other remaining functions are Executive functions.

CHANGES TO THE CONSTITUTION: PART 4 - COUNCIL PROCEDURE RULES

3.1 Calling special meetings.

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;
- (iii) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- (iv) the Director of Resources as Monitoring Officer; the Head of Paid Service; the Finance Director.

3.2 Business

The business to be considered shall be as set out on the agenda.

3.3 Additional Items

Any five Members of the Council (three of whom must be members of the body concerned) may require the proper officer to add an item to the agenda for the next scheduled meeting of the Council, a committee or sub-committee, or, where this will not permit the matter to be dealt with adequately, to convene a special meeting.

.....

8. DURATION OF MEETING

8.1 The mayor may, at the commencement of each Council meeting, put a time limit for discussion on any item where a time limit is not set elsewhere in these Council Procedure Rules, provided, always, this time limit may be extended with the agreement of the meeting during the course of an item if it is considered that more time is required.

8.2 Interruption of the meeting

If the business of the meeting has not been concluded by 10.00 pm (or after three hours, if the meeting did not commence at 7pm) the Mayor will, at the first convenient opportunity, draw the attention of the Council to the time and to the provisions of this Standing Order.

8.3 Adjournment of the meeting

The Mayor will then decide if any of the remaining business is of sufficient importance to warrant an adjournment of the meeting and, if so, will declare the meeting adjourned to such date and time (prior to the next ordinary meeting of the Council) as he/she may direct at the time or afterwards.

8.4 Voting on outstanding business

With the exception of business so specified, the Mayor will put to the vote one by one and without debate all outstanding Committee reports and motions on the agenda for this meeting and then close the meeting.

.....

9. Questions from the Public

9.7 Supplementary questions

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.4 above.

After a reply to a supplementary question has been given, the Mayor may, having regard to the time available and other matters on the agenda, allow further supplementary questions to be asked by Members (*this will usually be no more than one per Member.*)

.....

10. Questions by Members

10.6 Supplementary question

A member asking a question under Rule 10.2 or 10.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

After a reply to a supplementary question has been given, the Mayor may, having regard to the time available and other matters on the agenda, allow further supplementary questions to be asked by other Members (*this will usually be no more than one per Member.*)

.....

17. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public). *All Members shall have the right to attend all meetings of the Council (including for items where the public are excluded) and to have access to agendas for those meetings, except:*

- *where the Member has a de-barring interest in an item as set out in the Council's Code of Conduct;*
- *exceptionally where the Council is unable to comply with the presumption due to a conflict with another legal duty and the Monitoring Officer has set out the reasons on the relevant agenda.*

.....

22. **APPLICATION TO THE EXECUTIVE COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. Only *Rules 3-13, 15-19* (but not Rule 18.1) apply to meetings of the Executive, Committees and Sub-Committees. Rule 21 applies to all Council Committees but not to meetings of the Executive or Standards Committees.

Agenda Item 9

Report No.
RES13080

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: 15 May 2013

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

Title: COUNCILLOR ATTENDANCE 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 Corporate Services

Ward: N/A

1. Reason for report

- 1.1 One of the recommendations of the Constitution Improvement Working Group, endorsed by Council on 15th December 2009, was that details of Councillor attendance at meetings be published at the end of each Council year. The data for 2012/13 will be included in the appendices to this report – this will be available once all meetings for the year have been completed. The data covers formal meetings of the Council, the Executive, Committees and Sub-Committees, plus, for the first time and at the request of the Constitution Improvement Working Group, executive and non-executive working groups. Even with this additional information, this report does not purport to give an exhaustive account of Councillor activity.
-

2. **RECOMMENDATION(S)**

Council is asked to note the Councillor attendance data for 2012/13 and agree that, subject to modification with the latest data from May 2013 and to any other relevant data that individual Members put forward, this be published on the Council website.

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 Representation
 4. Total current budget for this head: £1,187,980
 5. Source of funding: 2012/13 Revenue budget
-

Staff

1. Number of staff (current and additional): 0
 2. If from existing staff resources, number of staff hours: N/A
-

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): This report is provided for the benefit of Councillors and to assist in providing transparency about the work of Councillors.
-

Ward Councillor Views

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

3. COMMENTARY

3.1 The Constitution Improvement Working Group in its third report, presented to full Council on 15th December 2009, recommended that information about Councillor attendance at meetings should be recorded and published annually. This information has always been published through the minutes of meetings, but was not previously been brought together in one document. The recommendation (set out below) was adopted by Council -

“That attendance information be routinely collected and that it be published annually at the end of the Municipal Year including details of apologies for absence and the appointment of substitutes.”

