

## TO MEMBERS OF THE COUNCIL

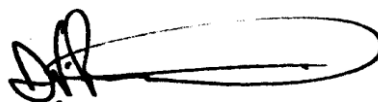
Notice is hereby given that a meeting of the Council of the London Borough of Bromley is to be held in the Council Chamber at Bromley Civic Centre on Monday 19 October 2015 at 7.00 pm which meeting the Members of the Council are hereby summoned to attend.

### Prayers

### A G E N D A

- 1 Apologies for absence
- 2 Declarations of Interest
- 3 To confirm the Minutes of the meeting of the Council held on 29th June 2015 (Pages 3 - 70)
- 4 Petitions (Pages 71 - 76)
- 5 Questions from members of the public where notice has been given.  
*Questions must be received by 5pm on Tuesday 13<sup>th</sup> October 2015.*
- 6 Oral questions from Members of the Council where notice has been given.
- 7 Written questions from Members of the Council
- 8 To consider any statements that may be made by the Leader of the Council, Portfolio Holders or Chairmen of Committees.
- 9 Treasury Management: Annual Report 2014/15 and Investment Strategy Review (Pages 77 - 104)
- 10 Capital Programme - Housing Zone Bid (Pages 105 - 120)
- 11 Licensing Act 2003 - Statement of Licensing Policy for 2016 to 2021 (Pages 121 - 186)
- 12 Gambling Act 2005 Statement of Licensing Policy (Pages 187 - 244)
- 13 To consider Motions of which notice has been given.
- 14 The Mayor's announcements and communications.

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Chief Executive

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## LONDON BOROUGH OF BROMLEY

### MINUTES

of the proceedings of the Meeting of the  
Council of the Borough  
held at 7.00 pm on 29 June 2015

Present:

**The Worshipful the Mayor  
Councillor Kim Botting**

**The Deputy Mayor  
Councillor Alan Collins**

#### Councillors

Graham Arthur	Samaris Huntington- Thresher	Michael Tickner
Douglas Auld	William Huntington- Thresher	Michael Turner
Kathy Bance MBE	Kate Lymer	Stephen Wells
Julian Benington	Russell Mellor	Vanessa Allen
Nicholas Bennett J.P.	Alexa Michael	Teresa Ball
Ruth Bennett	Peter Morgan	Kevin Brooks
Eric Bosshard	Tony Owen	Lydia Buttinger
Katy Boughey	Ian F. Payne	David Cartwright
Stephen Carr	Sarah Phillips	Mary Cooke
Peter Dean	Neil Reddin FCCA	Ian Dunn
Nicky Dykes	Catherine Rideout	David Livett
Judi Ellis	Charles Rideout	Terence Nathan
Robert Evans	Richard Scoates	Keith Onslow
Simon Fawthrop	Colin Smith	Tom Philpott
Peter Fookes	Diane Smith	Chris Pierce
Peter Fortune	Tim Stevens	Michael Rutherford
Ellie Harmer		Melanie Stevens
Will Harmer		Angela Wilkins

The meeting was opened with prayers

In the Chair  
The Mayor  
Councillor Kim Botting

#### 95 Apologies for absence

Apologies for absence were received from Councillors Gray, Jefferys, Joel, Page and Tunnicliffe, and from Councillors Ruth Bennett, Dean, Samaris Huntington-Thresher and Michael for late arrival.

**96            Declarations of Interest**

A declaration of interest was made by Councillor Ian Dunn as he lived close to the railway line at Clock House Station.

The Chief Executive declared that he and the Director of Corporate Services needed to declare an interest in the report on Modification to the Prescribed Standing Orders relating to the Dismissal of Statutory Officers. With the agreement of Members they both remained in the meeting during consideration of this report.

**97            To confirm the Minutes of the annual meeting held on 13th May 2015**

The minutes of the annual meeting held on 13<sup>th</sup> May 2015 were confirmed.

**98            Petitions**

A petition had been received from the Bull Lane Action Group containing 801 validated signatures calling on the Council to change the designate of Bull Lane Allotments from Urban Open Space to Local Green Space.

Mr Ben Lyon addressed the meeting on behalf of the petitioners. He described the intention of the Diocese of Rochester, who owned the land, to use it as a site for a replacement school building. He set out the history of the allotments and described their value to the local community in the historic heart of the village. The allotments were a haven of peace and provided plots for over seventy tenants and their families. He appealed to the Council to designate the site as Local Green Space so that this valuable green site could be protected as it deserved.

Councillor Peter Morgan, Portfolio Holder for Renewal and Recreation, responded, stating that the proposal from the petitioners would be referred to the Development Control Committee's next meeting on 13<sup>th</sup> July and the Executive on 15<sup>th</sup> July so that the proposal could be assessed through the Local Plan process, with the petition included as a submission. Councillors Bosshard, Boughey and Payne also spoke in support of the petition as ward Councillors for Chislehurst.

**99            Questions from members of the public where notice has been given.**

Forty two questions had been received for oral reply from members of the public – in view of the large number of questions it was agreed that public question time would be extended to thirty minutes. Twenty four questions were dealt with before the time allowed expired and the remainder received written replies. In addition, eight questions were received for written reply. The questions and replies are set out in Appendix A and Appendix B to these minutes.

**100 Oral questions from Members of the Council where notice has been given.**

Nineteen questions had been received from members of the Council. Nine were dealt with before the expiry of the time allowed – the remainder received written replies. These are set out in Appendix C to these minutes.

**101 Written questions from Members of the Council where notice has been given**

Twenty six questions had been received for written reply. These are set out in Appendix D to these minutes.

**102 To consider any statements that may be made by the Leader of the Council, Portfolio Holders or Chairmen of Committees.**

The following statements were made.

**(A) Councillor Graham Arthur, Portfolio Holder for Resources**

Councillor Arthur made a statement on the unprecedented financial challenges facing the Council and the Council's financial strategy in the light of recent estimates that up to half of local authorities would not be able to balance their budgets in 2017/18. He emphasised that Bromley was not in this category – there was tight control of revenue budgets, assets were reviewed and disposed of if they weren't useful or providing income and baseline reviews were carried out to assess what services were needed. This had led to increased reserves which were being put to good use by investing to produce interest income. The Council was exploring joint venture opportunities and the future would be secured by innovation and financial competence.

Councillor Peter Fookes responded by arguing that the Council was wasting resources in some areas and could be providing more much-needed services.

**(B) Councillor Peter Morgan – Portfolio Holder for Renewal and Recreation**

Councillor Morgan made a statement on Biggin Hill Airport. He explained that the Airport was entitled, as the Council's tenant, request variations to the lease, which the Council could not withhold without good reason, and there was an arbitration process if agreement could not be reached. He emphasised that this was about the provisions of the lease, not a town planning process. Having received and considered the current request to vary the lease from the Airport, the Council had decided in March that officers should negotiate an acceptable agreement, and the result of this would be reported in the autumn.

As a large number of questions had been raised about the Airport, not all of which might be covered in the meeting, the Portfolio Holder sought to clarify a number of issues –

- Helicopters were allowed to use the airport under the lease, although the Council could not dictate a flightpath for them. However, during the negotiations the Council was trying to amend the flightpath to cause less nuisance.
- The Council was trying to negotiate a reduction in noise – if successful, some noisy aircraft would be unable to use the Airport.
- The Council was seeking a reduction in aircraft movements. Thirty years ago the number of movements had been in excess of 100,000 a year, and now it was reduced to around 40,000 a year. Also, aircraft were generally quieter now than thirty years ago.
- Although there was concern at larger aircraft using the Airport, aircraft size did not always equate to noise produced.
- The Council has asked the Airport to agree to the permanent installation of two sophisticated noise monitoring devices, and a mobile device would also be used to monitor in locations where there were particular concerns.
- Recognising the sensitivity of noise during the shoulder hours, the Council was seeking a reduction in permitted decibel levels that would limit the types of aircraft able to use the Airport during those hours.
- The Airport had started consultation with the CAA about implementing a steeper rate of descent to lessen the impact of the flightpath. However the CAA had to balance the needs of Biggin Hill with other airports.

No deal had been concluded as yet, and the outcome of the negotiations would need to be reported back to a full Council meeting and then to the Executive for a final decision.

Councillor Simon Fawthrop asked the Portfolio Holder whether he could confirm that the Civil Aviation Authority (CAA) had not yet received any application from the Airport to vary the flightpath, and if he could explain the get out clauses under the Council's public law duties. The Portfolio Holder responded that he would check whether an application had been made, but he did not understand the second part of the question.

Councillor Tim Stevens asked the Portfolio Holder whether he could write to the Airport to clarify that they had not yet received permission for the increased hours. The Portfolio Holder responded that he would.

Councillor Tony Owen commented that the quietest option was to have no aircraft.

**103 Policy Development and Scrutiny Annual Report 2014/15**  
Report CSD15046

A motion to receive the Policy Development and Scrutiny Annual Report 2014/15 was moved by Councillor Eric Bosshard, seconded by Councillor Simon Fawthrop and **CARRIED**.

**104 Financial Planning/Risk Reserve**  
Report CSD15049

A motion to approve the creation of a Financial Planning/Risk Reserve as recommended by the Executive was moved by Councillor Graham Arthur, seconded by Councillor Stephen Carr and **CARRIED**.

**105 Provisional Final Accounts 2014/15 - Earmarked Reserves**  
Report CSD15084

The following amendment was moved by Councillor Angela Wilkins and seconded by Councillor Ian Dunn -

Delete recommendation (j) and replace it with –

Given existing levels of investment and reserves, and a balanced budget for 2015/16, Council resolves not to transfer £10.165m to the investment Fund but to use all or some of this money to reverse cuts identified in the 2015/16 budget.

On being put to the vote, the amendment was **LOST**.

A motion to approve the recommendations from the Executive to (i) approve the transfer of £10,165k to the Investment Fund as detailed in section 4.1 of the report; (ii) approve the creation of a Business Rates Risk Reserve of £1,200k as detailed in section 4.2 of the report; and (iii) approve the transfer of £1,250k to the Healthy Bromley Fund as detailed in section 4.3 of the report was moved by councillor Graham Arthur, seconded by Councillor Stephen Carr and **CARRIED**.

**106 Local Pension Board - Appointment of Board Members**  
Report CSD15072

A motion to approve the recommendations from the General Purposes and Licensing Committee to -

- (i) agree the amendment to the terms of reference as set out in paragraph 3.11 of the report;
- (ii) approve the revised terms of reference (appendix 1 to the report);

- (iii) formally appoint Brian Toms and Jane Harding as 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 in the report);
- (iv) 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 in the report);

was moved by Councillor Tim Stevens, seconded by Councillor Diane Smith and **CARRIED**.

**107        Scheme of Delegation - Development Control Committee -  
              Minor Amendments**  
              Report CSD15083

A motion to approve that minor amendments to Development Control Committee delegations be confirmed for inclusion in the Scheme of Delegation to Officers, as set out in Appendix 1 to the report, was moved by Councillor Peter Dean, seconded by Councillor Nicky Dykes and **CARRIED**.

**108        Revision to the Scheme of Delegation of Executive Functions**  
              Report CSD15082

The Council noted that the Chief Executive had been granted authority by the Leader (insofar as it was necessary) to exercise all delegations granted to the Director of Education, Care and Health Services.

**109        Modification to Prescribed Standing Orders Relating to the  
              Dismissal of Statutory Officers**  
              Report CSD15071

A motion to agree the recommendations of the General Purposes and Licensing Committee to modify the Council's Standing Orders relating to disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Finance Officer and incorporate them into the Council's Constitution, and that the membership of the Chief Officer Disciplinary Panel be extended to include two Independent Persons when considering the dismissal of a Statutory Officer as required under the 2015 Regulations, was moved by Councillor Tim Stevens and seconded by Councillor Diane Smith and **CARRIED**.

**110        To consider Motions of which notice has been given.**

The following motion was moved by Cllr Angela Wilkins and seconded by Cllr Ian Dunn -



“This Council reaffirms its objectives (as prescribed by the Local Government Act 2000) as being the promotion or improvement of the economic, social and environmental well-being of the Borough of Bromley.

This council recognises also that these objectives are to be delivered via a balanced budget, with reasonable reserves being held against future contingencies.

When preparing and presenting the budget for 2015-16, many members, as well as the general public, were led to believe that the under spend for 2014-15 was expected to be £2.2m. This fact contributed to cuts of £8.4m to services delivered during 2015-16.

Members of the public, council employees and many Members are therefore extremely surprised to learn now that the final accounts for 2014-15 reveal an actual under spend of £11.154m.

Whilst recognising that commercial investments produce a high rate of return, this Council re-affirms its primary purpose is the provision of services as set down in the Local Government Act.

This council calls on the Executive to:

- 1) ensure that greater transparency in the budget process be provided in the future so that all Members and the public can more easily identify how much of their money is being spent on services and how much invested in properties and other reserves;
- 2) re-affirm that its primary commitment is to the provision of public services and not to the building up of superfluous reserves and investments.”

The motion was **LOST**.

#### **111 The Mayor's announcements and communications.**

The Mayor thanked Councillors who had attended the Fly a Flag ceremony on Armed Forces Day, and drew attention to the following forthcoming events –

- Thursday 16th July 2015: Reception for Voluntary Workers
- Tuesday 28<sup>th</sup> July 2015: A dinner at the Hisar Restaurant
- Saturday 17<sup>th</sup> October 2015: Charity Ball at the Warren.
- Saturday 14<sup>th</sup> November 2015: A Star Wars themed evening with special guests.

*Council*  
*29 June 2015*

- Friday 11<sup>th</sup> December 2015: An Indian themed evening at the Tamasha Restaurant.

Mayor

The Meeting ended at 9.59 pm

**COUNCIL MEETING**

**29<sup>TH</sup> JUNE 2015**

**QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY**

**1. From Mrs S Stribling to the Portfolio Holder for Renewal & Recreation**

Why are Bromley Council even considering Biggin Hill's proposals to extend the operating hours/flying times, when they know what a negative effect this will have on the PRU hospital's patients and staff, as it is only 1 ½ miles from the flightpath and planes fly over the hospital on descent?

**Reply:**

The Council as I said in my statement is legally obliged by the lease to consider proposals from its tenant and this proposal given what I said earlier might just make the situation better and not worse. It is not accepted that there is a particular problem for the PRUH.

**Supplementary Question:**

The PRUH is the only hospital in the UK to be situated just two miles from the airport touchdown with planes flying just 700 feet above the hospital. There is no air conditioning - I sampled that myself - and the windows have to be open for ventilation. You have proposed to agree to increase the hours of flight over the hospital from 6.30am until 11.30pm. In the minutes of the meeting on 25<sup>th</sup> March which I attended the acoustics consultant Cole Jarman stated that Biggin Hill received larger aircraft with increased noise. As the PRUH is directly under the flightpath how can you justify this?

**Reply:**

As I said, we have a duty to consider all such requests and we are doing so and we have to weigh the balance of positives and negatives. I might add that I have recently unfortunately spent three days and three nights in the PRUH and I did not notice a single aircraft.

**2. From Mrs S Stribling to the Portfolio Holder for Renewal & Recreation**

As there are no guarantees whatsoever to reduce noise levels and we are only being quoted what the aims are, how will Bromley Council tackle the problem of ventilation in the PRU hospital, as there is no air conditioning and the only ventilation is by opening the windows?

**Reply:**

Actually, mechanical ventilation can be provided to the wards with the windows closed although of course the windows can be opened for additional ventilation if desired.

The Council has not yet agreed to anything and the PRUH's lack of ventilation would be something that the NHS or the Trust can improve if they so desire – they built the hospital knowing there was an airport nearby.

The Department of Health 'Specialist Services Health Technical Memorandum 08-01: Acoustics' contains criteria for noise intrusion from external sources. With regard to wards there is no limit for maximum noise level during the day. At night, a level of 45 dB  $L_{Amax}$  is given when the windows are fully closed. The operating hours of Biggin Hill Airport are however restricted so that night flights do not occur. In a study in 2009, with the windows closed many of the daytime flights would have met even that night-time criteria.

**Supplementary Question:**

The Council propose to allow flights from 6.30am until 11pm Monday to Saturday. As the councillors have mentioned grants to many residents this tells me that the Council is fully aware that noise levels will increase and how can it possibly benefit patients. Windows must to be open for ventilation. It's not going to work, you've got to open those windows. I was there for five weeks and believe me you do. You must have been very lucky on your week.

**Reply:**

Hospitals usually wake up at about 6am I can tell you to my cost. Flights do not begin until 6.30am and therefore we are not waking folk up as the nurses have already done that job.

**3. From Mrs S Stribling to the Portfolio Holder for Renewal & Recreation**

Did Bromley Council include the PRU hospital in their survey and make the hospital aware of the proposals to extend BHAL's operating/flying hours and to fly larger and more planes over the hospital, considering how the hospital opposed the extension three years ago?

**Reply:**

The PRUH could have responded with the 40,000 who did had the hospital wished to. It is not true to suggest that the PRUH objected to anything 3 years ago. The Council's consultation was open to anyone and any organisation to respond to but was specifically targeted at residents rather than organisations. BHAL have not proposed to operate larger planes than are currently permitted, and neither are they proposing any increase to the total number of movements.

**Supplementary Question:**

As the increased hours will have serious implications for the hospital, one would have expected Bromley Council to include the PRUH and Kings as formal consultees and to have held meetings with them in advance of the agreement on 25<sup>th</sup> March. However, I have a letter here dated 4<sup>th</sup> June from Kings College Hospital and the PRUH stating that the Council did not include them as a formal consultee and in fact Kings are having to approach the Council to request a formal meeting this late in the day. I personally find this extremely alarming. Could you please explain?

**Reply:**

Telephones work both ways – I don't understand why the hospital did not get in touch – they must have known all about this and I am very happy to talk to them even now.

**4. From Mr Peter Ziemiński to the Portfolio Holder for Renewal & Recreation**

Helicopters are particularly noisy and fly lower than the permitted 1,000' above residential areas. Can LBB insist that arriving/departing helicopters descend from and lift to not less than 1,000' within the airport boundary and can they also route from and to Biggin Hill even higher?

**Reply:**

Movements, including those of helicopters are covered in operating criteria and cannot be changed without the agreement of both the landlord, the Council and the tenant, the Airport.

**5. From Mr Peter Ziemiński to the Portfolio Holder for Renewal & Recreation**

As helicopters are generally very noisy, are they permitted to use the airport given the restrictions in the lease under the Third Schedule, Operating Criteria, part (f) and has the Council's Chief Environmental Health Officer undertaken measured noise data tests in accordance therewith since the proliferation of helicopter movements?

**Reply:**

Yes, they are permitted.

**6. From Mr Peter Ziemiński to the Portfolio Holder for Renewal & Recreation**

Are there any proposals to amend the current flight tracks to permit aircraft to fly directly over Keston Village?

**Reply:**

The Council supports the Airport's proposals to route flightpaths away from residential property and understands but acknowledges that CAA approval is required.

**Supplementary Question:**

How specifically will local residents be involved and consulted over any proposals to amend the flight-tracks for the future of Biggin Hill Airport's use?

**Reply:**

That will be extremely difficult to arrange as we have these huge safety concerns and the CAA involved. Even with the Airport talking to the CAA and us as bystanders it is very difficult to get any kind of decision. We do not know quite where it will be yet. We do support the Airport's desire to route flightpaths as far as way from residents as is practical and we will do that. We do understand the concerns and it is our desire to make sure that residents are disturbed as little as possible. To have local residents

all around the borough involved in consultation is going to be a complete nightmare – I don't think we could ever do that.

**7. From Guy Marks to the Portfolio Holder for Renewal & Recreation**

Is it possible to only permit any change in operating hours once BHAL can prove noise levels have been reduced and when they have implemented the proposed '03 runway approach' of aircraft at above 3000ft above sea level (bearing in mind Biggin Hill is approx. 690ft above sea level)? *Reason being why should BHAL bother once they have got the change in operating hours.*

**Reply:**

Legally, the Council cannot unreasonably withhold permission but is in discussions with the Airport to see what improvements to current circumstances can be made, with no agreement made.

**8. From Guy Marks to the Portfolio Holder for Renewal & Recreation**

What limits are there on the size of aircraft using Biggin Hill Airport? *Reason being we could have privately owned large jets using the airport.*

**Reply:**

There is no limit on the size or the weight of aircraft permitted to use the Airport. The Lease limits the aircraft by reference to the noise criteria and the runway length also indirectly limits the size.

**9. From Guy Marks to the Portfolio Holder for Renewal & Recreation**

How will breaches in noise level limits be dealt with? *Reason being there must be an appropriate deterrent that is enforceable in law otherwise it's a waste of time*

**Reply:**

The Airport is accountable for breaches in the lease and operating criteria. Any hypothetical and theoretical future agreement would need breaches to be dealt with as the Airport have publicly agreed.

**10. From Michael Page to the Portfolio Holder for Renewal & Recreation**

Why did the Council totally disregard medical science and put the potential 2,500 jobs offered by B.H.A.L ahead of tens of thousands of residents who will now suffer with many serious medical conditions and who's children will suffer growth problems and learning difficulties and disrupted sleep.

**Reply:**

The Council has sought independent expert advice on matters relating to noise levels and relies upon government guidelines rather than the subjective perception of individuals whose personal experience will vary.

**Supplementary Question:**

By allowing over 5,000 aircraft movements in the first and last 30 minutes of the extended opening hours and no cap on the previous 30 minutes, this will deprive children of over 10,000 hours of sleep during their 13 years of schooling. How is this protecting the borough?

**Reply:**

Clearly it would be better if we had no airport at all, but we do have an airport and we just have to deal with the situation as it is and do our very best for residents. I'm not sure where that number came from, it does not sound a number I am familiar with. (16 a day over a year is 5,800.) That is rather more than I thought.

**11. From Michael Page to the Portfolio Holder for Renewal & Recreation**

In the Council's assessment document:

Why did the Council not disclose the Medical facts that saying yes to the extended flying hours would probably cause local residents major medical conditions which in turn would put a greater burden on the local N.H.S.

**Reply:**

I am not sure what medical fact is being referred to but it needs to be remembered that part of the Council's objectives is to improve the current situation.

**12. From Michael Page to the Portfolio Holder for Renewal & Recreation**

Being responsible for the decision that almost certainly condemns this and future generations to underachieve academically and suffer from various medical conditions (which I wanted to explain earlier) earlier death than would be anticipated. What financial provisions have the council put in place to protect the borough against future claims?

**Reply:**

Bromley pupils have a long and proud record of academic achievement which will continue irrespective of any decision which has not been made and which may serve to reduce noise nuisance.

**13. From Carole and David Murray to the Portfolio Holder for Renewal & Recreation**

In the information we were given to consider when voting, there was no mention of the increase in the helicopter flights to transport people on from the airport. Could you please tell us how many more helicopter flights there will be as these fly very low and are extremely noisy.

**Reply:**

Helicopter flights are included in the overall volume of permitted movements within the current arrangements, with no decisions taken regarding the future. Nevertheless, the subject of helicopters is of interest to local people and was raised at the Council's Executive meeting and remains part of discussions.

**14. From Carole and David Murray to the Portfolio Holder for Renewal & Recreation**

From our memory, in the information given there was no mention about the size of aircraft that would be able to use the airport. We have recently noticed an increase in the size and number of aircraft using the airport. Could you please let us have the figures for April and May 2014 and 2015 to enable us to compare.

**Reply:**

The control within the Lease is related to the noise produced by an individual aircraft and not by its weight or size.

