



THE LONDON BOROUGH
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DATE: 12 September 2013

To: Members of the
URGENCY COMMITTEE

Councillor Tony Owen (Chairman)

Councillors Eric Bosshard, Stephen Carr, Peter Dean, Peter Fookes, Ernest Noad
and Tom Papworth

A meeting of the Urgency Committee will be held at Bromley Civic Centre on
THURSDAY 12 SEPTEMBER 2013 AT 7.15 PM

MARK BOWEN
Director of Corporate Services

*Copies of the documents referred to below can be obtained from
www.bromley.gov.uk/meetings*

AGENDA

- 1 APPOINTMENT OF CHAIRMAN FOR THE MEETING**
- 2 APOLOGIES FOR ABSENCE**
- 3 DECLARATIONS OF INTEREST**
- 4 MINUTES OF THE MEETING HELD ON 21ST AUGUST 2013**
(Pages 3 - 6)
- 5 REQUEST FOR A DISPENSATION FROM COUNCILLOR RUSSELL JACKSON**
(Pages 7 - 10)

The Chairman to move that the attached report be considered on grounds of urgency to enable the request for a dispensation from Cllr Russell Jackson to be determined before the meeting of Development Control Committee at 7.30pm on 12th September 2013.

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URGENCY COMMITTEE

Minutes of the meeting held at 6.00 pm on 21 August 2013

Present

Councillor Tony Owen (Chairman)

Councillors Graham Arthur, Stephen Carr, Judi Ellis,
Robert Evans, Peter Fookes, Russell Mellor and Tom Papworth

1 APOLOGIES FOR ABSENCE

Apologies were received from the Mayor, Councillor Eric Bosshard and Councillor Stephen Wells. Councillor Judi Ellis as Deputy Mayor attended in place of the Mayor and Councillor Russell Mellor attended as alternate for Councillor Bosshard.

2 DECLARATIONS OF INTEREST

There were no declarations.

3 MINUTES OF THE MEETING HELD ON 29TH MAY 2013

The minutes were agreed.

4 ASSISTANT DIRECTOR POSTS : SALARY PACKAGE

Report HHR 13002

Approval was sought to urgently recruit two Interim Assistant Directors in the Education, Care and Public Health Services Department on a temporary/fixed term contract on a salary in excess of £100,000 per annum but not exceeding £110k per annum (including lease car or pay in lieu).

The current pay policy for Chief Officers (which includes deputy Chief Officers within the meaning of the Local Government and Housing Act 1989) requires Members to approve large salary packages in respect of new appointments, the threshold considered by the Secretary of State being £100,000 per year. Salary packages will include salary, bonuses, fees or allowances routinely payable to the new recruit and any benefits in kind to which the officer is entitled as a result of their employment.

As the posts would be filled on a temporary/fixed term contract, the Council would need to offer a good salary package to attract quality recruits away from established and stable environments. A key challenge was to ensure that pay levels remain attractive and competitive so the Council can recruit and retain quality staff, especially staff charged with managing high profile Member priorities.

The post of Assistant Director, Adult Care Services, became vacant following the (normal) retirement of the previous post holder earlier in the year. The Director needed to secure the commitment and services of an agency staff member procured to fill the gap by offering him a temporary/fixed contract for six months initially with the L B Bromley.

The Director was also seeking a temporary replacement for the post of Assistant Director, Education, which would become vacant from 1st November 2013. In consultation with the Chief Executive and the Portfolio Holder, the Director, was keen to find a quality replacement immediately to ensure very little, or no, gap between the new person starting and the current post holder's departure.

In discussion and referring to the Adult Care Services post, the Executive Director, Education, Care and Health Services, referred to the suitability of the current temporary post holder. He also referred to the high financial return required from agencies.

For the post of Assistant Director, Education, it would not be possible to secure a full time appointment until January 2014. Again, there would be high costs in procuring an appointment via an employment agency. A consultant employed by the Department in the previous six to eight weeks had performed well and following initial approaches, had confirmed a willingness to work for the authority. The Executive Director was not convinced the post could be filled satisfactorily via an employment agency.

Councillor Evans supported the Director's comments on the performance of the proposed temporary post holder for the Adult Care Services post. The post was needed to oversee current work and future care proposals and how this is undertaken. For the Education post, he also commended the consultant's work in respect of the Pupil Referral Unit.

In view of the last day in post for the current Assistant Director, Education being 31st October 2013, it was explained there would be a period of about a month working in partnership with the new appointment who, it was proposed, would start on 30th September 2013. A partnership approach would be taken as a new appointment could not initially work full time and it would not be possible for the current Assistant Director, Education to continue full time during this period.