3.2 The meetings covered are listed in appendix 1; these are all Council, Committee, Sub-Committee and Executive/Portfolio Holder meetings during the Council year 2012/13. Also included, for the first time, are meetings of Working Groups. This is at the request of the Constitution Improvement Working Group. The Working Group also suggested that individual Members be offered the opportunity to add any further notes or comments that take into account any other meetings not already covered. At the time of publication, there are several meetings due to take place in the first half of May – statistics from these meetings will be added to appendix 2 which is to follow and will be tabled at the annual Council meeting and uploaded to the Council’s website.

3.3 The data in appendix 2 will not include attendance at a variety of more informal meetings, partnership meetings, official engagements carried out by the Mayor and Deputy Mayor, or any of the wide range of ward-related activities carried out by Councillors throughout the year.

| | |
|---|------------------------------------|
| Non-Applicable Sections: | Policy/Financial/Legal/Personnel |
| Background Documents: (Access via Contact Officer) | Minutes of all meetings in 2012/13 |

| Meeting Name | Number of Meetings in 2012/13 |
|--|-------------------------------|
| Council, Committees & Sub-Committees (88) | |
| Council | 5 |
| General Purposes & Licensing | 7 |
| Appeals Sub-Committee | 1 |
| Audit Sub-Committee | 3 |
| Industrial Relations Sub-Committee | 1 |
| Licensing Sub-Committee | 28 |
| Local Joint Consultative Committee | 2 |
| Pensions Investment Sub-Committee | 4 |
| Rights of Way Sub-Committee | 0 |
| Development Control Committee | 9 |
| Plans Sub-Committees (x4) | 25 |
| Appointment Panel | 2 |
| Standards Committee | 1 |
| Urgency Committee | 0 |
| PDS Committees and Sub-Committees (46) | |
| Care Services PDS Committee | 6 |
| Education PDS Committee | 7 |
| Environment PDS Committee | 6 |
| Executive & Resources PDS Committee | 9 |
| Public Protection & Safety PDS Committee | 6 |
| Renewal & Recreation PDS Committee | 5 |
| Education Budget PDS Sub-Committee | 5 |
| Health Scrutiny PDS Sub-Committee | 2 |
| Executive meetings (14) | |
| Executive | 12 |
| Improvement & Efficiency Sub-Committee | 2 |
| Portfolio Holder Meetings | 0 |
| Other Meetings (28) | |
| SACRE | 3 |
| Economic Partnership | 4 |
| Safer Bromley Partnership | 4 |
| Adoption Panel | 12 |
| Health & Wellbeing Board | 5 |
| Executive Working Groups (29) | |
| Biggin Hill Heritage Centre WG | 1 |
| Constitution Improvement WG | 6 |
| Children's Board | 12 |
| Child Safeguarding & Corporate Parenting WG | 3 |
| Local Development Framework Advisory Panel | 2 |
| Special Educational Needs WG | 3 |
| Town Centres | 2 |
| PDS Working Groups (29) | |
| Accommodation & Care for Older People WG | 2 |
| Beckenham & West Wickham Town Centres WG | 9 |
| Behaviour Service WG | 2 |
| Housing | 3 |
| Local Government Finance WG | 5 |
| New Technology WG | 4 |
| Parking WG | 1 |
| Primary School Development Plan WG | 1 |
| Public Transport Investment WG | 1 |
| School Governance WG | 1 |
| TOTAL | 234 |

Agenda Item 10

Report No.
RES13081

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: 15 May 2013

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

Title: **REPORTS FROM COUNCILLORS APPOINTED TO OUTSIDE BODIES 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 Corporate Services

Ward: N/A

1. Reason for report

- 1.1 One of the recommendations of the Constitution Improvement Working Group, endorsed by Council on 15th December 2009, was that Councillors appointed to serve on outside bodies with a significant role and budget should be required to provide a short written statement to full Council at the end of each Council year.
-

2. **RECOMMENDATION(S)**

Council is asked to note the reports from Councillors appointed to outside bodies.

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 Representation
 4. Total current budget for this head: £1,187,980
 5. Source of funding: 2012/13 revenue budget
-

Staff

1. Number of staff (current and additional): 0
 2. If from existing staff resources, number of staff hours: N/A
-

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): This report is provided for the benefit of Members of the Council and to provide transparency
-

Ward Councillor Views

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

3. COMMENTARY

3.1 The Constitution Improvement Working Group in its third report, presented to full Council on 15th December 2009, recommended -

“That the Members appointed as the Council’s representatives on outside organisations with a significant role and budget, should be required to provide a short annual written report to the final Council meeting or PDS in each Municipal Year.”