The total number of corporate aircraft in April and May this year was 1646, an increase of 97 or 6.3% compared to last year. The average tonnage of individual aircraft in April and May this year was 14.5 tonnes, an increase of 0.6 tonnes or 4.5%. As the economy improves, I am advised that the Airport is seeing modest increases in volume, well within the lease, having being generally 'flat' over the past 5 years.

As aircraft technology improves, particularly in controlling the noise output, it follows that the size and weight of permitted aircraft will increase while still satisfying the noise criteria.

**15. From Carole and David Murray to the Portfolio Holder for Renewal & Recreation**

Has the noise level from aircraft been measured in recent months as we feel this has increased?

**Reply:**

No, but I refer to my previous answer.

**16. From Adrian Stoneham to the Portfolio Holder for Renewal & Recreation**

The Council's Assessment of BHAL's Proposals by Cole Jarman, Acoustic Consultants, set out a number of unspecified matters, for example:

BHAL to quantify and agree with the Council's existing noise levels;  
BHAL to establish and agree with the Council the limits on noise; and  
noise limits to be agreed;

Why isn't a proper and full investigation, and an assessment of impact/mitigation in place so that an informed decision on this matter can then be taken?

**Reply:**

The Council did assess the proposal it received and the Council's expert has given advice. Clearly both the Council and the Airport would need to agree limits before an



agreement could be reached – both parties have to agree. The Council's advice is clear about using quantifiable, measurable and objective data.

**Supplementary Question:**

I would like to know why this cannot be done before any further decision is made so that there is absolute certainty and transparency. Without this sort of process, including an Environmental Impact Assessment we have no idea of the impact and damage on residents and your report dismisses this far too lightly.

**Reply:**

Clearly we have to rely on the advice given by Cole Jarman and I will have a chat with them after this meeting to see if there is anything more they can do to inform us.

**17. From Adrian Stoneham to the Portfolio Holder for Renewal & Recreation**

There can be no question that allowing flights at times which are currently quiet will have a detrimental effect on residents. These would be at those times of the day most sensitive to noise, early in the morning and late at night all through the day. How can this be said to positively improve health and quality of life, as is required by policy?

**Reply:**

There has to be a balance. Whilst no agreement has been reached, if overall noise levels were decreased and permitted overall flight movements were reduced, this could be seen as an improvement on the current situation.

**Supplementary Question:**

I would like to counter that. The special sensitivity to noise in the early and late hours do not appear to have been considered and I would like to know why not?

**Reply:**

They have been considered very earnestly if only at the prompting of everybody that lives in the flightpath. We have taken it very seriously and it will be fully measured in the balance when we take our decision.

**18. From Adrian Stoneham to the Portfolio Holder for Renewal & Recreation**

Why doesn't the operator put in place the changes to reduce noise now so that the community can judge their effectiveness and then make a decision on increasing flying times? If the operator is confident that they would be a success this should not be a problem.

**Reply:**

I cannot speak for the Airport and can only repeat that the Council assessed the entire proposal it was presented with. It is a matter of public record that the Airport have started some of the processes including flightpaths with the CAA required to effect changes from the current operations.

**Supplementary Question:**

So we wind the clock forward, we get to September and, let's assume the decision is to allow this go ahead, we then have local residents effectively paying in advance for this problem while BHAL have the license or the extension required. If the operators believe they can reduce the noise as stated, why is this not being done now, why are we being forced to wait for a decision in September when they can operate as they wish?

**Reply:**

It is probably the same question. I cannot speak for the airport. It would be very nice if they did do this, but some of these things take a long time. We will encourage them to do so.

**19. From Anthony Young to the Portfolio Holder for Renewal & Recreation**

Aircraft including helicopters which are under the jurisdiction of the airport fly over our houses and gardens completely ignoring the flight paths. I have rung the CAA and asked them why I can read the tag numbers from about 100 feet above my garden. They do not adhere to the flightpaths. I would like to put in for planning for a barrage balloon. How can we guarantee that when or if you have agreed that they can have their extension for the extension of their times, I understand aircraft based there now can have another hour either side and does that mean another hour either side of extended hours?

**Reply:**

Part of the proposals would actually give us better monitoring and accountability and that would be good for everybody. Breaches of the lease need to be brought to the Airport's attention so they can investigate and take action if a rogue aircraft is doing something they need to know about it so that they can do something. The Council will certainly take action as landlord if needed and if the complaint is proved.

In the past, many helicopter complaints have related to the Police, Air Ambulance and to helicopters which did not originate from Biggin Hill. If implemented, the integrated noise and track keeping system will for the first time enable the Council to identify individual helicopters and to confirm whether or not they are associated with Biggin Hill.

**Supplementary Question:**

I have constantly phoned Biggin Hill Airport about planes flying down my garden, and I do not mean at high level. I get an arrogant reply and then I get put on to an answerphone. Leave a message – yes, someone comes back, we had to let that aeroplane fly in over your garden because it got in before a jet, these are the sort of answers we are getting. If they are in breach of their lease - I own several properties, if my tenants are in breach of their lease we can do something about it. The London Borough of Bromley does not seem to be have control. I know they cannot police it 24 hours a day, we understand that, but the airport seem to be taking liberties beyond what should be taken in life.

**Reply:**

When we get the new noise monitoring devices in we will be able to monitor what is going on we will be able to monitor much better than we can now and we will not hesitate to take action if that is what is required.

**20. From Hugh Bunce to the Portfolio Holder for Renewal & Recreation**

Air pollution associated with aviation includes particulates, unburnt hydrocarbons and nitrogen oxides. Who is responsible for carrying out air quality tests, and where can I see results for monitoring around Biggin Hill and along the flight path from Chislehurst to Biggin Hill?

**Reply:**

Following extensive modelling for a range of pollutants, including those highlighted, in March 2007 the Council declared an Air Quality Management Area (AQMA) covering the North and North West of the borough for the pollutant nitrogen dioxide.

Subsequently an Air Quality Action Plan has been implemented and regular air quality monitoring is undertaken within the AQMA. The results are assessed and published regularly and show no further modelling or monitoring is required at present. Currently no monitoring is undertaken outside of the AQMA.

**Supplementary Question:**

Does that include the flightpath between Chislehurst and Biggin Hill and would it not be sensible to undertake some risk assessment for those thousands of residents who could be subjected to such pollution along the flightpath.

**Reply:**

I do not know the answer but I will find out and let you know.

**21. From Hugh Bunce to the Portfolio Holder for Renewal & Recreation**

Does Bromley Council accept that the application to change operating hours will benefit few residents across the borough, but reduce the amenities, environment and quality of life for 130,000 residents living along the flight path from Chislehurst to Biggin Hill?

**Reply:**

No. The application could, if we get what we want, actually benefit all residents and there is a balance of positives and negatives which need all the consideration we can give it. The Council is also legally required to be a reasonable landlord to its tenant.

**Supplementary Question:**

If it can be demonstrated that the overwhelming majority of the 130,000 residents along the flightpath are strongly opposed to extended operating hours, would Bromley Council please reconsider its decision?

**Reply:**

We have not made a decision. The feelings of the residents who have made their feelings known will be fully taken into account and we will make our decision accordingly. Whatever our residents say, we still have to be a reasonable landlord.

**22. From Hugh Bunce to the Portfolio Holder for Renewal & Recreation**

Why has Bromley Council not considered the impact of sleep disturbance for residents living along the flight path, as a direct result of the application to change operating hours, with particular reference to the impact upon children?

**Reply:**

The Council has sought expert and independent advice about noise disturbance and therefore the potential impact on sleep. Ultimately, government guidelines are the guiding principle rather than individual subjective views.

**Supplementary Question:**

There are approximately 40,000 children living along the flightpath from Chislehurst to Biggin Hill. I quote from a House of Commons research report SM261 on sleep disturbance from aircraft noise - "The most notable effects in children are decreases in reading ability and memory." When you have consulted the staff of the eight schools along the flightpath can you tell me what they said about this point?

**Reply:**

I don't have that information to hand but I will discover it and I will let you know.

**23. From Andrew Newlands to the Portfolio Holder for Renewal & Recreation**

During the BHA consultation, did LBB consider weighting responses, from this borough-wide exercise, to fairly consider those most impacted by additional, earlier & later flights, over homes beneath the flight-paths, or near the airport, and why was such weighting not applied in fair consideration of its most directly affected residents?

**Reply:**

Responses were not weighted but recorded as part of the overall factors that needed to be considered in the Council's deliberations.

**Supplementary Question:**

The consultation being the primary voting influence on 25<sup>th</sup> March, how is it fair or reasonable that just 100 people from Crystal Palace in favour of the proposals, that is less than 1% of that ward, resulted in two votes for the proposal in this chamber, whilst an opposing 2,500 Farnborough and Crofton residents translated to just one vote against. Will the Council conduct a further unbiased survey in keeping with its duty to protect the .13 million residents under the flightpath?

**Reply:**

I do not believe that having a re-run of the referendum on whatever basis will give us any more information than we already have. We are fully aware of the feelings of those that live under the flightpath.

**24. From Annick Tuesley to the Portfolio Holder for Renewal & Recreation**

Given there are at least 10 Schools within the Borough and directly under or very close to the flightpath, what steps have been taken to involve head teachers in the

consultation process, with particular regard to the loss of sleep for pupils and its effect on their school performance?

**Reply:**

I am not aware of any complaints ever being made by or on behalf of a school alleging that aircraft noise is interfering with lessons. The proposed increase in operating hours will have no impact during school hours. Furthermore, I am not aware that any school is currently aware of any problem with sleep for pupils, with pupils presumably sleeping in the current operating hours. Neither are headteachers expert in this field and nor is Biggin Hill Airport the only airfield operating within London. I get woken up by aircraft from Gatwick and Heathrow but not by Biggin Hill.

**Supplementary Question:**

You call yourselves a reasonable landlord. Will the Council undertake measures to take and record complaints from residents for breaches of the lease because they are not doing so now. When people phone up and complain about aircraft coming in when they are not supposed to, as the gentleman previous to me said, they just get pushed over to Biggin Hill Airport and nobody at Bromley Council as landlord takes responsibility.

**Reply:**

We will see how we can improve on the current situation.

**The time for taking oral questions having expired, the following questioners would receive written responses to their questions in accordance with the Constitution.**

**25. From Mrs Penelope Denby to the Portfolio Holder for Renewal & Recreation**

Were the clinical and non-clinical management team at Princess Royal University Hospital, only 500-600 metres from the public safety zone according to UDP, invited to participate in the consultation about Biggin Hill Airport? If not why not?

**Reply:**

I refer to previous answers given, with all and any individuals able to respond.

**26. From Mrs Penelope Denby to the Portfolio Holder for Renewal & Recreation**

If the council agrees to Biggin Hill Airport's request for an extension of hours 6 more flights per day by 2030 are forecast to be flown? Has the council considered the effect of increased noise on patients recovering and staff working in the PRUH?

**Reply:**

The Council is considering all potential impacts and no decision has been made.

**27. From Mrs Andrea Stevens to the Portfolio Holder for Renewal & Recreation**

How many noise monitoring stations are currently in use to measure noise emanating from aircraft landing and taking off at BHA, where are they located and to which LBB Committee do the results from these stations get reported?

**Reply:**

None. The Biggin Hill Consultative Committee, which has Bromley Council representation does consider noise monitoring and complaints and alleged breaches of the lease are taken very seriously by the Council.

**28. From Mrs Andrea Stevens, to the Portfolio Holder for Renewal & Recreation**

Prior to BHAL's purchase of Milking Lane Farm, at a cost of £1.6m, nine months ago on 14th September 2014, were the Council made aware of the Tenants' intention to purchase this extensive piece of agricultural land immediately adjacent to the north-western end of the main runway 21?

**Reply:**

No.

**29. From Robert Pattullo, to the Portfolio Holder for Renewal & Recreation**

In Section 5.10 of the BHAL lease, BHAL are required to pay all costs for every application made by the Tenant. What were the Landlords costs of the Olympic Games application and have these been paid by the Tenant to the Landlord?

**Reply:**

At the time it was considered debateable whether the Olympic proposal was caught by this provision. However, I will ask officers to revisit this.

**30. From Giuliana Voisey to the Portfolio Holder for Renewal and Recreation**

Are members of the council aware that Aviation Minister Robert Goodwill, in co-ordination with the Civil Aviation Authority, is considering requests from Heathrow, Gatwick, City and Farnborough airports to review the same track-monitoring systems that BHA would like to introduce in Bromley because of the disturbance and anxiety they have caused to residents?

**Reply:**

No, not at present, despite contacting both the Department of Transport and the CAA. The CAA have said that they "certainly do not oppose web track tools. Anything that provides transparency for the public regarding aircraft movements has to be a good thing."

**31. From Giuliana Voisey to the Portfolio Holder for Renewal and Recreation**

Are Councillors aware that the noise protection we have in the Lease is stronger than the noise monitoring schemes the Airport are now trying to apply? Why have the Council not applied the clauses which are already in the Lease?

**Reply:**

Noise protection and noise monitoring are fundamentally different and the Council is seeking to strengthen both, with no decisions taken.

**32. From Giuliana Voisey to the Portfolio Holder for Renewal and Recreation**

Why do you believe that a machine telling you that average noise over a 16-hour period is within limits can be considered a satisfactory compromise for a 27% increase in hours at the most unsocial times of the morning and night? How can this be a "better deal"?

**Reply:**

Machines are objective but are only tools to aid us. Any decision is made up of several components this is no different and although no decision is made, it deserves and will always get, our careful consideration.

**33. From Anthony Barnes, to the Portfolio Holder for Renewal & Recreation**

During the consultation, did LBB consider weighting the results of the Borough wide survey to fairly reflect those impacted most by any additional early and late flights, over homes under the flight paths and/or close to the airport? If not why not?

**Reply:**

No. Responses were not weighted but analysis did note that whilst most respondents supported the Airport's proposal, many under the flightpath did not. The consultation was one consideration among many that the Council took regard of.

**34. From Anthony Barnes to the Portfolio Holder for Renewal & Recreation**

During the BHAL similar application in 2000 in addition to a thorough and statistically much more sensible way, the Council held four public meetings, (Crofton Halls, Civic Centre, Charles Darwin School, Biggin Hill 2) attended by nearly 2000 people. Why did LBB not repeat this exercise for this application?

**Reply:**

By asking for all residents views, the Council actually consulted more residents than in 2000.



**35. From Anthony Barnes to the Portfolio Holder for Renewal & Recreation**

Recently there has been more frequent use by jets of the right hand visual circuit to land on runway 21. They often pass overhead Keston village descending on a more or less splayed base leg. Can LBB insist that all jets landing on 21 are via a straight in approach?

**Reply:**

No. Any proposal by the Airport to change landing or take-off procedures must be approved by the Civil Aviation Authority, and LBB cannot impose any such change

**36. From Vivien Haskey to the Portfolio Holder for Renewal & Recreation**

For the good of the environment & the Borough, I recycle all my plastics, paper & wasted food, clear up rubbish in the street outside my house, trim side shoots off trees and I am a snow friend organising snow clearance in Keston. What is the point of doing all this if you are going to ruin the environment by extending the airport with extra noise & pollution, building on green belt, putting in extra car parks in Shire Lane, extending the infrastructure etc.

**Reply:**

Thank you for what you are doing. The Airport is not being extended but there is a proposal to extend operating hours by a relatively modest amount which has a number of benefits, part of which could be additional protection for residents. I repeat, no agreement has yet been reached.

**37. From David Evans, Downe Residents Association to the Portfolio Holder for Renewal & Recreation**

Ref: Biggin Hill Consultation Analysis - Appendix 8 Map 2.

In terms we can all understand, logic says one dot must represent one reply, is this the case?

**Reply:**

Yes. As Appendix 8b stated, which was distributed on the evening of 25<sup>th</sup> March, - To portray the information graphically and by household response, the 'red and blue dot map' has been produced, which involved a complex process of 'geo coding', to effectively place the responses onto the 'red and blue dot map'. This process did not successfully pick up each and every address but the map does show the overall trend for responses across the borough in a way that simple reporting by ward does not and this is why the map was published as it is.

**38. From David Evans, Downe Residents Association to the Portfolio Holder for Renewal & Recreation**

Why does a single red dot appear at Luxted, south of Downe Village, when I and at least five other households in that area responded?



**Reply:**

I refer to my previous answer.

**39. From David Evans, Downe Residents Association to the Portfolio Holder for Renewal & Recreation**

Why did certain households particularly under the flightpath, for example Shire Lane, not receive an invitation to participate?

**Reply:**

I refer to my previous answers. All households were invited to participate.

Supplementary – We did receive responses from residents in Shire Lane, five in total, all ‘no’. Also, no distribution is ‘perfect’ and where ‘misses’ were brought to our attention, they were rectified at the time.

**40. From David Clapham to the Portfolio Holder for Renewal & Recreation**

The extensive URS Report – Biggin Hill Study – Final Report along with the London Plan designation of Biggin Hill Airport as a Strategic Outer London Development Centre (SOLDC) guide planning direction. Were Councillors briefed on the implications and context of these fundamental plans prior to the discussion on 25<sup>th</sup> March 2015?

**Reply:**

Yes. The Local Development Framework Advisory Panel, of which I am the Chairman, received updates on:

- 22<sup>nd</sup> April 2014
- 18<sup>th</sup> June 2014
- 5<sup>th</sup> August 2014
- 15<sup>th</sup> January 2015
- 24<sup>th</sup> February 2015.

The report and findings were also considered at the Executive on:

- 12<sup>th</sup> June 2013
- 26<sup>th</sup> November 2014

and R&R PDS on:

- 23<sup>rd</sup> June 2014
- 18<sup>th</sup> November 2014

**41. From David Clapham to the Portfolio Holder for Renewal & Recreation**

The Employment section page 52 of the URS Report – Planning for Growth in Bromley – Biggin Hill Study – Final Report says that the predicted growth in jobs of 930 by 2017 ‘would appear ambitious’. What confidence do you have in these predictions?

**Reply:**

Estimates and predictions are valid but they remain just that.

**42. From David Clapham to the Portfolio Holder for Renewal & Recreation**

In view of the fact that Councillors were not all aware of background growth plans for Biggin Hill Airport please confirm that once discussions with Biggin Hill are concluded, that Councillors will be allowed to express their views and vote on the proposal before the Executive makes the final decision.

**Reply:**

The Council's own report considered by Councillors noted the growth plans and specifically said that "The Airport has been identified as a Strategic Growth Area by the GLA and BHAL plans indicate that the Airport could create up to 2,300 jobs over the next 20 years." It also referred to BHAL's economic growth plan produced in April 2014.

**COUNCIL MEETING**

**29<sup>TH</sup> JUNE 2015**

**QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN REPLY**

**1. From Tim Fisher to the Portfolio Holder for the Environment**

Could the Council provide an update on the Waste4Fuel site in St Mary Cray. When do they expect the site to be clear? And who will be paying for the clean up?

**Reply:**

Whilst the legal process remains incredibly frustrating and slow, the current impasse ultimately remains in the hands of the Environment Agency and the landowner to determine between themselves.

The current position remains that the Environment Agency served a Notice under section 59 of the Environment Act 1990 on the land owner on 8th April 2015, requiring them to reduce the remaining stack to 5,500 tonnes by 10th August 2015 or face the prospect of the Agency doing so themselves and pursuing all associated costs through any means possible.

Whether it remains possible for the owner to achieve this financially, or indeed whether they are minded to do so at all or instead challenge the EA through the Courts, still remains to be seen; we will hopefully know and I am cautiously optimistic that we will discover which, before that date is reached.

It remains impossible to predict with any certainty when the site will finally be cleared, or who will pay for it, until the outcome of the process described above has run its course.

**2. From John Kaufman to the Portfolio Holder for Renewal & Recreation**

Is the council aware that many 'Business aeroplanes' in use at Biggin Hill include 100+ seat jets (A319/Boeing 737 and others) which have a luxury internal 100+ configuration but create an enlarged and more intrusive noise 100+ footprint than smaller aircraft normally considered 'business' jets?

**Reply:**

Business aviation is ultimately defined not by the specific jet but by the purpose the jet is used for.

**3. From John Kaufman to the Portfolio Holder for Renewal & Recreation**

The Princess Royal (PRU) is directly under the flight path at a point where aircraft are flying at very low level creating considerable noise. Were the management of the PRU consulted regarding increased noise and extended flying hours? Did the Council consider fully the adverse effect of extended hours and the increasing use of heavier, noisier aircraft on both the hospital operation and seriously ill patients.

**Reply:**

I refer to previous answers about the same question.

**4. From John Kaufman to the Portfolio Holder for Renewal & Recreation**

Does the Council consider that a borough-wide opinion is sufficient to allow these sweeping changes to operational hours? The 'Man on the Clapham Omnibus' would certainly not think they were. It is as if an option poll on the third runway at Heathrow gave equal weight to the opinions of the residents of Hackney and Hounslow. Bromley residents in the most affected areas gave a very clear no to these suggested amendments.

**Reply:**

Consultation responses are always helpful and always need to be considered alongside other factors.

**5. From Richard Barnes to the Portfolio Holder for Renewal & Recreation**

Does the lease with BHAL now require aeroplanes using BHA to meet the latest noise standards in the ICAO document (2001) Chapter 4 and will it require them to meet the latest Chapter 14 standard due for adoption in 2017?

**Reply:**

The Airport will need to comply with noise standards/requirements required by legislation and/or the lease. Proposals to vary the lease are currently under discussion and include proposals to reduce the noise levels created by the Airport.

**6. From Richard Barnes to the Portfolio Holder for Renewal & Recreation**

Is the Council aware of the CAA document Managing Aviation Noise (2014) in which at Chapter 2, Context, it refers to '.....exposure to noise, particularly at night, is linked to long term health issues.....' and if so, is the Council willing to expose LBB residents to such risks?

**Reply:**

Yes the Council is aware, the same chapter refers to the CAA commissioned study too and we will absolutely make sure that the Airport follow any CAA guidelines where applicable as will the CAA no doubt.

**7. From Bruce Anderson to the Portfolio Holder for Renewal and Recreation**

Is the Council aware that the noise monitoring system proposed by BHAL, which averages measurements over the requested Hours rather than individual planes/flights as monitored by the current system, would allow individual planes/flights to generate noise currently judged unacceptable to local residents, without breaking the terms of the proposed contract?

**Reply:**

Unacceptable noise is very much a matter of individual perception. Measurements need to be objective, clear and transparent. The proposed system will give a number of noise parameters for each "event" which will include maximum level, duration, Leq (average noise level for the length of the event) and SEL (the equivalent noise level if all of the acoustical energy were contained in a one second event). The monitor also makes a recording of each event which may be replayed. In addition to this information, the equipment is continuously logging the background noise levels and this may be used to produce Leq values for any period. The proposed system also includes radar information so the noise contour can be related to the aircraft position in three dimensions and to its speed. This has never before been possible and can only be implemented with the full co-operation of the Airport.

Note - There is no current system as the Council has not conducted any noise monitoring for at least five years following a lightning strike which irreparably damaged the equipment.

**8. From Bruce Anderson to the Portfolio Holder for Renewal and Recreation**

Given the requested extension of Operating Hours into residents' rest time, creating noise at a time that would not be permitted by the Council (in accordance with its own published standards) in, for example, a construction site, how does this show BHAL's – and the Council's - concern for the well being of the local population?

**Reply:**

It could be argued that it is at least partly because of the Council's concern for 'wellbeing' that discussions are taking place. Government guidelines effectively require more stringent measures on night flights and we will be mindful of this in our deliberations when and if a decision is made.

In planning terms, daytime is actually defined as 07:00 until 23:00 equating to 16 hours, and night time.

