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DATE: 18 May 2015

To: Members of the

## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Councillor Tim Stevens J.P. (Chairman)  
Councillor Diane Smith (Vice-Chairman)  
Councillors Teresa Ball, Kathy Bance MBE, Nicholas Bennett J.P., Alan Collins,  
Mary Cooke, Ellie Harmer, David Livett, Russell Mellor, Keith Onslow,  
Charles Rideout, Pauline Tunnicliffe, Michael Turner and Stephen Wells

A meeting of the General Purposes and Licensing Committee will be held at Bromley Civic Centre on **WEDNESDAY 27 MAY 2015 AT 7.00 PM**

MARK BOWEN  
Director of Corporate Services

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

### **A G E N D A**

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**  
In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Wednesday 20<sup>th</sup> May 2015.
- 4 CONFIRMATION OF MINUTES OF THE MEETINGS HELD ON 26TH MARCH AND 13TH MAY 2015** (Pages 3 - 12)
- 5 LICENSING ACT 2003 - DRAFT LICENSING POLICY 2016 TO 2021**  
(Pages 13 - 66)
- 6 MODIFICATION OF PRESCRIBED STANDING ORDERS RELATING TO THE DISMISSAL OF STATUTORY OFFICERS**  
(Pages 67 - 72)
- 7 LOCAL PENSION BOARD - APPOINTMENT OF BOARD MEMBERS**  
(Pages 73 - 86)

- 8 **APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES**  
(Pages 87 - 94)
- 9 **LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES OF THE MEETING HELD ON 31ST MARCH 2015**  
(Pages 95 - 100)
- 10 **AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 1ST APRIL 2015, EXCLUDING EXEMPT INFORMATION**  
(Pages 101 - 108)
- 11 **INDUSTRIAL RELATIONS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 8TH APRIL 2015, EXCLUDING EXEMPT INFORMATION**  
(Pages 109 - 110)
- 12 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

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

<u>Items of Business</u>	<u>Schedule 12A Description</u>
13 <b>LOCAL PENSION BOARD - APPOINTMENT OF BOARD MEMBERS - APPENDIX 2</b> (Pages 111 - 120)	Information relating to any individual.
14 <b>AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 1ST APRIL 2015</b> (Pages 121 - 126)	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
15 <b>INDUSTRIAL RELATIONS SUB-COMMITTEE: EXEMPT MINUTES - 8TH APRIL 2015</b> (Pages 127 - 128)	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.

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## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of the meeting held at 7.00 pm on 26 March 2015

### **Present:**

Councillor Tony Owen (Chairman)  
Councillor Russell Mellor (Vice-Chairman)  
Councillors Nicholas Bennett J.P., Kim Botting,  
Mary Cooke, Ellie Harmer, William Huntington-Thresher,  
David Livett, Diane Smith, Tim Stevens,  
Pauline Tunnicliffe, Michael Turner and Angela Wilkins

### **Also Present:**

Councillor Graham Arthur, Councillor Kevin Brooks,  
Councillor Robert Evans, Councillor Hannah Gray and  
Councillor Colin Smith

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

Apologies for absence were received from Councillors Kathy Bance (who was replaced by Cllr Angela Wilkins), Eric Bosshard and Charles Rideout.

### **61 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

No questions had been received.

### **63 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 10TH FEBRUARY 2015**

**RESOLVED** that the minutes of the meeting held on 10<sup>th</sup> February 2015 be confirmed.

### **64 REVIEW OF EMPLOYEE REPRESENTATION ARRANGEMENTS** Report DHR15005

The report set out proposals for restructuring the current employee representation arrangements. It was proposed to end secondments of staff into representational roles (the staff-side secretary and trade union roles) and to review the role and structure of the Departmental Representatives Forum.

The Chairman invited Glenn Kelly, Staff-side Secretary, to address the Committee. He criticised the Council for planning to silence the voice of its workers and doing this at precisely the time of greatest crisis when representation was needed most. Bromley was the only borough taking this approach and would be failing in its statutory role. He accepted that it might be reasonable for the borough to offer to pay for only three or four days per week, with the Unions picking up the remainder of the costs, but even this was not being offered. Questioned by Members, Mr Kelly emphasised that the Council currently paid for time off for trade union duties, not trade union activities, and that withdrawing this would be illegal.

The Chairman invited Kathy Smith to address the Committee. She argued that the consultation was flawed as it was restricted to Trade Union and Departmental Representatives and the report was biased, leaving out any downsides to the proposals. Councillors and chief officers had previously stated that they valued the representatives and their ability to defuse problems, but the proposals would leave staff feeling abandoned without proper representation. In particular, it would lead to greater disruption and costs as she would be frequently called away from her work in the Library Service. She asked whether service managers had been consulted about this, and was informed that they had been.

The Director of Human Resources argued that the law required employers to allow time off for trade union duties but not for trade union activities, and did not require the Council to employ or second representatives, only to provide reasonable support. Bromley had very generous representation arrangements and other organisations such as the Civil Service were taking similar measures to Bromley. In the current financial crisis no part of the organisation could be exempt from review.

The Committee discussed the proposals. Some Members considered that employees should pay for representation through their trade union subscriptions, not Council Tax payers. They agreed that the current arrangements needed to be updated.

One member argued that although it was reasonable to reduce the costs of representation as staff numbers declined there was scope for negotiation with staff on these proposals. The representatives were particularly important to staff at a time of great change, and their removal would be unlikely to save costs.

The Chairman invited Mr Kelly and Ms Smith to make a closing statement before the Committee came to its decision. Mr Kelly emphasised that the majority of his time was spent representing individual staff members and that it would be impractical to do this while carrying out another full time role. Ms Smith emphasised the chaos that would arise in departments as staff representatives would frequently be called away from their substantive roles and called for a proper negotiation.

**RESOLVED that**

**(1) The secondments of staff into the roles of Staff Side Secretary and Trade Union Representative cease and the current staff undertaking these roles return to their substantive positions within the Council, with adequate support and training if required.**

**(2) The current arrangements for Departmental Staff Representatives within the Council be reviewed to reflect the reduced workforce and realignment or reduction of services in line with the proposed arrangements set out in paragraphs 3.12 to 3.15 in the report.**

**(3) Subject to (1) above, it is noted that the Council will continue to provide reasonable support including paid time off for legitimate trade union duties in a balanced way taking into account service delivery issues.**

(Councillor Angela Wilkins requested that her vote against the recommendations be recorded.)

**65 STAFF CAR ALLOWANCE**  
Report DHR15004

As part of the 2015/16 budget Council staff and their representatives had been consulted on a proposal to replace the current car allowances paid as a lump sum and a mileage allowance with a single flat rate consistent with the HMRC recommendation. This would result in savings of about £300k per annum. It was now proposed to adopt a graduated approach with the new arrangements not coming fully into operation until 2017/18.

The Chairman invited Glenn Kelly, Staff-side Representative, to address the Committee. He stated that the proposals amounted to a £1k pay cut for around 300 workers and were disappointing in view promises not to make further changes to terms and conditions soon after the move to local pay. He suggested that the new arrangements would make it harder for the Council to recruit and retain staff.

The Director of Human Resources informed the Committee that there was no evidence that the proposals put the Council at a disadvantage in attracting staff. He also emphasised that consultation with existing staff was still continuing and that he would report further on how the changes would be implemented.

The Chairman invited Mr Kelly to make a closing statement before the Committee came to its decision.

**RESOLVED that**

**(1) It is agreed that all new recruits required to use their car for legitimate business purposes will be reimbursed on a single, flat rate, set locally by the Council.**

**(2) Subject to (1) above, it is agreed that the local rate applicable to new recruits from 1<sup>st</sup> April 2015 is 45p per mile.**

**(3) Authority be delegated to the Director of Human Resources in consultation with the Director of Finance to review and vary the local mileage rate payable having regard to local circumstances and the prevailing recommended HMRC rate.**

**(4) It is noted that, for existing staff, their representatives are being consulted on the proposed phasing arrangement set out in paragraph 3.8 of the report.**

(Councillor Angela Wilkins requested that her vote against the recommendations be recorded.)

**66 LICENSING ACT 2003 CUMULATIVE IMPACT BROMLEY TOWN CENTRE**  
Report ES15026

The Committee received a report advising them of developing issues regarding alcohol-related crime in Bromley town centre, which had been designated a cumulative impact area. The Metropolitan Police had reported a London-wide increase in crime associated with the late night economy, but local police believed that the increase in Bromley town centre was disproportionate. Additional charts showing the impact of licensing changes from February 2014 onwards on crime levels were circulated. These showed that a large increase in crime could be attributed to additional late night licenses.

A ward Councillor, Councillor Michael Rutherford, had appealed to the Committee to support the night time economy and not to impose a general tightening of the licensing regime.

The Portfolio Holder for Public Protection and Safety also urged that no additional general restrictions be imposed and advised the Committee that he would be meeting with the Borough Commander and pressing for sufficient Police resources to be available to deal with the issues arising from the small number of establishments linked to the problems. While some Members wanted to see action taken through the licensing regime to prevent more crime, the Committee considered that this was largely a matter for police enforcement and decided not to adopt a stricter approach to new or amended licenses.

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

**67 ANTI SOCIAL BEHAVIOUR, POLICING AND CRIME ACT 2014 -  
IMPLICATIONS FOR LICENSED PREMISES**  
Report ES15024

The Committee received a report informing them of changes to the closure powers in the Licensing Act 2013 introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. The Act simplified 19 powers down to 6, including a power for the local authority or the Police to quickly close premises for up to 48 hours.

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

**68 DEREGULATION OF ENTERTAINMENT LICENSING -  
LICENSING ACT 2003**  
Report ES15025

The report advised Members of changes intended to provide a further deregulation of aspects of entertainment and indoor sports licensing with likely effect from 6 April 2015.

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

**69 PROGRAMME OF MEETINGS 2015/16**  
Report CSD15045

The Committee considered the proposed Programme of Meetings for the next Council year, 2015/16. The programme was based on previous years and had been subject to wide consultation.

The Committee discussed whether Executive and Resources PDS Committee on 7<sup>th</sup> October 2015 could be moved to the following day – this would clash with Plans 3 but would enable Members to attend the Conservative Party Conference which ended on 7<sup>th</sup> October. The Committee concluded that Party Group Leaders should be consulted before the Programme was finalised.

**RESOLVED that the Programme of Meetings for 2015/16 be approved subject to further consultation on the date of Executive and Resources PDS Committee in October 2015.**

**70 RIGHTS OF WAY SUB-COMMITTEE - DRAFT MINUTES OF  
THE MEETING HELD ON 4TH FEBRUARY 2015**

The minutes of the meeting of the Rights of Way Sub-Committee held on 4<sup>th</sup> February 2015 were received.

**RESOLVED that Council be requested to consider amending the Scheme of Delegation to Officers to enable them to make Definitive Map Modification Orders and amendments to the Definitive Map and Statement of Public Rights of Way.**

**71 LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES OF  
THE MEETING HELD ON 10TH FEBRUARY 2015**

The minutes of the Local Joint Consultative Committee meeting held on 10<sup>th</sup> February 2015 were received.

**72 PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE  
MEETING HELD ON 24TH FEBRUARY 2015**

The minutes of the Pensions Investment Sub-Committee meeting held on 24<sup>th</sup> February 2015 were received.

The Meeting ended at 8.32 pm

Chairman



## GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 8.15pm on 13<sup>th</sup> May 2015  
following the annual meeting of the Council

### Present:

Councillor Tim Stevens (Chairman)  
Councillor Diane Smith (Vice-Chairman)  
Councillors Teresa Ball, Kathy Bance, Nicholas Bennett JP,  
Alan Collins, Mary Cooke, Ellie Harmer, Russell Mellor,  
David Livett, Keith Onslow, Charles Rideout CVO QPM,  
Pauline Tunncliffe, Michael Turner and Steven Wells

### 1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

### 2 PROPORTIONALITY

**RESOLVED** that seats on the Sub-Committees of the General Purposes and Licensing Committee be allocated to political groups as follows:

Sub Committee	Size of Sub-Committee	Allocation		
		Conservative	Lab	UKIP
Audit	7	6	1	0
Pensions Investment	7	5	1	1
Local Joint Committee	9	8	1	0
Industrial Relations	7	6	1	0
Rights of Way	7	6	1	0

### 3 APPOINTMENT OF SUB-COMMITTEES

**RESOLVED** that the following Sub-Committees be appointed for the ensuing Municipal Year, with membership as indicated:-

#### (i) AUDIT SUB-COMMITTEE

	Councillors
1	Alan Collins
2	Ian Dunn
3	Peter Fortune
4	William Huntington-Thresher

5	Keith Onslow
6	Neil Reddin
7	Stephen Wells

**(ii) PENSIONS INVESTMENT SUB-COMMITTEE**

	Councillors
1	Teresa Ball
2	Eric Bosshard
3	Simon Fawthrop
4	David Livett
5	Russell Mellor
6	Keith Onslow
7	Richard Williams

**(iii) LOCAL JOINT COMMITTEE** (To include Leader or named deputy, Chairman of the Executive and Resources PDS Committee or named deputy and Chairman of the General Purposes and Licensing Committee or named deputy.)

	Councillors
1	Nicholas Bennett
2	Stephen Carr
3	Simon Fawthrop
4	Russell Mellor
5	Tom Philpott
6	Diane Smith
7	Tim Stevens
8	Michael Turner
9	Angela Wilkins
	(Other members to be appointed by the staff-side.)

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

	Councillors
1	Stephen Carr
2	David Cartwright
3	Simon Fawthrop
4	Colin Smith
5	Diane Smith
6	Tim Stevens
7	Richard Williams

(v) **RIGHTS OF WAY SUB-COMMITTEE**

	Councillors
1	Vanessa Allen
2	Teresa Ball
3	Julian Benington
4	Lydia Buttinger
5	Richard Scoates
6	Michael Tickner
7	Michael Turner

**4 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN**

**RESOLVED** that the following Councillors be appointed as Chairmen and Vice Chairmen of the Sub-Committees of the General Purposes and Licensing Committee for the 2015/16 Municipal Year (chairmen of Appeals Sub-Committees and Licensing Sub-Committees to be appointed at each meeting.)

**(a) Audit Sub-Committee**

Councillor Neil Reddin (Chairman)  
Councillor Alan Collins (Vice Chairman)

**(b) Pensions Investment Sub Committee**

Councillor Teresa Ball (Chairman)  
Councillor Keith Onslow (Vice Chairman)

**(c) Rights of Way Sub-Committee**

Councillor Lydia Buttinger (Chairman)  
Councillor Michael Tickner (Vice-Chairman)

**(d) Local Joint Consultative Committee**

Councillor Russell Mellor (Chairman)  
(To be nominated by the staff-side)

**(e) Industrial Relations Sub-Committee**

Councillor Stephen Carr (Chairman)  
Councillor Colin Smith (Vice-Chairman)

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

**RESOLVED** that:

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

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

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

**RESOLVED that:**

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

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

The meeting finished at 8.16pm.

*Chairman*

Report No.  
ES 15039

London Borough of Bromley

PART ONE - PUBLIC

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

**Date:** Wednesday 27 May 2015

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

**Title:** LICENSING ACT 2003 - DRAFT LICENSING POLICY 2016 TO 2021

**Contact Officer:** Paul Lehane, Head of Food Safety, Occupational Safety and Licensing  
Tel: 020 8313 4216    E-mail: Paul.Lehane@bromley.gov.uk

**Chief Officer:** Nigel Davies, Executive Director of Environment & Community Services

**Ward:** (All Wards);

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1. Reason for report

To approve the draft Licensing Policy under the Licensing Act 2003 for public consultation as part of the statutory 5 yearly review.

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2. **RECOMMENDATION(S)**

**Members are asked to**

- a. **Consider and comment on the draft statement of Licensing Policy**
- b. **Agree a version for public consultation.**

### Corporate Policy

1. Policy Status: Existing Policy: Statement of Licensing Policy 2011-2016
  2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Vibrant, Thriving Town Centres:
- 

### Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Public Protection and Safety Portfolio budget
  4. Total current budget for this head: £2.1m
  5. Source of funding: Existing Revenue Budget 2015/16
- 

### Staff

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

### Legal

1. Legal Requirement: Statutory Requirement:
  2. Call-in: Not Applicable:
- 

### Customer Impact

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

### Ward Councillor Views

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

### 3. COMMENTARY

- 3.1 The Council is the Licensing Authority under the Licensing Act 2003 and must review, adopt and publish a statement of its Licensing Policy every five years. The current policy ends in January 2016 and a revised draft policy has been prepared for Members to consider for adoption for the next five year period.
- 3.2 The draft policy must be open for public consultation before being considered for adoption by Council on 19 October 2015. It is proposed that comments following a period of consultation will be brought back to this Committee for further consideration on 17 September 2015.
- 3.3 The draft statement of Licensing Policy (Appendix 1) has been revised to reflect the numerous changes in the licensing regime introduced over the last few years.
- 3.4 The most significant changes are highlighted green in the attached copy.
- a. The order of sections has been altered to present a more logical flow thorough the document
  - b. On page 10 and 11 we have proposed revised sections on 'Applications' and 'Licence Conditions'. The main purpose is to ensure applicants give serious consideration to the nature of their operation and to provide a clear description of it which will be used as a condition of licence. This seeks to avoid businesses applying as one type of operation e.g. restaurant but then morphing into another type of operation which may be less desirable for the promotion of the licensing objectives.
  - c. We have included in full the standard mandatory licence conditions on pages 13-16.
  - d. The amended 'consultation' procedure (page 17) has been incorporated to reflect the revised approach agreed by Committee on 10 February 2015 (minute 51).
  - e. We will now routinely anonymise representations (page18)
  - f. We have expanded the guidance to applicants on pages 19-30 on what we suggest as being relevant considerations when making applications and promoting the licensing objectives.
  - g. On page 32 we are proposing that the Council will not grant a licence unless planning permission is in place. This is now possible under the current guidance issued by the Secretary of State.
  - h. A section has been inserted setting out the wider Public Health aspects of alcohol (pages 32-35). Colleagues in Public Health act as a 'Responsible Authority' and must be consulted as part of an application.
  - i. The sections 'Delegation of Functions, 'The role of Ward Councillors' and 'Appendix A Definitions' have been updated.
- 3.5 Cumulative Impact Areas – Bromley and Beckenham Town Centres.

Bromley and Beckenham town centres are covered by 'Cumulative Impact Policies'. These were declared in 2004 and 2007 respectively. The purpose of the areas is to recognise that the number and type of licenced premises are such that they have an

impact on the late night economy and the duty held by both the Council and individual licence holders to promote the 4 licensing objectives. These are

- Prevention of crime & disorder
- Prevention of public nuisance
- Public safety
- Prevention of harm to children

3.6 In these areas Member’s approach to decision making is different. There is a presumption of refusal unless an applicant can satisfy the subcommittee that the grant of an application would not adversely affect the promotion of the licensing objectives.