3.2 This recommendation was duly approved by full Council, and reports are presented from a number of Members who have served as the Council’s representatives during 2012/13 on outside bodies with significant roles and budgets. Reports have been requested from the following Members -

Bromley Healthcare Council of Governors (Cllr Diane Smith)
Bromley Mytime Board (Cllr Tim Stevens)
Bromley Youth Music Trust Board of Directors (Cllr Kate Lymer)
Community Links Bromley (Cllrs Judi Ellis and Tony Owen)

3.3 Reports are attached as **Appendix 1** (any reports that are not available at the time of printing will be circulated for the meeting.)

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

Appendix 1

Outside Body Reports 2012/13

Bromley Healthcare Council of Governors (Cllr Diane Smith)

Bromley Healthcare has been responsible for providing Community Health Services since 2011. The organisation is managed to ensure that local people and organisations that have a stake in local healthcare, can be involved in decision making and the delivery and development of services. As such I am responsible for representing the interests of the Local Authority as the LBB representative on the Bromley Healthcare Council of Governors.

During the last 12 months I have continued to attend the quarterly Council of Governors meetings ensuring that the business and objectives of the Local Authority are considered with regard to the planning and delivery of integrated community health and social care services, whilst taking into account the Public Health agenda and work streams that have been identified through the Joint Strategic Needs Assessment (JSNA) of the Health and Wellbeing Board.

Over the last year I have continued to undertake a rolling programme of visits to services in which LBB has a key stakeholder interest – a very important part, in my view in the role of being a Governor.

I have visited the “Virtual Ward” at Crown Meadow Court which involves health and care providers working with social care to improve communication and proactively support residents in Extra Care Housing.

I have also visited and spent time with the Bromley Healthcare staff who are responsible for the delivery of the Diabetes service, where I was given the opportunity to talk to patients, thereby gaining an insight from them at first hand as to the value of the sessions for those who are newly diagnosed.

I have also toured and have spoken to the staff who provide both therapy and nursing input to the intermediate care beds at both Elmwood Care home in Bickley and Orpington Hospital. In addition I have also undertaken visits to Children’s services at Hollybank, the Phoenix Children’s Resource Centre and the Hawes Down disability centre in West Wickham.

I was also invited to Bromley Healthcare’s first AGM in September 2012 which also included the Staff awards ceremony. This was an excellent occasion celebrating the achievements of both the organisation and individual staff members responsible for the delivery of frontline services.

Bromley Youth Music Trust Board of Directors (Cllr Kate Lymer)

BYMT, which is now the Lead Partner in the new Bromley Music Education Hub, continues to operate as probably the largest youth service in the Borough, with more than 8,000 children receiving some form of high quality instrumental or vocal tuition on a regular basis, which enhances their social awareness, self-reliance and team skills. Unusually for a music service the Trust is engaged with almost every school in its local authority providing instrumental and vocal tuition and is working hard to develop its provision for SEN children. Some schools in Croydon and Kent are also receiving provision from BYMT. BYMT runs 32 different instrumental and vocal groups each week (including two adult groups) and a growing number of children attend from outside the Borough, bringing in additional income. BYMT North West

was founded last term, based at James Dixon Primary in Anerley, this new Saturday morning centre is funded by BYMT to make an additional provision for children in the less advantaged areas of Anerley and Penge.

The Trust runs an extensive programme of high quality performances, some additional highlights of the last few months include two performances of 'Les Miserables' in the wonderful new hall at Langley Park School for Boys, Handel's 'Messiah', with a visiting choir from Neuwied (Bromley's twin town), 40 members of Bromley Youth Concert Band performing Tchaikovsky's '1812' Overture with the Royal Philharmonic Orchestra in a packed Royal Albert Hall and brass players from BYMT performing with the London Philharmonic Orchestra. Bromley Youth Concert Band have won a place in the National Festival of Music for Youth at Symphony Hall, Birmingham this July and in the same month will perform in the World Music Competition in the Netherlands.

BYMT currently receives funding from both Bromley Council and Arts Council England, which enables the Trust to reach so many children and to produce such high quality results at affordable prices, providing a very high level of return for both Bromley Council and the Government's investments.

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