For the daytime an average noise level is used i.e. LAeq 16hours – The Government treats 57dB(A) as the average level of daytime noise marking the approximate onset of significant community annoyance (DfT Aviation Policy Framework 2013, p.57). Hence throughout the various versions of the NAP the emphasis placed upon the 57db(A) contour. The LAeq 16hours can be seen as an average sound level over the period of measurement.

Night time noise is evaluated in different ways using different units such as single event level (SEL). The SEL is strongly correlated to the LMAX (i.e. maximum noise level) and is the equivalent energy of an event compressed to a one second reference value. It is of great value to acousticians as it makes the comparison of events which may have differing durations easier and is universally used in noise mapping and prediction.

**COUNCIL MEETING**

**29<sup>TH</sup> JUNE 2015**

**QUESTIONS FOR ORAL REPLY FROM MEMBERS OF THE COUNCIL**

**1. From Cllr David Livett to the Portfolio Holder for Education**

Noting that the Parliamentary debate on the Referendum made frequent references to encouraging political engagement of young people and that the Education Act 1996 requires that pupils "are offered a balanced presentation of opposing views" (Educ. Act 1996 s.407) will the portfolio holder confirm the Council ensured such obligations were met in the run up to the last election and provide a list in tabular form showing:

- Which secondary schools had mock elections during the run-up to the General Election and which schools featured the General Election in some other way (e.g. school assemblies, wall displays, classroom work etc)
- In each school, was the whole of the Governing body informed that mock elections were taking place or that class work, wall displays, assemblies or anything similar was being undertaken?
- For each school, which parties were represented?
- If any of Conservative, Labour, UKIP, LibDem or Green parties did not have candidates or were not presented, what was the justification of such omission?

**Reply:**

The Government's very successful academy programme has seen lots of Bromley schools change over to academy status, in fact of the seventeen secondary schools we have only one of them remains under local authority control – i.e. it is not an academy. As a result of that we do not have a statutory role in ensuring that pupils are offered a balanced presentation of opposing views. That responsibility sits with the schools.

However, we have asked officers to send an email round to all the schools. The responses we have are set out in the paper tabled ([Appendix 1](#)).

**Supplementary Question:**

I was aware that most of these schools are not falling under the direct remit of this Council, however, these are pupils of this borough and we have a responsibility to use all the influence that we have to ensure that they are being properly educated. The very useful answers that we have been provided with indicate that at two of these schools their obligations under the Education Act are not being met. At two of these schools there are entrenched and ill-informed views that caused some parties to be excluded. Whether you agree with those parties or not, the fact is that they should be included, not excluded. Will the Portfolio Holder recognise that he should

use all of his powers to ensure that schools meet their obligations under the Education Act, whether direct or indirect influence, so that the pupils of those schools are not misled in any future election or referendum?

**Reply:**

I can assure Cllr Livett that we use all the powers that we have to fulfil our statutory responsibilities and we make sure that we protect the children of this borough - it is one of our most important roles. In terms of the wider point about free speech I completely agree that those political parties should be represented. In the year that we remember the Magna Carta and the crushing of the tyranny from the French General we should, absolutely, support free speech. In fact, one of the great things about free speech is that you get to put up ideas and scrutinise them and sometimes see how wrong they can possibly be.

**2. From Cllr Nicholas Bennett to the Portfolio Holder for Environment**

If he will make a statement on the closure of the West Wickham Lavatories and their replacement by community lavatories?

**Reply:**

There is a schedule of the various dates which will be read into the minutes (See Appendix 2.) The Community Toilet Scheme was rolled out towards the end of last year and in the first three months of this year but as you know it clearly was not universally popular and remains universally not popular, but we have got schemes now working in all five of our major town centres thus far with reasonable but not absolute success. In areas where improvements needed to be made they are being looked at on a day by day basis as recently as today. Specifically regarding West Wickham, we moved consultation by notice in December. Residents complained that it was perhaps being done by stealth over the course of the Christmas and New Year Holidays, so I extended that to the end of January. We consulted with residents during that time; not unsurprisingly, fear of change, fear of the scheme not working as well as we hoped, saw a fairly large majority against the proposal. We considered it through the Environment PDS Committee and the Executive and introduced the scheme effectively starting on 31<sup>st</sup> March. So far as West Wickham has gone, we had issues, we did not get signage up as quickly as we should, there were problems with printing and damage which did not help. One of the strengths of this approach is what happens when a key partner pulls out; probably the main player, closest to the toilets, walked away and we have managed to recruit another one/two partners. I hope that we can report with some confidence that we now have six partners located along the High Street, so that if you are ever caught short you won't have so far to run in future. Certainly, lessons to be learnt, particularly around communications and timing.

**Supplementary Question:**

Is the Portfolio Holder aware that on 1<sup>st</sup> April there were no signs up in West Wickham, except a tatty sign stuck to the lavatory which had closed. Two months later there is still no sign for the Sainsbury's or any indication on the front of Marks and Spencer's that they are a community loo. On the 1<sup>st</sup> April it transpired of the five community lavatories, the Swan was not in the scheme, and staff at Café Nero and Marks and Spencer's were unaware of the scheme. This has caused great



embarrassment and annoyance not only to the three ward councillors but also to the two ladies who negotiated on behalf of West Wickham Residents Association - all of us stuck our neck on the block to support the closure of the lavatories and the introduction of the scheme. Can I ask that no member of staff gets a bonus for this fiasco.

**Reply:**

What I would say is that it is not for members of this Council to dictate to the paid officer corps who does and does not get bonuses. That is strictly an officer function. However, I do have considerable sympathy with Cllr Bennett's irritation. As I said earlier, it did not go as well as it should have and several very serious conversations have been had in private, and that is where they will stay.

**3. From Cllr Peter Fookes to the Leader of the Council**

How many compromise agreements have been signed by the Council over the last 12 months?

**Reply:**

I can inform Cllr Fookes that there have been 13 such arrangements in the twelve month period.

**Supplementary Question:**

Why are the departures of senior and sometimes not so senior staff never reported to committee these days? Why the need for secrecy and why is this Council so lacking in transparency?

**Reply:**

We seek to be as transparent as possible. Certainly, with some of these arrangements at the very core of them is the principle of confidentiality which would explain part of that reason, and if these compromise agreements are to work we do need to maintain that confidentiality. I will make sure that where we should do we continue to be transparent and open to members of the public and to other members.

**4. From Cllr Angela Wilkins to the Chairman of the General Purposes and Licencing Committee**

Are you satisfied that the decision taken on 26 March to radically amend TU facilities arrangements was a fully informed one which was discussed fairly and without ideological prejudice?

**Reply:**

I am satisfied that the decision to continue to provide reasonable support to staff representatives albeit via a different arrangement, including a new departmental representative forum with better engagement with key Members, was reached following a full and reasoned debate by the GP&LC meeting held on 26 March 2015. The report by the Director of Human Resources covered the relevant legal and industrial relation issues as well as the trade unions' responses to the main recommendations. The business case for the new arrangement was succinctly covered in the report. Additionally, the Chairman of the GP&LC allowed the branch

secretaries of the two unions directly affected to both address the committee and summarise their case following a lengthy debate of questions and answers from officers and Members.

**Supplementary Question:**

One of the key words in that question was “ideological” and I do not recollect any response to that. At that meeting, most of the debate was around the principle of it not being appropriate for council tax payers to fund trade union duties, despite the fact that it is provided for in law. Basically, Unite have offered to pay Kathy Smith’s salary, and we have rejected that offer. So I do not accept that it is about money – I would like some clarity about how you can justify that it was not an ideological move.

**Reply:**

I will need to check in the morning with Mr Obazuaye, but as far as I am concerned a proper decision was taken. Yes indeed the unions have come back asking to pay for the post. It was discussed at the LJCC Committee the other week and the decision taken there was that we have got new arrangements in place, it was not appropriate at this stage to re-invent the wheel but we will look at what is going on and at the appropriate time we will review what is going on, including any offers by one of the two trade unions to pay for their union representative’s time. Under law, trade unions have a right to have time off which is reasonable and my understanding is that it is being given by relevant managers.

**5. From Cllr Kevin Brooks to the Portfolio Holder for Care Services**

It has been reported that at the meeting with service users regarding out sourcing of services currently provided at Astley Day Centre(held Thursday 18 June), officers of this Council stated clearly and repeatedly that there were no written tender documents and that the potential contract with Certitude was being agreed via only verbal discussions. Needless to say, clients present at that meeting were confused and suspicious as a result of this statement.

Given that the report (CS15909a) presented to Care PDS on 23 June makes reference to tender documents, please can you explain why officers denied this at the meeting on 18 June? And will you please re-convene the meeting and provide clients’ and their representatives with appropriate written information about the contract?

**Reply:**

The procurement method used for the Direct Care - Adult Social Services tender was a competitive dialogue. This method was reported to Care Services PDS and approved by the Executive in November 2013. The process of competitive dialogue means that the Council as commissioner issues a Pre-Qualification Questionnaire to the market detailing their high level desired outcomes for the services. Potential providers are required to evidence their skills and experience in the work as well as their ability to deliver the outcomes before being invited to the next stages of the tender. The process then allows a series of dialogue meetings (which in this case

included visits to sites, council visits to the providers, meetings with their existing clients and stakeholders, service discussions, and finance related meetings). When the Council is satisfied that a workable solution has been proposed, the preferred provider is invited to submit a final tender. This approach was utilised as it was recognised we were looking for a specialist provider with the relevant skills and experience to deliver the innovation the Council was seeking in these services.

The meeting on the 18th June, was a meeting of the parents of Astley, who had invited the preferred provider for this tender, Certitude, and representatives from the commissioning team, to their meeting. It was made clear to the parents group in advance of the meeting that, given where we are in the process, and disclosures of details of final tenders is not permitted, this would be a visions and values exercise, and no specifics about their proposed model for Bromley could be shared. Some parents asked to see the tender documents, and Officers indicated they would seek permission to share the PQQ information, and this was made available to the parent who had asked for it as soon as possible, as well as the group organiser.

Certitude have gone through a robust competitive process, and their submissions have been evaluated by the panel at the Council, against the agreed criteria. There is a detailed final tender from Certitude, which incorporates all of the elements discussed in dialogue. The high level benefits of this have been detailed in the recommendation to award and the staff consultation.

**Supplementary Question:**

Do you feel there has been a lack of communication, and therefore that the meeting should reconvene to ensure that people have got all the information?

**Reply:**

I am fully happy that officers have followed the correct procedures in this case and that due consultation has been given both to service users and to staff and this is a continuing process. Certainly, there is still room for anyone connected with the service users to make their comments and the staff consultation is open until 8<sup>th</sup> July.

**Additional Supplementary Question from Cllr Peter Fookes:**

What is the situation with regard to the day centre itself? Will that remain owned by the Council or will Certitude be responsible overall for this particular centre? It was very unclear in the report that went to Committee what will actually happen.

**Reply:**

There is certainly no doubt that the Council has ownership of the actual building and the site. There are no current consultations going on with regard to the closure of Astley. However, if you read the report, the direction of travel of the Council is towards smaller hubs rather than large monolithic buildings and this certainly has been the policy of the Council since 2007.

## **6. From Cllr Kathy Bance to the Portfolio Holder for Education**

Given the significant shortcomings identified in the Full Joint Inspection of Youth Offending Work in Bromley, May 2015 in relation to the following key areas:

- A ) reducing reoffending (rated poor)
- B) protecting the public (rated poor)
- C) protecting children and young people (rated unsatisfactory)
- D) ensuring the sentence is served (rated adequate)
- E) governance and partnerships (rated poor)
- F) interventions to reduce reoffending (rated poor)

What will the Portfolio Holder do to address the issues identified in the report?

### **Reply:**

This responsibility used to sit with Care Services but has now moved over to Education which is why the question has come to this Portfolio, and written questions around this issue have also been answered by myself.

This is a very important issue and the report was very alarming. I know Councillor Bance is a person of huge compassion and she will be greatly concerned about this, as am I.

As a result of that, the Chief Executive, supported by partners and the Assistant Director as well as the Youth Justice Board are putting together a plan of action that will go some way towards dealing with this. We are not going to let this disappear into a report, this is coming to a specially convened PDS meeting, a joint meeting of the Education, Care Services and Public Protection PDS Committees on 22 July 2015 and it will be chaired by the Education PDS Committee chairman, Councillor Bennett, and I would recommend you to come along.

### **Supplementary Question:**

Yes, I will certainly attend that meeting. Given that the London Borough of Bromley does not have the same staffing level as neighbouring YOT teams and that a third of our young offenders have mental health issues, do you agree that the £125,000 cut from the CAMHS budget and the low level of staffing is a contributory factor to this poor full joint inspection of Youth Offending services in Bromley?

### **Reply:**

I do recognise that the staff work very hard to make sure that they fulfil their responsibilities, and part of a review of the service is exactly that – that we review the service. We will not duck anything, we will look at all the appropriate potential measures and we will bring that to the PDS meeting.

## **7. From Cllr Ian Dunn to the Portfolio Holder for Environment**

Regardless of councillors' individual views on the Bakerloo Line Extension, the people of Bromley have come out strongly in favour of the extension of the Bakerloo line to Beckenham Junction & Hayes, with ward level support shown below. Is the

Council prepared to review its decision to oppose the Bakerloo line extension to Hayes and engage constructively with TfL?

	Penge & Cator	Copers Cope	Clock House	Eden & Kelsey Park	West Wickham	Hayes & Coney Hall
Respondents	119	236	220	152	143	176
Support	88%	86%	78%	84%	66%	65%
Oppose	4%	11%	18%	16%	27%	30%

Source TFL

**Reply:**

I thank Cllr Dunn for his question.

I do not accept the premise of the assertion that “the people of Bromley have come out strongly in favour of the extension of the Bakerloo line to Beckenham Junction & Hayes.”

The figures quoted are an arbitrary, small number of self-selecting respondents to TfL’s survey which do not accord with the findings of myself and others when seeking opinion both on the ground, and indeed on the very trains themselves, when the pros and cons of the question have been properly explained to them.

The Council’s position on this matter remains as per my widely published statement dated 16<sup>th</sup> January 2015 a copy of which has been circulated this evening for Members’ ease of convenience (see Appendix 3.)

Attracting inward transport investment to protect and grow the future of Bromley Town Centre as a well-connected retail and employment hub remains central to the aims of this Administration and we will not be diverted from that course.

Regarding improvement in Transport infrastructure for residents living in the West of the Borough, this Administration remains in strong accord with the views of Mr Steve Reed, Labour MP for Croydon North and Mr John Getgood, the former Leader of the Labour Group opposite, that extending the tram-link to Crystal Palace remains a key priority for the people of that area, and I am very pleased to confirm that remains this Administration’s key secondary priority.

For further interest to those colleagues not present in this chamber at that time, I have also read into this evening’s meeting the minuted outcome of Mr Getgood’s and my own co-motion to this Council on this very point in 2011:

*Crystal Palace Tramlink Extension*

*The Motion moved by Councillor Peter Fookes and seconded by Councillor John Getgood was the subject of several amendments at the meeting and the following Motion, moved by Councillor Colin Smith and seconded by Councillor Getgood was subsequently agreed:*

*“This Council seeks and would welcome confirmation from the Mayor’s Office that an extension of the DLR (or Bakerloo line) from Lewisham to Bromley North, the Crystal Palace Tramlink, including lifts at Crystal Palace Station, and an extension of Tramlink from Croydon to Beckenham Junction and Bromley continue to feature as options in his future investment plans”.*

I must assume on the basis of this evening’s questions that the Labour Group opposite have since changed their local transport priorities and by so doing have knowingly set aside the interests of people living in the Crystal Palace area.

Either that, or they are now seeking both schemes. If so I shall be particularly interested to learn how they propose to fund the Tramlink to Crystal Palace in due course. That is assuming that they have even thought about funding, which we will establish later, is not their long suit.

**Supplementary Question:**

As a point of personal explanation at the start, I would say that the question began “Regardless of councillors’ individual views on the Bakerloo Line extension...” so there is no particular view from any particular councillor here. The second thing I would say is on the basis of the premise of overwhelming support. I concede that figures of 86% to 11% in a ward might not be overwhelming, but it is a bigger majority than anyone in this chamber has, so it looks quite substantial to me. I also take the point that any sample is self-selecting. People respond to consultations and to private soundings that informed the Council’s response to TfL.

How can he reconcile the numbers in this consultation, which is an official consultation and is public, with the private soundings which have informed the Council’s response? What is your message to the councillors in the Beckenham area whose constituents, at least those who responded to the consultation, clearly strongly support the Bakerloo Line extension.

**Reply:**

I can only repeat that I do not regard these very small numbers as giving a strong indication of anything. I am very happy to debate this in any forum you like – let’s run the local elections in 2018 on this very subject. I have lived in Hayes for many years, I understand what the people of Hayes want, what the people of West Wickham, Eden Park, Clock House, New Beckenham, Penge, Copers Cope want. They have moved to the area because they want that connection because it gives them direct connectivity to the City. That’s what they want to keep – they do not want to be crowded into sardine cans that may or may not turn up depending on whether there are problems in all parts north. I would remind colleagues that this is not a free shot – do not think that were you to get the tube down that’s it - it is not a gift from central London. What comes in its wake to qualify for the investment is a massive housebuilding programme that will change the character of that part of the borough forever. For all these reasons, when residents understand what is on offer rather than what it says in the glib TfL document they quite rightly run a mile.

**Supplementary Question from Cllr Tony Owen:**

I am surprised that Cllr Smith overlooks the fact that one day he may be able to use his bus pass on the train much earlier than anyone else in the borough.

In the spirit of not all the borough helping one another, is he aware that people in the Orpington area much favour this extension of the Bakerloo line as it would free up a lot of train paths into central London and give the opportunity of fast rush hour trains to London.

**Reply:**

I am aware that Orpington's already superior train service to the Hayes line would benefit even more were the Hayes line service withdrawn. For that reason I think in balance and proportion it is absolutely right to retain existing arrangements whilst lobbying hard for the limited investment opportunities that are available to bring either the DLR or a surrogate thereof into Bromley North to grow our key town centre.

**Supplementary Question from Cllr Nicholas Bennett:**

I thank the Portfolio Holder for what he has just said about the financial resources because transport expenditure is limited. It is the view of West Wickham Councillors and I think supported by Councillor Smith, that the current options which we have into Cannon Street and Charing Cross are very good and that if money is available for transport expenditure we would much rather see an extension of the Overground line from New Cross to Bromley North which would bring in a new transport link to east London.

**Reply:**

I concur strongly with Councillor Bennett on this - we have discussed this in other places. If we cannot get the DLR, and I guess this will depend on the new Mayor's views, that is what we need to press. As Councillor Bennett alludes, we do have the sweeping option via New Cross that might do the trick instead.

**8. From Cllr Vanessa Allen to the Portfolio Holder for Environment**

Croydon Council is one of a number of councils now looking at introducing 20mph zones throughout residential roads. Due to the fact that there have recently been several fatal and many other traffic accidents in Bromley, does the portfolio holder believe Bromley Council should be implementing 20mph zones in residential roads. If not, please can he give his reasons?

**Reply:**

Bromley has historically implemented 20 mph in residential roads where problems have been seen to exist, and accident statistics have supported it, as Cllr Allen will know from roads such as Marlow Road in her Ward, nearby Selby Road in Crystal Palace and Maple Road in Penge are included in this number.

The simple fact remains, and this is attested to by on-going complaints, that 20mph signs do not work without enforcement as the complaints about speeding vehicles continue to come in to the Council's and the Police's road safety teams.

It is also the case that only a small percentage of KSI (Killed and Seriously Injured) accidents, which drive the funding before them, occur on 'residential roads', the vast majority occurring on distributor and main roads, almost every single one of which also hosts multiple 'residences' along their length.

This Council's priority, in line with our Local Implementation Plan is to reduce killed and serious injury collisions (KSIs) by directing scarce money at road improvements where accidents are actually happening regularly, rather than where they might possibly occur at some point in the future.

This policy has proved to be outstandingly successful over a long period of time in reducing casualty statistics across the Borough, to the extent that in 2013 the number of KSIs and total casualties recorded by each London Borough against their total road length, saw Bromley recording the fourth lowest rate of KSIs and the second lowest number for all casualty categories.

Whilst other Boroughs are of course entitled to their opinions, to divert and spend hundreds of thousands of pounds erecting un-enforced and unenforceable 20mph signage in roads where no casualty profile exists, at the expense of schemes on other busier roads where serious accidents and injuries are more commonplace, is neither sensible nor logical in my opinion.

I do note in closing that the Department for Transport have semi-recently announced a 3 year study which is due to report in 2017 as to the merits or otherwise of the 20mph doctrine being preached in some other quarters and it will be interesting to learn of its findings in due course.

**Supplementary question:**

If it is not intended to implement 20mph zones more widely, would you be influenced by the fact that the National Institute for Health and Care Excellence do support them as well? Would you consider other traffic calming measures such as speed humps which in the areas that have them are quite successful in encouraging people to keep to the 20mph limit?

**Reply:**

No.

**9. From Councillor Tony Owen to the Chairman of the General Purposes and Licensing Committee**

Are you aware that Bromley Town ward is equal 17th of 628 wards in London for 'violence with injury'?

**Reply:**

As Chairman of GP&L Committee I am of course aware of this fact which is based on data compiled by the Metropolitan Police. It relates to the period September 2014 to mid-May 2015. The data shows Bromley Town Ward ranked at joint 17th in the top 30 wards in London for violence with injury. 113 instances have been recorded. This is the first time that we have seen this data because we have not featured in the top 30 before, therefore we don't have any comparable data against which to judge this figure.

Whilst I abhor any crime involving violence and injury these figures need to be seen in the context of Bromley's successful, diverse & flourishing night time economy



which has been stimulated by the revitalised Bromley North Village and the environmental improvements that have recently taken place.

I am not complacent about these figures but I do note that there is a huge difference between Bromley Town and the worst wards (in Westminster in particular) where the figures are 510 and 393.

Working closely with the Council's licensing officers and the Police we had already identified an increasing trend in general crime associated with the night time economy and we are working to address this through partnership working. In fact, on 14<sup>th</sup> July there will be a joint meeting of General Purposes and Licensing Committee and Public Protection and Safety PDS Committee to look in detail at Beckenham and Bromley town centres with the rise in violence particularly in Bromley town centre, with the aim of agreeing a clear plan of action going forward between Bromley Police and the Council Licensing Team – this is a joint initiative.

**Supplementary Question:**

Having been briefed in detail about crime in Bromley town centre, including a drunk male being dragged into Churchill Gardens and male-raped, why did the Chairman as recorded in GP&L minute 66, lead the opposition to helping our Police partners reduce alcohol related crime.

**Reply:**

Unfortunately Cllr Owen is wrong on this matter. The fact of the matter is this. We had a particular debate about whether we should be tougher with the Cumulative Impact Zone in Bromley town centre, not particularly dealing with specific instances of crime, which I have very strong feelings about. That was the debate that happened at GP&L, and I was very clear that the way to deal with these matters was not simply to tighten up the hours – you would have them all pouring out at the same time – and to bring back some of the extended hours given under your chairmanship of the GP&L Committee. What we are doing, and what I strongly believe in, is where we are now, which is a sensible approach, a balanced approach looking at every application that comes in, with opening times staggered so that there can be proper, controlled evacuation and clearance of the town centre after night-time activities. Premises with door staff are now being encouraged to get their door staff into the town centre to help with the dispersal of people therefore having more people in authority out on the town centre streets. This will be huge progress and will make things better. As I said, that is what I spoke on, and that is what I opposed was the tightening up of licensing hours. I certainly was not opposed to taking the necessary efforts to ensure that what is happening is being dealt with. It needs to be dealt with by both the Police in the first part, but also by the Council in partnership effort. That is why we are meeting as a joint Committee as I agreed with the Chairman of GP&L and the Portfolio Holder that this was a priority area to deal with. But we must bear in mind the quantity of crimes in Bromley town centre and base that against the thousands and thousands of people who regularly use our town centre in the evenings.