3.7 The draft policy proposes that both these areas remain a core part of the Councils policy. Member’s views on this are specifically requested.

**4. POLICY IMPLICATIONS**

4.1 The Council is required to prepare, consult on and publish a ‘Statement of Licensing Policy under Section 5 Licensing Act 2003 covering a period of 5 years. During this period the policy must be kept under review and revised as necessary. The current policy expires in Jan 2016.

**5. LEGAL IMPLICATIONS**

5.1 The Council as the Licensing Authority has a duty to promote the 4 Licensing Objectives in its decision making and prepare, consult on and publish a ‘Statement of Licensing Policy’ for a period of 5 years.

<b>Non-Applicable Sections:</b>	<b>FINANCIAL IMPLICATIONS PERSONNEL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	Licensing Act 2003. Guidance issued by the Secretary of State under Section 182. Bromley’s statement of licensing policy 2011-2016



London Borough of Bromley

Statement of Licensing Policy  
2016 - 2021

Approved by the General Purposes and Licensing Committee on  
xxxxxxx  
and Council on XXXXXXXX

Effective from 7<sup>th</sup> January 2016

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# Introduction

3

**B**romley Council is the Licensing Authority under the Licensing Act 2003 and is

responsible for the administration and enforcement of a range of permissions relating to

- for the sale and/or supply of alcohol,
- the provision of regulated entertainment and
- late night refreshment.

The Licensing Authority has delegated its licensing functions to the General Purposes and Licensing Committee. Members of this Committee will be responsible for the detailed administration of the Council's licensing function assisted by officers. The decision-making arrangements between the Licensing Authority (The Council), the Licensing Committee and officers is set out in this policy statement.

## Background

Bromley's Licensing Policy will apply for a maximum period of five (5) years up to January 2021. During this time it will be kept under review and maybe revised in the light of changes due to updated legislation, guidance or circumstance.

Bromley is responsible for over 900 licensed premises and 2000 Personal Licences including:

- Pubs, bars and nightclubs
- Restaurants
- Members Clubs
- Off Licences
- Late night food venues
- Premises offering regulated entertainment

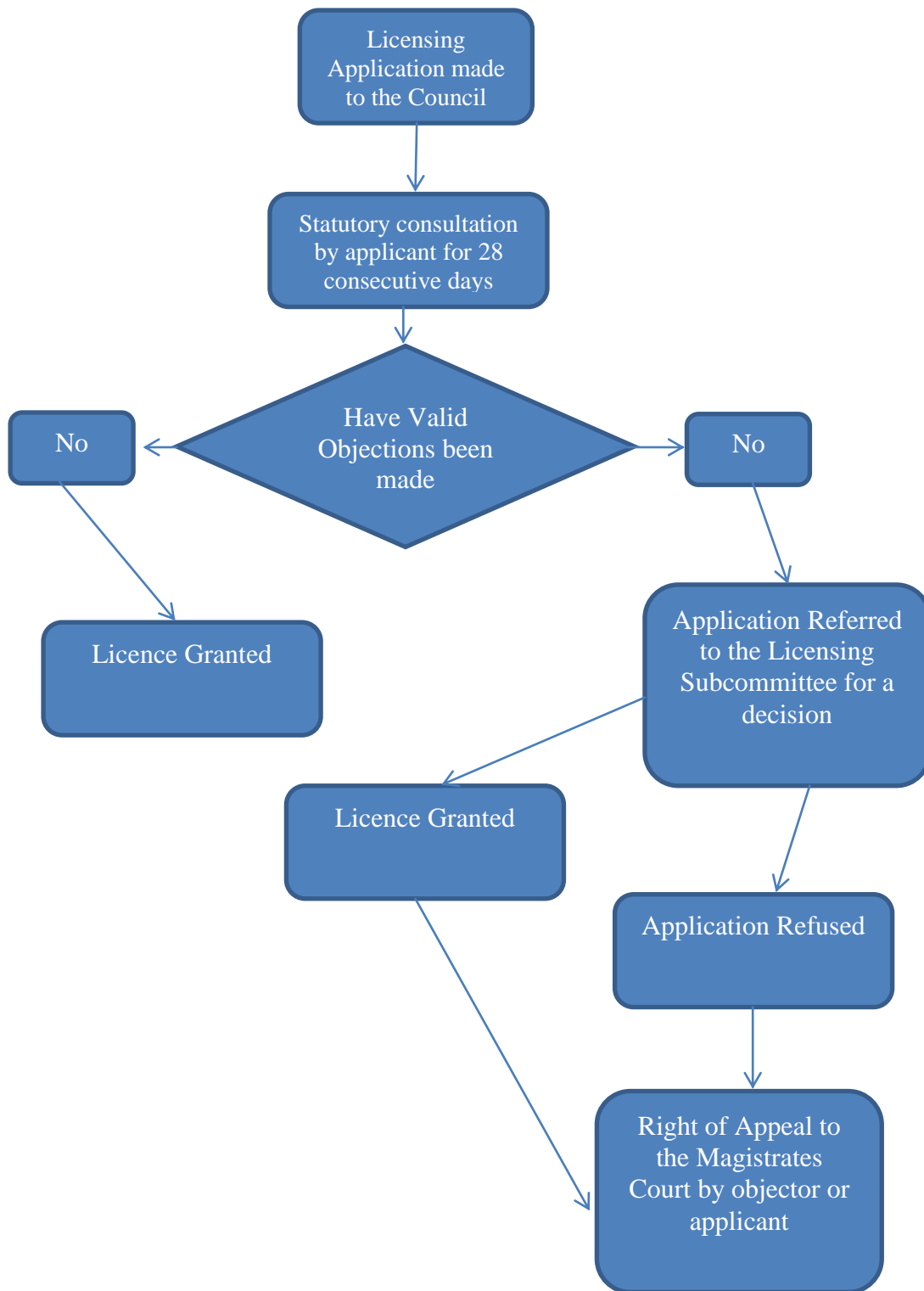
The Licensing Authority has a wide range of responsibilities including helping to develop and promote a strong sustainable local economy. Thriving food, drink and entertainment businesses in the Borough are an important part of that local economy and this policy is critical to their continuing success and for attracting further investment and opportunity to the Borough. Balanced against this is the Council's legal duties and commitment with its partners to reducing crime and disorder and the fear of crime. It is also important to protect and maintain our environment so that residents, visitors and other businesses can enjoy the opportunities for living, visiting and working within the Borough safely and free from nuisance.

Bromley values its younger people and is active in ensuring they are offered a wide range of opportunities and experiences to develop whilst seeking to protect them from harm. For these reasons the Licensing Authority takes its responsibilities under the Licensing Act very seriously and will use all the available powers to promote the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

Through the Licensing Act 2003 the Government has provided opportunities for businesses to develop and flourish in socially responsible ways and has simplified and lightened the administrative burden of licensing. However, the Licensing Act 2003 and more recently the Anti-Social Behaviour Policing and Crime Act 2014 contains strong powers for both the Police and the Licensing Authority. These will be used to their fullest extent where businesses blatantly infringe the law or undermine one or more of the licensing objectives.

# Flow chart of the Licensing Process for Premises and Clubs



# The Policy Statement

## Scope of the Licensing Policy

The Licensing Act 2003 sets out the legal framework for the Licensing Authority to licence the following activities:

- Retail sale of alcohol
  - The supply of alcohol by or on behalf of a club
  - Regulated entertainment
  - Late night refreshment.
- See appendix A for definitions of these activities.

These activities are controlled through a system of:

- Premises licences
- Club premises certificates
- Personal licences
- Temporary event notices.
- **Community Ancillary Sellers notice**

The Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. The Act also requires the Licensing Authority to prepare and publish a statement of its licensing policy every five years. This statement of licensing policy fulfils this requirement and has been prepared in accordance with the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 (version March 2015).

## Consultation

In determining its policy the Licensing Authority has consulted with the following people and organisations:

- Chief Officer of Police for Bromley
- London Fire Brigade
- Chief Planning Officer
- Bromley Safeguarding Children Board
- Health and Safety Executive and Bromley's Health and Safety Enforcement Team
- Public Health Team (Environmental Health and Trading Standards)
- Trading Standards Service (Environmental Health and Trading Standards)
- Pub Watch Groups, and the LVA / Guild of Master Victuallers (being bodies representing holders of Premises Licences)
- Holders of premises licences
- Sports and Social Clubs (representing club premises certificate holders)
- Residents' Associations,
- Bromley Business Focus
- Chambers of Commerce (being bodies representing businesses)
- Ward Members
- Crime and Disorder Reduction Partnership
- Public Carriage Office for London
- Transport for London (TfL)
- The London Boroughs of Bexley, Greenwich, Lewisham, Southwark, Lambeth and Croydon
- Sevenoaks District Council and Tandridge District Council
- Bromley NHS Hospital Trust (A&E Dept)
- Bromley Arts Council
- Individuals who have requested a copy of the draft policy.

Proper weight will be given to the views of all the persons/bodies consulted before this policy statement takes effect.

## Fundamental Principles

This policy statement sets out the Licensing Authority's general approach to administering licensing applications. It provides guidance on the statutory process to be followed and also sets out where we will ask for additional information to help us assess an application and assist Members of a Licensing Sub Committee when they are called to make decisions.

The Licensing Authority acknowledges the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered fairly on its individual merits. Similarly, this policy statement does not override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

Licensing is about the control of licensed premises, qualifying clubs, temporary events and individuals within the terms of the 2003 Act. Any conditions or restrictions attached to a premises licence or club premises certificate will be focused on matters, which are within the control of individual licensees, and others granted relevant permissions.

The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned.

### Late Night Levy and Early Morning Restriction Orders

The Licensing Authority has carefully considered introducing the Late Night Levy and Early Morning Restriction Orders within the borough. Currently this has not been considered necessary to manage Bromley's late night economy. This will continue to be monitored and should circumstances change further consideration will be given to these two measures.

Licensing law is not a mechanism for the general control of nuisance or antisocial behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. Nonetheless, the controls exercised through the provisions of the Act are key aspects to the control of nuisance and antisocial behaviour and will form part of the Council's holistic approach to licensing. In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues arising out of the operation of licensed premises, including:

- **The Council's Crime and Disorder Strategy**
- Planning controls
- Ongoing measures to create a safe and clean environment in partnership with local businesses, transport operators and other Council Departments
- Designation of parts of the Borough as places where alcohol may not be consumed publicly
- Regular liaison with Borough Police on law enforcement issues regarding disorder and antisocial behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises.

The Council is currently addressing many of these issues through Bromley's Community Safety Strategy, in line with the strategic objectives for crime and disorder reduction within the Borough

## Special Policy's on Cumulative Impact

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

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

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

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

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

- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).

Consult those specified in section 5(3) of the 2003 Act,

- Police
- Fire Brigade
- Public Health
- Persons representing holders of premises licences
- Persons representing holders of club premises certificates
- Persons representing Personal Licence holders
- Persons representing businesses.
- Other representatives of businesses and residents.

Subject to the outcome of the consultation, confirm and publish details of the special policy in the licensing policy statement

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

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

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

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

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

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

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

The Licensing Authority will not use such policies solely as the reason for revoking a licence when representations are received about problems with existing licensed premises, or to refuse material variations to a licence, except where the material variations are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits, to extend the opening and or alcohol sale timings or to change the mode or theme of operation at a premises

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

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



It therefore, also recognises that within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

In areas not subject to a special policy of cumulative impact but where representations of cumulative impact are made, the Licensing Authority will consider each application individually.

**The following special policies on cumulative impact have been declared:**

**NO 1 Bromley Town Centre 29th Nov 2004)**  
**NO 2 Beckenham Town Centre 21<sup>st</sup> February 2007**

**See Appendix C**

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

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

## **Premises Licences and Club Premises Certificates**

### **Premises Licences**

A premises licence is needed for the

- Retail Sale of alcohol
- Provision of regulated entertainment or
- Sale of hot food and drink to the public between 11pm and 5am.

### **Club Premises Certificates**

Some activities carried out by clubs need to be licensed under the Act but generally clubs are treated differently to proprietary clubs and commercial premises. A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to members. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club'.

A qualifying club:

- Has members. Membership is not instant. There is a minimum of 2 days between applications for membership and admission. This includes the privileges of membership (i.e. use of facilities and the consumption of alcohol)
- Has at least 25 members
- The club is conducted in good faith and has full accountability to its members
- Where alcohol is purchased and supplied, that it is done so by an elected committee of the club.

This will entitle them to certain benefits:

- No need for Personal Licence Holders on the premises
- No need for Designated Premises Supervisors
- More limited rights of entry for the Police and Authorised Persons (Licensing Officers) as the premises is considered private and not generally open to the public
- To sell hot food and drink between 11pm and 5am to members and guests without the need for a licence.

## Applications

The Licensing Authority places great emphasis on fully completed application forms containing **accurate** and transparent descriptions clearly setting out the exact nature of the operation being applied for. Particular emphasis is placed on the detailed completion of the Operating Schedules and General Description of the type and use of the premises.

It is expected that all applications will include the following information under the General Description

- What is the main use of the premises
- What is the Secondary use of the premises
- Is the operation Food or alcohol lead
- Will substantial food be offered or small bar snacks
- What type of entertainment is proposed and who is the target audience entertainment
- What percentage of the public floor area will be used for Vertical Drinking
- What percentage of the public floor area will be used for seating (either fixed and movable)
- Will seating be removed for certain functions / activities
- Whether the customer profile changes throughout the proposed opening hours (e.g A restaurant ceasing food service to move to wine bar drinking / dance premises later in the evening).
- Any theming to the operation

It is the Licensing Authority's intention to apply the information provided as part of the general description as licence conditions.

The Licensing Authority is keen to encourage a balanced, thriving and diverse night time economy within the Borough. To ensure fairness and clarity for all operators, licence conditions will seek to reflect and control the nature of operations based on what is stated in the application form and in the course of any hearing by a Licensing Sub Committee.

The Officers acting on behalf of the Licensing Authority as a 'Responsible Authority' will routinely exercise its discretion to make representations against any application where there is ambiguity or lack of information about what is being applied for.

For example an application for a restaurant will have conditions imposed restricting the sale of alcohol as being ancillary to a substantial meal at all times. Customers must have and continue to consume food if alcohol is to be purchased. A restaurant could not stop or reduce food service and allow alcohol consumption to continue so effectively becoming a wine bar, unless this has been specifically set out in the operating schedule and general description. Descriptions like "casual dining experience" will only be accepted if there is complete transparency as to what this means at all times during licensable hours.

In determining applications for Premises Licences and Club Premises Certificates the Licensing Authority will have regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and any secondary legislation. It is important that applications for Premises Licences and Club Premises Certificates properly address the four licensing objectives.

To prove all statutory requirements have been met the Licensing Authority will request applicants to supply either by a paper copy or electronically

- Original or copy of the full page of the local paper in which the notification has been placed, clearly showing the public notice advert, the identity of the paper, the date and page number.
- A photograph or copy of the completed A4 Blue poster that is displayed at the premises.
- A digital photograph of the premises clearly showing the location(s) of the A4 Blue poster (ideally with a date and time stamp)

### **Variations (Minor and Full)**

Both Premises Licences and Club Certificates may be varied under the Licensing Act 2003. Minor variations generally fall into four categories they are:-

- Minor changes to the structural layout which do not include any of the following:-
  - Increase the capacity for drinking (increasing floor area for drinking etc).
  - Affecting access or egress (blocking fire exits or escape routes).
  - Impeding or removing noise reduction measures at the premises (removing acoustic lobbies etc.).
- Removal of a licensable activity or licence condition,
- Addition of a volunteered condition or conditions.
- Addition of a licensable activity where similar activities already exist.

The above is not an exhaustive list and licensing officers will bring their own experience and knowledge to bear when considering applications.

*Note:-*

*Further explanations on the above can be found in the department of Culture Media and Sport Guidance (Current Edition) issued under section 182 of the Licensing Act 2003*

A minor variation is a simplified process with a set statutory fee applicable to all premises and clubs. Decisions on a minor variation are delegated to licensing officers. In the case of a decision by a licensing officer being contested by a ward councillor which cannot be resolved the decision will be deferred to the licensing subcommittee.

There is no requirement to consult all Responsible Authorities on a Minor Variation application, however, licensing officers may consult with any party if there is any doubt about the impact of the variation on the licensing objectives and there is a need to obtain specialist advice.

Specific cases are identified as being excluded from the minor variation process they are :-

- To extend the period of a time limited licence
- To substantially vary the premises
- Specify a person as the Designated Premises Supervisor (DPS)
- Add the supply of alcohol to a licence
  
- To extend the licensing hours for the sale of alcohol for consumption on or off the premises between 11pm and 07.00am.
- To increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.
- Include a condition allowing the supply of alcohol by a 'Management Committee'

The Licensing Authority takes the view that the removal of seating or tables from premises which has the effect of increasing the floor area for vertical drinking is not suitable for the 'Minor variation procedure' Such applications should be made under the full variation

procedure. The Licensing authority will expect applicants to demonstrate how the removal of seating or tables will promote the Licensing Objectives

In all cases the overall test is whether the proposed variation could impact adversely on the licensing objectives if in any way it does or it does not fall within the scope of the four areas identified then a full variation will be required.

## **Fees & Charges**

Licensing fees and charges are set by Government so they are the same across the Country. Details can be found on the Councils Website ([www.bromley.gov.uk](http://www.bromley.gov.uk)) and on the DCMS website ([www.dcms.gov.uk](http://www.dcms.gov.uk)).

Once granted a licence does not expire but the licence holder is required to pay an annual charge.

Failure to pay this will result in the Licensing Authority suspending the licence until such time that all outstanding fees are paid

Whilst the annual charge is being paid regularly the licence will remain in force even if the premises are not used for a licensable purpose.

## **Licence Conditions**

### **General Conditions**

Where responsible authorities or interested parties do not raise any representations about an application, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Act.

The Licensing Authority may not impose conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then impose conditions necessary to promote the licensing objectives arising out of the consideration of the representations. To minimise problems and the necessity for hearings, the Licensing Authority would encourage applicants to consult with the 'Responsible Authorities' when preparing their operating schedules

The Licensing Authority is keen to encourage a balanced, thriving and diverse night time economy within the Borough. To ensure fairness and clarity for all operators, licence conditions will seek to reflect and control the nature of operations based on what is stated in the application form and in the course of any hearing by a Licensing Sub Committee.

The Officers acting on behalf of the Licensing Authority as a 'Responsible Authority' will routinely exercise its discretion to make representations against any application where there is ambiguity or lack of information about what is being applied for.

For example an application for a restaurant will have conditions imposed restricting the sale of alcohol as being ancillary to a substantial meal at all times. Customers must have and continue to consume food if alcohol is to be purchased. A restaurant could not stop or reduce food service and allow alcohol consumption to continue so effectively becoming a wine bar, unless this has been specifically set out in the operating schedule and general description. Descriptions like "casual dining experience" will only be accepted if there is complete transparency as to what this means at all times during licensable hours.