The Director HR confirmed that each appointment would be on a temporary fixed term contract which could be extended initially for a fixed period of time. This could subsequently be renewed by the Director as appropriate. The contract for both appointments would be to 31st March 2014 with an opportunity provided at the three month stage to confirm the appointment.

If appointing the temporary post holder in Adult Social Care, Councillor Mellor sought assurance that there would be no liability on the Council from the employment agency for appointing the officer. The Director, HR confirmed there would be no liabilities on the Council after 14 weeks i.e. no "poaching fee".

The recommendations were put to a vote and it was **RESOLVED** that:

(1) the proposal to appoint an Assistant Director, Adult Care Services, on a temporary/fixed term contract not exceeding £110k per annum including lease car or pay in lieu of a lease car be agreed; and

(2) the proposal to appoint an Interim Assistant Director, Education, on a temporary/fixed term contract not exceeding £110k per annum including lease car or pay in lieu of a lease car be agreed.

The Meeting ended at 6.13 pm

Chairman

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Agenda Item 5

Report No.
RES13175

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Urgency Committee

Date: 12th September 2013

Decision Type: Urgent Non-Executive Non-Key

Title: REQUEST FOR A DISPENSATION FROM CLLR RUSSELL JACKSON

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 The Committee is requested to consider an urgent request for a dispensation from Councillor Russell Jackson that would allow him to address the Development Control Committee meeting on 12th September 2013 on a planning application for 49 Shortlands Road, Shortlands, Bromley.
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2. **RECOMMENDATION**

The Committee is asked to consider the application by Councillor Russell Jackson for a dispensation to allow him to speak at Development Control Committee on the application for 49 Shortlands Road, Shortlands, and either -

- (a) refuse the application;
- (b) grant it unconditionally; or
- (c) grant it subject to conditions.

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: £363,070
 5. Source of funding: 2013/14 revenue budget
-

Staff

1. Number of staff (current and additional): 10 (8.55fte)
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement: Localism Act 2011, Chapter 7
 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 Chapter 7 of the Localism Act 2011 made fundamental changes to the Standards System and the Code of Conduct for Elected Councillors. Under that Act the system of prejudicial and non-prejudicial interests was replaced with a more streamlined system of Disclosable Pecuniary Interests (DPIs).
- 3.2 The Localism Act and Regulations made thereunder require a Councillor to register DPIs for themselves and their husband/wife/partner. The Regulations include the registration of any beneficial interest in land which is in the area of the relevant local authority – in this case Bromley. This will include a Councillor's home address and any other property owned within the borough.
- 3.3 Where a Councillor has a DPI, then Section 31 of the Localism Act prevents that Councillor taking part in a meeting of the Council or its Committees. Guidance issued by the Department for Communities and Local Government advises on the restrictions imposed by a DPI. The full text of the Guidance reads as follows:

“What does having a disclosable pecuniary interest stop me doing?”

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- *participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or*
- *participate in any vote or further vote taken on the matter at the meeting.*

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.”

- 3.4 A Councillor will have a DPI in a planning application which relates to a neighbouring property and cannot either take part in or address the meeting without a dispensation having first been granted.
- 3.5 The previous standards system granted a concession so that a Councillor with a prejudicial interest could address a meeting as long as they withdrew before Members began to debate the issue and take a vote. This relaxation was not maintained in the system set up under the Localism Act. Therefore, if a Councillor wishes to address a Committee they now have to apply for a dispensation to do so.
- 3.6 The Government Guidance on the granting of dispensations under the provisions of Section 33 of the Localism Act 2011 reads as follows:

“When and how can I apply for a dispensation?”

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a

disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- *without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,*
- *without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,*
- *the granting of the dispensation is in the interests of people living in the council's or authority's area,*
- *without the dispensation each member of the council's executive would be prohibited from participating in the business, or*
- *it is otherwise appropriate to grant a dispensation.*

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority."

- 3.7 In this instance, Councillor Russell Jackson owns a flat next door to the application site at 49 Shortlands Road, Shortlands, Bromley which is being considered by the Development Control Committee on 12th September 2013, after having been referred up from Plans Sub-Committee No. 4 on 8th August 2013. Councillor Jackson has stated that as the owner of a flat at no.51 he had objected to the application, but he had not been aware that it was being considered on 8th August and had not attended that meeting. Both he and Councillor Lydia Buttinger were not intending to take part in the debate at Development Control Committee due to their prejudicial interest, but he did request to speak to the Committee in objection to the application to elaborate on some of his concerns as summarised in the report.
- 3.8 Members of the Urgency Sub-Committee are given authority to deal with dispensation applications and can either:
- a) refuse the application;
 - b) grant it unconditionally; or
 - c) grant it subject to conditions.

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