**The thirty minutes allowed for questions having expired, the remaining questions would receive a written answer.**

**10. From Cllr David Livett to the Portfolio Holder for Environment**

Will the portfolio holder detail what progress has been made since his last Council update with regard to the resolution of the Waste4Fuel disaster and set out a timetable of actions now proposed by the Council and other agencies to bring this matter to a conclusion?

**Reply:**

I thank Cllr Livett for his question; I am obviously very aware of and continue to strongly share his constituents' understandable concern and irritation regarding this long running debacle as he knows.

Whilst the legal process remains incredibly frustrating and slow, the current impasse ultimately remains in the hands of the Environment Agency and the landowner to determine between themselves.

The current position remains that the Environment Agency served a Notice under section 59 of the Environment Act 1990 on the land owner on 8th April 2015, requiring them to reduce the remaining stack to 5,500 tonnes by 10th August 2015 or face the prospect of the Agency doing so themselves and pursuing all associated costs through any means possible.

Whether it remains possible for the owner to achieve this financially, or indeed whether they are minded to do so at all or instead challenge the EA through the Courts, still remains to be seen; we will hopefully know and I am cautiously optimistic that we will discover which, before that date is reached.

I know that Cllr Livett appreciates the acute sensitivity of related matters and I hope will understand that I cannot comment in detail, but I can confirm that Council continues to try and act as an honest broker between the two parties in an attempt to find a middle way, in possible terms of a land-swap for liability forgiveness.

To that end, I undertake to brief all interested parties at the earliest possible opportunity, if and when there are any key developments or breakthroughs.

**11. From Cllr Nicholas Bennett to the Portfolio Holder for Renewal and Recreation**

What is the Council's policy on women only swimming sessions at the Spa Leisure Centre and whether this conforms to Section 13 of the Equality Act 2013?

**Reply:**

Section 13 clause 6b of the Equality Act 2010 states that a person should not be treated less favourably on the basis of their sex. The programming policy of the leisure centres is considered to be in line with this requirement. The leisure facilities do endeavour to enhance the levels of participation through its programming by

offering a range of services and facilities to all members of the community at a time and in a location appropriate to their demands where these can reasonably be met. This includes periods when access is restricted to use by children, families, schools, adults, clubs and competitions.

The leisure centres do currently offer a small number of gender specific activities such as the Primetime Active Life scheme (older men's project). This programme encourages and subsidises the use and access to facilities by older men in an attempt to address high levels of inactivity in some communities. At the Spa, the centre introduced a one hour female swimming session once a month. This was in response to the request by a number of women for a specific session. The session has been accommodated without impacting on wider general public use by extending the core opening hours on a Friday from 9pm until 10pm. To date attendances have averaged twelve. At this time there are no plans to extend the number of sessions.

Although the site specific advertising has been relatively low key it had been hoped that the initiative would also support and coincide with the national campaign "this girl can" being run by Sport England to increase levels of female activity.

**12. From Councillor Peter Fookes to the Portfolio Holder for Education**

How many unqualified teachers are there in Bromley schools?

**Reply:**

There are 19 unqualified teachers within Community and Voluntary schools in the Borough. We do not provide information relating to academies as the Council is the not the employer.

**13. From Cllr Angela Wilkins to the Leader of the Council**

Can the Leader please explain why the Council did not inform members of this Council that our UNITE employees were taking industrial action; why has no statement been made by the Council in response to this industrial action and can one please be made now?

**Reply:**

The Industrial Relations Sub Committee of this Council and its parent body the General Purposes and Licensing Committee were informed as soon as reasonable practicable the UNITE employees were taking industrial action following a poor ballot turnout supported by less than 4% of our workforce. The former considered a report from the Director of Human resources on 8 April 2015 and the minutes of the meeting were considered by the General Purposes and Licensing Committee meeting on 27 May 2015. Additionally, the union's press statements on the strike and the Council's responses were also in the public domain".

**14. From Cllr Ian Dunn to the Portfolio Holder for Resources**

Can the portfolio holder explain how selling Housing Association property to sitting tenants at a discount can result in the provision of an equivalent number of social

houses being constructed in a local authority such as Bromley, which does not own any social housing?

**Reply:**

Currently this is a proposal and will require further details before we can fully consider the implications of its enactment. However, it would seem that receipts from selling current property will help build replacement affordable homes on a one-for-one basis. This means the number of homes across all tenures will effectively double for each home sold, increasing national housing supply and creating a new affordable homes for those in need from each sale.

We are already talking to our housing association partners to assess how many properties may become eligible for the right to buy and what options there will be to ensure that the supply of affordable housing available to meet local needs does not decrease.

**15. From Councillor Tony Owen to the Leader of the Council**

You have been elected as council leader for a 4 year term (although you privately submit yourself for re-election each year). What is your rationale for replacing 2 portfolio holders after just one year?

**Reply:**

Madam Mayor, through you I thank Cllr Owen for his helpful and insightful question. Sadly, however, I think Cllr Owen has his numbers wrong. Far from serving just one year in cabinet, I can confirm Cllr Stevens was appointed in May 2011 attending his first executive meeting on 25<sup>th</sup> May in that year therefore serving for a period of four years with Cllr Wells appointed the following year, his first Cabinet meeting 23<sup>rd</sup> May 2012 hence serving for a period of three years.

**16. From Cllr David Livett to the Leader of the Council**

Under the Bromley Council operation of a Cabinet system, portfolio holders are selected and appointed by the Leader of the Council and the subsequent decisions of those portfolio holders are scrutinised by the various Policy Development and Scrutiny Committees. Whilst the selection process is in the hands of the Leader will the Leader explain why his personnel selection decisions are not subject to scrutiny in the same way as the subsequent decisions of his selected cabinet?

**Reply:**

Again, thank you Madam Mayor and thank you Cllr Livett for your question, but again like the previous question there is a fundamental flaw in this question too.

I simply say in response has he forgotten that the Leader of the Council is available and open to scrutiny at every Executive and Resources PDS meeting and of course held to account every year at an AGM.

**17. From Cllr Nicholas Bennett to the Portfolio Holder for Renewal and Recreation**

If he will make a statement on the future of the West Wickham Leisure Centre and whether it is planned to replace the existing building or upgrade the existing building?

**Reply:**

The future of West Wickham Leisure Centre is tied into the ongoing negotiations with Mytime Active whereby the Council is seeking to significantly reduce the financial support that it provides to Mytime over the remaining term of its existing contract. These discussions are ongoing and so it would be premature at this stage to speculate on potential options for West Wickham leisure centre.

**18. From Cllr Peter Fookes to the Portfolio Holder for Care Services**

When will the new health centre/pharmacy in Oakfield Rd, Penge be built?

**Reply:**

Negotiations are continuing between NHS Property Services and the practices that will be going into the Penge development. NHS Property Services are committed to this scheme and are trying everything they can to come to a quick resolution. Contractors are ready to go and would be mobilised within weeks of any final agreement being reached. With a 52 week build period, it is expected that the new centre would be open in the summer of 2016.

**19. From Cllr Tony Owen to the Portfolio Holder for Education**

Do you have any plans to review school admission procedures and requirements?

**Reply:**

School admissions procedures are governed by the statutory Admissions Code of Practice. Bromley is part of the pan London coordinated admissions process which is designed to ensure that all applicants for school places are dealt with fairly and transparently. Each academy is their own admissions authority and as such can consult on changes to their admissions arrangements for future years. Similarly the LA is the admissions authority for maintained schools and can consult on any proposed changes to the admissions criteria. At present there are no such proposals being discussed for schools in the maintained sector.



**Which secondary schools had mock elections during the run-up to the General Election and which schools featured the General Election in some other way (e.g. school assemblies, wall displays, classroom work etc).**

Bullers Wood, Coopers, Hayes, Langley Boys, Langley Girls, St Olave's

**In each school, was the whole of the Governing body informed that mock elections were taking place or that class work, wall displays, assemblies or anything similar was being undertaken?**

**Bullers Wood** - A Scheme of Work was written about the Election, using several resources from the Education Department in Parliament, amongst others to be delivered in Pers.Dev. It also looked at the timeline of democracy in this country, focusing on the Magna Carta, as this was such an important year. We organised sample polls in the weeks before and these were displayed on the VLE. There were wall displays and of course the Parties produced short Broadcasts that we viewed in Pers Dev or Form Times. They were in charge of their campaigns and so each team had a different approach but all were encouraged to canvass and of course there was the Main Assembly and Question Time events (the latter of which received coverage in the Guardian

<http://www.theguardian.com/education/2015/may/05/school-electorate-voting-farage>)

**Coopers** - I can confirm that we held mock elections and all students were involved. We also held many assemblies. All main parties were represented and the FB were informed.

**Hayes** - Mock election took place on same day as general elections. Assembly the week before was held in a 'Leadership Debate' style and sixth form students canvassed around school in the week beforehand, tutor time activities across the whole school including debates in tutor groups. Governors were aware and very supportive of the whole process.

**Langley Girls** - Year 7 – Year 10s were able to cast a vote in the Langley Election 2015. All major parties were listed on their ballot form and over the last week of the Election Form groups dutifully went to the polling station (or the 'DALO') and posted their votes. *Langley Girls have also provided a copy of their May 2015 school newsletter which has information about the mock election.*

**Langley Boys** - I can confirm that Langley Boys held a mock election for year 13 students prior to the real thing.

**St Olave's** - n/a

**For each school, which parties were represented?**

**Bullers Wood** – Conservative, Labour, LibDem, Green,

When we had the initial meeting(s) we asked that students come forward to represent Political parties, we made no mention of which ones. We then waited for

their response, we were thinking of the 5 outlined below, but when the students made their choice no one came forward to represent UKIP.

**Coopers** - All main parties were represented and the FB were informed.

**Hayes** - Labour, Conservative and Liberal Democrats

**Langley Girls** – Conservative, Labour, Green, Lib Dem, UKIP

**Langley Boys** - All five of the major parties were represented, Conservative, Labour, Lib Dem, UKIP and Green, and all five sent their actual parliamentary candidates (Beckenham constituency) to our mock hustings on 20<sup>th</sup> April. The candidates each spoke to the students who then asked questions

**St Olave's** – All parties were represented. A mock election, preceded by a range of assemblies and other events was conducted on Thursday 19<sup>th</sup> March. The results were announced in assembly on Friday 20<sup>th</sup> March

**If any of Conservative, Labour, UKIP, LibDem or Green parties did not have candidates or were not presented, what was the justification of such omission?**

**Bullers Wood** - About two or three days later 2 Year 10 students came to say that they would represent UKIP, however, when pressed it was not because they supported UKIP they said that they would do it in a 'satirical manner' (that was their actual phrase) We both said that we wanted the election to be run with integrity and that those who had put themselves forward as teams to represent parties were doing this because they had a genuine interest at representing the Parties. We explained that we did not want the election to be a sham, but that people debated the actual issues from an informed, concerned viewpoint.

**Coopers** – n/a

**Hayes** - The feeling that this was centred more as a 'leadership debate', time restraints within assemblies etc meant that we couldn't field more than 3 candidates **and** give enough time to proper political discussion. Concern about immigration/welfare benefits being such a central focus of UKIP in particular and potential conflict that this could cause- we felt by addressing those policies with the three 'biggest' parties then we could still have that debate but in a much more balanced way.

**Langley Girls** – n/a

**Langley Boys** – n/a

**St Olave's** - n/a



**Decision making process and consultation- Timeline**

**Complete Timeline**

17 <sup>th</sup> December 2014	Local public consultation arranged regarding the proposed closure of West Wickham (in conjunction with facilities in other TC's).  17 <sup>th</sup> December 2014 – Notices displayed for a period of 28 days; later extended to end of January 2015 at PH request. Original public notice advised of 3 business participants (Café Nero, Sainsbury's and The Swan).
Consultation Period	During the consultation period PH requested additional business participants to be included as alternatives, including M&S and the Leisure Centre.
20 <sup>th</sup> January 2015	Environment PDS Committee received a report recommending the closure to remaining TC provision from 31 <sup>st</sup> March 2015, incl. West Wickham facilities.  This report included all 5 CTS participants, as new entrants to the scheme (e.g. Café Nero, M&S, Sainsbury's, The Swan and Leisure Centre).
11 <sup>th</sup> February 2015	The results of the public consultation and an Equality Impact Assessment presented to the Executive.
23 <sup>rd</sup> March 2015	TFL were contacted requesting approval to include signage on their street furniture.
31 <sup>st</sup> March 2015	Closure of TC toilets. Temporary signage installed onto the building regarding the proposed closure and CTS alternatives within the High Street.
1 <sup>st</sup> April 2015	Café Nero, M&S, Sainsbury's Starbucks and West Wickham Leisure Centre all went "live."
8 <sup>th</sup> April 2015	TFL gave approval regarding the placement of signage onto their street furniture.
13 <sup>th</sup> May 2015	Additional participant, "Benvenuti" came forward and joined the scheme.
End of May 2015	Removal of pre-existing "WC" signs completed. CTS finger post signs erected.
6 <sup>th</sup> June 2015	Permanent CTS information signs were placed onto the buildings.

**Full list and Timeline as to when each participating scheme formally “came on board”**

17 <sup>th</sup> December 2014	Local public consultation and subsequent notices advise of 3 business participants: <ol style="list-style-type: none"> <li>1. Café Nero</li> <li>2. Sainsbury’s</li> <li>3. The Swan</li> </ol>
Consultation Period	PH requested additional business participants be included as alternatives including : <ol style="list-style-type: none"> <li>4. M&amp;S</li> <li>5. The Leisure Centre</li> </ol>
20 <sup>th</sup> January 2015	Environment PDS Committee received a report including all 5 participants: <ol style="list-style-type: none"> <li>1. Café Nero</li> <li>2. Sainsbury’s</li> <li>3. The Swan</li> <li>4. M&amp;S</li> <li>5. The Leisure Centre</li> </ol>
Week commencing 23 <sup>rd</sup> march	Contact was made with all participants prior to “going live,” revealing The Swan’s reservations and subsequent decision to withdraw. An alternative was found – Starbucks.
1 <sup>st</sup> April 2015	The following “went live”: <ol style="list-style-type: none"> <li>1. Café Nero</li> <li>2. M&amp;S</li> <li>3. Sainsbury’s</li> <li>4. Starbucks</li> <li>5. West Wickham Leisure Centre</li> </ol>
13 <sup>th</sup> May 2015	Additional participant came forward and joined the scheme (details of new CTS information signs updated with design and print contractor): <ol style="list-style-type: none"> <li>6. Benvenuti</li> </ol>

-----Original Message-----

**From:** Smith, Colin, Cllr [[Colin.Smith@bromley.gov.uk](mailto:Colin.Smith@bromley.gov.uk)]  
**Sent:** Friday, January 16, 2015 01:16 PM GMT Standard Time  
**To:** Isabel Dedring  
**Cc:** Carr, Stephen, Cllr.; Symonds, Paul; Hume, Marc; Davies, Nigel  
**Subject:** Bromley Transport Priorities / Bakerloo line extension

**Re: Transport Infrastructure to Bromley**

Dear Isabel

Further to our conversations on Transport related matters over the course of many months, and mindful of your own recent consultation regarding the potential extension of the Bakerloo Line to Hayes, I felt it might be helpful to re-state Bromley Council's policy position and future preferences on the record at this time, should any capital funding become available for key infrastructure projects.

Before doing so however and on a very positive note, we were extremely encouraged to recently learn that some thought is now being given to major investment in and improving transport links to this part of SE London/NW Kent.

We were also very pleased to hear that further serious thought is now to be given to the potential for engineering works at Lewisham Station with an eye to increasing its capacity. We strongly agree that anything which can be done at this strategically vital Junction is of key importance to the whole sub-region.

Of the extension of the Bakerloo line to Lewisham, we are also broadly supportive, mindful of the fact that it offers Bromley residents further options and transport choices in addition to those currently provided by DLR.

At that point however, I regret that our respective visions do appear to diverge.

Bromley's key priority as you know, remains an extension of the DLR to Bromley North (and ideally Bromley South), a vision supported by the Mayor for London and promised for attention in his 2012 Election manifesto.

We continue to appreciate and fully understand that some compromises might prove necessary around the precise specifications and routing of the line, potentially including the New Cross Option, but it is absolutely essential in our view that a direct connection to Canary Wharf and the emerging East London corridor be established to provide Bromley residents (and those from deeper Kent too, if the link to Bromley South were to prove possible) with access to all of the benefits and employment opportunities both will offer over future decades.

It is also the case that were such a link to be established, it would provide Bromley Town Centre with an opportunity to develop into a back office hub of excellence, providing further job opportunities for people in the sub region. Another key local aspiration.

Such a connection would of course also serve to considerably reduce pressure on the Jubilee Line.

Our second priority, certainly assuming that our shared vision of the regeneration of Crystal Palace comes to fruition, being to see Tramlink extended to that location.

We were therefore rather disappointed to find that instead of either, a proposal to run the Bakerloo line to Hayes was instead tabled, at considerably greater expense than our preferences for DLR and Tramlink combined, which we have been previously advised were too expensive.

In addition to the scheme replacing existing infrastructure which works well, rather than providing extra/new capacity, we are simply unable to support the proposal, certainly in full, as it would deny direct access to London termini to a vast swathe of Bromley residents living along Hayes Line corridor, a significant number of whom purchased their properties with that connectivity in mind.

We also cannot accept that the Hayes line's access to London Bridge should be taken away to create extra capacity for other services travelling in from deeper Kent.

It is completely unacceptable that the interests of local people paying significant amounts in Mayoral precept should be set aside for benefit of others who do not.

That said, if it were possible to extend the Bakerloo line down as far as New Beckenham, to then spur off towards Bromley South, this could be something we could get behind and support, providing the existing direct links were maintained in some form of a track sharing arrangement.

In closing, if it is possible for somebody within the project team to clarify precisely where the Bakerloo line train depots are intended to be sited, I would be extremely grateful to hear in due course please.

Kind regards

Colin

Deputy Leader & Executive Member for Environment  
London Borough of Bromley

**COUNCIL MEETING**

**29<sup>TH</sup> JUNE 2015**

**QUESTIONS FOR WRITTEN REPLY FROM MEMBERS OF THE COUNCIL**

**1. From Cllr Nicholas Bennett to the Chairman of Plans Sub-Cttee No. 3**

What advice was given at the meeting on June 18<sup>th</sup> regarding the application to demolish the locally listed house, built by the renowned Arts and Crafts architect Ernest Newton in 1902 and what was the purpose of presenting the application to the committee?

**Reply:**

The relevant case is 15/01173/DEMCON as reported to the 18 June PSC 3.

The application was made under national Planning Permitted Development procedures. The significance of this is that the applicant already has permitted development rights but they are subject to a Prior Approval process. The Council still has a decision to make but the relevant criteria are much more limited than with a normal planning application.

In this case, the application was called in to committee by a Councillor and the Constitution therefore requires officers to present it to committee with recommendation.

The Committee agenda was supplemented by planning officer advice to the committee during its discussion as follows:

“This is not a planning application; it is a prior approval application for demolition of the existing building. The legislation makes it clear that we can only consider:-

- Method of demolition
- Restoration of the site

We cannot refuse the application on the grounds of wanting to retain the existing dwelling and we cannot insist on redevelopment of the site as part of this submission.

As set out in the report Historic England were asked to consider statutory listing of the building but determined that it would not be appropriate”.

So in brief there was a decision to make but on limited grounds due to the national Permitted Development rights.

**2. From Cllr Nicholas Bennett to the Portfolio Holder for the Environment**

How many items of graffiti have had to be removed from buildings and street furniture in each of the past five years?

**Reply:**

The number of graffiti removal jobs for the past 5 financial years are as follows:

- 2010/11 – 5,852
- 2011/12 – 3,715
- 2012/13 – 2,964
- 2013/14 – 1,483
- 2014/15 – 1,851

It is not possible to distinguish between just jobs for graffiti on just buildings and street furniture (as opposed to pavements, fences etc).

The first two years are jobs under the previous contract, the last 3 years are with the current contractor Community Clean.

**3. From Cllr Nicholas Bennett to the Portfolio Holder for Renewal and Recreation**

Further to my question on March 25<sup>th</sup> what is the cost of issuing a book at each library including controllable and non-controllable costs?

**Reply:**

The table is the full cost of each library divided by the number of items issued. These costs go towards providing the full range of services, not just book issues (internet, reference items, enquiry service, activities, events etc.).

<b>Cost of Issuing a book per Library 2014/15</b>	
<b>Branch</b>	<b>Cost per issue</b>
Beckenham	£3.86
Biggin Hill	£3.90
Burnt Ash	£8.82
Central	£6.26
Chislehurst	£3.01
Hayes	£4.87
Mottingham	£6.63
Orpington	£3.58
Penge	£2.74
Petts Wood	£2.75
Shortlands	£4.24
Southborough	£3.04
St Pauls Cray	£6.05
West	
Wickham	£2.38

Figures have been rounded

#### **4. From Cllr Peter Fookes to the Portfolio Holder for the Environment**

When will the alleyway between Beckenham Road and Chaffinch Road be repaired so that residents in the Clock House area will no longer have to wade through water?

**Reply:**

I am advised that it isn't a question of "repair".

Rather that due to the level of the ground and water table locally, water is unable to drain away into a surface water drainage system during a severe weather event.

#### **5. From Cllr Peter Fookes to the Portfolio Holder for Resources**

What progress is there on the rebuilding of the Lodge in Penge Recreation Ground?

**Reply:**

We are aware of this property and the background regarding the Council selling the property to the current owner a number of years ago.

Although from the exterior it appears that there has been little progress this is not the case and the interior has been renovated to a very high standard. Potential enforcement options are an application for an Empty Property Management Order or for a Compulsory Purchase Order on grounds of housing need. Members have previously determined that only property giving rise to significant and multiple issues should be the subject of such enforcement activity and considered and agreed rating systems for taking empty property action. This property does not justify action under these systems.

We last inspected this property with the owner last summer with Cllr Fookes, where we noted the continuing renovation works, which are in the final stages. It was confirmed that the exterior of the property remains boarded externally for security reasons and as a result of previous vandalism.

We will continue to monitor and cajole the owner, but formal empty property action to enforce completion and occupation is currently not appropriate in this particular case.

#### **6. From Cllr Peter Fookes to the Portfolio Holder for Renewal and Recreation**

Why was a stop order not issued on the building of a very large rear extension at 23 Genoa Rd, Penge?

**Reply:**

I can confirm that an investigation into the alleged breach of planning control case ref: EN15/00162/OPDEV at 23 Genoa Road, SE20 8ES.

(a) A stop notice will be considered mainly if there is the danger of some development taking place which cannot be retrieved at a later stage. There are

serious cost implications which have to be considered and the council must carry out a cost benefit analysis before authorising such a course of action.

In the current case which you have described to me, if a stop notice was being considered (and this must be served with an enforcement notice alleging a breach of planning control) it would be necessary to consider what was being enforced against. We would have to have a valid requirement in such a notice. If there is no extension in place, it is not open to us to require the extension to be removed.

In the event that building continued, then there would potentially be a breach when the extension was at a more advanced stage. We fell foul of this recently however when we served a stop notice and enforcement notice when building was at a relatively advanced stage, but the inspector found us to have been premature in issuing the notice.

We will not lose the right to enforce at a later stage if work continues and the appeal is dismissed. Such enforcement would be to require the removal of all unauthorised works.