## Standard Conditions

The Licensing Authority recognises that it is important to balance any conditions attached to a licence or certificate so as not to be disproportionate or overly burdensome but to achieve the licensing objectives. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises or event. Where appropriate, and necessary for the promotion of the licensing objectives, the Licensing Sub Committee will consider attaching conditions

## Mandatory Conditions

The Act requires that certain conditions are applied to premises licenses and club premises certificates where they include:

- The retail sale and club supply of alcohol
- The provision of Door Supervisors
- The showing of films.

The Licensing Authority will apply such conditions as set out in Sections 19, 20 and 21 of the Act.

### 1. Supply of Alcohol:

(1) No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

(2) Every sale of alcohol under the premises licence must be authorised by a personal licence holder.

### 2. Irresponsible Promotions:

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period

of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### 3. Free Potable Water:

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### 4. Age Verification:

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

### 5. Minimum Measures:

(1) The responsible person must ensure that —

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint; .

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .

(iii) still wine in a glass: 125 ml; .

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### 6. Permitted Price:

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

7. Films:

(1) The admission of children must be restricted in accordance with the recommendations laid down by the British Board of Film Classification.

OR

(2) In circumstances where the licensing authority has reclassified a film. Then access of children should be restricted to meet this reclassification standard.

Note:- "Children" means any person under 18 years of age.

#### 8. Door Supervision:

(1) Any individual employed at the premises as a door supervisor must

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

## Temporary Events Notices(TENs)

Anyone may give the Licensing Authority a Temporary Event Notice (TEN). This procedure allows people to hold an event involving licensable activities without having to apply for a Premises Licence or Club Premises Certificate. Temporary Event Notices may be obtained for:

- The sale of alcohol
- The provision of regulated entertainment
- The sale of hot food or drink between 11pm and 5am.

The Act provides a system by way of "temporary event notices" for the temporary carrying on of any licensable activity outside of the terms of a premises licence or club premises certificate. Under this system no authorisation as such is required from the licensing authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event.

There are two types of TENs. A standard TEN and a late TEN. All TENs must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act, together with the relevant fee. When a TEN application is made in paper form, the applicant must serve a copy on the Police and the Councils Public Health Nuisance Teamprotection team (see contact details in appendix B). If a TEN application is made Online the Council will send copies to the Police and Public Health Nuisance Team

A standard TENs must be given with at least 10 clear working days' notice before the event. A late TENs (intended for use ONLY to assist premises users in situations that are outside of their control and not where applicant have simply forgotten to make an application) can be given no earlier than nine working days but still with a minimum of five clear working days' notice before the event. These legal timescales are not negotiable and no TEN will be processed if an application is made outside these times and the Police and Public Health Nuisance Team. parties have been correctly notified.

The 10 and 5 clear working days' notice periods exclude the day of the application and the day the event starts.

Only the police or the Public Health Nuisance Team may make representations (on grounds relevant to any of the licensing objectives) leading to a Counter Notice being issued which will



stop the event taking place. . However, the Licensing Authority will refuse application Ten's if the notice given is incorrect or if the limits set out in the Act are exceeded.

The Council will accept all properly made TENs application in keeping with the minimum notice period, however experience has shown that in a significant number of cases this does not provide adequate time for proper consideration to be given by the police and Public Health Nuisance Team. We would therefore ask that applications for TENs be made at least 28 days before the planned event. This will prevent unnecessary representations being made by the Police or Public Health Nuisance Team

Where there is any doubt that the applicant for a TEN has the agreement of the premises owner to use the premises the Council will require evidence of consent.

Many temporary events have the potential to give rise to concerns, particularly around health and safety or protection of children. For this reason applicants should understand that the licensing service may share information on temporary events taking place with other "responsible authorities". This does not provide those responsible authorities with the opportunity to raise representations, but will allow any matter of concern to be followed up under other powers. This action does not, however, absolve any premises user from their own responsibility to ensure that any other necessary consent (including planning permission or temporary structures consent) is obtained or that their event does not give rise to any crime and disorder, public safety, nuisance or harm to children.

There are certain limitations to Temporary Event Notices:

- Maximum number of people attending must not exceed 499 at any time
- The event cannot last longer than 168 hours
- No premises can host more than 15 events in a calendar year
- The maximum number of days covered by Temporary Event Notices cannot exceed 21 days in a calendar year
- A personal licence holder can apply for up to 50 temporary events
- Any other person can apply for 5 temporary events
- A personal licence holder can apply for up to 10 late temporary events
- Any other person can apply 2 late temporary events

## **Consultation**

The statutory consultation process is applicable to all applications for new licenses and full variations allowing for representations to be made by various bodies and individuals. Responsibility for undertaking statutory consultation lies with the applicant for Paper applications and in part with the Licensing Authority for electronic applications.

The Licensing Authority expects that the applicant to fully comply with the notification and statutory consultation requirements of both online and hard copy submitted applications. A failure in any part of the consultation process will lead to an application not being valid and could delay the application process.

## **Special Note**

This Licensing Authority in order to satisfy compliance will require some additional information as explained in the application section above

## **Non Statutory Consultation**

The Licensing Authority will undertake additional consultation with Ward Councillors in whose ward the applications sits and any neighbouring Ward Councillors or London Boroughs if the application sits near a ward or borough boundary.

In the case of minor variation the Licensing Authority will exercise its discretion to consult with any of the responsible authorities where in their opinion there could be an impact on the licensing objectives

### **Making representations about an Application**

Representations about an application must be made in writing to the Council's Licensing Team within the statutory time limits given.

Written representations include letters (posted or faxed) and emails. Representations received after the end of the public consultation period cannot legally be accepted.

Representations must contain

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

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

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

### **Petitions**

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

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

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

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

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

A suggested format for a petition sheet is available on the Bromley Website – [www.bromley.gov.uk](http://www.bromley.gov.uk) and is displayed in appendix D

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

### **Irrelevant, Vexatious and Frivolous Representations**

The Licensing Authority follows the guidance of the Secretary of State concerning the judgments of representation as being irrelevant, vexatious and frivolous. A representation would be 'irrelevant' if it does not relate to the application or to the promotion of the licensing objectives in the context of the application. In considering whether or not a representation is 'vexatious or frivolous' the Licensing Authority must determine whether any ordinary and reasonable person would consider the matter to be vexatious or frivolous. Vexation may arise where, for example, there is a dispute between rival businesses. Frivolous representations would be categorised by a lack of seriousness. Such judgments should be objective and not based on political judgments and as such are best made by officers following enquiries as may be necessary. Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed and that representation will be disregarded.

### **Repeat Applications**

The Licensing Authority will give particular attention to applications which have the effect of replicating to a large extent, the terms of a previous application(s) at the same premises / club which may have been refused or granted subject to conditions. Where representations are made, the Licensing Committee will consider each application on its merits including:

- The applicants' justification or explanation as to the change of circumstances warranting a different decision by the Committee
- The extent to which the terms of the new application overcome previous concerns
- The extent to which the new application (including the operating schedule and any suggested conditions) will promote the Licensing Objectives.

This policy does not apply to applications for:

- Changes to Designated Premises Supervisors
- Changes to the address of someone named on a licence
- Temporary Event Notices and is not designed to inhibit applications to make variations from 'time to time'.

## **Relevant Considerations under the Licensing Objectives**

### **Crime and Disorder**

Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment, can be a source of crime and disorder. The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business. Applicants are recommended to seek advice from the Police Licensing Officer and Licensing Authority Officers prior to making any application as early advice can alleviate representations being made once an application is submitted. Full contact details for both are contained within the Responsible Authorities contact in appendix B.

Applicants should as appropriate take account of local planning and transport policies, and tourism, cultural and crime prevention strategies, when preparing their operating plans and schedules.

When addressing crime and disorder, the applicant should identify any particular issues that are likely to affect adversely the promotion of the crime and disorder objective. They should then include in the operating schedule how they will deal with those matters.

Operating schedules should then show how they will address the issues identified.

### **All premises**

When compiling operating schedules applicants are advised to give consideration to:

- The setting of a safe capacity limit – While often necessary on public safety grounds, this is equally important in order to prevent overcrowding giving rise to risk of crime and disorder
- Use of crime prevention notices – For use in circumstances where it would be helpful to warn customers of prevalence of crime which may target them, for instance, to warn of pickpockets or bag snatchers
- Publicising details of the premises operation – Display details of the premises opening and closing times
- Installing CCTV – The presence of CCTV cameras can be an important means of deterring crime both inside and outside of the premises. It can also help to provide valuable evidence in the event that an incident does occur. CCTV should be maintained in good working order and used at all times with a 31 day library of recordings maintained at all times
- Removing low cost high strength alcohol from offer – To help reduce street crime and violence and anti-social behaviour from public drunkenness
- Developing a drugs policy in conjunction with the police – Establish a clear written anti-drugs policy and publicise this to customers
- Preventing counterfeit products, such as alcohol, tobacco, DVDs, CDs and other goods from being offered for sale upon the premises

### **Premises providing alcohol for consumption on the premises**

Applicants should give consideration to

- Exercising control over the removal of open drink containers – To prevent the use of containers as weapons in the street

using plastic containers and toughened glass – Consideration should be given to the use of safer alternatives to glass which would inflict less severe injuries if used as weapons. Note: That any glass alternatives used for measuring draft beer and cider must be lawful for trade use under weights and measures legislation.

- Introducing bottle bans – Decant drinks into glasses before being handed across a bar
- Providing seating for customers – sufficient to ensure that the majority of customers do not have to stand
- Ensuring good availability of soft drinks and food

- Employing an appropriate number of SIA registered door supervisors – Valuable for maintaining orderly behaviour in queues; searching and excluding those suspected of carrying offensive weapons, or illegal drugs; keeping out banned individuals; or controlling admissions and departures
- Making personal searches by door supervisors a condition of entry – Including the provision of signage and female SIA for personal searches conducted on female customers and performers
- Providing door supervisors with search wands / search arches – Maintained in good working order and used on all occasions
- Providing a drugs and weapons box – Kept under the direct control of premises management with all seized drugs and weapons to be handed over to the police in accordance with the police code of practice
- Installing ID scanning and recording equipment – Requiring all patrons to provide ID and agree to being recorded. Provide notices to this effect in conjunction
- Establishing a last admissions policy – For both admissions and readmissions. Publicise this at the premises
- Establishing a dispersals policy – Helping to reduce the potential for disturbance to local residents
- Co-operating with the police and council on venue hire agreements – Providing good notice (at least one month) of all internal and external promoters engaged at the premises. Also comply with requests from the police not to engage a specific promoter where this is recommended by the police for crime and disorder
- Avoiding certain performances and exhibitions – That no film be exhibited or performance given that is likely to stir up hatred or incite violence against any section of the public on grounds of colour, race or ethnic or national origin, disability religious beliefs, sexual orientation or gender

### **Designated premises supervisor / personal licence holders and authorisations for the retail sale of alcohol**

This authority recognises that neither the Act nor the mandatory conditions outlined elsewhere in this policy require either a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold or supplied. Nor does the fact that every sale or supply of alcohol must be made under the authority of a personal licence holder mean that only personal licence holders can make such sale or supply or that they must be personally present at every transaction.

However, this authority wishes to emphasise that the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the Licensing Act and conditions attached to the premises licence.

Therefore this authority considers it reasonable to expect that either the designated premises supervisor or another personal licence holder will normally be present at all times that alcohol is either sold or supplied or that proper arrangements are in place for authorisation of staff in their absence and for their monitoring. This authority recognises that there may be occasions when it is not possible for the designated premises supervisor or another personal licence holder to be present but that this should not occur for any extended period and emphasises that there can be no abdication of responsibility

in their absence.

This authority expects that authorisations for other staff to supply and sell alcohol made under the authority of the designated premises supervisor and any other personal licence holders are kept up to date (no more than 6 monthly reviewed and resigned) be in a form that can be inspected at any time by an authorised officer of the police or Licensing Authority. for other staff to sell and supply alcohol.

ultimately, it will be a matter for a court to determine on the evidence before whether or not an authorisation has been given within the meaning of the Act , but this authority notes the Secretary of State considers that the following factors should be relevant in considering whether there was real and effective scheme of authorisation:

a) The person(s) authorised to sell alcohol at any particular premises should be clearly identified

b) The authorisation should have specified the acts which may be carried out by the person being authorised

c) There should be an overt act of authorisation, for example a specific written statement given to the individual(s) being authorised

d) There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis

## **Crime Prevention**

When making decisions about an application the Licensing Sub Committee will have regard to the **Borough's Crime Prevention Strategy** and any conditions attached to licences or certificates will so far as possible reflect local crime prevention strategies.

## **Dispersal**

The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering any application for the grant or variation of a licence serious consideration will be given to the dispersal arrangements from the premises and the effect that granting the licence might have on the dispersal arrangements of other licensed premises in the area. The Licensing Authority will pay particular attention to an application which may delay orderly dispersal or is likely to encourage people to remain in the vicinity.

## **Drugs**

The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises however it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the Crime and Disorder licensing objective.

If relevant representations are received to following an application for the grant or variation of a licence, special conditions may be imposed to support the prevention of the sale, supply and consumption of drugs. Advice on conditions will be sought from the Drug Action Team and / or the Police.

In premises where drugs misuse is problematic and where the Police or others apply for a 'Review' of the licence, the Licensing Authority will consider this as being very serious and will give appropriate consideration to the full range of options available including the suspension

and revocation of the licence. The Licensing Authority recognises that each case is individual and will be decided on the facts and its specific merits.

### **Public Safety**

The Licensing Act 2003 Act covers a wide range of premises and activities, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these type of premises presents a mixture of risks to public safety, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.

The Licensing Authority will expect operating schedules to satisfactorily address these issues and applicants are advised to seek advice from the Borough's Licensing Officers and the London Fire Brigade contact details can be found in appendix B before preparing their plans and schedules. Where an applicant identifies an issue relating to public safety (including fire safety) that is not covered by existing legislation, the applicant should identify in their operating schedule the steps that they will take to ensure public safety. Where representations are received and upheld at a hearing, the Licensing Authority will consider attaching conditions to licences and permissions to promote safety.

### **Prevention of Nuisance**

Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues.

#### Relevant issues might include

- Preventing noise and vibration escaping from the premises, including music, noise from plant and patrons
- Preventing disturbance by patrons arriving at, gathering outside of, being admitted or re-admitted to or departing from the premises, particularly, but not exclusively between 11pm and 7am hours
- Preventing vehicle queues forming outside of the premises, or where some form of queuing is necessary, the steps to prevent disturbance or obstruction
- Ensuring clear up operations conducted by staff do not cause a nuisance and that staff leave the premises quietly
- Addressing arrangements made for parking by patrons
- Considering whether there is sufficient public transport provision and where licensed taxis or private hire vehicles are likely and any arrangements made to prevent disturbance to local residents
- Controlling disturbance that may be caused by the use of gardens / terraces / external and other open-air areas including the highway, particularly in relation to smoking and the passage of patrons between internal and external areas
- Preventing nuisance from the positioning and operation of plant and machinery such as kitchen extraction systems, ventilation plant, condensers etc

- Restricting delivery and collection times (waste, equipment and consumables) to between 8am and 8pm hours
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises
- The need for regular patrols of the boundary of the premises and / or at the nearest residential to ensure nuisance impacts are not being experienced by neighbours

#### Management controls should be considered for

- The numbers of persons using any licensed external area at any one time
- The hours of operation of any licensed external area, requiring patrons to return back into the premises at a specific time. In residential areas it is suggested that a closing time of 10pm is appropriate. Any music relayed into the external area should cease earlier
- The numbers of 'smokers' allowed outside of the premises at any one time
- The taking of drinks outside of the premises when patrons step outside to smoke. This can be assisted by providing a 'drinks safe' area for patrons who temporarily leave the premises
- Queues of patrons awaiting admission and how these are arranged
- The areas within which patrons may congregate outside of the premises, restricting them, for instance, to the curtilage or footprint of the premises
- The times within which live music and / or amplified sound may be played in any external area or marquees or relayed by external speakers (where permitted under the terms of the licence). It is suggested that this should not continue beyond 22.00
- The times within which barbecues or other cooking facilities may be provided within any external area
- Terminal hour for last admissions and readmissions to the premises
- The supervision of patrons using any external area so as to prevent nuisance and disturbance
- Arrangements made with local cab companies calling for customers, requiring that they call within the premises for their customers without sounding their horn in the street
- The reduction of music levels within the premises 30 minutes before closing so as to reduce levels of excitement among patrons upon leaving
- The display of notices at exit points asking patrons to 'please leave quietly' and be mindful of local neighbours when leaving the premises
- The supervision of patrons outside of the premises to ensure quick dispersal from the immediate area upon closing time



- The clearance of any litter created by the operation of the premises
- The hours during which external activities such as the handling and removal of waste or musical equipment or the delivery of goods. It is recommended this is prohibited between 10pm and 8am
- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance
- Applicants are advised to seek advice from the Council's Environmental Health Officers contact details can be found in appendix B before preparing their plans and operating schedules. Where representations are received and upheld at a hearing the Licensing Authority will consider attaching conditions to licences and permissions to prevent public nuisance.

## Smoking and the Use of External Areas

In relation to smoking outside licensed premises, it is expected:

- Suitable receptacles for customers will be provided and maintained to dispose of cigarette litter in areas used, or likely to be used, for smoking
- Licensees will take all reasonable steps to discourage smoking on the public highway close to residential premises, particularly after 10pm. This could include measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors, or imposing a time after which readmissions to the premises will not be permitted
- Garden areas to be cleared at a reasonable time where not doing so could cause nuisance to neighbouring residents.

Where an application includes provision of a smoking shelter then the Licensing Authority expects the shelter to be situated as far as possible from neighbouring residential premises.

## Protection of Children from Harm

### Access to Licensed Premises

The wide range of premises that require licensing under the Act means that children can be expected to visit many of these, often on their own, for food and/or entertainment. Where no relevant representations are received and an applicant volunteer's prohibitions or restrictions in relation to the admission of children, those will become conditions attached to the licence.

Apart from the specific restrictions set out in the Licensing Act 2003 there is no presumption of permitting or refusing access to licensed premises. Each application and its circumstances will be considered on its own merits.

The Licensing Authority will only seek to limit the access of children to licensed premises where it is necessary for the prevention of physical, moral or psychological harm. The Licensing Authority will consult the Bromley Safeguarding Children Board on any application that indicates there may be concerns over access for children. The Licensing Authority will judge the merits of each application before deciding whether to impose conditions limiting the access of children.

The following are examples of premises that will raise concern:

- Where entertainment or services of an adult or sexual nature are commonly provided

- Where there have been convictions of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- A known association with drug taking or drug dealing
- Where there is a strong element of gambling on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Examples of entertainment or services of an adult or sexual nature include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language.

The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Limitations on ages below 18
- Requirements for an accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.

The Licensing Act 2003 details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Bromley Trading Standards have an agreed protocol with the Police for enforcing age related sales of alcohol. This will continue to be applied.