The most likely circumstance for the proper use of a stop notice would be if, for example, a listed building was being demolished, as this would not be possible to replace at a later stage.

#### Details of our current Investigation in line with our enforcement policy

A complaint was received on the 2<sup>nd</sup> of April 2015 which was in connection with the unauthorised extension at the property known as 23 Genoa Road, Penge, SE20 8ES currently under construction.

A site visit was carried out on the 7<sup>th</sup> April 2015 by the planning investigation team and as a result, a breach of planning control was established, a 28 day period was allowed for the owners to attempt to regularise the breach of planning control by way of a retrospective application.

The owner is fully aware of the consequences and if they continue with the unauthorised development it is at their own risk, as we have requested that all works should cease until the appropriate permissions have been obtained.

As no Planning application was received from the owner within the agreed time scale, a delegated report authorising enforcement action has now been completed and the matter passed over to our legal section to issue the enforcement notice against the unauthorised development.

#### **7. From Cllr Ian Dunn to the Portfolio Holder for Environment**

What is the attitude of the Council to the proposals by the Brighton Main Line 2 pressure group to use part of the Hayes line as part of a proposed new main line from Brighton to east London?



**Reply:**

The Council holds no view on the matter at this time, although I would observe that direct connectivity to East London would self-evidently be a good thing for the Borough and our people.

Thus our overarching ambition remains to have the DLR extended down from Lewisham.

In the event that these proposals were ever to be progressed, a future administration would no doubt consider them on their merits at that time.

**8. From Cllr Ian Dunn to the Leader**

Does the Council carry out exit interviews with Officers who resign? If so, what are the most common reasons for resignations in the last two years, broken down by year?

**Reply:**

The below table shows the most for common reasons for leaving the Council given by staff who completed the exit questionnaire over the past two years:

Leaver Reasons	Total	13/14	14/15
Career Advancement	41%	44%	39%
Retirement	27%	27%	28%
Change Career Direction	12%	8%	18%
Travel Reasons	3%	3%	3%
End of Fixed Contract	3%	4%	1%
Better Pay and Conditions	3%	4%	1%
Family Commitments	2%	3%	1%
Attracted to another employer	2%	1%	2%
Dissatisfied with job	2%	3%	1%
Other	5%	3%	6%

- Staff leaving the organisation have always been encouraged to have a discussion or meeting with their manager before their last day of service in order for the manager to explore the leaver's reasons and any other issues that may impact on the future performance of the service. In 2006 this process was formalised with the introduction of a more structured approach. A formal exit questionnaire is sent to staff to monitor the reasons why they are leaving the Council. In addition to this managers are still encouraged to meet staff to carry out exit interviews to explore the leaver's reasons.
- Completion of the exit questionnaire is not mandatory for leavers but a key part of the Council's Human Resources Strategy is to collate the leaver's data

in order to inform HR policies and best practise. Currently exit questionnaires are only sent to staff who leave the Council voluntarily. For example, staff who leave due to disciplinary reasons do not complete the exit questionnaires.

- The Council also has a “No Quits” policy which encourages early intervention by both managers and HR if a strong performing member of staff intends to leave the Council. The “No Quits” policy is there to explore what could be done at the earliest possible stage to stop the person from leaving with an emphasis on acting fast in order to get a satisfactory resolution for both the staff member and manager. The policy is generally targeted at hard to recruit and retain staff e.g. Children’s Social Workers.
- A separate exit interview process is also in place for qualified Social Care staff in the Children’s Social Care Division. All leavers are invited to attend an exit interview with an HR colleague in order to get a comprehensive list of their reasons for leaving, any issues within the team and to seek their opinion on the salary and benefits package on offer. It is important to have a separate process in place for this group of staff as these posts have historically been hard to recruit to due to an extremely competitive marketplace fuelled by a shortage of experienced qualified Social Workers and a buoyant Locum/Agency market.

#### **9. From Cllr Ian Dunn to the Portfolio Holder for Resources**

Will the Portfolio Holder provide a schedule of all current Commissioning Projects, including the most recent date when each project passed a Gate Review and the decision making body, and the currently planned date for each project to reach the next Gate Review, and the decision making body.

**Reply:**

See appendix 1.

#### **10. From Cllr Kathy Bance to the Portfolio Holder for Renewal and Recreation**

Having clusters of gambling establishments in our towns is detrimental to the development of thriving and stable communities and high streets. Penge and Cator Ward already has a higher than average concentration of betting and gaming outlets. Please advise what action the Council will take to refuse new licences and/or planning applications for this type of establishment?

**Reply:**

The Council is currently preparing its statement of Gambling Policy for the period 2016-2019 and under new guidance from the Gambling Commission has had to consider whether any areas are giving concern in relation to gambling and the promotion of the licensing objectives under the Gambling Act 2005, these are

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder , or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

As part of this process we have identified areas in the Borough where there are clusters of gambling premises (more than 2 in close proximity). Clusters have been identified in Penge, Bromley Town, Orpington and Petts Wood. Where concerns exist the Council will develop a local area profile. The Licensing Team is working with the Ward Members for Penge and Cator Ward and other local parties to consider the evidence base for a local area profile. A local area profile identifies matters that an applicant should address when making an application.

Unlike the Licensing Act 2003 there is no provision under Gambling law or statutory guidance to establish special polices in areas where there are clusters of gambling premises which enable licence's to be refused.

Indeed Section 153 of the Act requires the Council to exercise its functions with a view to aiming to permit the use of premises for gambling in accordance with relevant codes of practice, guidance, the licensing objectives and the Councils statement of licensing policy. There are two matters which the council is expressly prohibited from taking in to account when determining an application. These are (1) the likely demand for the facilities and (2) whether the premises is likely to get planning permission.

In reality is very difficult to refuse a licence for a gambling premises.

For planning applications relating to betting shops and other gambling establishments, decisions are made on the basis of the development plan policies. At present Bromley does not have a specific policy regarding such establishments which would support a refusal based on social considerations, although they may be resisted where the change of use involves the loss of a retail premises or would result in harm to the vitality and viability of a town centre.

#### **11. From Cllr Kathy Bance to the Portfolio Holder for Recreation and Renewal**

Will the council make new representations to TfL, Network Rail and other rail operators to speed up the upgrade of full step free access to Penge West station and others in the borough, so that our many residents with mobility issues can freely travel on the trains?

#### **Reply:**

Certainly, albeit as I did advise at February's Full Council meeting, TfL & London Overground Rail Operating Ltd (LOROL) have previously been lobbied by this Council for step free access at Penge West to the southbound platform.

Proposals have been discussed with them as recently as January 2014 but it was later confirmed that TfL's Accessibility Implementation Plan did not identify Penge West as a strategic priority, as the neighbouring stations are all step-free (Sydenham, Penge East, Anerley and Crystal Palace).

Officers will ask LOROL for clarification as to whether this is still their position and write to you upon receipt of their reply.

## **12. From Cllr Kathy Bance to the Portfolio Holder for Environment**

For several months now High Street Penge has had large temporary notices displaying the penalties for fly tipping. Please will the portfolio holder advise how many fly tipping reports have been recorded for 3 months before the installation and those since they have been in place, along with the number of prosecutions/fines and also when the signs are due for removal?

### **Reply:**

There were 26 reported incidents of fly-tipping in each separate period

Zero prosecutions have unfortunately proved possible over the duration, 2 FPNs have been issued

The Large "No fly tipping" signs to be taken down at the end of this month.

## **13. From Cllr Vanessa Allen to the Portfolio Holder for Renewal & Recreation**

Will the portfolio holder provide the criteria for a planning application to be decided at the Development Control Committee, rather than at a Plans sub-committee?

### **Reply:**

There are no specific criteria in the Constitution regarding which planning applications are considered at Development Control Committee rather than Plans Sub Committee. Officers would normally report the most significant applications to DCC in consultation with the Chairman.

## **14. From Cllr Vanessa Allen to the Portfolio Holder for Care Services**

The report "Full Joint Inspection of Youth Offending Work in Bromley, May 2015" identifies that leadership and governance 'was not working effectively'. Two separate management boards were in place; operational (chaired by the Assistant director, safeguarding and social care) and strategic (chaired by the Chief Executive).

A) since the inspection of 2012, how many personal visits had the CE and AD each made to the Youth Offending Team office in order to observe the function of the Youth Offending Team and hold the Youth Offending Team to account for its work?

B) how many personal visits had the portfolio holder made to the Youth Offending

Team office since 2012 to observe its functions and hold it to account and to ensure it was meeting its statutory responsibilities?

**Reply:**

(A) The Chief Executive has visited the YOT on 5/6 occasions over the past 12 months. The Head of Service attended at least twice a month during this period.

(B) The Portfolio Holders for both Education and Public Protection and Safety have visited the YOT on numerous occasions since 2012.

**15. From Cllr Vanessa Allen to the Portfolio Holder for Care Services**

Page 12 of the report “Full Joint Inspection of Youth Offending Work in Bromley, May 2015” outlines the remit of the Deter Young Offender (DYO) scheme.

- (A) which agencies in Bromley attend the DYO meetings?
- (B) how regularly do DYO meetings take place and who is the chair?
- (C) how many young offenders in Bromley currently meet the DYO criteria?
- (D) outline what programmes and strategies are in place to reduce offending for the DYO group?

**Reply:**

(A) YOS Seconded Police Officers; Housing; Targeted Youth Support; Court representative; Education; Anti-social behaviour; CAMHS; Mentoring; SEN; the YOS

(B) Every six weeks; Chaired by the YOS

(C) Currently four meet the criteria as set out by guidance (A local criteria is being considered to increase the number.)

(D) Each young person is subject to an individual plan in relation to their Court Order. The function of the group is to collectively work together in an integrated way to strength and enhanced and deter young person from commissioning of further offences. Each young person would have an individual strategy which each partner should contribute towards. Examples would include Swift administration of justice if they reoffend; doorstep curfew checks; joint home visits with YOS; and other partners address their specific issues.

**16. From Cllr Richard Williams to the Portfolio Holder for Care Services**

What is the staffing establishment for the Bromley Youth Offending Team at present and how does this compare to the establishment at the time of the inspection in 2012, which was rated “generally good”? How many staff left the Bromley Youth Offending Team from 1.4.2014 - 31.3.2015? Were any posts unfilled at the time of the inspection and how many posts are currently unfilled? In 2014 Bromley employed one parenting officer, whilst some neighbouring boroughs employ three. Is the portfolio holder satisfied that this is adequate in view of the rating of poor in the “Full Joint Inspection of Youth Offending Work in Bromley, May 2015” report, for the category of preventing reoffending?

**Reply:**

See appendix 2.

**17. From Cllr Richard Williams to the Portfolio Holder for Environment**

What provisions has Bromley taken with neighbouring Boroughs over the planned closure of Church Road SE19 to avoid traffic chaos in the surrounding areas due to planned works by Thames Water? What communication has the council made to ensure that local residents are aware of the closure of Church Road in July?

**Reply:**

The works at Church Road, SE19 fall within the London Borough of Croydon as you will be aware.

They have been liaising closely with Thames Water, TFL, the London Borough of Lambeth and ourselves in an attempt to keep disruption to a minimum and to assist to that end, the works are scheduled to take place during the school summer holiday period when traffic volumes are at their lightest.

Thames Water will be arranging for VMS (variable message signs) to be displayed at key locations to make motorists aware of the closure and duration of works. The locations for these information boards have not yet been confirmed but it has been suggested that they will be located at Anerley Hill / Church Road, Hermitage Road / Central Hill and Gypsy Hill / Gypsy Road – although this is still to be confirmed. The signs are expected to be in place two weeks before the works are due to commence.

Thames Water are looking to hold a public meeting for local residents at Crystal Palace National Sports Centre. They have been given contact details to arrange this with the Centre and once the meeting has been confirmed Thames will be letter dropping local residents with details of the meeting and closure/diversion.

Bromley Council has requested for the closure and diversion to be updated onto the website and to be published in the local press.

The details of the diversion whilst the closure is in place will be:

Diversion Route 1 – Traffic heading NW up Anerley Hill.

Crystal Palace Parade, College Road, Dulwich Wood Park, Gipsy Road, Gypsy Hill, Central Hill, Hermitage Road & Beulah Hill.

Diversion Route 2 – Traffic heading south down Crystal Palace Parade or Heading east along Westow Hill.

Anerley Hill, Anerley Road, Croydon Road, Penge Road, High Street, South Norwood Hill.

**18. From Cllr Angela Wilkins to the Chairman of General Purposes & Licensing Committee**

In order to substantiate sweeping claims that the new TU facilities arrangements will save money, please give details of the number of hours and related salary costs accrued for the last six months for the following:

- a) Release of Mrs K Smith for TU duties
- b) Release of Mr G Kelly for TU duties

Please also supply the anticipated salary costs of the alternative TU reps to be released (under the new facilities arrangements) to cover the same number of hours.

**Reply:**

The business case for the new arrangement is as summarised in the committee report to the GP&LC held on 26 March – para 3.9 refers. It states “The current arrangement has not kept up with the pace of financial and structural changes and challenges facing the organisation, requiring a different streamlined staff engagement structure capable of delivering tangible outcomes for staff, the organisation and Bromley residents and customers. The current arrangement with elected staff side secretary at the centre is no longer required given the smallness of the corporate departments and the importance of localising staff engagements in teams and services to maximise staff involvement, communication and cooperation”.

The full year cost for the release of the above named individuals under the previous arrangement was £64k. The new arrangement was not fully implemented until May/June 2015. As stated in the committee report the release of staff for representation duties including the above named individuals is a “line management” issue at no additional cost to the Council. Para 5.3 of the report refers. It states that “ceasing of the existing arrangements will require some funding to be set aside for staff side/trade union work, so it is proposed that the £46,060 (from b above) is held centrally within the Chief Executive’s budget until officers know how much of this is required and then the balance will be offered up as a future budget saving”.

**19. From Cllr Angela Wilkins to the Leader of the Council**

How many council services/functions have been subject to market testing for possible “commissioning” since 2002?

Of these services:

- How many have been retained in-house?
- How many have been taken on by a social enterprise?
- How many have been contracted out to a private company/organisation?

**Reply:**

Value for Money is considered at all time when delivering our services so it is inevitable that most of our services will have been market tested over the years, except where the market is not developed in those areas or if the service risks have been considered to be too high. The Commissioning Team however, has a planned programme that covers all services over the next four years.

How many have been retained – in-house?

- HR Transactional, Direct Care Services (now being bundled in separate lots), Adult Education, The Learning Shops.
- Legal and Youth Service services were outsourced and then brought back in-house

How many have been taken on by a social enterprise?

- None

How many have been contracted out to a private company/ organisation?

- The Council's Contract Register which is reported to ER PDS, provides this information for all contracts above £50k in value.

**20. From Cllr Angela Wilkins to the Portfolio Holder for Education**

Congratulations to Cllr Fortune on taking over this post. His predecessor, (Cllr Wells) made a clear commitment to retaining adult education facilities in the two most northern wards of the Borough. Will the new portfolio holder commit to maintaining and actively promoting this decision? Irrespective of the answer to the question above, when might we expect proposals and a decision about the retention of these services and what locations are being considered if the current Kentwood site is to be disposed of?

**Reply:**

A paper is going to Education PDS on July 8 which outlines a new proposal that reflects the commitment, made by Cllr Wells, to retaining adult education facilities in the two most northern wards of the Borough. The paper will also make clear that there is no proposal to dispose of the Kentwood site.

**21. From Cllr Kevin Brooks to the Portfolio Holder for Resources**

The Lodge in Penge Recreation ground has been empty and under repair for many years. Can the LBB again contact the owner and give him a timeframe to bring this empty residence back into use?



**Reply:**

See question 5.

**22. From Cllr Kevin Brooks to the Portfolio Holder for Care Services**

With this year's cuts in Bromley Council's monitoring budget and the poor track record the Council has in monitoring its privatised services, how can the public believe that Certitude, the non-specialist provider which will be responsible for caring for people with severe disabilities, will be properly held to account if it fails to provide good levels of service to its service users.

**Reply:**

There have been no financial savings in contract monitoring within ECHS.

There are rigorous quality assurance frameworks in place for all contracted services that are monitored within ECHS. An annual quality monitoring report is presented to the Care Services PDS committee (see report CS1411). With regards to the current recommendation for the LD services to transfer to Certitude, the financial evaluation is inclusive of the monitoring that would be required for the contract, should an award be made.

Certitude is a specialist Learning Disabilities Provider, and has extensive experience of working in over 17 London Boroughs providing Respite, Day Opportunities and Supported Living. They currently manage 3 supported living schemes in Bromley, which have been recognised as examples of good practice.

I am therefore satisfied that the preferred provider has the required skills and experience, and that our quality monitoring strategies are robust enough to hold the provider to account, should the Executive recommend an award.

**23. From Cllr Kevin Brooks to the Portfolio Holder for Environment**

There is currently a traffic review happening in Kings Hall Road and surrounding roads. Will the portfolio holder please tell me when the results of the review will be published?

**Reply:**

Yes, of course, albeit I cannot do so at this time.

The last update I have seen on the subject from the relevant Traffic engineer, to which you were copied in was timed at 11:44 on 23<sup>rd</sup> June 2015 and is reproduced below for completeness:

*Dear Cllrs*

*Further to my email below I have not received any feedback on the attached letter. I am therefore proposing to send it out to residents of Kings Hall Road, Aldersmead Road, Reddons Road & Lennard Road. I am on annual leave from the 30<sup>th</sup> June until the 8<sup>th</sup> July so I will aim to coincide its delivery with my return.*

*If you have any concerns or comments regarding the letter before it is delivered please could you copy in Angus and Laura Squires so we can stall the delivery in my absence.*

**24. From Councillor Tony Owen to the Portfolio Holder for Renewal and Recreation**

Why is the path tracking machine, which will create a relentless noise ghetto under approach to runway 21 (even more concentrated than it is now) considered a 'better deal for residents'.

**Reply:**

The Noise and Tracking Monitoring System should allow detailed monitoring of activities at the Airport. Effective monitoring will identify transgressors and necessary actions can then be taken to ensure compliance with the terms of the lease and other requirements.

**25. From Councillor Tony Owen to the Portfolio Holder for Renewal and Recreation**

It was promised to improve conditions for residents in the corridor from Sidcup to the runway (minutes of the Full Council - 25th March.) How are negotiations with the airport proceeding in this respect?

**Reply:**

Negotiations with the Airport are ongoing and I hope the outcome will be reported to Members in September.

**26. From Councillor Tony Owen to the Portfolio Holder for Renewal and Recreation**

It has been reported that Mr Curtis publicly announced at the Festival of Flight that the airport has been granted the longer hours they want. How can this be reconciled with Cllr Carr's statement, repeated twice during a meeting with Jo Johnson MP and councillors on 5th June, that the hours have 'not even been approved in principle' yet?

**Reply:**

The Airport has not received permission to vary its hours of operation and any comments from Mr. Curtis that may have indicated permission has been granted are inaccurate.

## Commissioning Programme Project Status Summary (June'15)

Bundle	Project/Service	Status
Social Care	ASC – Direct Care Services <b>Lot 1 - Adults &amp; Older People Services - Extra Care Housing, Reablement, Carelink response</b>	<ul style="list-style-type: none"> <li>- Gateway reports presented to CS PDS 16<sup>th</sup> Jan'13 and Executive 24<sup>th</sup> July'13 which resolved to proceed with the tendering of all direct care services.</li> <li>- Tendering process commenced November '13</li> <li>- Update on tendering exercise to CS PDS 21<sup>st</sup> Jan'15 and Executive 11<sup>th</sup> Feb'15 .</li> <li>- Lot 1 to be retendered as separate services with reablement services to be reviewed prior to retendering. Review expected to be completed by June'15 with further report to Members expected in September.</li> </ul>
Social Care	ASC – Direct Care (learning Disabilities) Services <b>Lot 2 – Respite/Short Breaks, Supported Living services, Day Opportunities</b>	<ul style="list-style-type: none"> <li>- Gateway reports presented to CS PDS 16<sup>th</sup> Jan'13 and Executive 24<sup>th</sup> July'13 which resolved to proceed with the tendering of all direct care services.</li> <li>- Tendering process commenced Nov' 13.</li> <li>- Update on tendering exercise to CS PDS 21<sup>st</sup> Jan'15 and Executive 11<sup>th</sup> Feb'15</li> <li>- Award contract report to CS PDS 23<sup>rd</sup> June'15 and Executive 15<sup>th</sup> July'15 with recommendation to award the contract to preferred provider.</li> </ul>
Social Care	ASC – Learning Disability Care Management	<ul style="list-style-type: none"> <li>- Proposal for secondment of learning disability care management staff (CLDT) staff to Oxleas agreed at Executive.</li> <li>- Oxleas and LBB undertaking Due Diligence on proposed staff transfer and detail of proposed arrangement .</li> <li>- Report on detailed proposal to be presented to Care Services PDS and Executive July/September'15</li> </ul>
Social Care	ASC – Older People & Adults Care Management	<ul style="list-style-type: none"> <li>- Report to Executive 11<sup>th</sup> Feb'15 on proposal to integrate services with community health services commissioned by Bromley CCG. Members resolved that a steering group explore options as outlined in the report with BHC &amp; CCG.</li> <li>- Report to Members July'15</li> </ul>
Total Facilities Management	Community Safety & Anti Social Behaviour Trading Standards Public Health Nuisance Food, H&S & Licensing Environmental Protection Housing Enforcement & Improvement CCTV Carbon Management Facilities Support Services Operational Property Strategic Property Planning & Building Control Land Charges	<ul style="list-style-type: none"> <li>- Report to Executive 15<sup>th</sup> October '14. Members endorsed recommendations and agreed services identified form the basis of the bundle to be market tested.</li> <li>- Feasibility study currently being undertaken by Amey to identify potential cost savings for FM (inc. Operational Property &amp; Strategic Property) if the services are contracted via the Tri-borough Framework</li> <li>- Gateway report outlining options to be prepared for Executive September'15</li> </ul>
Education	Education	<ul style="list-style-type: none"> <li>- Endorsed at ED PDS in Sept'13 and by Executive in Oct'13 to go out to tender</li> <li>- Report to ED PDS and Executive 16<sup>th</sup> July'14 . Members agreed recommendations for scope of market testing of Ed Services to be expanded to inc. strategic management functions; residual functions of the Behaviour Service; the Special Educational Needs Service (inc. the specialist disability support service ) and Bromley Adult Education</li> <li>- PQQ issued October 2014</li> <li>- Invitations to submit outline solutions sent Feb'15.</li> <li>- Currently at detailed solutions stage.</li> <li>- Final tender stage expected September 2015</li> <li>- Preferred bidder identified September/October 2015</li> <li>- Report to Education Budget Sub-Committee; Education PDS; Executive in Nov/Dec 2015. Executive is decision maker.</li> </ul>
Education	Adult Education	<ul style="list-style-type: none"> <li>- Adult Education added to the above bundle in July'14 following report to ED PDS and Executive 16<sup>th</sup> July'14.</li> <li>- Report to Executive 24<sup>th</sup> March'15 advising that the tendering process for the service had come to an end with no outcome.</li> <li>- Alternative options for future delivery being developed.</li> </ul>
Culture & Community Services	Libraries	<ul style="list-style-type: none"> <li>- Gateway report submitted to R&amp;R PDS 18<sup>th</sup> Nov'14 outlining strategy to develop community libraries and market test the core library service.</li> <li>- Outcome of the consultation fed back to the R&amp;R PDS on the 18<sup>th</sup> March '15 and Executive on 25<sup>th</sup> March '15.</li> <li>- Adverts for expressions of interest for the management of community libraries and core library service released May'15.</li> <li>- Indicative timetable indicates a Gateway report back to Members 14<sup>th</sup> Oct'15</li> </ul>
Social Care	Nurseries	<ul style="list-style-type: none"> <li>- Gateway report considered at ED PDS Jan'14 and resolved to agree the proposal for market testing of nursery provision.</li> <li>- Proposals for market testing reported to September '14 PDS meeting. Agreed to progress with market testing on concession basis.</li> <li>- Market testing delayed due to departure of project lead. Market testing preparation now underway.</li> <li>- OJEU notice expected to be published September 2015</li> <li>- Outcome of tendering process expected to be considered by Education PDS and Executive in June 2016. Executive is decision maker</li> </ul>
Social Care	Transport <b>Lot 1. SEN transport &amp; non SEN Children Lot 2. Adults Transport Lot 3. Combined SEN &amp; Adult Transport</b>	<ul style="list-style-type: none"> <li>- Agreement to market test adults transport service obtained from CS PDS 16<sup>th</sup> June' 13 and Executive 24<sup>th</sup> July '13 as part of Adult Social Care Gateway review.</li> <li>- Report on preferred procurement strategy for adults and children's transport to CS PDS 26<sup>th</sup> June'14, ED PDS 2<sup>nd</sup> July'14 and Executive 16<sup>th</sup> July'14. Members agreed recommendation to proceed tendering process.</li> <li>- Outcome of tendering process reported to CS PDS 4<sup>th</sup> March'15, Executive 24<sup>th</sup> March'15 and ED PDS 2<sup>nd</sup> July'15.</li> <li>- Agreed that SEN Transport be procured through a framework agreement and Adults Transport services be awarded to a single provider.</li> <li>- Mobilisation meetings underway. No further reports to Members expected.</li> </ul>
Highways & Transport	Parking Services	<ul style="list-style-type: none"> <li>- Report to Env PDS on 17<sup>th</sup> March'15 and Executive 24<sup>th</sup> March'15 recommending the joint procurement of parking services with Bexley. Executive approved recommendations to joint procure with Bexley.</li> <li>- Indicative timetable proposes a report back to Members with the outcome of process March/April'16</li> </ul>
Back Office	Customer Services	- Project Closed - service transferred to Liberata
Streets & Highways	Parking	- Project Closed – Notice processing to stay with service.
Back Office	HR Schools Transactional & Sold Consultancy	- Project Closed – services transferred to Liberata
Back Office	Financial Assessment & Appointeeship Team	- Project Closed – services transferred to Liberata