The Service will also undertake monitoring and test purchasing for compliance with other age related sales and services applicable to the Licensing Act 2003. Consideration will also be given to initiatives which could assist in the control of alcohol sale to children e.g. Home Office campaigns.

The Licensing Authority is also fully supportive of and actively encourages recognised proof of age schemes and 'Challenge 25' policies in all licensed premises as a means of controlling under age sales.

### **Children and Cinemas**

Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, strong language, scenes of horror, violence or a sexual nature that may be considered unsuitable for children within certain age groups. Where an application for a Premises Licence or Club Premises Certificate includes the showing of films, the Licensing Authority will expect the operating schedule to include arrangements for restricting children from viewing age restricted films classified by the British Board of Film Classification or by the Licensing Authority itself. All Premises Licences and Club Premises Certificates granted for the exhibition of films will contain a condition restricting the admission of children either in accordance with the age classification by a film classification body under Section 4 of the Video Recordings Act 1984 or the Licensing Authority's recommendation. It will be the Licensing Authority's policy to specify that the British Board of Film Classification will be stated on the licence as the film classification body where a film has such a classification, however, where there is no such classification or, under such other circumstances as the Licensing Authority sees fit, its own classification may be imposed.

## **Children and Entertainment**

Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows, discos and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises. Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Licensing Authority will expect the operating schedule to include arrangements for protecting children. Where representations are made and upheld the Licensing Authority will make full use of Licensing Conditions to secure the protection of children from harm

The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The number of staff required should be assessed by the licensee, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor.

Anyone intending to provide staff for the supervision of activities to under 18's will be required to carry out enhanced criminal record checks on all persons involved servicing such activities. These checks should be entered into a register which should be kept on the premises at all times and made available to the police or authorised Council Officer on request. Staff shall only be appointed who have been subject to a check and are found to be suitable, if in doubt the applicant should liaise directly with the police.

The Council will specifically require the Operating Schedule to address issues relating to children and applicants are advised to contact **Social Care & Health** directly to seek advice prior to submitting their application.

## **Underage Sales**

The Licensing Authority is committed to protecting children from harm and supports / encourages the programme of underage test purchases arranged by the Trading Standards Service and Police.

Where underage sales are found the Licensing Authority supports the use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.

In keeping with the Secretary of States of Guidance and **Bromley's own** guidance for Members of Licensing sub committees hearing Reviews consideration will be given to the suspension or revocation of a licence bought in respect of under age

# Areas identified for special consideration

## Licensing Hours

### Sale of Alcohol for Consumption on the Premises

The Licensing Authority recognises that different licensing hours may be appropriate for the promotion of the licensing objectives in different areas and within any one area. This can avoid large numbers of people leaving premises at the same time, which in turn could reduce disorder and disturbance. It also recognises that there is the opportunity for significant detrimental impact on local residents where licensed premises operate late.

Where representations are received, the application will be referred to a Licensing Sub Committee in accordance with the scheme of delegation included in this Policy. When hearing an application the Sub Committee will seek assurances from the applicant that the four Licensing Objectives will not be undermined by the grant of the application. Where the Sub Committee upholds representations it may apply licensing conditions and or place limits on the hours of operation.

The Sub Committee will pay particular attention to applications where the operating schedule indicates the sale of alcohol after 11pm Monday to Saturday and after 10.30pm Sunday.

Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries (migration) at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.

Staggered closing hours in designated area will not be set or predetermined however, the Sub Committee will consider every application on its own merits but consideration will also be given to its location and how it may affect the area with its activity, patrons and closing time. This may result in the imposition of staggered closing times to relieve or lessen existing or potential problems.

### Sale of Alcohol for Consumption off the Premises—Shops, Stores and Supermarkets –

Where no objections are made to an application the Licensing Authority will licence shops, stores and supermarkets to sell alcohol for consumption off the premises at the times stated in the application. Where objections are made against the grant of a new licence, the Licensing Authority will consider restricting those hours where there are good reasons for doing so and this would promote the licensing objectives.

For example, where shops, stores or supermarkets are known to be the focus of disorder and disturbance or where underage sales have occurred. On an application to 'review' an existing licence where there is evidence that shops, stores and supermarkets are a focus of disturbance because youths congregate there and cause nuisance and engage in antisocial behaviour, the Licensing Authority will consider restricting opening hours as a mechanism of combating such problems and promoting the licensing objectives.

### Regulated Entertainment and Late Night Refreshment

Not all regulated entertainment will be associated with the sale of alcohol. There will be times when alcohol is not provided for many reasons or in other circumstances it would be unnecessary or illegal to have alcohol available, for example, events for children. In other circumstances regulated entertainment could finish earlier or later than the sale of alcohol. The provision of Late Night Refreshment covers the supply of hot food or hot drink to members of the public at any time between the hours of 11pm and 5am. This will include the traditional takeaway food premises but will also cover restaurants and mobile vehicles. In each case the hours being sought for regulated entertainment or late night refreshment should be set out in the application and operating schedule. Where objections are received

the Licensing Sub Committee will consider the merits of each application in determining the hours of operation taking into account the licensing objectives.

### **Late Night Refreshment with Alcohol for consumption off the premises**

The Licensing Authority is concerned about the potential for crime and disorder and public nuisance from premises that remain open late for the sale of late night refreshment and where alcohol is sold for consumption off the premises.

Where such applications are received the Licensing Authority will consider them very closely and will expect the applicant to satisfy them that the grant of the licence would have no detrimental impact on the promotion of the licensing objectives.

### **Garages and motorway service areas**

Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

the retailing of petrol;

the retailing of derv;

the sale of motor vehicles; and

the maintenance of motor vehicles.

It is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application.

### **Entertainment Involving Striptease or Nudity**

The Council has adopted the provisions under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009. This legislation established a new extended licensing regime for sex establishments, covering sex shops, sex cinemas and sex entertainment venues.

Any person wishing to operate a lap dancing club or similar in the Bromley area will require to be licensed as a sex entertainments venue under a sex establishments licence, obtained from this authority. Occasional use as a sex establishment are permitted without a licence, but are limited to no more than 12 per year, each of less than 24 hours duration and each at least one month apart.

The Licensing Authority will give particular consideration to the promotion of the four licensing objectives in cases where the application includes entertainment involving full or partial nudity or striptease or any other kind of sex-related entertainment.

The Licensing Authority's policy is that premises providing such entertainment may constitute a public nuisance if they are in or near residential areas. This is particularly the case if the premises are close to schools, community or youth facilities. Such premises may potentially generate particular crime and disorder, public nuisance and safety concerns within the community from lewd acts and disorder. It is the view of the Licensing Authority that where a valid representation is received, an application involving such entertainment will only be granted if it is satisfied, having regard to all the circumstances including the nature and extent

of the activities, the location of the premises, and the conditions proposed by the applicant or which might properly be imposed by the authority, that the proposals are compatible with the promotion of the four licensing objectives. In particular, while each application will be considered on its own merits, such applications will not normally be granted where the premises are located:

- Near residential accommodation
- Near places of worship, community facilities or public buildings
- Near schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families
- Within sight of pedestrian routes or bus or railway stations serving the above.

It is expected that applicants will indicate in their operating schedules what measures they propose to have in place to ensure the good management of the premises. Conditions should be provided in the operating schedule prohibiting the participation of customers in the performance.

The Licensing Authority expects the following conditions to apply:

- The maintenance of a minimum distance of one metre between performer and customers during the performance
- The provision of CCTV and the maintenance of a library of recordings
- A code of conduct for dancers shall be in place including appropriate disciplinary procedures for failure to comply with the code
- Rules of conduct for customers shall be in place, including appropriate procedures for breach of these rules
- The provision of Security Industry Authority registered supervisors and security staff.
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work
- There will be no advertisements for striptease displayed on the outside of the premises,
- When striptease is being provided on the premises notices will be displayed on the premises stating 'Only people over 18 will be allowed on the premises'
- The striptease entertainment will not be able to be viewed from the street.

Applicants must also note that as part of the process of ensuring that applications that include entertainment entailing nudity or striptease receive proper consideration, the application form and all public notices in respect of such applications must clearly state the details of the proposed entertainment. The nature of the proposed entertainment will be clearly stated in the consultation letter sent by the Licensing Authority to Ward Councillors .

## Personal Licences

To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.

Holders of a 'Personal Licence' must hold a recognised licensing qualification, details of the current list of approved training qualifications and providers can be found on the .gov.uk website , be over 18 years of age and not have certain types of criminal conviction. Proof of a licensing qualification together with endorsed photographs of the holder are needed as part of an application for a Personal Licence.

In some premises there may be more than one person holding a 'Personal Licence' and it is important that one person is named as being in control, this person is called the 'Designated Premises Supervisor'. The name of the 'Designated Premises Supervisor' will be stated on every Premises Licence granted by the Licensing Authority.

There is one exemption from the need for a personal licence holder and “Designated Premise Supervisor” in line with the mandatory requirements of the Licensing Act 2003 section 19(2) and 19(3). That is in the case where a community premises (church and village halls etc.) has applied for and been granted an application to disapply these mandatory conditions.

Note:-

Further information on this can be found in the Department of Media Culture and Sports guidance issued under section 182 of the Licensing Act 2003.

In determining applications for personal licences the Licensing Authority will have regard to the guidelines issued by the Secretary of State under section 182 of the Licensing Act 2003 and any secondary legislation. The promotion of the four licensing objectives applies to the consideration of applications for personal licences equally as it does to applications for premises licences.

## **Criminal Records**

The Licensing Authority will require applicants for personal licences to produce a certificate detailing any current criminal convictions (this must be of an approved type and must have been issued less than one calendar month prior to the application, details of the approved type of certificate can be found on the .gov.uk website)

Applicants for Personal Licences are requested to send a copy of their application form and certificate of current criminal record to the Metropolitan Police (For address see appendix B). All applicants will also be required to make a clear statement as to whether or not they have been convicted outside England and Wales of any relevant offences or foreign equivalents. When considering applications for personal licences the Licensing Authority will have due regard to any previous unspent convictions for relevant offences.

Where unspent convictions for relevant offences exist the Licensing Authority will liaise closely with the Police. Where Police object to the grant of a personal licence on the grounds of previous criminal records, the applicant will be given the opportunity to have his or her application heard by the Licensing Sub Committee as soon as possible. Under the Human Rights Act 1998 each applicant has the right to a fair hearing and the Licensing Authority will judge each application individually

## **Integrating Strategies and Avoiding Duplication**

Many people and organisations are involved with, or affected by, the ways in which licensed premises are operated. Most are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance. Amongst the various stakeholders there will be a wide range of strategies that relate to, or are influenced by, the exercise of the Council’s licensing function.

The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes. Some regulations, however, do not cover the unique circumstances of some entertainment. The Licensing Authority will consider attaching conditions to Premises Licences and Club Premises Certificates where these are necessary for the promotion of the licensing objectives are not already provided for in any other legislation, are not contained within the applicant’s operating schedule and if there are relevant representations.

## Planning and Building Control

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

process. The Licensing **Authority will not grant** an application for a new Premises Licence or Club Premises Certificate unless it is satisfied that all relevant planning permissions are in place where necessary.

This condition will not apply to an application for a provisional statement under section 29 of the Licensing Act 2003.. When considering representations to the granting of a new Premises Licence or Club Premises Certificate or a variation of an existing licence or certificate, which is not subject to any planning conditions, the Licensing Sub Committee may request information as to any planning conditions attached to similar premises in the locality. The Sub Committee may consider the reason for the implication of such conditions and consider those in relation to the application being determined.

### **Alcohol and Public Health**

#### **Introduction**

Alcohol plays a significant part in the social lives of many people and while the majority of people are able to enjoy a few drinks without suffering long term health problems, it remains a concern that over a quarter (63,029) of the Bromley population over 16 are drinking above the levels recommended by the Department of Health.

A large number of people do not know how much they drink. Weekly sales of alcohol are twice as much as the population estimate they drink. This suggests we underestimate what we drink by a huge 50%. There is a need to develop an approach in Bromley which gives people the tools to understand and reduce their alcohol consumption.

The Annual Public Health Report 2014 and the Alcohol Needs Assessment 2014 have presented a strong evidence base for more development in approaches to designing prevention services to address problem drinking and promoting safe, sensible drinking as the social norm in Bromley.

#### **What are the dangers of drinking too much alcohol?**

Alcohol related harms are broad ranging and can be associated with even moderate levels of drinking. Health-related problems include: hypertension, cardiovascular disease, cancer, liver disease, mental illness, accidents in the home and on the road, violence and premature death.

In most cases the relationship between alcohol and health is simple: the more you drink the greater the risk of harm. But harm is not limited to health. Alcohol misuse and dependency can affect work productivity, resulting in poor performance, disciplinary procedures and eventually dismissal, which in turn can result in financial difficulties for the individual and their family. It invariably affects relationships, creating barriers between the drinker and their partner and children, and sometimes verbal and physical abuse.

Children and young people can do little to protect themselves from the effects of parental drinking and can suffer emotional distress, neglect or physical injury. Nationally, in around half of all violent crimes, victims believed their attackers had been drinking. Alcohol is also a common feature of domestic and sexual violence. High levels of alcohol consumption are



associated with increased risk taking generally, particularly among young people, including unsafe sex and drink driving.

### Alcohol Consumption in Bromley

Obtaining reliable information about drinking behaviour is difficult, and social surveys consistently record lower levels of consumption than would be expected from the data on alcohol sales. However, a range of data sources which are available locally were extracted and analysed to understand patterns and trends in alcohol consumption in the Bromley population.

An estimated 73.6% of all drinkers over sixteen in Bromley are in the lower risk category and drinking within the recommended levels, compared to 73.4% for London. There are 19.5% of drinkers at increasing risk, and a further 6.9% at higher risk, which was similar to the London average.

Age-specific alcohol consumption has been estimated for adults aged 16-74 years old in Bromley using a nationally developed model. The North West Public Health Observatory used data from the general household survey to estimate the levels at which people are drinking. This report for Bromley demonstrated that:

- More men are drinking at hazardous and harmful levels than women at every age.
- The proportion of men drinking at harmful levels between the ages of 16 and 75 years is three to four times that for women.
- When the proportions are applied to Bromley, there are 22,164 men and 7,771 women who could be consuming 40g (5 units) of alcohol or more per day. That is around 30,000 people drinking alcohol at harmful or hazardous levels in Bromley. With the exception of those who do not drink all the other groups are at increasing risk of alcohol related harm. The risk increases with increasing levels of consumption. The majority of the Bromley population drink at the lower levels of risk.
- Most young people in Bromley are drinking alcohol at low levels but some young people are drinking at hazardous and harmful levels.
- Alcohol-specific hospital admission rates for the under 18 age group in Bromley has been gradually increasing.
- The mortality rate from alcohol related causes in Bromley has risen for women whilst remaining level for men.

Because the reasons that people drink are varied, a combination of interventions are needed to reduce alcohol related harm, at both population and individual levels. Global and National Policies exist to reduce alcohol related harm, including Department of Health Guidance, NICE Guidance and a government strategy on Alcohol.

### Population level approaches

Population approaches are important because they can help reduce the aggregate level of alcohol consumed and therefore lower the whole population's risk of alcohol related harm.

Population approaches can help by creating an environment that supports lower risk drinking. *Examples of population approaches* include those that seek to control the availability of alcohol through pricing, licensing controls, and preventing under age sales.

International evidence suggests that making it less easy to buy alcohol, (by reducing the number of outlets selling it in a given area and the days and hours when it can be sold), is an effective way of reducing alcohol related harm. The research base also supports the use of local crime and related trauma data to map the extent of alcohol related problems before

developing or reviewing a licensing policy. If an area is saturated with licensed premises, and the evidence suggests that additional premises may affect the licensing objectives, then adoption of a cumulative impact policy should be used and, if necessary, the number of new licensed premises in a given area should be limited.

In addition, effective interventions on preventing under age sales, sales to people who are intoxicated or proxy sales (that is, illegal purchases for someone who is under-age or intoxicated) have been effective in reducing harm, in particular to young people. Ensuring that action is taken against premises that regularly sell alcohol to people who are under age, intoxicated or making illegal purchases for others is important in reducing harm. NICE and other studies support undertaking test purchases (using mystery shoppers) to ensure compliance with the law on under age sales.

#### What are the tools that assist people in understanding when they are drinking too much and what they can do to cut down?

- NHS professionals should routinely carry out screening of alcohol use and non-NHS professionals should focus on groups that may be at an increased risk and who have alcohol related problems.
- Once screening has been carried out and harmful or hazardous drinking has been identified people should be offered a session of structured brief advice on alcohol.
- All professionals with a safeguarding responsibility for children and young people should use their professional judgement to routinely assess children they think are drinking alcohol.
- School based interventions on alcohol, are also recommended for children who drink alcohol in order to reduce harm and prevent setting a harmful drinking pattern for life. Supporting people in understanding how much alcohol they are drinking is key to promoting sensible drinking as the social norm.

#### References

Bromley Annual Public Health Report (2014) Alcohol? Bromley Public Health Department

Bromley Alcohol Needs Assessment (2014) Bromley Public Health Department

ONS, Alcohol statistics for England, 2013.

NICE guidelines (PH24) Alcohol-use Disorders: preventing harmful drinking (2010)

Public Health England, Local Alcohol Profiles for England, Bromley Figures, 2014.

in NICE guidance<sup>5</sup>, 'increasing risk' equates with 'hazardous drinking' and 'higher risk' equates with 'harmful drinking'.

### Binge drinking

The definition of binge drinking used by the NHS and the Office for National Statistics (ONS) is drinking more than double the lower risk guidelines for alcohol in one session. Binge drinking for men, therefore, is drinking more than 8 units of alcohol – or about three pints of strong beer. For women, it's drinking more than 6 units of alcohol, equivalent to two large glasses of wine.<sup>6</sup>

### Dependence

Drinkers can also be classified by their addiction to alcohol, known as dependence. Alcohol dependence is characterised by craving, tolerance, a preoccupation with alcohol and continued drinking despite harmful consequences (for example, liver disease or depression caused by drinking). Someone who is alcohol-dependent may persist in drinking, despite harmful consequences. They will also give alcohol a higher priority than other activities and obligations.

#### Mild dependence:

May crave an alcoholic drink when it is not available or find it difficult to stop drinking.

#### Moderate dependence:

Likely to have increased tolerance of alcohol, suffer withdrawal symptoms, and have lost some degree of control over their drinking.

#### Severe dependence:

May have withdrawal fits (delirium tremens: e.g. confusion or hallucinations usually starting between two or three days after the last drink); may drink to escape from or avoid these symptoms.

RISK		Men	Women
1	<b>Lower risk</b> This level of drinking means that in most circumstances you have a low risk of causing yourself future harm.	<b>Sensible drinking</b> Drinking within the recommended limits.	No more than 3-4 units a day on a regular* basis.
2	<b>Increasing risk</b> Drinking at a level that increases the risk of damaging your health and could lead to serious medical conditions.	<b>Hazardous drinking</b> A pattern of alcohol consumption that increases risk of harm.	No more than 2-3 units a day on a regular* basis.
3	<b>Higher risk</b> This level of drinking has the greatest risk of health problems.	<b>Harmful drinking</b> A pattern of alcohol consumption that is causing mental and physical damage.	More than 35 units per week (or more than 6 units per day) on a regular* basis.

## Cultural Strategies

The Licensing Authority wishes to encourage the provision of a culturally diverse range of regulated entertainment within the Borough, particularly live music and dance,. Where there is evidence that licensing's deterring this, the Licensing Committee will review this policy with a view to improving the situation.

## **Racial Equality**

The Licensing Authority recognises its responsibilities under the Race Relations Act 1976 (as amended) to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between different racial groups and will seek to satisfy this in effecting this Policy Statement.

## **People with Disabilities**

The Licensing Authority seeks to encourage people with disabilities to partake in the provision and use of licensed premises and activities. Premises Licence holders and Clubs are reminded of the duties imposed by the Disability Discrimination Act 1995, which requires that any person providing a service to the public must make reasonable adjustments to enable disabled people to access the service. It is the policy of Government that facilities for people and performers with disabilities should be provided at places of entertainment and they encourage premises Licence Holders and Club Premises Certificate holders to provide facilities enabling their admission. In support of these aims the Licensing Authority will not attach conditions to a licence or certificate that conflict with or duplicates these requirements. Access to buildings and their facilities is also a matter addressed in building regulations and planned alterations affecting access may involve the need to apply for building regulation approval.

The Equality Act 2010 has introduced protection from three new forms of disability discrimination:

- direct discrimination because of disability in relation to goods, facilities and services
- indirect disability discrimination, and
- discrimination arising from disability.

Businesses also have an obligation to make reasonable adjustments to help disabled individuals access their goods, facilities and services.

It is important that appropriate steps are taken to ensure legislative requirements in respect of health and safety are fully met, including in respect of all disabled people (including staff and performers). However, licensing authorities and other responsible authorities should avoid imposing inappropriate conditions which may actively deter operators from admitting or employing disabled people.

### **CENSORSHIP**

#### **THE PERFORMANCE OF PLAYS**

The Licensing Authority will not attach conditions to a premises licence or club premises certificate which attempts to censor or modify the content of plays in anyway

#### **FILMS**

In general, other than in the context of film classification for film exhibitions, the licensing authority will not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment.

This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

## **Enforcement**

Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. We will support businesses to comply with the law but view offences and breaches of licence conditions seriously.

The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this. The Licensing Authority will work closely with the Police to establish protocols to ensure an efficient deployment of Police and Licensing Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that High-risk premises receive the highest priority.

The enforcement action will be:

- Targeted toward those premises presenting the highest risk
- Proportional, to the nature and seriousness of the risk those premises present
- Consistent, so that we take similar approaches in similar situations
- Transparent, so those who are subject to enforcement action know what to expect
- Accountable, so that we take responsibility for our actions.

The Licensing Authority has instructed its officers to adopt a zero tolerance approach to offences and breaches of licence conditions. In practice this means that licensing officers will investigate significant complaints alleging breaches of the Act or licence conditions and act on all sources of reliable intelligence (including local residents and businesses) with a view to establishing if offences have been committed.

Such matters may include:

- Unauthorised licensable activities or breach of licence conditions
- Allowing disorderly conduct on licensed premises
- Sale of alcohol to children and the consumption of alcohol by children
- Sale of alcohol to a person who is drunk

Where licensing officers have such evidence they have a range of enforcement options including:

- Offering advice /guidance (verbal or written)
- Informal written warnings
- Formal cautions
- Prosecutions
- Review of Premises Licences where there are problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm
- Closure of premises that are experiencing or are likely to experience crime and disorder or public nuisance.

The Licensing Authority encourages a graduated approach to enforcement as set out in the Environmental Health & Trading Standards generic enforcement policy however in the cases of offences relating to :-

1. The deliberate and persistent provision of unlicensed activities especially the sale of alcohol

2. The breach of licensing conditions resulting in substantial risk to the promotion of the licensing objectives( crime and disorder, public safety, public nuisance or protection of children from harm)
3. Persistent underage sales
4. The use of licensed premises in connection with organised criminal activity
5. Allowing disorderly conduct on licensed premises
6. Delivering alcohol to children
7. Allowing the sale of alcohol to children
8. Sending a child to obtain alcohol

It is the expectation that Formal Action (including Fixed Penalty Notices, Formal Cautions, Use of closure Notices , Reviews and / or Prosecution) will be the preferred approach.

Where Members of the Licensing sub-committee are required to hear an application to 'Review' a licence they will be guided by the decision of the High Court in *Bassetlaw District Council v Worksop Magistrates Court* 2008 EWHC 3530 (Admin), that deterrence is an appropriate consideration when dealing with Reviews where that has been activity in connection with criminal activity.

## **Appeals against Licensing Sub Committee decisions**

Following the determination of an application by a Licensing Sub Committee the applicant or any objector has the right to appeal against the decision to Bromley Magistrates Court within 21 days.

Where the appeal is brought by an applicant it will be the Licensing Authority's usual policy to defend the Sub Committee's decision. This is because the applicant is asking the Court to grant more than the Council deemed appropriate for the promotion of the licensing objectives.

Where an appeal is lodged by an objector following a Sub Committee hearing, the Licensing Authority will always be a "respondent" along with the licence holder. In such cases the Licensing Authority may choose not to be legally represented at the hearing of the appeal at the Magistrates Court. The licence holder as co-respondent may appoint legal representation. A licensing officer will attend court to assist the licence holder and court.

The reason for this is that if an objector's appeal were to be upheld by the Court it would not prejudice the Licensing Authority's decision as to what was appropriate for the promotion of the licensing objectives. It also retains the licence holders right to defend the Licensing Authority's original decision.

The Court makes a charge to lodge an appeal (currently£400) but the appellant may be liable to pay the legal costs of the respondent if the appeal is unsuccessful.(Further details can be obtained from Bromley Magistrates Court See appendix F for contact details ).

Where an appeal to the Magistrates Court is not brought by an objector following a Licensing Sub Committee decision and problems relating to the promotion of the Licensing Objectives do subsequently arise residents can seek a formal Review of the licence. Anyone wish to consider this is advised to contact the Licensing Team for further advice. (See Appendix C for contact details).

## **Administration, Exercise and Delegation of Functions**

The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a General Purposes and Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub Committees to deal with them. Many of the decisions and functions are purely administrative in nature and the grant of non-contentious applications (including for example, those licences and certificates where no representations have been made) has been delegated to Licensing Authority Officers. The table overleaf sets out the agreed delegation of decisions and functions to the General Purposes and Licensing Committee, Sub Committees and officers. This form of delegation is without prejudice to officers referring an application to a Sub Committee, if considered appropriate in the circumstances of any particular case. The Licensing Authority's General Purposes and Licensing Committee have approved its own rules relating to the conduct of hearings by the Licensing Subcommittees under Licensing Act 2003 sec 9(3). A copy is available on request.

## Delegation of Functions

**Table: Recommended Delegation of Functions**

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	

Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

## The Role of Ward Councillors

Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations as an interested party in their own right

For example, ward councillors may apply for a review of a licence if problems at a specific premise which justify intervention are brought to their attention.

Ward Councillors are informed of all new applications and any application to vary a licence in their ward. Individual Councillors may publicise an application locally in addition to the statutory publication carried out by the applicant

Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. Details on how to contact Ward Councillors may be obtained from the Council's Website or by telephoning 0300 303 8672 .

If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.

Ward Councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if

- They have made a personal representation
- They have made a representation on behalf of local residents or businesses as 'community advocates'
- They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.



# Appendix A

## Definitions

In this Policy certain words or terms are used which have a specific meaning in the Licensing Act 2003. The following definitions are provided to help you understand them.

For full details see section 190 to 194 and Schedule 1 and 2 of the Licensing Act 2003 which is available free at [www.opsi.gov.uk](http://www.opsi.gov.uk)

A premises licence authorises the use of any premises for licensable activities. Licensable activities are defined in section 1 of the 2003 Act, and a fuller description of certain activities is set out in Schedules 1 and 2 to the 2003 Act.

### Licensable Activities

- The sale by retail of alcohol
- The supply of alcohol by clubs
- The provision of regulated entertainment
- The provision of late night refreshment.

### Regulated entertainment

Schedule 1 to the 2003 Act sets out what activities are to be treated as the provision of regulated entertainment and those that are not and are therefore exempt from the regulated entertainment aspects of the licensing regime, including incidental music – (Chapter 15 of the current Home Office Guidance) sets out the types of entertainment regulated by the 2003 Act.

### Types of regulated entertainment

Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime.

The descriptions of entertainment activities licensable under the 2003 Act are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music;
- any playing of recorded music;

- a performance of dance; and

entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

take place in the presence of a public audience, or

where that activity takes place in private, be the subject of a charge made with a view to profit.

### **Authorised persons**

The first group –“authorised persons”– are bodies empowered by the 2003 Act to carry out inspection and enforcement roles. The police are not included because they are separately empowered by the 2003 Act to carry out their duties.

For all premises, the authorised persons include:

- officers of the licensing authority;
- fire inspectors;
- inspectors with responsibility in the licensing authority's area for the enforcement of the Health and Safety at Work etc Act 1974 etc; and
- officers of the local authority exercising environmental health functions.

Local authority officers will most commonly have responsibility for the enforcement of health and safety legislation, but the Health and Safety Executive is responsible for certain premises. In relation to vessels, authorised persons also include an inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995. These would normally be officers acting on behalf of the Maritime and Coastguard Agency. The Secretary of State may prescribe other authorised persons by means of regulations, but has not currently prescribed any additional bodies. If any are prescribed, details will be made available on the GOV.UK website.

### **Responsible Authorities**

For all premises, responsible authorities include:

- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;

- the local planning authority;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority's Director of Public Health (DPH) in England<sup>3</sup> and Local Health Boards (in Wales); and
- the local weights and measures authority (trading standards).
- The licensing authority

### Other persons

As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious

### Risky drinking behaviours

There are many terms currently in use for classifying different types of drinking behaviour. The main terms are used to classify drinking either in terms of the risk of harm, or the pattern of consumption. There is a further categorisation of people who drink at hazardous levels and have become dependent on alcohol.

The WHO<sup>4</sup> and NICE refer to sensible, hazardous and harmful levels of drinking.

#### □ Sensible drinking:

Those who are drinking within the recommended limits

#### □ Hazardous drinking:

A pattern of alcohol consumption that increases someone's risk of harm. Some would limit this definition to the physical or mental health consequences (as in harmful use). Others would include the social consequences.

#### □ Harmful drinking

A pattern of alcohol consumption that is causing mental or physical damage.

The Department of Health has recently introduced the terms 'lower risk', 'increasing risk' and 'higher risk' based on units of alcohol. This classification complements the medically defined terms hazardous and harmful.

#### □ Lower-risk drinking:

Regularly consuming 21 units per week or less (adult men) or 14 units per week or less (adult women). It is also known as 'sensible' or 'responsible' drinking.

#### □ Increasing-risk drinking:

Regularly consuming over 50 alcohol units per week (adult men) or over 35 units per week (adult women).

#### □ Higher-risk drinking:

Regularly consuming over 50 alcohol units per week (adult men) or over 35 units per week (adult women).

## Appendix B

### Responsible Authorities Contact List

#### Licensing Act 2003

##### Who do I have to send a copy of an application to?

When you make an application for a licence you have to send copies of your application to various people and organisations. This list gives you the names and addresses of those people.

##### At The Council At the Council

The Licensing Team	Public Protection  North Block, Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:licensing@bromley.gov.uk">licensing@bromley.gov.uk</a>  020 8313 4218 020 8461 7956/7546
Public Health Complaints Team	Public Protection  North Block, Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:ehs.customer@bromley.gov.uk">ehs.customer@bromley.gov.uk</a>  020 8313 4800
Health and Safety Team (unless the premises are visited by HSE, see below)	Public Protection  North Block, Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:health.safety@bromley.gov.uk">health.safety@bromley.gov.uk</a>  020 8313 4800

Chief Inspector of Weights and Measures	Public Protection  North Block, Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:trading.standards@bromley.gov.uk">trading.standards@bromley.gov.uk</a>  020 8313 4800
Planning Department	Planning Enforcement  North Block, Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:planning@bromley.gov.uk">planning@bromley.gov.uk</a>
Bromley Safe Guarding Children Board	Room B40A St. Blaise,  Civic Centre, Stockwell  Close, BR1 3UH	<a href="mailto:bscb@bromley.gov.uk">bscb@bromley.gov.uk</a>  020 8461 7816
Public Health	The Director of Public  Health Bromley Civic  Centre, Stockwell Bldg,  Stockwell Close, Bromley  Kent BR1 3UH	

**Others**

Metropolitan Police	Metropolitan Police  Service Bromley Borough  Police Station, High  Street, BR1 1ER	<a href="mailto:licensing.py@met.police.uk">licensing.py@met.police.uk</a>  020 8284 9988
London Fire Brigade	Documents Management 169 Union Street London SE1 0LL	<a href="mailto:FSR-AdminSupport@london-fire.gov.uk">FSR-AdminSupport@london-fire.gov.uk</a>  Telephone: 020 8555 1200 Ext. 37630

<p>HSE Only if the premises are visited by the HSE and not the Council</p>	<p>HSE  Rose Court  2 Southwark Bridge  London, SE1</p>	<p><a href="mailto:licensing.applications@hse.gsi.gov.uk">licensing.applications@hse.gsi.gov.uk</a></p>
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In any case such certificate or search results shall be issued no earlier than one calendar month before the giving of the application to the relevant licensing authority.

## Appendix C

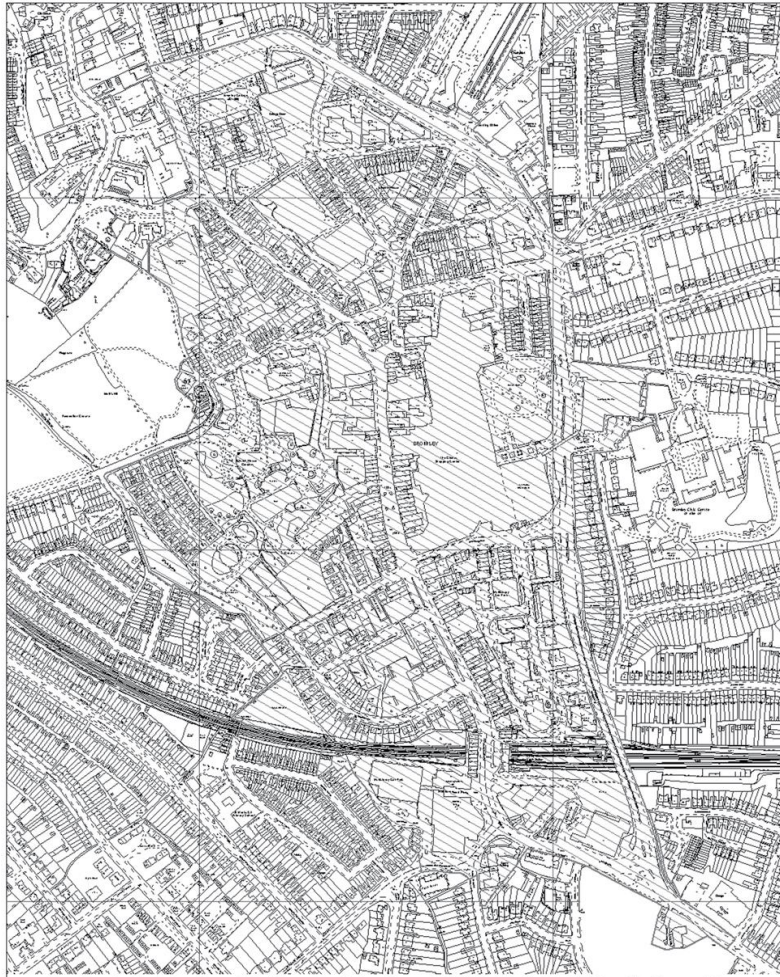
### **Declaration of Bromley and Beckenham Town Centres as being subject to a Special Policy of Cumulative Impact**


On the 29 November 2004 the Licensing Authority considered a recommendation from the General Purposes and Licensing Committee (Report refES04313) that Bromley Town Centre as defined in the attached map ref BTC 83 should be subject to a Special Policy of Cumulative Impact. On the 21 February 2007 the Licensing Authority considered a recommendation from the General Purposes and Licensing committee (Report refACS07005) that Beckenham Town Centre as defined in the attached map ref Acs 07005 should be subject to a Special Policy of Cumulative Impact. The Licensing Authority is satisfied that within both of these areas the promotion of the four Licensing Objectives is being undermined by the presence of a significant number of licensed premises.

#### **What is the effect of a Special Policy of Cumulative Impact**

In an area subject to 'cumulative impact' the Licensing Authority will refuse to grant new Premises Licences, Club Premises Certificates or material variations to existing licenses where it receives relevant representations about cumulative impact on the licensing objectives which it concludes after hearing those representations should lead to a refusal. The Licensing Authority cannot refuse an application unless it receives valid objections from local residents, businesses or organisations. If no objections are made, an application will be granted.