## Commissioning Programme Project Status Summary (June'15)

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Streets & Highways	Parks & Green Space	- Project Closed – TUPE transfer 8 <sup>th</sup> June' 15
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**YOT Establishment**

Job Title	Post FTE	Headcount	Emp FTE	Vacancy FTE	Agency Staff	Post FTE	Headcount	Emp FTE	Vacancy FTE	Agency Staff
	Nov-11	Nov-11	Nov-11	Nov-11	Nov-11	Jun-15	Jun-15	Jun-15	Jun-15	Jun-15
Group Manager	1	1	1	0		1	1	1	0	0
Operations Manager	2	2	2	0		2	1	1	1	1
Senior YOT Officer	2	2	2	0		4	1	1	3	3
YOT Officer (Level 2)**						5	3	2.8	2.2	2
YOT Officer (Level 1)**						3.78	1	1	2.78	3
YOT Officer*	4	2	2	2	1					
Bail and Remand Officer*	1	0	0	1	1					
Education Specialist YOT*	1	1	1	0						
Final Warnings Officer*	1	2	1	0						
Parenting Worker	1	1	1	0		1	0	0	1	1
Referral Order Coordinator*	1	1	1	0						
Referral Order Liaison Officer*	2	2	2	0						
Restorative Justice Worker	0.5	1	0.5	0		1	2	1	0	0
Substance Misuse Worker	1	0	0	1	1	1	1	1	0	0
Triage Officer*	0.22	1	0.22	0						
YOT Project Officer*	1	1	1	0						
YOT Councillor						0.5	1	0.5	0	0
Business Development Manager	1	1	1	0		1	0	0	1	0
Business Support Officer	1	1	1	0		3	3	3	0	0
Court Admin Officer*	1	1	1	0						
YOT Finance Administrator*	1	1	1	0						
<b>Total</b>	<b>22.72</b>	<b>21</b>	<b>18.72</b>	<b>4</b>	<b>3</b>	<b>23.28</b>	<b>14</b>	<b>12.3</b>	<b>10.98</b>	<b>10</b>

\* Post deleted as part of YOT Restructure Jan 2012

\*\* Post created as part of YOT Restructure Jan 2012

**Leavers During Period 01.04.2014 - 31.03.2015**

Job Title	Headcount	FTE
Operations Manager	1	1
Senior YOT Officer	2	2
YOT Officer (Level 2)	2	1.5
YOT Officer (Level 1)	2	2
Restorative Justice Worker	1	0.5

Total	8	7
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**Vacancies**

At the time of the last inspection in January, there were 3 vacancies - 1 FTE Operations Manager (Court & Community) and 2 x 1 FTE Senior YOT Officers. All other posts were filled. The current vacancies are detailed in the YOT Establishment above.

Report No.  
CSD15119

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:**       **COUNCIL**

**Date:**                   **Monday 19 October 2015**

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

**Title:**                   **PETITIONS**

**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 Under the Council's Petition Scheme, if petitioners are dissatisfied with the Council's response to a petition they have submitted they can request that the issue be brought before a meeting of the full Council for consideration, provided that the number of verified signature exceeds the threshold required (500 valid signatures from people who live, work or study in the borough.) The lead petitioner (or their nominee) can address the council for up to five minutes, after which Councillors debate what response to make.

1.2 A petition has been received from Ms Vicky Devaney headed "Save our Community Libraries" and asking the Council to continue to fund professionally staffed libraries at Burnt Ash, Mottingham, Shortlands, Southborough, Hayes and St Paul's Cray.

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2.    **RECOMMENDATION**

**Council is requested to consider the case made by the petitioners.**

### Corporate Policy

1. Policy Status: Existing Policy: Petitions are dealt with according to the Council's Petition Scheme.
  2. BBB Priority: Excellent Council Vibrant, Thriving Town Centres:
- 

### Financial

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

### Staff

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

### 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): Not Applicable
- 

### 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 Council's Petition Scheme allows for petitioners to present their case to full Council if they are dissatisfied with the Council's response to a petition, provided that the number of verified signatures exceeds the threshold of 500. The lead petitioner or their nominee can address the Council for up to five minutes. Once the Council has considered the matter, it can choose whether or not to recommend that any action is taken.

3.2 The petition received from Vicky Devaney states –

“Save our Community Libraries

Our community libraries are under threat! The threatened libraries are Burnt Ash, Mottingham, Shortlands, Southborough, Hayes and St Paul's Cray.

The council want to stop funding the running of Bromley's community libraries, and have asked for volunteer groups to run and fund the libraries, threatening the loss of jobs for qualified library staff and the closure of the libraries.

Closing the libraries will save £300,000 but the Council has £175million in reserves! Some of these reserves should be used to maintain an efficient and comprehensive library service as required by law.

It is a vital community hub used by the most vulnerable members of society – children and the elderly and it cannot be lost.

**We, the undersigned want Bromley Council to continue to fund professionally staffed libraries at Burnt Ash, Mottingham, Shortlands, Southborough, Hayes and St Paul's Cray.”**

3.3 At the time of submission on 25<sup>th</sup> June 2015, the petition had 1,702 verified paper signatures, plus over 1,200 signatures on an online petition. A formal response was sent by the Executive Director for Environment and Community Services on 22<sup>nd</sup> July 2015 – a copy is attached as Appendix 1.

<b>Non-Applicable Sections:</b>	Policy/Financial/legal/Personnel
Background Documents: (Access via Contact Officer)	Petition submitted on 25 <sup>th</sup> June 2015 by Ms Vicky Devaney

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THE LONDON BOROUGH  
www.bromley.gov.uk

## Environment and Community Services

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333

Direct Line: 020 8313 4443

Email: [nigel.davies@bromley.gov.uk](mailto:nigel.davies@bromley.gov.uk)

Fax: 020 8313 0095

DX5727

Ms V Devaney

22<sup>nd</sup> July 2015

Dear Ms Devaney

### Re: Save Our Community Libraries – Petition

Thank you for submitting your petition requesting that the Council 'continue to fund professionally staffed libraries at Burnt Ash, Mottingham, Shortlands, Southborough, Hayes and St Paul's Cray.'

I would like to take this opportunity to respond to your petition and to clarify couple of points that you have raised.

The Council must find over £60million of savings from its annual budget in 2017/18. Therefore, the Council must scrutinise and review all of its service areas to identify efficiencies and savings. It is in this context that the Council must look at different ways of delivering services, including those that it has a statutory duty to provide, such as libraries.

The Council developed a new Library Strategy in 2014 which was the subject of public consultation. The strategy set out the Council's plan for the future of the library service and seeks to continue the delivery of a comprehensive and efficient library service for residents whilst reducing our operating costs.

One of the recommendations of this Strategy was to explore community management as an alternative way of delivering library services at community libraries in the context of reducing budgets. The Council are exploring this alternative to **avoid** closures or a reduction in the availability of services. The Council do not intend to close community libraries at this moment in time.

Nationally, just fewer than 400 libraries are managed by community organisations; this represents over 10% of public libraries in England. Community managed libraries have been successful for many other local authorities, including Bromley's neighbouring boroughs of Lewisham and Bexley.

Community management arrangements vary although some are reliant on volunteers, others may choose to employ staff to deliver library services. For example, some community managed libraries are managed by community or social enterprises, whilst others are



INVESTOR IN PEOPLE



The Government Standard

managed by local residents associations. At this stage, registrations of interest in managing Bromley's community libraries have been received from both types of organisation.

In any case, the Council has committed to providing dedicated members of staff to train and support community management organisations in the delivery of library services and to provide access to the qualified librarians providing back office support to the whole of Bromley's library network.

The Council will also work to minimise the impact of its proposals on the experienced staff that currently provide front line services in community libraries.

The Council will be scrutinising community management proposals to ensure that what is suggested is sustainable and meet some core requirements so that residents continue to benefit from a quality library service. You may be interested to know that many of the existing community managed libraries in the UK currently offer extended opening hours to those which were provided by the local authority, increasing access to services for vulnerable groups.

The Council could use its reserves to continue to fund its services at current levels, however this does not represent a long term solution. If the Council agreed to do this for all of the services affected by budget reductions, we would run out of reserves and be faced with the same difficult decisions, except that the Council would have lost the subsidy income it generates from those reserves. The Council is therefore not proposing to make use of its reserves in this way.

It is expected that the Council's Renewal & Recreation Portfolio Holder will consider recommendations in relation to community management at community libraries following the conclusion of a formal tender process in January 2016. Their decision will be based on a value for money assessment that takes into account the sustainability of proposals and the quality of the services that will be provided.

If you are not satisfied with the Council's response, you can request that your petition is referred to the next full Council meeting on 19<sup>th</sup> October 2015 where you will have the opportunity to address the Council for up to five minutes.

Yours sincerely



Nigel Davies  
Executive Director for Environment & Community Services

cc Cllr Peter Morgan, Portfolio Holder for Renewal & Recreation  
cc Cllr Ian Payne, Chair of the Renewal & Recreation Policy Development & Scrutiny Committee

Report No.  
CSD15122

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** COUNCIL

**Date:** Monday 19 October 2015

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

**Title:** TREASURY MANAGEMENT: ANNUAL REPORT 2014/15 AND INVESTMENT STRATEGY REVIEW

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

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

**Ward:** N/A

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1. Reason for report

- 1.1 The Treasury Management Annual Report for 2014/15 was received by the Executive and Resources PDS Committee on 9<sup>th</sup> July 2015 and subsequently by the Resources Portfolio Holder. The report is attached as Appendix A. At its meeting on 3<sup>rd</sup> September 2015 the Executive and Resources PDS Committee received the first Treasury Management quarterly monitoring report for 2015/16 which included a recommendation that Council increases the total investment limit for pooled investment vehicles from £25m to £40m. This report is attached at Appendix B (see paragraphs 3.16 to 3.18) and the recommendation was supported by the Committee and subsequently by the Resources Portfolio Holder.
- 

2. RECOMMENDATIONS

Council is recommended to -

(1) Note the Treasury Management Annual Report for 2014/15 and approve the actual prudential indicators in the report;

(2) Approve an increase in the total investment limit for pooled investment vehicles from £25m to £40m.

### 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: Interest on Balances
  4. Total current budget for this head: £2.741m (net) in 2015/16.
  5. Source of funding: Net Investment Income
- 

### Staff

1. Number of staff (current and additional): 0.25fte
  2. If from existing staff resources, number of staff hours: 9 hours per week
- 

### Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
  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

<b>Non-Applicable Sections:</b>	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	See attached reports

PART 1 - PUBLIC

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**Decision Maker:** Resources Portfolio Holder

**Date:** For pre-decision scrutiny by Executive and Resources PDS Committee  
on 9<sup>th</sup> July 2015  
Council 19<sup>th</sup> October 2015

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

**Title:** TREASURY MANAGEMENT - ANNUAL REPORT 2014/15

**Contact Officer:** Martin Reeves, Principal Accountant (Technical & Control)  
Tel: 020 8313 4291 E-mail: martin.reeves@bromley.gov.uk

**Chief Officer:** Director of Finance

**Ward:** All

---

1. Reason for report

- 1.1 This report summarises treasury management activity during the March quarter and includes the Treasury Management Annual Report for 2014/15, which is required to be reported to full Council. The report ensures that the Council is implementing best practice in accordance with the CIPFA Code of Practice for Treasury Management. The report also includes an update on the Council's investment with Heritable Bank (paragraph 3.14). Investments as at 31<sup>st</sup> March 2015 totalled £254.8m (excluding the balance of the Heritable investment) and there was no outstanding external borrowing. For information and comparison, the balance of investments stood at £262.5m as at 31<sup>st</sup> December 2014 and £247.4m as at 31<sup>st</sup> March 2014 and, at the time of writing this report (25<sup>th</sup> June 2015) it stood at £287.3m.
- 

**RECOMMENDATION(S)**

**2.1 The PDS Committee, the Portfolio Holder and the Council are asked to:**

- (a) Note the Treasury Management Annual Report for 2014/15 and**
- (b) Approve the actual prudential indicators within the report.**

### Corporate Policy

1. Policy Status: Existing policy. To maintain appropriate levels of risk, particularly security and liquidity, whilst seeking to achieve the highest rate of return on investments.
  2. BBB Priority: Excellent Council.
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Interest on balances
  4. Total current budget for this head: £1.591m budget (net interest earnings) in 2014/15; surplus of £1.85m achieved in 2014/15. Budget for 2015/16 £2.741m
  5. Source of funding: Net investment income
- 

### Staff

1. Number of staff (current and additional): 0.25 fte
  2. If from existing staff resources, number of staff hours: 9 hours per week
- 

### Legal

1. Legal Requirement: Non-statutory - Government guidance.
  2. Call-in: Call-in is 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? N/A.
2. Summary of Ward Councillors comments:



### 3. COMMENTARY

#### General

- 3.1 Under the requirements of the CIPFA Code of Practice on Treasury Management, the Council is required, as a minimum, to approve an annual treasury strategy in advance of the year, a mid-year review report and an annual report following the year comparing actual activity to the strategy. In practice, the Director of Finance has reported quarterly on treasury management activity for many years, as well as reporting the annual strategy before the year and the annual report after the year-end. This report includes details of investment performance in the final quarter of 2014/15 and the annual report for the whole of the financial year 2014/15. The 2014/15 annual treasury strategy, including the MRP (Minimum Revenue Provision) Policy Statement and prudential indicators, was originally approved by Council in February 2014. The mid-year review and amendments to the strategy (comprising an increase in the limits for part-nationalised banks, Lloyds and RBS, a lowering of the minimum credit rating for bond investments and the inclusion of diversified growth funds as permitted investments) were approved by Council in December 2014.
- 3.2 Recent changes in the regulatory environment place a much greater onus on Members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the actual position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

#### Treasury Performance in the quarter and year ended 31<sup>st</sup> March 2015

- 3.3 **Borrowing:** The Council's healthy cashflow position has continued through the whole of 2014/15, as a result of which no borrowing was required in the year.
- 3.4 **Investments:** The following table sets out details of investment activity during the March quarter and during the whole of the financial year 2014/15:-

Main investment portfolio	Qtr ended 31/03/15		1/4/14 to 31/03/15	
	Deposits £m	Ave Rate %	Deposits £m	Ave Rate %
Balance of "core" investments b/f	237.50	1.18	172.00	0.83
New investments made in period	15.00	1.34	226.50	1.22
Investments redeemed in period	-45.00	0.85	-191.00	0.79
"Core" investments at end of period	207.50	1.29	207.50	1.29
Money Market Funds	22.30	para 3.10	22.30	para 3.10
Svenska Handelsbanken instant access	0.00	para 3.11	0.00	para 3.11
Deutsche Bank 95 day notice	0.00	para 3.11	0.00	para 3.11
CCLA Property Fund	15.00	para 3.13	15.00	para 3.13
Diversified Growth Funds	10.00	para 3.13	10.00	para 3.13
Payden Sterling Reserve Fund	0.00	para 3.12	0.00	para 3.12
<b>Total investments at end of period</b>	<b>254.80</b>	<b>n/a</b>	<b>254.80</b>	<b>n/a</b>
Heritable deposit - frozen (para 3.13)			5.00	6.42

- 3.5 The following investments were placed in the March quarter:

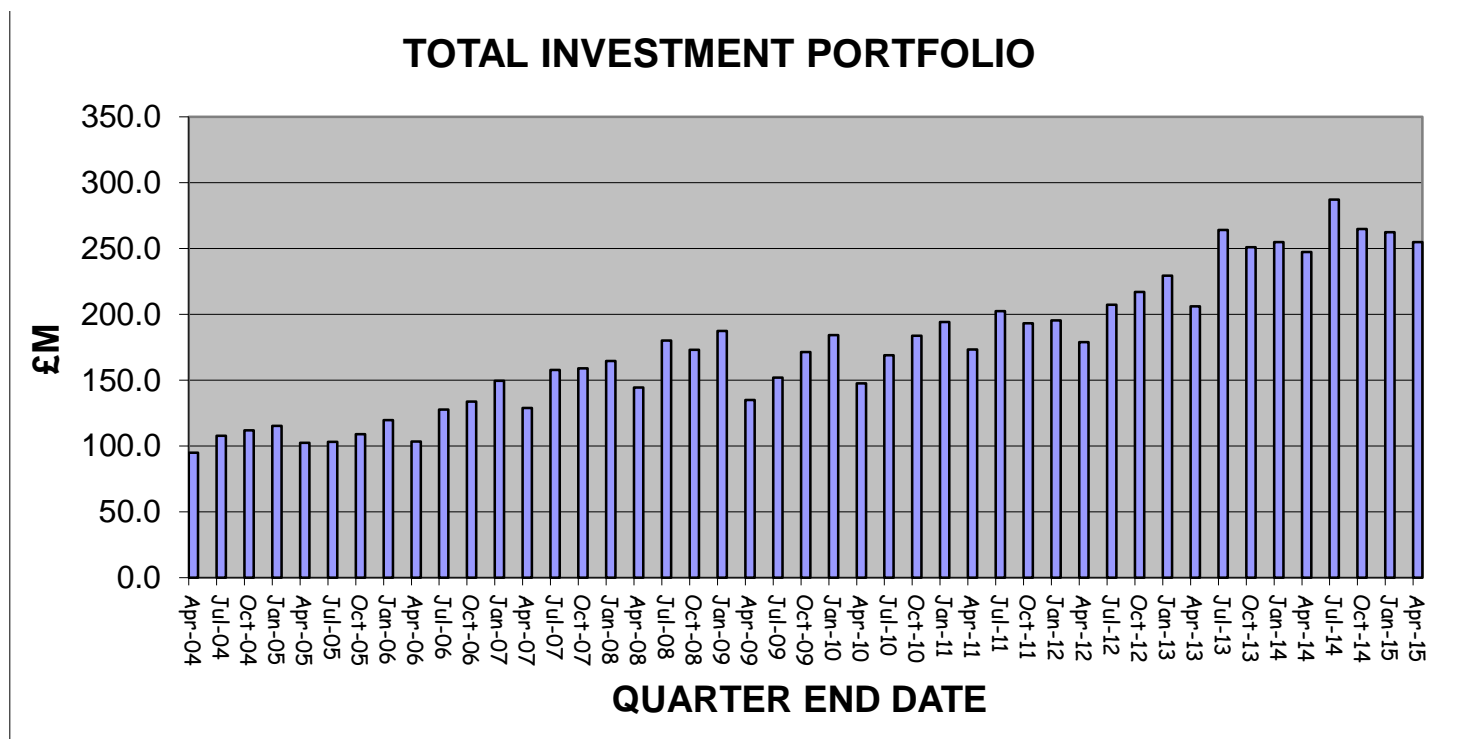
- Lloyds Bank – fixed term deposit £5m for 1 year @ 1.00%
- RBS – CD £10m for 2 years @ 1.34%
- CCLA Property Fund – a further £5m, bringing the total up to £15m

- 3.6 Details of the outstanding investments at 31<sup>st</sup> March 2015 are shown in maturity date order in Appendix 1 and by individual counterparty in Appendix 2. An average return of 1% was included

for new investments in the 2014/15 budget and the average return on the two new “core” investments placed in the March quarter was 1.34%. For comparison, the average LIBID rates for the March quarter were 0.36% for 7 days, 0.44% for 3 months, 0.56% for 6 months and 0.84% for 1 year. The average rate achieved on new investments placed in the period 1<sup>st</sup> April 2014 to 31<sup>st</sup> March 2015 was 1.22%, compared to the average LIBID rates of 0.35% for 7 days, 0.43% for 3 months, 0.56% for 6 months and 0.87% for 1 year. The improved average rate earned on new investments placed in 2014/15 mainly reflects longer-term deposits placed with other local authorities and banks and compares favourably with the budget assumption.

3.7 Reports to previous meetings have highlighted the fact that options with regard to the reinvestment of maturing deposits have become seriously limited in recent years following bank credit rating downgrades. Changes to lending limits and eligibility criteria, most recently in October 2014 (an increase of £40m (from £40m to £80m) in the lending limits of both Lloyds and RBS and an increase in the maximum period from 2 years to 3 years) have alleviated this to some extent, but we have still found ourselves in the position of not having many investment options other than placing money with instant access accounts at relatively low interest rates. Active UK banks on our list now comprise only Lloyds, RBS, HSBC, Barclays, Santander UK and Nationwide and all of these have reduced their interest rates significantly in recent years. The Director of Finance will continue to monitor rates and counterparty quality and take account of external advice prior to any investment decisions.

3.8 The graph below shows total investments at quarter-end dates back to 1<sup>st</sup> April 2004 and shows how available funds have increased steadily over the years. This has been a significant contributor to the over-achievement of investment income against budgeted income in recent years.



**Interest Rate Forecast**

3.9 Base rate has now been 0.5% since March 2009 and the latest forecast by Capita Treasury Solutions (in May 2015) is for it to begin to slowly rise from mid-2016 (around 6 months later than the previous estimate given in January 2015). For comparison, Capita’s latest two interest rate forecasts are shown below.