### **Map of Bromley Town Centre**




<p><b>ENVIRONMENT AND LEISURE SERVICES</b></p>		<p><b>LICENSING ACT 2003 - BROMLEY TOWN CENTRE</b>          AREA SUBJECT TO A SPECIAL POLICY          OF CUMULATIVE IMPACT.</p>	
 <p>THE LONDON BOROUGH</p>	<p>GORDON HAYWARD          DIRECTOR OF          ENVIRONMENT AND LEISURE SERVICES,          CIVIC CENTRE, STOCKWELL CLOSE,          BROMLEY, KENT, BR1 3UH</p> <p>Tel: 020 8464 2323</p>	<p>Scale 1:4000</p>	<p>03/11/04</p>
		<p>N</p>	<p>BTC 83</p>

# Map of Beckenham Town Centre



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<p><b>ENVIRONMENT AND LEISURE SERVICES</b></p>	<p><b>BECKENHAM TOWN CENTRE AREA SUBJECT TO "CUMULATIVE IMPACT POLICY"</b></p>		
 <p>GORDON HAYWARD DIRECTOR OF ENVIRONMENT AND LEISURE SERVICES ONE CENTRE, STICKWELL CLOSE, BROMLEY, KENT, BR1 3UH. Tel: 020 8484 3332</p>	<p>Scale 1:5,000</p>	<p>N ↑</p>	<p>21/02/07</p>



# Appendix D

## Licensing Act 2003 Suggested Petition Format

### Lead Petitioner contact details

Name	
Address	
Home Tel	
Work Tel	
Mobile Tel	
Email	
Signature	

### Details of application

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

We the undersigned petition Bromley Council as the Licensing Authority to

--

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

Page \_\_\_ of \_\_\_

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

Name	Address including post code	Signature

**Which Licensing objective do your representations relate to ( Please tick )**

- |                     |                                     |
|---------------------|-------------------------------------|
| 1. Crime & Disorder | 2. Public Nuisance                  |
| 3. Public Safety    | 4. Protection of Children from harm |

Reasons for your objection :-

Name	Address including post code	Signature

**Which Licensing Objective do your representations relate to ( Please tick )**

- |                     |                                     |
|---------------------|-------------------------------------|
| 1. Crime & Disorder | 2. Public Nuisance                  |
| 3. Public Safety    | 4. Protection of Children from harm |

Reasons for your objection :-

# Agenda Item 6

## London Borough of Bromley

Report No.CSD15066 PART I – PUBLIC

Agenda Item No.:

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

**Date:** 27<sup>th</sup> May 2015

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

**TITLE:** **MODIFICATION OF PRESCRIBED STANDING ORDERS RELATING TO THE DISMISSAL OF STATUTORY OFFICERS**

**Contact Officer:** Graham Walton, Democratic Services Manager  
Tel: (020) 8461 7743 email: graham.walton@bromley.gov.uk

**Chief Officer:** Director of Corporate Services

**Ward:** N/A

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### 1. REASON FOR REPORT

- 1.1 The Government has made legislative changes which require the Council to amend its Standing Orders insofar as they relate to disciplinary action against, and the dismissal of, the Council's Head of Paid Services (Chief Executive), Monitoring Officer (Director of Corporate Services) and Chief Finance Officer (Director of Finance).
  - 1.2 This report identifies the necessary changes and recommends that the Council makes them.
- 

### 2. RECOMMENDATION(S)

- 2.1 That the Council's Standing Orders relating to disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Finance Officer be modified as set out in Appendix 2 to this report and be incorporated into the Council's Constitution.

### Corporate Policy

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

### Financial

1. Cost of proposal: N/A
  2. On-going costs: N/A
  3. Budget Head/Performance Centre: N/A
  4. Total current budget for this Head: N/A
  5. Source of Funding:
- 

### Staff

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

### Legal

- 1) Legal Requirement: Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015
  - 2) Call In: Call in is not applicable
- 

### Customer Impact

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

### Ward Councillor Views

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

### **3. COMMENTARY**

- 3.1 The Council is required to include in its Constitution, Standing Orders which deal with the appointment and dismissal of staff. On 25<sup>th</sup> March 2015, the former Secretary of State for Communities and Local Government made the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.
- 3.2 The Regulations change the procedure which local authorities must follow before dismissing a Head of Paid Service, a Monitoring Officer or a Chief Finance Officer (the Statutory Officers) . The Regulations require that the Council's Standing Orders are revised by no later than the first ordinary meeting falling after 11<sup>th</sup> May 2015.
- 3.3 The previous provisions require the appointment of an Independent Person to undertake an investigation where disciplinary proceedings (exceeding a suspension for three months) were contemplated against a Statutory Officer. The Council or a relevant Committee was obliged to consider that report before making a decision of disciplinary sanction or dismissal of a Statutory Officer. Under the previous rules, only Full Council could dismiss the Head of Paid Service. The Monitoring Officer and Chief Finance Officer could be dismissed by a Committee.
- 3.4 The 2015 Regulations have changed the procedure. They now require that, before dismissing a Statutory Officer, the Council must appoint a Panel for the purposes of advising on matters relating to the dismissal of the relevant officer. The Council must invite independent persons who have been appointed under Section 28(7) of the Localism Act 2011 to sit on the Panel and must appoint at least two such persons to the Panel. These Independent Persons are the same as are appointed to support the Standards Committee to deal with alleged breached of the Code of Conduct for Members.
- 3.5 The Panel, when it has concluded its deliberations, must report to Council and, unlike under the previous provisions, only Council can agree to dismiss the three Statutory Officers (rather than just the Chief Executive).

### **4. POLICY IMPLICATIONS**

- 4.1 N/A

### **5. FINANCIAL IMPLICATIONS**

- 5.1 None directly arising from this report.

### **6. LEGAL IMPLICATIONS**

- 6.1 As set out in the body of this report.

### **7. PERSONNEL IMPLICATIONS**

- 7.1 Whilst the Statutory Officers have been consulted on the new procedures, these are Statutory Procedures and the Council has no option other than to adopt them. Any necessary changes will be made to contracts of employment.

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

**AMENDMENTS TO STANDING ORDERS**

**Standing Order 4 –  
Disciplinary Action – Head of Paid Service, Monitoring Officer and Chief  
Finance Officer**

(1) No disciplinary action in respect of the Head of the Authority's Paid Service, its Monitoring Officer or its Chief Finance Officer, except action described in Paragraph 2, may be taken by the Authority or by a Committee, a Sub-Committee, a joint Committee on which the Council is represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders)(England) Regulations 2001 (investigation of alleged misconduct).

(2) The action taken in Paragraph (1) is the suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

That the Standing Order be deleted and be substituted with:

The Head of Paid Service, Monitoring Officer and Chief Finance Officer must not be dismissed by the Council unless the procedure set out in Schedule 3 to the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 is complied with.

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Report No.  
FSD15031

London Borough of Bromley

Agenda  
Item No.

## PART 1 - PUBLIC

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

**Date:** 27 May 2015  
29 June 2015

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

**Title:** LOCAL PENSION BOARD - APPOINTMENT OF BOARD MEMBERS

**Contact Officer:** David Kellond, Pensions Manager  
Tel: 020 8461 7503 E-mail: david.kellond@bromley.gov.uk

**Chief Officer:** Director of Finance

**Ward:** Borough Wide

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1. Reason for report

- 1.1 This report seeks the required approval for the appointment of members to the Local Pension Board, following a previous report setting out changes to the structure and governance arrangements of the Local Government Pension Scheme (LGPS).

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2. **RECOMMENDATION(S)**

2.1 The General Purposes and Licensing Committee is requested to:

- (i) formally appoint the two member representatives to the Local Pension Board for a period of 3 years from 1<sup>st</sup> July 2015 (paragraph 3.13);
- (ii) pursuant to (iv) below, nominate the two employer representatives to be recommended to Council for appointment (paragraph 3.13);

**Recommend that Council:**

- (iii) agree the amendment to the terms of reference as set out in paragraph 3.11;
- (iv) approve the revised terms of reference (appendix 1);
- (v) subject to recommendation (iii) and (iv) formally appoint the two employer representatives to the Local Pension Board for a period of 3 years from 1<sup>st</sup> July 2015 (paragraph 3.13);
- (vi) delegate authority to the Director of Finance in consultation with the Chairman of General Purposes and Licensing Committee and the Chairman of Pensions Investment Sub-Committee to make any further required changes to the terms of reference (paragraph 3.14).

## Corporate Policy

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

## Financial

1. Cost of proposal: Estimated cost There will be costs associated with the National Scheme Advisory Board and the establishment and operation of a Local Pension Board which cannot yet be quantified (see section 5)
  2. Ongoing costs: Recurring cost.
  3. Budget head/performance centre: Pension Fund
  4. Total current budget for this head: £35.8m expenditure (pensions, lump sums, etc.), £38.6m income (contributions, investment income, etc.), £744m total fund market value at 31<sup>st</sup> March 2015
  5. Source of funding: Pension Fund
- 

## Staff

1. Number of staff (current and additional): the Board will comprise of 2 employer and 2 member representatives and be supported by the Pensions Manager
  2. If from existing staff resources, number of staff hours: n/a
- 

## Legal

1. Legal Requirement: Statutory requirement. Local Government Pension Scheme Regulations 2013 (as amended)
  2. Call-in: Call-in is not applicable.
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 5,782 current active members, 5,066 deferred pensioners and 4,948 pensioner members (for all employers in the Fund) as at 31<sup>st</sup> March 2015. 66 Scheduled Bodies and 4 Admission Bodies in the Fund.
- 

## Ward Councillor Views

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

### 3. COMMENTARY

- 3.1 Following the Independent Public Service Pensions Commission's final report in March 2011, the Public Service Pensions Act 2013 (the 2013 Act) gave powers to the Secretary of State to introduce a number of changes to the administration of the LGPS.
- 3.2 From April 2015, a new governance structure for the LGPS and other public sector pension schemes came into force. The 2013 Act requires the Secretary of State to make Regulations establishing a National Scheme Advisory Board (NSAB) with responsibility for advising on changes to Scheme Regulations. The NSAB will seek to encourage best practice, increase transparency, and co-ordinate technical and standards issues. They may also formulate standards and guidance for local scheme managers and Pension Boards. Although still in 'shadow' form, the statutory body is expected to become operational shortly following the appointment of Board members.
- 3.3 For schemes such as the LGPS which are subject to local administration, each administering authority is required to establish a Local Pension Board to assist in the management and administration of the scheme. In this regard, the Department for Communities and Local Government (DCLG) issued draft Regulations on governance arrangements in June 2014 and a set of revised draft Regulations was issued in October 2014 for consultation. Final Regulations were laid before Parliament on 28th January 2015 and were accompanied by detailed guidance from the LGPS Shadow Scheme Advisory Board.
- 3.4 The Local Pension Board had to be established by 1<sup>st</sup> April 2015, meaning its composition and terms of reference must have been approved by that date. The Board is required to be operational within a 'reasonably practicable' period and by 1<sup>st</sup> August 2015 at the very latest. The Regulations require the Board to be made up of an equal number of employer and Scheme member representatives with a minimum number of four in total. Further detail is set out in a report entitled "Local Pension Board" considered by the Pensions Investment Sub-Committee and General Purposes and Licensing Committee on 3<sup>rd</sup> and 10<sup>th</sup> February respectively. Subsequently, on 23<sup>rd</sup> February 2015, Council approved the establishment of a Local Pension Board and agreed its composition and terms of reference.
- 3.5 The Board will consist of four members, to include two employer and two member representatives. The process for nominations and appointments, as set out in the original report, was also agreed. As the largest employer in the Fund, it was proposed that at least one of the two employer representatives be appointed from the Council and that nominations for the other employer representative be sought from the scheduled and admitted bodies. It was agreed that employer representatives be formally appointed for a three year term by Council and, in the event that no nominations be received from other employers in the Fund, that both employer representatives be selected from Council nominations.
- 3.6 The appointment of the two member representatives was formally delegated to the General Purposes and Licensing Committee. An appointments panel, consisting of the Chief Accountant, Pensions manager and a representative from Human Resources would shortlist, interview and make recommendations to the Committee should more than two nominations be received.

3.7 As set out in NSAB guidance, all employers and Scheme members were required to be given an equal opportunity to be nominated to become Board members. Following the approval of Council for the Board to be established, officers began the process of seeking expressions of interest from prospective members. An advert was placed on the Council's website, together with supporting information about the Board. Information about the Board and how to apply was emailed to all London Borough of Bromley officers and to all other scheme employers within the Fund. Additionally, nominations were sought from the Departmental Representative and Trade Union Forum members as well as seeking Councillor nominations for the two employer representatives through Group Secretaries/Leaders.

3.8 In addition to the methods set out in paragraph 3.7, details of two potential nominees had been provided through the former Chairman of General Purposes and Licensing Committee. They were contacted directly and requested to complete an expression of interest form should they wish to be considered as Board members.

3.9 The response has been disappointing with only four expressions of interest being received, each to act in the capacity of member representatives. These are:

Brian Toms (as nominated through the former Chairman of GP&L)  
Jane Harding (as nominated through the former Chairman of GP&L)  
Glenn Kelly (currently employed by LBB)  
Lesley Rickards (formerly employed by LBB)

The expression of interest forms are included elsewhere on the agenda as a confidential appendix to this report (appendix 2).

3.10 No expressions have been received for employer representatives. As set out in paragraph 3.4, the Board must consist of an equal number of employer and member representatives. As only four expressions of interest have been received, as a means of populating the Board, it would appear reasonable to invite the two external prospective members to act in the capacity of employer representatives and the two current/former employees as member representatives. At the time of writing, both Mr. Toms and Ms. Harding have indicated that they would be happy to act in this capacity.

3.11 Under our current approved terms of reference, employer representatives must be employed by one of our scheme employers and would no longer be eligible to sit on the Board if they leave such employment. An amendment would therefore be required to the terms as follows:

- Current terms of reference (para. 17):

If a Local Pension Board member acting as an employer representative leaves the employment of the employer they are representing they will no longer be eligible to sit on the Board.

- Amended terms of reference (para. 17):

A Local Pension Board member acting as an employer representative must be nominated by a Scheme Employer within the Bromley Fund. Should the Employer they are representing wish to withdraw their nomination, they will no longer be eligible to sit on the Board.

- 3.12 The Regulations do not specify that employer representatives be employed by a Scheme employer nor that member representatives be a Scheme member. The key requirement is that they have the “capacity” to represent employers and members respectively. The proposed amendment to the terms of reference is therefore not contrary to Regulations. No officer or Councillor who has responsibility for any function under the LGPS Regulations or other relevant legislation is permitted to be a member of the Board.
- 3.13 Members of the General Purposes and Licensing Committee are therefore requested to:
- (i) formally appoint Glenn Kelly and Lesley Rickards to act in the capacity of member representatives
  - (ii) recommend that Council agree to the amendment set out in paragraph 3.11 and approve the revised terms of reference (appendix 1);
  - (iii) nominate Brian Toms and Jane Harding to act in the capacity of employer representatives;
  - (iv) recommend that Council formally appoint Brian Toms and Jane Harding for a period of 3 years from 1<sup>st</sup> July 2015
- 3.14 Consultation on the draft terms of reference was undertaken with departmental representatives and recognised trade union representatives through the established forum. Information about the proposed change has been circulated to forum members and any matters arising will be reported verbally at the meeting. The terms of reference will be formally adopted by the Board at its first meeting and be reviewed after the Board has been fully operational for a period of one year. Members are requested to delegate authority to the Director of Finance in consultation with the Chairman of General Purposes and Licensing Committee and the Chairman of Pensions Investment Sub-Committee to make any agreed changes to the terms of reference as required.
- 3.15 As set out in the ‘Local Pension Board – Supplementary Report’ in February the Director of Finance was authorised to make an application to the Secretary of State for approval to establish a Combined Local Pension Board and Committee if, in consultation with the Chairman of General Purposes and Licensing Committee and the Chairman of Pensions Investment Sub-Committee, it was established that it would provide a suitable alternative arrangement. This would be subject to any criteria or conditions that may be applied. Further details have been sought from DCLG but the information received to date provides little in the way of guidance and does not set out any specific criteria. Furthermore, it does not appear that DCLG intend to issue anything further at this stage. As it has not yet been possible to establish whether this option would indeed provide a suitable alternative, it is necessary to continue with the establishment of the Local Pension Board as previously approved in order to meet the statutory deadline of 1<sup>st</sup> August 2015 for the Board to become operational.

#### **4. POLICY IMPLICATIONS**

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

## 5. FINANCIAL IMPLICATIONS

- 5.1 Although permitted under Regulations, it is not proposed to pay Local Pension Board members an allowance. As set out in the terms of reference, remuneration for Board members will be limited to a refund of actual expenses incurred in attending Board meetings and training.
- 5.2 As the administering authority the Council is required to facilitate the operation of the Local Pension Board including providing suitable accommodation for Board meetings as well as administrative support, advice and guidance. This will be done within existing in-house resources wherever possible.
- 5.3 There may be costs arising from legal, technical and other professional advice that may be required by the Board on an ad-hoc basis. Costs may also be incurred in providing adequate and suitable training, both initially and on an ongoing basis, for Board members to ensure that they are equipped to fulfil the requirements of the role. It is difficult to quantify these costs at the present time as the extent of support and training required will be dependent upon the level of existing knowledge and experience of individual Board members. However, officers will seek to keep any such costs to a minimum through the use of existing in-house expertise as well as exploring opportunities for shared learning with other boroughs where appropriate.
- 5.4 Any costs arising from the establishment and operation of the Local Pension Board will be treated as appropriate administration costs of the scheme and, as such, will be correctly chargeable to the Pension Fund.

## 6. LEGAL IMPLICATIONS

- 6.1 The Public Service Pensions Act 2013 provides primary legislation for all public service schemes including the LGPS 2014.
- 6.2 The LGPS (Amendment) (Governance) Regulations 2015 – were laid before Parliament on 28<sup>th</sup> January 2015 and came into force on 01<sup>st</sup> April 2015.

## 7. PERSONNEL IMPLICATIONS

- 7.1 Each administering authority is responsible for managing and administering the LGPS in relation to any person for whom it is the appropriate administering authority under the Regulations.
- 7.2 Consultation has taken place with departmental representatives and recognised trade union representatives at the corporate forum held by the Director of Human Resources in February 2015. Similarly, staff representatives are aware of the proposed slight variation to the original terms of reference previously agreed by Full Council.

<b>Non-Applicable Sections:</b>	None
Background Documents: (Access via Contact Officer)	Public Service Pensions Act 2013; Local Government Pension Scheme (Amendment) (Governance) Regulations 2015; Local Government Pension Scheme Regulations 2013; Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014. Local Pension Board Report, Supplementary Report and Appendices to Pensions Investment Sub-Committee, General Purposes & Licensing Committee and Council 3 <sup>rd</sup> , 10 <sup>th</sup> and 23 <sup>rd</sup> February 2015

# The London Borough of Bromley

## Local Pension Board

### Terms of Reference

## **Terms of reference for the Local Pension Board of the London Borough of Bromley Pension Fund**

1. This document sets out the terms of reference for the Local Pension Board of the London Borough of Bromley Pension Fund as required by the Public Service Pensions Act 2013 and the Local Government (Amendment) (Governance) Regulations 2014.

### **Scheme Management**

2. The London Borough of Bromley, as administering authority, is the Scheme Manager. Its functions are discharged in accordance with the Council's scheme of delegation by:
  - General Purposes and Licensing Committee
  - Pensions Investment Sub-committee (Sub-committee to the General Purposes and Licensing Committee)
  - Director of Finance

### **The Local Pension Board**

3. The role of the Local Pension Board is to:

Assist the London Borough Bromley, as the administering authority

  - to secure compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme;
  - to secure compliance with requirements imposed in relation to the scheme by the Pensions Regulator;
  - in undertaking any relevant work as requested;
  - in such other matters as the scheme regulations may specify.
4. The Local Pension Board will ensure that the Code of Practice on governance and administration issued by the Pensions Regulator is complied with. The Board will also ensure that it complies with the knowledge and understanding requirements in the Pensions Regulator's Code of Practice.
5. The Local Pension Board is accountable to the Pensions Regulator, the National Scheme Advisory Board and the Administering Authority in their role as Scheme Manager. The National Scheme Advisory Board will advise both the Department for Communities and Local Government (DCLG) and the Bromley Pension Fund. The Pensions Regulator will report to DCLG but will also be a point of escalation for the Local Pension Board for matters such as whistle blowing or similar issues (supplementary to the whistle blowing policy and anti- fraud and corruption policies operated by the administering authority).



6. The principal functions of the Local Pension Board shall include, but not be limited to:
- Reviewing decision making processes, policies and procedures to ensure they are compliant with relevant Regulations;
  - Seeking assurance that these are followed and adhered to with regard to Pensions decisions;
  - Seeking assurance that administration performance is in compliance with the Council's performance framework and that monitoring arrangements are adequate and robust;
  - Considering the effectiveness of communication with employers and scheme members including a review of the Communication Strategy;
  - Considering and commenting on internal audit recommendations and external auditor reports.

Any complaint or allegation of a breach of the Regulations brought to the attention of the Local Pension Board shall be dealt with in accordance with the Code of Practice as published by the Pensions Regulator.

### **Frequency and Notice of Meetings**

7. The Local Pension Board shall meet on an annual basis to discharge its duties and responsibilities. Members of the Board are invited to attend the meetings of both the Pensions Investment Sub-Committee and the General Purposes and Licensing Committee as observers, to aid them in fulfilling their role.
8. The Pensions Manager shall give notice to all Local Pension Board members of each meeting of the Board, including the date, location and time of the meeting and shall ensure that a formal record of the Local Pension Board proceedings is maintained.
9. Papers will be provided at least one week before each of the formal Local Pension Board meetings.
10. All agendas and non-confidential Local Pension Board papers and minutes of meetings will be published on the London Borough of Bromley website, together with the Board Terms of Reference and details of the Board membership.

### **Membership**

11. The Local Pension Board shall consist of 4 members and be constituted as follows:

<b><u>Number</u></b>	<b><u>Constituency</u></b>	<b><u>Definition / Constraints</u></b>
2	Employer	To represent all employers within the fund
2	Scheme Member	To represent all members of the scheme (active, deferred and pensioner)

12. The term of office for all members of the Board is three years. Members may at the end of their term, express the wish to be considered for reselection.
13. Local Pension Board members must meet key training requirements to retain their membership during this period.
  - a member must attend all meetings of the Board.
  - the training plan produced by the Pensions Manager must be complied with by each member.
  - the Pension Regulator's Code of Practice must be complied with.
14. All employers and members within the Bromley Fund must have an equal opportunity to be nominated for the role of employer and member representative respectively.
15. For the purpose of appointing employer representatives to the Board, nominations will be sought from all fund employers including the London Borough of Bromley. Formal appointments will then be made by full Council.
16. For the purpose of appointing member representatives to the Board, nominations will be requested through the Departmental Representatives and Trade Union Forum with further nominations being sought via an advert placed on the Council's website and by way of a written appeal to all scheduled and admitted bodies. Where more than two nominations are received candidates will be considered, shortlisted and interviewed by an appointments panel who will then make recommendations to the General Purposes and Licensing Committee to formally appoint. The appointments panel will consist of the Chief Accountant, the Pensions Manager and an officer from Human Resources.
17. A Local Pension Board member acting as an employer representative must be nominated by a Scheme Employer within the Bromley Fund. Should the Employer they are representing wish to withdraw their nomination, they will no longer be eligible to sit on the Board.
18. In the event of non-attendance of a Board member, or for failure to meet with training requirements as set out in (13) above, the tenure of that membership will be reviewed. In the case of a member representative, this will be done by the appointments panel who may make recommendation to General Purposes and Licensing Committee for the membership to be revoked if considered necessary. In such event, there will be a right of appeal to the Director of Finance prior to any recommendation. In the case of an employer representative, any such decision will be considered by Council.
19. If an employer or scheme member representative wishes to resign they must write to the Pensions Manager, giving at least one months' notice.
20. In the event of the death of a Board member, a replacement will be sought for the remainder of the term of office, in the ways set out in paragraphs 15 and 16, dependant on whether an employer or member representative is being sought.

21. The Chairperson of the Local Pension Board will be rotated on an annual basis between a member representing employers and those representing scheme members.
22. It will be the role of a representative acting as Chairperson to
  - Agree and set the agenda for a meeting of the Board
  - Manage the meetings to ensure that the business of the meeting is completed in the agreed time
  - Ensure that all members of the Board show due respect for process and that all views are fully heard and considered
  - Strive as far as possible to achieve a consensus as an outcome
  - Ensure that the actions and rationale for decisions taken are clear and properly recorded.
23. Personal attendance is expected of all Board members, at all meetings with no provision for a substitute.
24. The Board may, with the approval of the Chief Accountant, co-opt persons who are not members to aid the Board for a period of time or for a specific task where this would provide additional skills, knowledge or experience. The co-opted members would not be permitted to vote.

### **Quorum**

25. Three of the four Board members must be present for a meeting to be quorate. If the Chairperson is absent at a meeting and there is a quorum then the attending members must choose a Chairperson to preside over that meeting.

### **Knowledge and Skills**

26. A member of the Pension Board must become conversant with
  - The legislation and associated guidance of the Local Government Pension Scheme (LGPS).
  - Any policies, procedures or decision making processes about the administration of the LGPS adopted by the London Borough of Bromley Pension Fund.
27. It is for individual Pension Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board.
28. Pension Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Pension Board members are therefore required to maintain a written record of relevant training and development.

29. Pension Board members will undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses.

### **Standards of Conduct and Conflicts of Interest**

30. The role of the Local Pension Board members requires the highest standards of conduct and therefore the 'seven principles of public life' will be applied to all Local Pension Board members. Board members will be required to observe both, The Code of Conduct for Councillors and Co-Opted members and Data Protection policies of the London Borough of Bromley. The Board is required to always act within these terms of reference. In accordance with the Public Service Pension Act 2013 a Board member must not have a financial or other interest that could prejudice them in carrying out their Board duties. This does not include a financial or other interest arising merely by virtue of membership of the LGPS.
31. As such all members of the Pension Board will be required to declare any interests and any potential conflicts of interest in line with the requirements of the Public Service Pensions Act 2013 and The Pension Regulator's code. These declarations are required as part of the appointment process, as well as at regular intervals throughout a member's tenure.

### **Reporting**

32. The Board is expected to produce a single Annual Report to the Pensions Manager which should include:
- A summary of the work of the Local Pension Board and a work plan for the coming year
  - Details of areas of concern reported to or raised by the Board and recommendations made
  - Details of any conflicts of interest that have arisen in respect of individual Local Pension Board members and how these have been managed
  - Any areas of risk or concern the Board wish to raise with the Scheme Manager
  - Details of training received and identified training needs
  - Details of any expenses and costs incurred by the Local Pension Board and any anticipated expenses for the forthcoming year.
33. Should the Board have concerns believed to be sufficiently serious that they should be reported at a higher level than is standard (to the Pensions Manager) they should report to the Chief Accountant or the Director of Finance. This may include, but not be limited to, occasions where the Board feel that previous recommendations have not been acted upon. In extreme cases such as a fundamental breach of Regulations or a fundamental failure by the Administering Authority to ensure effective governance of the fund, the Board may consider reporting to the National Scheme Advisory Board and/or the Pensions Regulator.

## **Expertise and Advice**

34. It may be necessary for the Local Pension Board to draw on particular experts or expert groups to aid and support its responsibilities. This may include, but is not limited to, actuaries and lawyers. This will be done on an 'as required' basis, via the Pensions Manager. Any expert advisor attending a meeting of the Board is not a Board member and does not have a vote. The Board is not permitted to create sub-boards or working groups.

Below is a list of some of the potential advisers that may be considered appropriate to advise the Board.

- A Governance Adviser
- The Fund's Actuary
- The Fund's Administrator (external contractor)
- The Fund's Legal Adviser
- The Fund's Investment Manager(s)
- The Fund's Investment Adviser(s)
- The Pensions Manager

## **Remuneration**

35. Remuneration for members of the Local Pension Board will be limited to a refund of actual expenses incurred in attending Board meetings and training. It is expected that employers of board members will provide appropriate capacity to allow the member to perform this role within their normal working day without any reduction to pay.

Expense claims should be submitted no later than 1 month following the incursion.

## **Publication of Local Pension Board Information**

36. Up to date information will be posted on the London Borough of Bromley website showing:
- Names and information of the Local Pension Board members
  - How the scheme members and employers are represented on the Local Pension Board
  - Responsibilities of the Local Pension Board as a whole
  - Full terms of reference and policies of the Local Pension Board and how they operate
  - Local Pension Board appointment process

## **Review**

37. These terms of reference will be formally adopted by the Board at its first meeting and be reviewed after the Board has been fully operational for a period of one year.

The Pensions Manager is authorised to make minor amendments, consequential upon statutory or regulatory change, or to update arrangements consequential on other external factors.

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Report No.  
CSD15060

London Borough of Bromley

PART ONE - PUBLIC

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

**Date:** 27 May 2015

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

**Title:** APPOINTMENT OF COUNCIL REPRESENTATIVES TO SERVE ON OUTSIDE BODIES

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

**Chief Officer:** Mark Bowen, Director of Corporate Services

**Ward:** All

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1. Reason for report

- 1.1 This report requests that the Committee, on behalf of the Council, considers the appointment of Council representatives to serve on outside bodies and partnerships. Most appointments are made annually, following the municipal year, but some are for three or four year terms.
- 

2. RECOMMENDATION)

**The Committee is recommended to consider the nominations made by party groups (in Appendix 1) and make appointments to outside bodies and partnerships, considering in particular the choices set out in paragraph 3.2 where there are more nominees than places available.**

### 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: £1,055,820
  5. Source of funding: Revenue Budget
- 

### Staff

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

### Legal

1. Legal Requirement: 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 Committee is asked to make various appointments to partnerships and outside bodies. Most appointments are annual and follow the Council year, but there also a small number of longer appointments that run for three or four years.
- 3.2 Nominations have been sought from the party groups and these are attached in Appendix 1. In most cases the number of nominees matches the number of places available, with the following exceptions where more Members have been nominated than there are places for and the Committee will need to make a choice –
- Adult Safeguarding Board – 2 places (Cllrs Brooks, Carr and Evans)
  - Affinity Sutton – 1 place (Cllrs Pierce and Williams)
  - Community Links – 2 places (Cllrs Brooks, Ellie Harmer and Fortune)
- 3.3 There are two appointments where nominations are awaited –
- Oxleas NHS Foundation Trust (1 place)
  - Cray Valley War Memorial Hall (1 place)

<b>Non-Applicable Sections:</b>	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	2014 Outside Bodies report (GP&L, 10/6/14)

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**LONDON BOROUGH OF BROMLEY  
APPOINTMENTS TO OUTSIDE BODIES  
AND PARTNERSHIP BODIES 2015/16**

**(a) Annual Appointments for 2015/16**

**(i) London Councils' Appointments**

**Leaders' Committee (S.101 Joint Committee)**

Cllr Stephen Carr

Cllr Colin Smith (*deputy - a second deputy may be appointed*)

**Transport and Environment Committee (Associated S.101 Joint Committee)**

Cllr Colin Smith

Cllrs William Huntington-Thresher and Lydia Buttinger (*deputies - two further deputies may be nominated*)

**Grants Committee (Associated Joint Committee)**

Cllr Stephen Carr

Cllrs Robert Evans & Colin Smith (*deputies – two further deputies may be appointed*)

**Greater London Employment Forum**

Cllr Tim Stevens

Cllr Diane Smith (*deputy*)

**Lead Members for London Councils**

Children & Young People: Cllr Peter Fortune

Economic Development/Regeneration: Cllr Peter Morgan

Crime and Public Protection: Cllr Kate Lymer

Culture & Tourism: Cllr Peter Morgan

Health and Adult Services: Cllr Robert Evans (*Adult Services*)

Cllr Robert Evans (*Public Health*)

Housing: Cllr Robert Evans (*Operations*)

Cllr Peter Morgan (*Strategic Planning*)

Planning: Cllr Peter Dean

(ii) **Partnership Appointments**

**Safer Bromley Partnership Strategic Group**

Cllr Kate Lymer

**Safer Neighbourhood Board (3)**

Cllrs Vanessa Allen, Chris Pierce (*daytime meetings*)/Alexa Michael (*evening meetings*)

**Bromley Economic Partnership**

Cllr Peter Morgan

**Adult Safeguarding Board (2)**

Cllrs Kevin Brooks, Robert Evans & Stephen Carr

**Childrens Safeguarding Board (2)**

Cllrs Robert Evans & Peter Fortune

(iii) **Care Services Appointments**

**Age Concern (Greater London)**

Cllr Judi Ellis

**Early Years Development & Child Care Partnership**

Cllr Peter Fortune

(iv) **Education Appointments**

**Management Committee of Wood Lodge Living Skills Centre**

Cllr Kate Lymer

**Bromley “Y” Project (2)**

Cllrs Nicky Dykes & Will Harmer

**Mentoring Steering Group**

Cllr Kate Lymer

Cllr Tim Stevens (*deputy*)

**Nash College**

Cllr Neil Reddin

(v) **Environment Appointments**

**London Road Safety Council**

Cllr William Huntington-Thresher

**Southern Regional Flood & Coastal Committee**

*(Joint representative for Bromley/Bexley/Greenwich/Medway)*

Cllr Colin Tandy *(LB Bexley)*

(vi) **Renewal and Recreation Appointments**

**Bromley Arts Council (3)**

Cllrs Alan Collins, Ellie Harmer & Alexa Michael

**The Crystal Palace Community Development Trust**

Cllr Angela Wilkins

**Greater London Enterprise**

Cllr Peter Morgan

**London Youth Games**

Cllr Teresa Ball

**Proactive Bromley (2)**

Cllrs Tim Stevens & Stephen Carr

(vii) **General Appointments**

**Biggin Hill Airport Consultative Committee**

Representative of the Council as freeholder:

Cllr Peter Morgan *(deputy Cllr Mary Cooke )*

Representative of Biggin Hill Ward:

Cllr Melanie Stevens *(deputy Cllr Julian Benington)*

Representative of Darwin Ward:

Cllr Richard Scoates *(deputy Cllr Eric Bosshard)*

**Bromley Town Twinning Association (2 or 3)**

Cllrs Ruth Bennett, Mary Cooke & Ian Payne

**Affinity Sutton Group – London Regional Scrutiny Group**

Cllrs Chris Pierce & Richard Williams

**Community Links Bromley (2)**

Cllrs Kevin Brooks, Ellie Harmer & Peter Fortune

**(b) Three Year Appointments**

**Oxleas NHS Foundation Trust**

Cllr ?

**Phillips and Lubbock Foundations**

One vacancy to replace Cllr Charles Joel for the remainder of the three year period ending May 2017. The foundation has nominated Cllr Julian Benington. *(The other current appointees are Mr John Bowers, Mrs B A Powell and Mrs Jane Woodhead.)*

Cllr Julian Benington

**(c) Four Year Appointments**

**Cray Valley War Memorial Institute Hall**

The Council appoints four representatives for four year terms of office (currently 2014 to 2018.) In 2014, Cllrs Ball, Fortune, Page and Pierce were appointed, but Cllr Pierce subsequently resigned, so there is currently one vacancy.

Cllr ?

The following four year appointments are currently in abeyance -

**William Mosyer Charity, St Mary Cray**

*(Note: Review recommended – the charity is likely to be merged with other local charities. The 2010/14 appointees were Cllr Peter Fortune, Mr Graham Collins and Mr John Essler)*

**Bromley Relief in Need Charity**

*(Note: Review recommended – no contact with the charity. The 2010/14 appointees were Mr Peter Ayres and Mr Mark Gill)*

**Joanna Collett Charity, Chelsfield**

*(Note: Review recommended – query about need for Council appointees. The 2010/14 appointees were Mrs A Ireland and Mr C A Martin)*

## LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 31 March 2015

### Present:

#### Employer's Side

Councillor Nicholas Bennett J.P.  
Councillor Russell Mellor  
Councillor Keith Onslow  
Councillor Tony Owen  
Councillor Diane Smith  
Councillor Michael Turner  
Councillor Angela Wilkins

#### Staff Side and Departmental Representatives

Adam Jenkins, Unite  
Gill Slater, Regeneration & Transformation  
Service  
Kathy Smith, Unite

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

Apologies were received from Councillor Eric Bosshard, Glen Kelly and Max Winters. Apologies were also received from Councillor Stephen Carr, and Councillor Colin Smith attended as his replacement.

### **32 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **33 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 10th FEBRUARY 2015.**

The minutes of the previous meeting of the LJCC held on the 10<sup>th</sup> February 2015 were agreed.

### **34 COMMISSIONING AND CONTRACTUAL PROBLEMS**

The matter of alleged contractual problems was opened on the Staff Side by Gill Slater who focussed on what the Staff Side perceived as problems with the Capita IT contract. The Staff Side commenced by referencing the report that went to the Executive and Resources Committee on the 12<sup>th</sup> March 2015. This was report number CSD 15044--Capita Secure Information Systems Contract Monitoring Report. The Staff Side argued that it was not democratic for an organisation to be self-reporting, and that Capita had failed to advise that their KPI target with respect to calls answered during 2014, had not been met.

The Staff Side contended that Capita were not achieving their service request resolution targets, and that the report outlined Capita's failings. It was further argued that Capita did not accept responsibility or liability for their actions. The Staff Side noted that the IT contract had originally been allocated to SunGard, but the contract had gone to Capita after a subsequent buy out.

Lesley Moore (Assistant Director-Corporate Projects and Transformation) attended the meeting to speak about commissioning and contracts, and to answer any questions that may arise. She advised Members that officers in the Commissioning Group were currently reviewing the governance arrangements, particularly if more complex services are outsourced.

To get a balanced view, the Assistant Director informed the Committee that she personally had oversight of the Liberata contract, and had recently called in the Head of Liberata for a meeting to discuss a problem with KPI's. Weekly meetings were held subsequently until the targets were hit. The Assistant Director stated that LBB were keen to avoid reputational risk, and that regular monitoring took place. She then explained about the approach to contract management and the associated resources allocated which will vary depending on value of the contract, strategic importance and the level of risk. Some contracts would therefore require monthly meetings with the provider, some quarterly and some less frequently.

A Member commented that there were huge issues with Liberata and housing benefit processing errors, and that because of this there were instances where individuals had lost their tenancy. The Member continued that she had attended a meeting with Peter Turner (Finance Director) and with Liberata in an attempt to understand the mechanisms and processes involved in dealing with housing benefit claims. The Member expressed concerns to the Committee that the scale of housing benefit errors was not being communicated properly to Members and PDS Committees. The Member expressed the view that Councillors needed to understand contracts. Concern was also expressed at the possibility of reducing PDS Committees resulting in less accountability and scrutiny.

The Assistant Director-Corporate Projects and Transformation, stated that where there existed large contracts and multiple contracts, it was unrealistic to expect that there would never be any problems; however it was the case that when problems were identified, LBB had the authority to hold contractors to account.

There was some confusion in the meeting initially as to the differences between "thin" and "fat" clients, and so clarification was provided by the Assistant Director. It was explained that a "thin" client referred to the retention of core expertise within the Authority, and that it would always be the case that this would be required to deal with complaints, and to oversee the monitoring and the fulfilment of contracts.