Date	LATEST FORECAST (May 15)				PREVIOUS FORECAST (Jan 15)			
	Base Rate	3 month Libid	6 month Libid	1 year Libid	Base Rate	3 month Libid	6 month Libid	1 year Libid
Jun-15	0.50%	0.50%	0.70%	1.00%	0.50%	0.50%	0.70%	1.00%
Sep-15	0.50%	0.50%	0.70%	1.00%	0.50%	0.60%	0.80%	1.10%
Dec-15	0.50%	0.60%	0.80%	1.10%	0.75%	0.80%	1.00%	1.30%
Mar-16	0.50%	0.70%	0.90%	1.20%	0.75%	0.90%	1.10%	1.40%
Jun-16	0.75%	0.80%	1.00%	1.30%	1.00%	1.10%	1.20%	1.50%
Sep-16	0.75%	0.90%	1.10%	1.40%	1.00%	1.10%	1.30%	1.60%
Dec-16	1.00%	1.10%	1.30%	1.60%	1.25%	1.30%	1.50%	1.80%
Mar-17	1.00%	1.30%	1.50%	1.80%	1.25%	1.40%	1.60%	1.90%
Jun-17	1.25%	1.40%	1.60%	1.90%	1.50%	1.50%	1.70%	2.00%
Sep-17	1.50%	1.50%	1.70%	2.00%	1.75%	1.80%	2.00%	2.30%
Dec-17	1.50%	1.80%	2.00%	2.30%	1.75%	1.90%	2.10%	2.40%
Mar-18	1.75%	1.90%	2.10%	2.40%	2.00%	2.10%	2.30%	2.60%

## Other accounts

### 3.10 Money Market Funds

The Council currently has 7 AAA-rated Money Market Fund accounts, with Prime Rate, Ignis, Insight, Morgan Stanley, Blackrock, Fidelity and Legal & General, all of which have a maximum investment limit of £15m. In common with market rates for fixed-term investments, interest rates on money market funds have fallen considerably in recent years. The Ignis and Legal & General funds currently offer the best rate (around 0.47%). The total balance held in Money Market Funds has fluctuated considerably during the year, moving from £19.3m as at 1<sup>st</sup> April 2014 to £32.7m as at 30<sup>th</sup> June 2014, £24.4m as at 30<sup>th</sup> September 2014, zero as at 31<sup>st</sup> December 2014 and £22.3m as at 31<sup>st</sup> March 2015. The total peaked at £65.7m in May 2014 and averaged £35.0m over the whole year. The Money Market Funds currently offer the lowest interest of all our eligible investment vehicles with the exception of the Government Debt Management and Deposit Fund (currently 0.25%). During the year, funds have been withdrawn to fund other, more attractive investments, most recently in the December quarter, when we placed investments of £40m with RBS and £10m in Diversified Growth Funds.

Money Market Funds	Date Account Opened	Ave. Rate 2014/15	Ave. Daily balance 2014/15	Actual balance 31/03/15	Latest Balance 25/06/15	Latest Rate 25/06/15
		%	£m	£m	£m	%
Prime Rate	15/06/2009	0.43	8.3	7.3	0.1	0.45
Ignis	25/01/2010	0.46	14.2	15.0	15.0	0.47
Insight	03/07/2009	0.41	6.1	0.0	0.0	0.44
Morgan Stanley	01/11/2012	0.37	0.1	0.0	0.0	0.43
Legal & General	23/08/2012	0.43	6.3	0.0	14.7	0.47
Blackrock	16/09/2009	-	-	0.0	0.0	0.36
Fidelity	20/11/2002	-	-	0.0		0.34
<b>TOTAL</b>			<b>35.0</b>	<b>22.3</b>	<b>29.8</b>	

### 3.11 Notice Accounts

#### Svenska Handelsbanken

In August 2013, the Council placed £15m in an instant access account with the Swedish Bank, Svenska Handelsbanken. The account originally paid 0.60%, but the rate was reduced to 0.50%

in July 2014. As investment options were limited and the rate was better than that we were earning on our Money Market Funds, the account was left open until after the Council approved the increased limits for Lloyds and RBS in October 2014. The account was, however, closed on 22<sup>nd</sup> October 2014 to provide part of the funding for the £40m 3 year CD investment with RBS. The average daily balance in the year was £8.5m and an average rate of 0.55% was achieved.

### RBS

In March 2013, RBS announced a new 95-day notice account paying a rate of 0.80%. The Council made an initial deposit of £12.5m in March and increased this to £15m in April 2013. The rate was reduced to 0.60% in October 2013 and, in April 2014, RBS informed us that the rate would reduce to 0.30% in August, so notice was given to close the account on 25<sup>th</sup> August 2014. The average daily balance in the year was £6.0m and an average rate of 0.55% was achieved.

### Deutsche Bank

In November 2013, the Council opened a 95-day notice account with Deutsche Bank. At that time, Deutsche was an eligible counterparty on our lending list with a maximum investment sum of £5m, although a subsequent credit rating downgrade means it is no longer on the list. Following the downgrade, notice to terminate was given at the end of October 2014 and the principal sum plus interest was returned to us on 2<sup>nd</sup> February 2015. The average daily balance in the year was £4.2m and an average rate of 0.65% was achieved.

## 3.12 Other investments: Corporate Bonds and Payden Sterling Reserve Fund

At its meeting on 12<sup>th</sup> November 2012, the Council approved the addition of corporate bonds (minimum credit rating AA-, maximum period 5 years) and the Payden Sterling Reserve Fund to our lending list. On 27<sup>th</sup> November, following advice from Capita, we made our first investment in a corporate bond, £1.1m with Standard Chartered Bank. The bond matured on 28<sup>th</sup> April 2014 with a coupon value of 0.70%. In October 2014, the Council agreed to a lowering of the minimum credit rating for corporate bonds to A-, which may provide us with more investment opportunities in the future. In November 2012, £15m was invested in the Payden Fund and that sum remained invested until it was withdrawn in December 2014 to part-fund other investments. The average daily balance in the year was £10.8m. Over the lifetime of the investment (November 2012 to December 2014) an average rate of 0.98% was achieved.

## 3.13 Pooled Investment Schemes

In September 2013, the Portfolio Holder and Full Council approved the inclusion of collective (pooled) investment schemes as eligible investment vehicles in the Council's Investment Strategy with an overall limit of £25m and a maximum duration of 5 years. Such investments would require the approval of the Director of Finance in consultation with the Resources Portfolio Holder.

### CCLA Property Fund

Following consultation between the Director of Finance and the Resources Portfolio Holder, an account was opened in January 2014 with the CCLA Local Authorities' Property Fund and an initial deposit of £5m was made. Following more consultation, a further £5m deposit was made at the end of July 2014 and, finally, another £5.0m was deposited in March 2015. This is viewed as a medium to long-term investment. Dividends are paid quarterly and, in 2014/15, the investment returned 5.25% net of fees.

### Diversified Growth Funds

In October 2014, the Council approved the inclusion of investment in diversified growth funds in our strategy and, in December, £5m was invested with both Newton and Standard Life. The Funds both performed very well in just over three months to 31<sup>st</sup> March 2015; the Newton Fund returning 21.5% and the Standard Life Fund returning 21.9%. In accordance with the Council decision, interest equivalent to 27% of the total dividend was transferred to the Parallel Fund, set up in 2014/15 with an opening balance of £2.7m to mitigate the potential revenue impact of future actuarial Pension Fund valuations.

### 3.14 Investment with Heritable Bank

Members will be aware from regular updates to the Resources Portfolio Holder and the Executive that the Council had £5m invested with the Heritable Bank, a UK subsidiary of the Icelandic bank, Landsbanki, when it was placed in administration in early-October 2008 at which time our investment was frozen. An initial dividend was paid to the Council in July 2009 and, since then, a further 13 dividends have been received (most recently in August 2013). To date, a total of £4,783k has been received (94% of our total claim of £5,087k), leaving a balance of £304k (6.0%). Council officers and our external advisers remain hopeful of a full recovery and, in May 2015, the administrator advised that a further distribution (as yet unspecified) will be made to creditors in August.

### 3.15 External Cash Management

External cash managers, Tradition UK Ltd, currently manage £20m of our cash portfolio and provide useful advice and information on treasury management matters. In 2014/15, Tradition UK achieved a return of 1.28%, which compared with the in-house team rate of 1.55% (including investments with the pooled vehicles). Tradition UK work to the same counterparty list as the Council's in-house team and so have also been constrained by strategy changes approved after the Icelandic Bank crisis and by ratings downgrades in recent years. Details of externally managed funds placed on deposit as at the time of writing this report are shown below. All of their current deposits have been placed for periods of two years or three years.

Bank	Sum	Start Date	Maturity	Period	Rate
Lloyds	£7.5m	18/08/14	18/08/16	2 years	1.28%
RBS	£5.0m	26/08/14	26/08/16	2 years	Min 1.52%; max 2.00% (linked to 3 month Libor)
West Dumbartonshire Council	£2.5m	26/03/14	24/03/17	3 years	1.60%
Perth & Kinross Council	£5m	23/03/14	24/03/17	3 years	1.45%

### **Actual prudential indicators for 2014/15**

3.16 The old capital control system was replaced in April 2004 by a prudential system based largely on self-regulation by local authorities themselves. At the heart of the system is The Prudential Code for Capital Finance in Local Authorities, developed by CIPFA. The Code requires the Council to set a number of prudential indicators designed to monitor and control capital expenditure, financing and borrowing. The indicators for 2014/15 were approved by the Executive and the Council in February 2014 and were revised and updated in December 2014. Appendix 3 sets out the actual performance in 2014/15 against those indicators.

## **Economic Background during 2014/15 (provided by Capita Treasury Solutions)**

- 3.17 The original market expectation at the beginning of 2014/15 was for the first increase in Bank Rate to occur in quarter 1 of 2015 as the unemployment rate had fallen much faster than expected through the Bank of England's initial forward guidance target of 7%. In May, however, the Bank revised its forward guidance. A combination of very weak pay rises and inflation above the rate of pay rises meant that consumer disposable income was still being eroded and, in August, the Bank halved its forecast for pay inflation in 2014 from 2.5% to 1.25%. Expectations for the first increase in Bank Rate therefore started to recede as growth was still heavily dependent on buoyant consumer demand. During the second half of 2014 financial markets were caught out by a halving of the oil price and the collapse of the peg between the Swiss franc and the euro. Fears also increased considerably that the ECB was going to do too little too late to ward off the threat of deflation and recession in the Eurozone. In mid-October, financial markets had a major panic for about a week. By the end of 2014, it was clear that inflation in the UK was going to head towards zero in 2015 and possibly even become negative. In turn, this made it clear that the MPC would have great difficulty in starting to raise Bank Rate in 2015 while inflation was around zero and so market expectations for the first increase moved back to around quarter 3 of 2016.
- 3.18 Gilt yields were on a falling trend for much of the last eight months of 2014/15 but were then pulled in different directions by increasing fears after the anti-austerity parties won power in Greece in January; developments since then have increased fears that Greece could be heading for an exit from the euro. While the direct effects of this would be manageable by the EU and ECB, it is very hard to quantify quite what the potential knock on effects would be on other countries in the Eurozone once the so called impossibility of a country leaving the EZ had been disproved. Another downward pressure on gilt yields was the announcement in January that the ECB would start a major programme of quantitative easing, purchasing EZ government and other debt in March. On the other hand, strong growth in the US caused an increase in confidence that the US was well on the way to making a full recovery from the financial crash and would be the first country to start increasing its central rate, probably by the end of 2015. The UK would be closely following it due to strong growth over both 2013 and 2014 and good prospects for a continuation into 2015 and beyond. However, there was also an increase in concerns around political risk from the general election due in May 2015.

## **Regulatory Framework, Risk and Performance**

- 3.19 The Council's treasury management activities are regulated by a variety of professional codes and statutes and guidance:
- The Local Government Act 2003 (the Act), which provides the powers to borrow and invest as well as providing controls and limits on this activity;
  - The Act permits the Secretary of State to set limits either on the Council or nationally on all local authorities restricting the amount of borrowing that may be undertaken (although no restrictions have been made to date);
  - Statutory Instrument (SI) 3146 2003, as amended, develops the controls and powers within the Act;
  - The SI requires the Council to undertake any borrowing activity with regard to the CIPFA Prudential Code for Capital Finance in Local Authorities;
  - The SI also requires the Council to operate the overall treasury function with regard to the CIPFA Code of Practice for Treasury Management in the Public Services;

- Under the Act, the CLG has issued Investment Guidance to structure and regulate the Council's investment activities;
- Under section 238(2) of the Local Government and Public Involvement in Health Act 2007, the Secretary of State has taken powers to issue guidance on accounting practices. Guidance on Minimum Revenue Provision was issued under this section on 8<sup>th</sup> November 2007.

3.20 The Council has complied with all of the above relevant statutory and regulatory requirements, which limit the levels of risk associated with its treasury management activities. In particular, its adoption and implementation of both the Prudential Code and the Code of Practice for Treasury Management means that its capital expenditure is prudent, affordable and sustainable and its treasury practices demonstrate a low risk approach.

#### 4. POLICY IMPLICATIONS

4.1 In line with government guidance, the Council's policy is to seek to achieve the highest rate of return on investments whilst maintaining appropriate levels of risk, particularly security and liquidity.

#### 5. FINANCIAL IMPLICATIONS

5.1 An average rate of interest of 1.32% was achieved in 2014/15, including 1.22% on all new "core" investments placed during the year (compared to the budget assumption of 1%). The final outturn for net interest on investments and borrowing in 2014/15 was £3,441k compared to the budget of £1,591k. This was in no small part due to returns on the pooled investments placed with the CCLA Property Fund and the Newton and Standard Life Diversified Growth Funds during 2014. The other main contributory factor, apart from the higher interest rate earned on new investments, was the fact that average investment balances during the year (£286m) were higher than expected.

5.2 With regard to 2015/16, there is still no sign of interest rates improving and an average rate of 1% has again been prudently assumed for interest on new fixed term deposits in the 2015/16 revenue budget, in line with the estimates provided by the Council's external treasury advisers, Capita, earlier in the year and with officers' views. The Bank of England base rate is still expected to rise, but the expected start of the rise has been put back to mid-2016 and could be even later. There have been no improvements to counterparty credit ratings, as a result of which the restrictions to investment opportunities that followed ratings downgrades in recent years have still been in place. However, the increases in the limits for the two part-nationalised banks (Lloyds and RBS) approved by the Council in October, together with higher rates from longer-term deals placed with other local authorities, higher average balances than anticipated and the strong performance of the CCLA Property Fund and the Diversified Growth Fund investments have enabled the 2015/16 budget to be increased to £2,741k.

<b>Non-Applicable Sections:</b>	Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	CIPFA Code of Practice on Treasury Management CIPFA Prudential Code for Capital Finance in Local Authorities CLG Guidance on Investments External advice from Capita Treasury Solutions

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## APPENDIX 1

### INVESTMENTS HELD AS AT 31st MARCH 2015

Counterparty	Start Date	Maturity Date	Rate of Interest %	Amount £m
<b>FIXED TERM DEPOSITS</b>				
LLOYDS BANK	11/04/14	13/04/15	0.95000	5.0
STANDARD CHARTERED (Certificate of Deposit)	28/04/14	28/04/15	0.83000	5.0
NEWCASTLE CITY COUNCIL	01/07/13	01/07/15	0.70000	5.0
NEWCASTLE CITY COUNCIL	29/07/13	29/07/15	0.70000	10.0
LLOYDS BANK	19/11/14	19/11/15	1.00000	5.0
KINGSTON-UPON-HILL CITY COUNCIL	02/01/14	04/01/16	0.90000	2.0
LLOYDS BANK	31/03/15	31/03/16	1.00000	5.0
GREATER LONDON AUTHORITY	01/04/14	01/04/16	1.14000	15.0
RBS (collar deposit - floor 1.15%; ceiling 1.37%)	21/05/14	23/05/16	1.15000	15.0
LLOYDS BANK	07/07/14	07/07/16	1.25000	2.5
LLOYDS BANK	18/08/14	18/08/16	1.28000	7.5
RBS (collar deposit - floor 1.52%; ceiling 2.00%)	26/08/14	26/08/16	1.52000	15.0
WARRINGTON BOROUGH COUNCIL	31/10/13	31/10/16	1.45000	5.0
LONDON FIRE & EMERGENCY PLANNING AUTHORITY	28/11/13	28/11/16	1.50000	5.0
LLOYDS BANK	04/12/14	05/12/16	1.09000	25.0
RBS (Certificate of Deposit)	13/02/15	13/02/17	1.34000	10.0
WEST DUMBARTONSHIRE COUNCIL	26/03/14	24/03/17	1.60000	2.5
PERTH & KINROSS COUNCIL	23/03/14	24/03/17	1.45000	5.0
NORTHUMBERLAND COUNTY COUNCIL	15/08/14	15/08/17	1.50000	5.0
DONCASTER MBC	15/08/14	15/08/17	1.88000	5.0
LB CROYDON	22/08/14	22/08/17	1.50000	10.0
RBS (Certificate of Deposit)	30/10/14	30/10/17	1.85000	40.0
BLAENAU GWENT CBC	04/12/14	04/12/17	1.90000	3.0
				207.5
<b>OTHER</b>				
Money Market Funds - Ignis		Money Market Fund		15.0
- Prime Rate		Money Market Fund		7.3
CCLA Local Authority Property Fund		Property Fund		15.0
Diversified Growth Fund - Newton		Diversified Growth Fund		5.0
- Standard Life		Diversified Growth Fund		5.0
				254.8
<b>TOTAL INVESTMENTS AS AT 31st MARCH 2015</b>				
<b>ICELANDIC BANK DEPOSIT (not included above)</b>				
Heritable Bank - total claim (principal & interest)	28/06/07	29/06/09	6.42	5,087,065
Less: Dividend received to 31/03/15 (94%)				-4,782,724
Principal sum unrecovered as at 31/03/15				304,341
Provision in 2014/15 accounts for non-recovery (5.9% of total claim)				300,000

## INVESTMENTS HELD AS AT 31st MARCH 2015

	FROM	TO	RATE	£m	TOTAL £m	LIMIT	REMAINING
<b>UK BANKS</b>							
LLOYDS BANK	11/04/14	13/04/15	0.950	5.0			
LLOYDS BANK	19/11/14	19/11/15	1.000	5.0			
LLOYDS BANK	31/03/15	31/03/16	1.000	5.0			
LLOYDS BANK	07/07/14	07/07/16	1.250	2.5			
LLOYDS BANK	18/08/14	18/08/16	1.280	7.5			
LLOYDS BANK	04/12/14	05/12/16	1.090	25.0	50.0	80.0	30.0
ROYAL BANK OF SCOTLAND-CD Investment	28/04/14	28/04/15	0.820	10.0			
ROYAL BANK OF SCOTLAND-Floor 1.15%; ceiling 1.37%	21/05/14	23/05/16	1.150	15.0			
ROYAL BANK OF SCOTLAND-Floor 1.52%; ceiling 2.00%	26/08/14	26/08/16	1.520	15.0			
ROYAL BANK OF SCOTLAND-CD Investment	30/10/14	30/10/17	1.850	40.0	80.0	80.0	0.0
STANDARD CHARTERED BANK-CD Investment	28/04/14	28/04/15	0.830	5.0	5.0	20.0	15.0
<b>OTHER LOCAL AUTHORITIES</b>							
BLAENAU GWENT CBC	04/12/14	04/12/17	1.900	3.0	3.0	15.0	12.0
DONCASTER MBC	15/08/14	15/08/17	1.880	5.0	5.0	15.0	10.0
GREATER LONDON AUTHORITY	01/04/14	01/04/16	1.140	15.0	15.0	15.0	0.0
KINGSTON-UPON-HILL CITY COUNCIL	02/01/14	04/01/16	0.900	2.0	2.0	15.0	13.0
LONDON BOROUGH OF CROYDON	22/08/14	22/08/17	1.500	10.0	10.0	15.0	5.0
LONDON FIRE & EMERGENCY PLANNING AUTHORITY	28/11/13	28/11/16	1.500	5.0	5.0	15.0	10.0
NEWCASTLE CITY COUNCIL	01/07/13	01/07/15	0.700	5.0			
NEWCASTLE CITY COUNCIL	29/07/13	29/07/15	0.700	10.0	15.0	15.0	0.0
NORTHUMBERLAND COUNTY COUNCIL	15/08/14	15/08/17	1.500	5.0	5.0	15.0	10.0
PERTH & KINROSS COUNCIL	23/03/14	24/03/17	1.450	5.0	5.0	15.0	10.0
WARRINGTON BOROUGH COUNCIL	31/10/13	31/10/16	1.450	5.0	5.0	15.0	10.0
WEST DUMBARTONSHIRE COUNCIL	26/03/14	24/03/17	1.600	2.5	2.5	15.0	12.5
<b>OTHER ACCOUNTS</b>							
MONEY MARKET FUNDS - IGNIS		Money Market Fund		15.0	15.0	15.0	0.0
- PRIME RATE		Money Market Fund		7.3	7.3	15.0	7.7
CCLA PROPERTY FUND		Property Fund		15.0	15.0	}	
DIVERSIFIED GROWTH FUND - NEWTON		Diversified Growth Fund		5.0	5.0	25.0	0.0
- STANDARD LIFE		Diversified Growth Fund		5.0	5.0	}	
<b>TOTAL INVESTMENTS AS AT 31st MARCH 2015</b>				<b>254.8</b>	<b>254.8</b>		
<b>ICELANDIC BANK DEPOSIT (not included above)</b>							
Heritable Bank - total claim (principal & interest)	28/06/07	29/06/09	6.420	5087065			
Less: Dividend received to 31/03/15 (94%)				-4782724			
Principal sum unrecovered as at 31/03/15				304341			
Provision in 2014/15 accounts for non-recovery (5.9% of total claim)				300000			

## Prudential and Treasury Indicators – Actual 2014/15

Prudential and Treasury Indicators are relevant for the purposes of setting an integrated treasury management strategy and require the approval of the Council. The table below shows the actual performance in relation to the indicators in 2013/14 and compares the actual in 2014/15 with the original estimates approved in February 2014 and with the revised estimates (“probable”) reported in the mid-year review in November 2014. Further details on capital expenditure outturn were reported to the Executive on 10<sup>th</sup> June 2015.

The Council is also required to indicate if it has adopted the CIPFA Code of Practice on Treasury Management. The revised Code (published in 2009) was adopted by full Council on 15<sup>th</sup> February 2010.