The Chairman suggested that a seminar or training be set up for Members to assist in the understanding of the contracting and commissioning process. This was agreed by the Committee.



The Committee were in agreement that there should be more involvement by Members in contract monitoring.

**RESOLVED:**

**(1) that a seminar or some form of alternate training be set up to aid Members in their understanding of the commissioning process, and the monitoring of contracts**

**(2) that there should be more Member involvement and scrutiny of contracts.**

**35 WORKING CONDITIONS FOR BROMLEY STAFF TRANSFERRED TO PRIVATE COMPANIES**

The Staff Side raised concerns about pay terms and conditions experienced by staff after being transferred to private companies as part of the commissioning process.

The Staff Side expressed the view that LBB should place caveats in the contracts of those being transferred out, so that their pay and conditions would be safeguarded. They felt that LBB had a moral obligation to protect staff that had often provided loyal service to LBB for many years, and that LBB should be careful where staff were placed.

The Staff Side asked if LBB took account of the background and history of companies that staff were being contracted out to, or whether LBB were not concerned about this, and were just concerned with the financial aspects of the contracts. The Staff Side gave an example of a company that staff had been contracted out to, and where subsequently there were anomalies in the way that leave and absences were recorded, and where sometimes there was a loss of sickness pay.

The Staff Side proceeded to raise what it perceived as issues with the Parks and Green Spaces contract. The Staff Side stated that the KPI's in this contract had failed to achieve the minimum requirements, and as such should have been reported back to the Committee. It was also suggested that the contractors lacked experience, did not have enough drivers, and lacked resources in general.

A Member asked the Staff Side what clauses they felt should be incorporated into contracts to provide additional safeguards. The Vice Chairman responded that in the opinion of the Staff Side, many of the new contracts were in essence setting former LBB staff up for redundancy, and asked why LBB would adopt a policy that would result in staff losing their jobs.

Mr Charles Obazuaye (Director of Human Resources) stated that contractors were being held to account, and that LBB could not dictate to contractors what

they should incorporate into their contracts. It was also the case that LBB were limited in what they could reasonably incorporate into the contracts.

The Assistant Director pointed out that contractors would require a certain skill set to ensure the efficient fulfilment of contracts, and would interview to this end in an unbiased fashion. It was not the case that contractors would be seeking to make former LBB staff redundant.

A Member made a similar observation, commenting that contractors would need the best staff or they would lose the contract.

The Assistant Director observed that only one staff member had been made redundant as a result of the Liberata contract. The Staff Side responded that this may have been the case up until now, but that plans were in progress to move the Liberata call centre to Barrow.

### **36 STAFF CONSULTATION CONCERNING TRADE UNION FACILITY TIME**

The Staff Side expressed the view that despite assurances that the issues concerning trade union facility time would be investigated and that proper transparency and consultation would take place, the majority of employees within the council were still unaware of the proposal.

The Chairman opened the discussion by stating that this matter had been debated at the previous GP&L meeting, and that it had been confirmed that the Staff Side would have full council support.

The Staff Side argued that proper consultations had not taken place, and so the process had not been transparent and that the majority of staff had not been consulted.

The Director of Human Resources stated that it was the duty of the Trade Unions to ensure that their members were properly informed; the Staff Side maintained that it was for LBB to ensure proper consultation. The Director of Human Resources responded that the comparison was false as there had been no direct change in staff conditions.

The Director informed the Committee that he had previously met with the Vice Chairman, and with departmental representatives to brief them and to outline where all the relevant information could be located. He concluded by stating that the process had been transparent, and that there had been no wrong doing or secrecy.

The Chairman noted the concerns of the Staff Side.

**37 UNITE'S FAIR PROCUREMENT DOCUMENT**

The Chairman opened by stating that not all Members were aware of Unite's Fair Procurement Document, but that it did appear to be in conflict with Council policy.

The Staff Side stated that the document was to be regarded as a basis for negotiation and discussion, and were hoping that the Council would work with them to this end.

A Member stated that aspects of the procurement strategy could be looked at, and that the document should not be written off without being considered in more detail.

A Member asked the Vice Chairman how the current procurement process compared with the Unite Document; the Vice Chairman responded that she could not answer this as the Staff Side had not been consulted. A Member made the comment that it may be a good idea to give in house services more of a chance before outsourcing took place.

The Assistant Director (Corporate Projects and Transformation) informed the Committee that LBB's procurement strategy was on the Council website, and that the decision about whether to source services from within the Council or outside falls within the commissioning process, determined by the requirement to deliver Best Value, particularly in light of the financial pressures facing the Council over the next few years. She went on to explain that there was a difference between commissioning and outsourcing. Commissioning was concerned with identifying the service need and then the best delivery model for meeting this need, with regard to both quality and cost, which was not necessarily the same thing as out sourcing.

A Member expressed the view that social enterprise should be encouraged. The Staff Side responded that museum staff had asked to do this but had been refused.

**38 DATE OF NEXT MEETING**

The date of the next meeting was confirmed as the 16<sup>th</sup> June 2015.

The Meeting ended at 7.50 pm

Chairman

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## AUDIT SUB-COMMITTEE

Minutes of the meeting held at 7.00 pm on 1 April 2015

### Present:

Councillor Neil Reddin FCCA (Chairman)  
Councillor Alan Collins (Vice-Chairman)  
Councillors Ian Dunn, Simon Fawthrop,  
William Huntington-Thresher and Keith Onslow

### Also Present:

Mark Bowen, Nigel Davies, Linda Pilkington and Luis Remedios

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

Apologies were received from Cllr Stephen Wells; Councillor William Huntington Thresher attended as substitute. Apologies were also received from Councillor Nicholas Bennett.

#### **25 DECLARATIONS OF INTEREST**

Councillor Keith Onslow declared an interest as he worked for the Royal Borough of Greenwich on a part time basis.

#### **26 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 27th NOVEMBER 2014 ( EXCLUDING THOSE CONTAINING EXEMPT INFORMATION)**

**RESOLVED** that the minutes of the meeting (excluding exempt information) held on the 27<sup>th</sup> November 2014 be agreed.

#### **27 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No questions were received.

#### **28 MATTERS OUTSTANDING FROM THE LAST MEETING**

Report CSD 15007

It was noted that the following matters could be regarded as implemented and closed:

- VfM Study by CIPFA

- Full Budget Monitoring
- Annual Audit Letter
- Learning Disabilities Follow Up

Other items were expanded upon in the relevant progress reports.

**RESOLVED that the Matters Arising report be noted.**

## **29 INTERNAL AUDIT PROGRESS REPORT**

Report CEO 1502

This report was written by the Head of Audit to inform Members of recent audit activity across the council, and to provide updates on matters arising.

The Committee were notified that the current collection rates of **Rent Arrears** for former temporary accommodation clients was only 4%; in other boroughs this figure was better at 15% but this included arrears for both former council tenants as well as temporary accommodation clients. It was also noted that the total arrears figure for B&B clients as at January 2015 stood at £2million. For these reasons the recommendation relating to rent arrears was to remain open.

There had previously been three priority one recommendations raised following an audit of **Purchase Cards**. It was noted that all recommendations had been implemented, and that £27k VAT had been reclaimed by officers.

With respect to **Creditors** it was noted that there was still a problem with retrospective orders. The Committee agreed therefore, that the priority one recommendation had not been implemented, and would have to be reviewed again in the audit plan for 2015/16.

With respect to **Looked After Children** there had previously been priority one recommendations dealing with overpayments, and also the timely completion of care plans. The Committee were informed that there was still a problem with overpayments, and that a foster carer that had previously been overpaid still owed LBB £21,565. This person had now been de-registered as a foster carer with Bromley. The situation concerning care plans was improving, but not sufficiently. Therefore both priority one recommendations would remain.

The Head of Audit outlined that in September 2013, there had been 16 recommendations proposed with respect to **Learning Disabilities**, 12 of which were priority one. Subsequent audit testing showed that all of the 12 P1 (priority one) recommendations had been implemented, and that because of this, Learning Disabilities had been removed from the register.

The Committee were reminded that the **Leaving Care (payments to clients)** audit had previously resulted in a nil assurance and 8 P1 recommendations. New procedures had been implemented, but it was too early to assess outcomes. A new audit was planned for the first quarter of 2015/16.

The Committee was provided with an update concerning the **Review of Family Placements**; the review previously gave rise to a nil assurance and eight P1 recommendations. It was noted that some progress had been made concerning the implementation of recommendations, and that there would be a follow up audit in 2015/16.

The Committee noted that in 2013/14, an audit of the Essential Car User Scheme had resulted in three P1 recommendations, and a limited assurance opinion. A recent committee decision had been made to continue the scheme for 2015/16 but phase it out thereafter. Therefore one of the three recommendations-i.e. to review the scheme had been implemented by this decision. A follow up audit of the other two recommendations would take place in 2015/16.

The Committee heard that in 2014/15, an audit took place of a **Primary School**. This had resulted in various recommendations, and one P1 issue. The School Finance Team had since confirmed that all bank reconciliations were up to date, and that there had been no further errors. The Committee were therefore of the view that the P1 recommendation had been implemented. Other recommendations would be reviewed in the 2015/16 follow up audit.

The Head of Audit informed the Committee that an audit review of the **Transition Team** had resulted in the only new P1 recommendation. This was related to under and overpayments of direct payments. The review had also given rise to six P2 recommendations, and all of the recommendations would be followed up in 2015/16.

Members were reminded that concerning **Waivers**, the Committee had previously taken a decision to only report on waivers under Contract Procedure Rules 3 and 13.1. An appendix was attached to the report that outlined waivers sought for the period of October 2014 to February 2015; no questions on the waivers were raised. Reference was made to the list of Internal Audit Reports that had been published on the web, and no questions were asked concerning these.

Members were reminded by the Head of Audit that the DWP had informed Bromley that the transfer of benefit fraud investigations to the **Single Fraud Integrated Service** would be operational from 1<sup>st</sup> July 2015, but that data migration would take place from the 1<sup>st</sup> June 2015, at which point all cases excluding those where there is a court summons prosecution pending would be transferred to the SFIS. Subsequent to that date, matters relating to **Housing Benefit** fraud would be dealt with by them. A new fraud partnership was to be developed with RBG for the investigation of other fraud related matters. This would require the employment of two full time members of staff that would be managed by RBG, and LBB had agreed a fee of £165K to cover costs.

The Committee were informed that a new group had been set up—the Corporate Risk Management Group—chaired by the Chief Executive; the CRMG would report to the Audit Sub Committee. It was further noted that the Risk Register was being updated as part of the Annual Governance Statement review. The Committee were interested to learn that a new online Risk Management course was being developed with Workforce Development.

**RESOLVED:**

- (1) that the internal audit progress report be noted**
- (2) that the waivers sought since November 2014 be noted**
- (3) that the Internal Audit Reports listed on the council website be noted**
- (4) that the formation of the SFIS (Single Fraud Integrated Service) be noted**
- (5) that the continuing achievements of the counter fraud partnership with the Royal Borough of Greenwich be noted, together with impending changes**
- (6) that the arrangements around risk management be noted**

**30 INTERNAL AUDIT ANNUAL AUDIT PLAN 2015/16**

Report CEO 1501

This report was presented to the Audit Sub Committee by the Head of Audit to inform Members of the Internal Audit Plan for 2015/16.

The Head of Audit explained to Members the purpose and methodology of the audit plan, and outlined who the Audit Plan coverage was largely aimed at. It was noted that the audit coverage for 2015/16 would decrease from 885 days to 830 days, and that this incorporated the buying in of 120 days from LB Wandsworth. It was also pointed out that the audit team would be carrying at least 0.6 FTE as a vacancy which equated to 110 days.

The Head of Audit expressed the view that because of issues arising with commissioned contracts, there would be more audit time allocated to the monitoring of contracts and commissioning. It was envisaged that there would be more detailed consideration of client side skills, and compliance with key contract requirements and monitoring of key performance indicators.

A Member stated that Councillors should be more involved in the scrutiny of contracts, as Members had a responsibility to the public, and that the failure to monitor contracts previously should be remembered.



A Member felt that just as pension fund managers were called to give account, so also Directors should be called before the Audit Sub Committee if required, to give account for contract monitoring failures. He expressed the view that KPI's should be more rigorously challenged, and that LBB should try and drive up standards.

Members looked at the Audit Plan Summary and the audit concerning the Care Act was discussed. It was noted that this was a specific request from management due to concerns of how the significant policy changes presented by the Care Act would impact on the service.

## **RESOLVED**

**(1) that the Internal Audit Annual Plan 2015/16 be noted**

**(2) that consideration be given to calling Directors to give account to the Audit Sub Committee for contract monitoring failures.**

## **31 EXTERNAL AUDIT GRANT CERTIFICATION REPORT**

Charles Martin from PWC attended to answer any questions that the Committee may have asked concerning the External Audit Grant Certification Report, and also regarding the External Audit Plan.

Mr Martin reported on technical errors concerning the overpayment of housing benefit that had been noted on the Management Action Plan for 2013/14. It was noted that these errors were not significant, and could be remedied through regular training of officers.

## **RESOLVED**

**(1) that the Annual Certification Report be noted**

**(2) that the Management Action Plan be noted and implemented.**

## **32 EXTERNAL AUDIT ANNUAL PLAN**

This report from PwC was to provide a review of the External Auditor's annual plan arrangements for 2014-15. The update on this report was provided by Charlie Martin; apologies were given for Katy Elstrup. The Committee were informed that Janet Dawson had left the organisation.

Mr Martin reminded the Committee that this was the last year that PwC would act as the External Auditors for LBB, but that they were committed to providing a high quality service to the end.

Mr Martin outlined the Audit approach taken by PwC that focussed on six areas:

- Client acceptance and Independence
- Deep business understanding
- Relevant risks
- Intelligent scoping
- Robust testing
- Meaningful conclusions

Mr Martin updated the Committee concerning the 2012/13 accounts—informing that they could still not be signed off due to objections concerning the parking contract and the related issuing of PCN's. It was noted that a meeting had been convened with the objector in December 2014, where supporting points had been raised. A meeting was due to take place with the objector in February, but this failed to take place, and so another one was planned for mid-April 2015.

A Member commented that it was good that the public raised objections, and that fault finding and scrutiny was good.

Mr Martin mentioned the three categories of relevant risks, and they were classified as Significant, Elevated and Normal. A Member made the observation that no value had been attached to risks, and that it would be helpful if risks could be quantified. Mr Martin stated that PwC were required by the International Standards on Auditing to consider possible management override of controls and the rebuttable risk of fraud in revenue recognition as significant risks to the integrity of the Authority's financial reporting. It was further stated that PwC would specifically review manual intervention in those areas, in addition to applying a level of unpredictability into the testing.

A Member asked how LBB could change criminal behaviour or error, and Mr Martin responded that PwC would assess controls and errors and report back to LBB with recommendations.

A Member commented that LBB maintained fraud registers, and that fraud is flagged at the front end. The Committee expressed concern as to how this could be maintained with current reductions in staffing. A Member wondered if PwC could use their experience to aid LBB with fraud control. Members considered that the Audit Committee arrangements for monitoring of fraud were adequate and this was conveyed to Mr Martin.

The Chairman referred to the fact that LBB was a commissioning authority, and asked if that would change the Audit approach. Mr Martin responded that one of the key issues was to be happy with the contract terms and conditions, and the associated accounting implications; it was important to look at contracts in depth. It was also important to consider value for money

implications, and long term financial plans. Plans needed to be identified to close budget gaps.

The Chairman enquired why the Crystal Palace Project had been classed as a risk. It was noted that this was because of the value of the estate, and the possibility that the exclusivity deal could have resulted in a devaluation of the property.

A Member commented that LBB were going through a period of change, and would therefore appreciate any relevant advice that it could gain with respect to possible mistakes that other councils had made, or regarding other pertinent court decisions. The Member enquired therefore, if PwC could advise on such matters, and provide early warnings regarding judicial issues and risk warnings. Mr Martin answered that they could provide LBB with advice concerning potential legal costs and that PwC did try and develop a wider awareness of the industry and take advice from other audit firms if appropriate.

Members noted the Total Audit Code Work Indicative Fee which was £201,948.

A Member expressed concern about the off-shoring of data, and expressed the view that this may be an issue that would worry local residents; the Member enquired what LBB policy was regarding this, and what information was going to service centres in India and Poland. Mr Martin assured the Committee that PwC would comply at all times with the seventh principle in Part 1 of the Schedule 1 to the 1998 Data Protection Act. Mr Martin stated that no personal information was going abroad, and that the data was redacted; he assured the Committee that Electoral Roll data was not being off-shored.

The Committee agreed that LBB policy should be checked to avoid possible penalties.

The Chairman thanked Mr Martin for his update and for answering the questions of the Committee.

**RESOLVED that:**

- (1) the External Audit Plan 2014-15 be noted**
- (2) LBB policy concerning the off-shoring of data be checked**
- (3) the proposed audit fees for 2014/15 were noted and agreed**
- (4) LBB fraud arrangements were noted.**

**33 QUESTIONS ON THE AUDIT SUB COMMITTEE BRIEFINGS**

No questions were received in respect of the Audit Sub Committee Briefings.

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

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

**35 INTERNAL AUDIT FRAUD & INVESTIGATION REPORT**

Report CEO 1503

This was a private report written by the Head of Audit.

The purpose of the report was to inform Members of recent Internal Audit activity on fraud and investigations across the council, and to provide updates on matters arising from previous meetings.

**36 EXEMPT MINUTES OF THE MEETING HELD ON THE 27th NOVEMBER 2014**

The exempt minutes of the meeting held on the 27<sup>th</sup> November 2014 were agreed.

The Meeting ended at 9.17 pm

Chairman

## INDUSTRIAL RELATIONS SUB-COMMITTEE

Minutes of the meeting held at 6.00 pm on 8 April 2015

### Present:

Councillor Stephen Carr (Chairman)  
Councillor Colin Smith (Vice-Chairman)  
Councillors David Cartwright, Russell Mellor, Tony Owen  
and Richard Williams

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

Apologies for absence were received from Councillor Eric Bosshard.

### 2 DECLARATIONS OF INTEREST

Councillor Richard Williams declared an interest as a member of Unite.

### 3 MINUTES OF THE MEETING HELD ON 10TH OCTOBER 2013 (EXCLUDING EXEMPT INFORMATION)

**RESOLVED** that the minutes of the meeting held on 10<sup>th</sup> October 2013 (excluding exempt information) be confirmed.

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

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

The following summaries  
refer to matters  
involving exempt information

### 5 EXEMPT MINUTES OF THE MEETING HELD ON 10TH OCTOBER 2013

The part 2 minutes of the meeting held on 10<sup>th</sup> October 2013 were agreed.

**6 UNITE STRIKE ACTION**

The Committee considered a report on strike action by Unite on 7<sup>th</sup> and 8<sup>th</sup> April 2015 and approved the Council's response. The report was considered as a matter of urgency in view of the timing of the industrial action.

The Meeting ended at 6.05 pm

Chairman

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

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By virtue of paragraph(s) 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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