PRUDENTIAL INDICATORS	2013/14	2014/15	2014/15	2014/15
	actual	estimate	probable	actual
Total Capital Expenditure	£25.2m	£45.6m	£54.2m	£50.5m
Ratio of financing costs to net revenue stream	-1.5%	-1.3%	-1.3%	-1.3%
Net borrowing requirement (net investments for Bromley)				
brought forward 1 April	£197.3m	£196.8m	£244.8m	£244.8m
carried forward 31 March	£244.8m	£185.3m	£250.0m	£250.5m
in year borrowing requirement (movement in net investments for Bromley)	£47.5m	-£11.5m	£5.2m	£5.7m
Capital Financing Requirement as at 31 March	£2.6m	£3.2m	£2.3m	£4.3m
Incremental impact of capital investment decisions	£ p	£ p	£ p	£ p
Increase in council tax (band D) per annum	-	-	-	-
TREASURY MANAGEMENT INDICATORS	2013/14	2014/15	2014/15	2014/15
	actual	estimate	probable	actual
Authorised Limit for external debt -				
borrowing	£30.0m	£30.0m	£30.0m	£30.0m
other long term liabilities	£30.0m	£30.0m	£30.0m	£30.0m
TOTAL	£60.0m	£60.0m	£60.0m	£60.0m
Operational Boundary for external debt -				
borrowing	£10.0m	£10.0m	£10.0m	£10.0m
other long term liabilities	£10.0m	£10.0m	£10.0m	£10.0m
TOTAL	£20.0m	£20.0m	£20.0m	£20.0m
Actual external debt	£2.6m	£3.2m	£2.3m	£4.3m
Upper limit for fixed interest rate exposure	100%	100%	100%	100%
Upper limit for variable rate exposure	20%	20%	20%	20%
Upper limit for total principal sums invested for more than 364 days beyond year-end dates	£137.5m	£100.0m	£200.0m	£200.0m

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**Decision Maker:** Resources Portfolio Holder  
Council

**Date:** For pre-decision scrutiny by Executive and Resources PDS Committee  
on 3<sup>rd</sup> September 2015  
Council 19<sup>th</sup> October 2015

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

**Title:** **TREASURY MANAGEMENT - Q1 PERFORMANCE 2015/16 &  
INVESTMENT STRATEGY REVIEW**

**Contact Officer:** Martin Reeves, Principal Accountant (Technical & Control)  
Tel: 020 8313 4291 E-mail: martin.reeves@bromley.gov.uk

**Chief Officer:** Director of Finance

**Ward:** All

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1. Reason for report

- 1.1 This report summarises treasury management activity during the June quarter and includes recommended changes to the Council's Treasury Management Investment Strategy, which would require the approval of full Council. The report also includes an update on the Council's investment with Heritable Bank (paragraph 3.13). Investments as at 30<sup>th</sup> June 2015 totalled £275.3m (excluding the balance of the Heritable investment) and there was no outstanding external borrowing. As at the time of writing this report (19<sup>th</sup> August), the total of investments had risen to £304.4m. For information and comparison, the balance of investments stood at £254.8m as at 31<sup>st</sup> March 2015 and £287.2m as at 30<sup>th</sup> June 2014.
- 

**RECOMMENDATION(S)**

The PDS Committee and the Resources Portfolio Holder are asked to:

(a) Note the actual Treasury Management performance in the quarter ended 30<sup>th</sup> June 2015; and

(b) Recommend to Council an increase in the total investment limit for pooled investment vehicles from £25m to £40m (see paragraphs 3.16 to 3.18).

Council is requested to approve an increase in the total investment limit for pooled investment vehicles from £25m to £40m (see paragraphs 3.16 to 3.18).

### Corporate Policy

1. Policy Status: Existing policy. To maintain appropriate levels of risk, particularly security and liquidity, whilst seeking to achieve the highest rate of return on investments.
  2. BBB Priority: Excellent Council.
- 

### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Interest on balances
  4. Total current budget for this head: £2.741m (net) in 2015/16; outturn currently estimated to be £0.6m above budget at this stage
  5. Source of funding: Net investment income
- 

### Staff

1. Number of staff (current and additional): 0.25 fte
  2. If from existing staff resources, number of staff hours: 9 hours per week
- 

### Legal

1. Legal Requirement: Non-statutory - Government guidance.
  2. Call-in: Call-in is 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? N/A.
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

#### General

- 3.1 Under the requirements of the CIPFA Code of Practice on Treasury Management, the Council is required, as a minimum, to approve an annual treasury strategy in advance of the year, a mid-year review report and an annual report following the year comparing actual activity to the strategy. In practice, the Director of Finance has reported quarterly on treasury management activity for many years, as well as reporting the annual strategy before the year and the annual report after the year-end. This report includes details of investment performance in the first quarter of 2015/16. The 2015/16 annual treasury strategy, including the MRP (Minimum Revenue Provision) Policy Statement and prudential indicators, was originally approved by Council in February 2015. The annual report for the whole of the financial year 2014/15 was submitted to the Executive & Resources PDS Committee on 9<sup>th</sup> July and will go to the Council meeting on 19<sup>th</sup> October.
- 3.2 The Treasury Management Code of Practice sets out that priority is given to security and liquidity over the return on investments and recent changes in the regulatory environment place a much greater onus on Members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the actual position for treasury activities and highlights compliance with the Council's policies previously approved by Members.
- 3.3 The Council has approved an Investment Strategy for Treasury Management, which has been regularly reviewed over recent years to provide a wider range of investment options at minimal additional risk. A further change is proposed in this report in the form of an increase of £15m (from £25m to £40m) in the total value of deposits in pooled investment vehicles (see paragraphs 3.16 to 3.18).

#### Treasury Performance in the quarter ended 30<sup>th</sup> June 2015

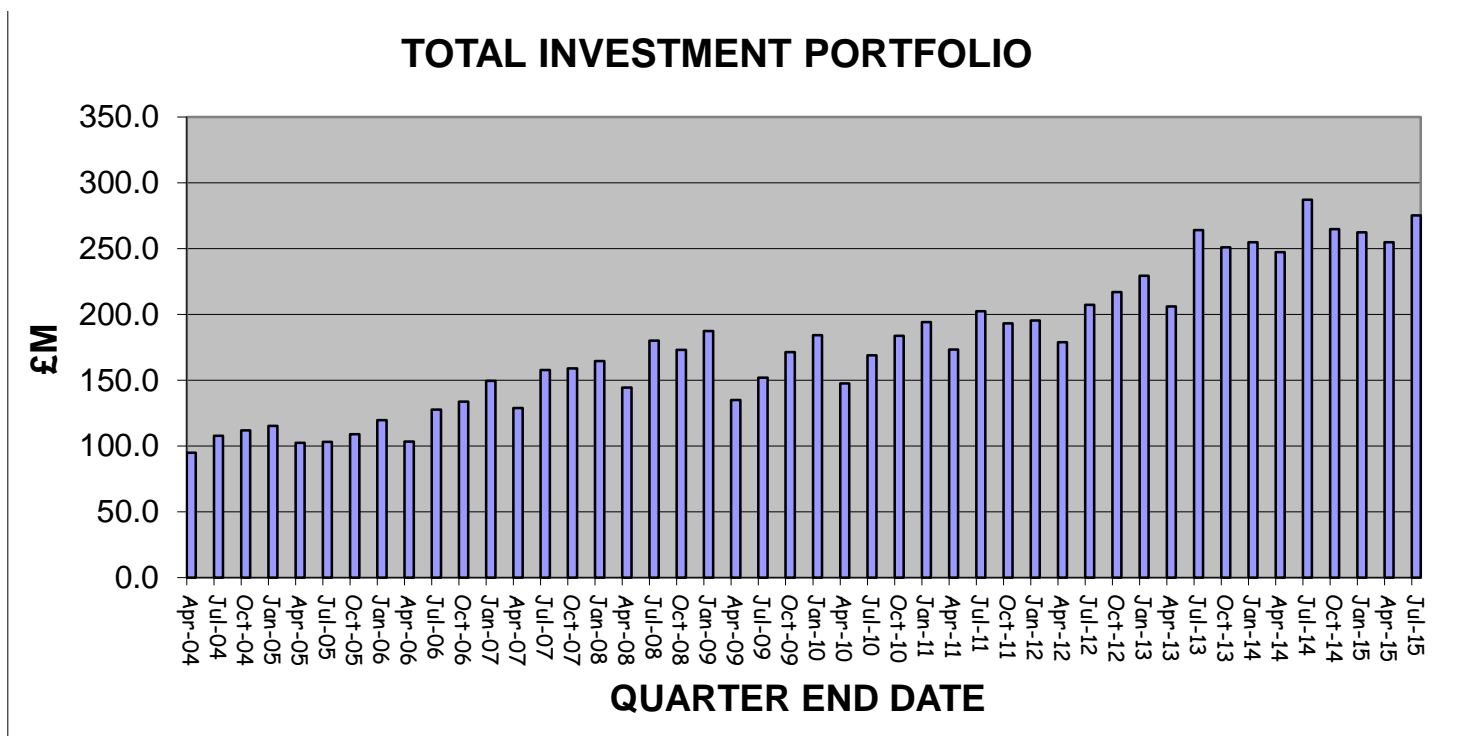
- 3.5 **Borrowing:** The Council's healthy cashflow position continues and no borrowing has been required for a number of years.
- 3.6 **Investments:** The following table sets out details of investment activity during the June quarter:-

	£m	%
Balance of "core" investments b/f	207.50	1.29
New investments made in period	35.00	1.42
Investments redeemed in period	-10.00	0.87
"Core" investments at end of period	232.50	1.41
Money Market Funds	17.80	para 3.11
CCLA Property Fund	15.00	para 3.12
Diversified Growth Funds	10.00	para 3.12
<b>Total investments at end of period</b>	<b>275.30</b>	<b>n/a</b>

- 3.7 Details of the outstanding investments at 30th June 2015 are shown in maturity date order in Appendix 1 and by individual counterparty in Appendix 2. An average return of 1% was included for new "core" investments (lending to banks and other local authorities) in the 2015/16 budget and the average return on the two new "core" investments during the June quarter was 1.42%. For comparison, the average LIBID rates for the June quarter were 0.36% for 7 days, 0.45% for 3 months, 0.58% for 6 months and 0.87% for 1 year. The improved average rate earned on new investments placed to date in 2015/16 is mainly due to a longer-term (three year) deposit placed in April with Lloyds Bank at 1.49%.
- 3.8 Reports to previous meetings have highlighted the fact that options with regard to the reinvestment of maturing deposits have become seriously limited in recent years following bank

credit rating downgrades. Changes to lending limits and eligibility criteria, most recently in October 2014 (an increase of £40m (from £40m to £80m) in the lending limits of both Lloyds and RBS and an increase in the maximum period from 2 years to 3 years) have alleviated this to some extent, but we have still found ourselves in the position of not having many investment options other than placing money with instant access accounts at relatively low interest rates. Active UK banks on our list now comprise only Lloyds, RBS, HSBC, Barclays, Santander UK and Nationwide and all of these have reduced their interest rates significantly in recent years. The Director of Finance will continue to monitor rates and counterparty quality and take account of external advice prior to any investment decisions.

3.9 The graph below shows total investments at quarter-end dates back to 1<sup>st</sup> April 2004 and shows how available funds have increased steadily over the years. This has been a significant contributor to the over-achievement of investment income against budgeted income in recent years.



#### Interest Rate Forecast

3.10 Base rate has now been 0.5% since March 2009 and the latest forecast by Capita Treasury Solutions (in August 2015) is for it to begin to slowly rise from mid-2016 (no change from the previous estimate given in May 2015). Capita’s forecasts are shown below.



Date	LATEST FORECAST (Aug 15)				PREVIOUS FORECAST (May 15)			
	Base Rate	3 month Libid	6 month Libid	1 year Libid	Base Rate	3 month Libid	6 month Libid	1 year Libid
Sep-15	0.50%	0.50%	0.70%	1.00%	0.50%	0.50%	0.70%	1.00%
Dec-15	0.50%	0.60%	0.80%	1.10%	0.50%	0.60%	0.80%	1.10%
Mar-16	0.50%	0.70%	0.90%	1.20%	0.50%	0.70%	0.90%	1.20%
Jun-16	0.75%	0.80%	1.00%	1.30%	0.75%	0.80%	1.00%	1.30%
Sep-16	0.75%	0.90%	1.10%	1.40%	0.75%	0.90%	1.10%	1.40%
Dec-16	1.00%	1.10%	1.30%	1.60%	1.00%	1.10%	1.30%	1.60%
Mar-17	1.00%	1.30%	1.50%	1.80%	1.00%	1.30%	1.50%	1.80%
Jun-17	1.25%	1.40%	1.60%	1.90%	1.25%	1.40%	1.60%	1.90%
Sep-17	1.50%	1.50%	1.70%	2.00%	1.50%	1.50%	1.70%	2.00%
Dec-17	1.50%	1.80%	2.00%	2.30%	1.50%	1.80%	2.00%	2.30%
Mar-18	1.75%	1.90%	2.10%	2.40%	1.75%	1.90%	2.10%	2.40%
Jun-18	1.75%	1.90%	2.10%	2.40%	n/a	n/a	n/a	n/a

## Other accounts

### 3.11 Money Market Funds

The Council currently has 7 AAA-rated Money Market Fund accounts, with Prime Rate, Ignis, Insight, Morgan Stanley, Blackrock, Fidelity and Legal & General, all of which have a maximum investment limit of £15m. In common with market rates for fixed-term investments, interest rates on money market funds have fallen considerably in recent years. The Ignis and LGIM funds currently offer the best rate (around 0.49%). The total balance held in Money Market Funds fluctuates considerably, moving from £22.3m as at 1<sup>st</sup> April 2015 to £17.8m as at 30th June 2015 and currently stands at £41.9m (as at 19<sup>th</sup> August 2015). The Money Market Funds currently offer the lowest interest of all our eligible investment vehicles with the exception of the Government Debt Management and Deposit Fund (currently 0.25%). During the year, funds have been and will continue to be withdrawn to fund other, more attractive investments, most recently in late-July/early-August when £10m was invested for one year with both Barclays and Santander at 1.02% and 1.00% respectively. If Members agree to the increase of £15m in the limit for pooled investment vehicles proposed in this report, then the additional investment will be funded by reducing holdings with money market funds. Funds will continue to be held in money market funds, however, as there is a need to have cash available for general Council activities and to support the strategy of investment property acquisitions.

Money Fund	Market Account	Date Opened	Actual Balance 01/04/15 £m	Actual Balance 30/06/15 £m	Ave. Rate Q1 2015/16 %	Actual Balance 19/08/15 £m	Ave. Daily balance to 19/08/15 £m	Current Rate 19/08/15 %
Prime Rate		15/06/2009	7.3	-	0.45	10.4	3.0	0.47
Ignis		25/01/2010	15.0	15.0	0.47	15.0	5.8	0.49
Insight		03/07/2009	0.0	-	0.44	4.2	1.0	0.45
Morgan Stanley		01/11/2012	0.0	-	0.43	-	-	0.42
Legal & General		23/08/2012	0.0	2.8	0.46	12.3	3.9	0.49
Blackrock		16/09/2009	0.0	-	-	-	-	0.37
Fidelity		20/11/2002	0.0	-	-	-	-	0.37
<b>TOTAL</b>			<b>22.3</b>	<b>17.8</b>		<b>41.9</b>		

### 3.12 Pooled Investment Schemes

#### CCLA Property Fund

Following consultation between the Director of Finance and the Resources Portfolio Holder, an account was opened in January 2014 with the CCLA Local Authorities' Property Fund and an initial deposit of £5m was made. Following further consultation, another £5m deposit was made at the end of July 2014 and, finally, a third £5.0m was deposited in March 2015. This is viewed as a medium to long-term investment and dividends are paid quarterly. In 2014/15, the investment returned 5.25% net of fees and, in the June 2015 quarter, it returned 4.81% (net).

#### Diversified Growth Funds

In October 2014, the Council approved the inclusion of investment in diversified growth funds in our strategy and, in December, £5m was invested with both Newton and Standard Life. The Funds both performed very well in just over three months to 31<sup>st</sup> March 2015; the Newton Fund returning 21.5% (a gain of £294k) and the Standard Life Fund returning 21.9% (a gain of £299k). In accordance with the Council decision, interest equivalent to 27% (£160k) of the total dividend was transferred to the Parallel Fund, set up in 2014/15 with an opening balance of £2.7m to mitigate the potential revenue impact of future actuarial Pension Fund valuations. In the first four months of 2015/16, however, both Funds lost value and, as at 31<sup>st</sup> July (7 months since inception), the Newton Fund had returned 5.76% (net – an overall gain of £175k) and the Standard Life Fund had returned 9.05% (net – an overall gain of £275k).

### 3.13 Investment with Heritable Bank

Members will be aware from regular updates to the Resources Portfolio Holder and the Executive that the Council had £5m invested with the Heritable Bank, a UK subsidiary of the Icelandic bank, Landsbanki. In October 2008, the bank was placed in administration and our investment was frozen. An initial dividend was paid to the Council in July 2009 and, since then, a further 13 dividends have been received (most recently in August 2013). To date, a total of £4,783k has been received (94% of our total claim of £5,087k), leaving a balance of £304k (6.0%). Council officers and our external advisers remain hopeful of a full recovery and, in May 2015, the administrator advised that a further distribution (as yet unspecified) will be made to creditors in August. A verbal update may need to be provided at the meeting.

### 3.14 External Cash Management

External cash managers, Tradition UK Ltd, currently manage £20m of our cash portfolio and provide useful advice and information on treasury management matters. In 2014/15, Tradition UK achieved a return of 1.28%, which compared with the in-house team rate of 1.06% for "core" investments (1.55% including investments with the pooled vehicles). Tradition UK work to the same counterparty list as the Council's in-house team and so have also been constrained by strategy changes approved after the Icelandic Bank crisis and by ratings downgrades in recent years. Details of externally managed funds placed on deposit as at the time of writing this report are shown below. All of their current deposits have been placed for periods of two years or three years.

<b>Bank</b>	<b>Sum</b>	<b>Start Date</b>	<b>Maturity</b>	<b>Period</b>	<b>Rate</b>
Lloyds	£7.5m	18/08/14	18/08/16	2 years	1.28%
RBS	£5.0m	26/08/14	26/08/16	2 years	Min 1.52%; max 2.00% (linked to 3 month Libor)
West Dumbartonshire Council	£2.5m	26/03/14	24/03/17	3 years	1.60%
Perth & Kinross Council	£5m	23/03/14	24/03/17	3 years	1.45%

## Economic Background (provided by Sector)

3.15 Comments on the economic background during the first quarter of 2015/16 and on the outlook are attached at Appendix 3.

### Proposed change to the Annual Investment Strategy

3.16 As is outlined in paragraph 3.8, counterparty credit rating downgrades in recent years have resulted in the removal of (or the placing of restrictions on) many of our established counterparties from our lending list and it has become increasingly difficult to identify institutions to place money with. The restrictions on our lending list mean that we are almost always full to limit on eligible counterparties that are in the market for local authority cash. As a result, we have had to place large sums in low interest accounts and this has had a significant impact on the Council's interest earnings. At the time of writing this report (19<sup>th</sup> August 2015), around £42m is invested in instant access (Money Market Fund) accounts.

3.17 In an attempt to increase options, a number of changes to the approved strategy have been agreed in recent years, most recently in October 2014, when the total investment limit for the two part-nationalised banks, Lloyds and Royal Bank of Scotland, was increased to £80m and the maximum investment period was increased to 3 years.

3.18 In September 2013, the Portfolio Holder and Full Council approved the inclusion of collective (pooled) investment schemes as eligible investment vehicles in the Council's Investment Strategy with an overall limit of £25m and a maximum duration of 5 years. As is outlined above (in paragraph 3.12), pooled investment schemes have performed well to date and have earned a rate of return considerably higher than other forms of investment that are currently available. ***It is proposed, therefore, that the total limit for these investments (currently comprising the CCLA Property Fund and the two Diversified Growth Fund investments with Newton and Standard Life) be increased from £25m to £40m.*** Such investments would continue to require the approval of the Director of Finance in consultation with the Resources Portfolio Holder. Although past performance is no guarantee of future performance, this should enable us to get a higher return on cash currently placed in low-earning money market funds.

3.19 For information, pooled investment vehicles must meet the following criteria:

- In recognition of the need to protect capital, a longer term period of 3 – 5 years will be required, where the capital risk is expected to be minimal;
- The returns will be expected to be higher than normal secured fixed term lending to eligible financial institutions by at least 2%;
- Investments must be able to be sold within 6 months (9 months for property), which provides more flexibility than lending to banks for longer periods;
- The investment vehicle must have a proven track record over a 3 – 5 year period, although it is accepted that looking back is no guarantee of returns for the future;
- Historically, volatility has been low; and
- The Council's external advisers, Sector, must support the proposals using their extensive financial expertise.

## **Regulatory Framework, Risk and Performance**

3.20 The Council's treasury management activities are regulated by a variety of professional codes and statutes and guidance:

- The Local Government Act 2003 (the Act), which provides the powers to borrow and invest as well as providing controls and limits on this activity;
- The Act permits the Secretary of State to set limits either on the Council or nationally on all local authorities restricting the amount of borrowing which may be undertaken (although no restrictions have been made in any year(s));
- Statutory Instrument (SI) 3146 2003, as amended, develops the controls and powers within the Act;
- The SI requires the Council to undertake any borrowing activity with regard to the CIPFA Prudential Code for Capital Finance in Local Authorities;
- The SI also requires the Council to operate the overall treasury function with regard to the CIPFA Code of Practice for Treasury Management in the Public Services;
- Under the Act the CLG has issued Investment Guidance to structure and regulate the Council's investment activities;
- Under section 238(2) of the Local Government and Public Involvement in Health Act 2007 the Secretary of State has taken powers to issue guidance on accounting practices. Guidance on Minimum Revenue Provision was issued under this section on 8<sup>th</sup> November 2007.

3.21 The Council has complied with all of the above relevant statutory and regulatory requirements which limit the levels of risk associated with its treasury management activities. In particular its adoption and implementation of both the Prudential Code and the Code of Practice for Treasury Management means both that its capital expenditure is prudent, affordable and sustainable, and its treasury practices demonstrate a low risk approach.

## **4. POLICY IMPLICATIONS**

4.1 In line with government guidance, the Council's policy is to seek to ensure the security of the Council's investments, to achieve liquidity and to achieve the highest rate of return on investments whilst maintaining appropriate levels of risk.

## **5. FINANCIAL IMPLICATIONS**

5.1 There is still no real sign of interest rates improving and an average rate of 1% has again been prudently assumed for interest on new fixed term deposits (lending to banks and other local authorities) in the 2015/16 revenue budget, in line with the estimates provided by the Council's external treasury advisers, Capita, and with officers' views. The Bank of England base rate is still expected to rise, but the expected start of the rise has been put back to mid-2016 and could be even later. There have been no improvements to counterparty credit ratings, as a result of which the restrictions to investment opportunities that followed ratings downgrades in recent years have still been in place. However, the increases in the limits for the two part-nationalised banks (Lloyds and RBS) approved by the Council in October, together with higher rates from longer-term deals placed with other local authorities, higher average balances than anticipated and the strong performance of the CCLA Property Fund and the Diversified Growth Fund investments enabled the budget to be increased from £1,591k in 2014/15 to £2,741k in

2015/16. At this stage in the year, it is forecast that the 2015/16 outturn will be around £3.35m; i.e. a surplus of £0.6m, mainly due to good returns on the CCLA Property Fund.

<b>Non-Applicable Sections:</b>	Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	CIPFA Code of Practice on Treasury Management CIPFA Prudential Code for Capital Finance in Local Authorities CLG Guidance on Investments External advice from Capita Treasury Solutions

## CAPITA COMMENTARY ON ECONOMIC BACKGROUND

After strong UK GDP growth in 2013 at an annual rate of 2.7% and 3.0% in 2014, quarter 1 of 2015 was disappointing at only 0.4%, though subsequent data indicates that this could well be revised up further down the line and also indicates a return to stronger growth in quarter 2. In its May quarterly Inflation Report, the Bank of England reduced its GDP forecast for 2015 from 2.9% to 2.5% and from 2.9% to 2.7% in 2016, while increasing its forecast for 2017 from 2.4% to 2.7%.

Uncertainty around the likely result of the UK general election in May has obviously now evaporated although this has been replaced by some uncertainty around the potential impact on the UK economy of the EU referendum promised by, or in, 2017. In addition, the firm commitment of the Conservative Government to eliminating the deficit within the term of this Parliament will have an impact on GDP growth rates. However, the MPC is fully alert to this and will take that into account, and also the potential spill over effects from the Greek crisis, in making its decisions on the timing of raising Bank Rate.

As for the American economy, confidence has improved markedly in this quarter that the US will start increasing the Fed funds rate by the end of 2015 due to a return to strong economic GDP growth after a disappointing start to the year in quarter 1, (a contraction of 0.2%), after achieving 2.4% growth in 2014.

In the Eurozone, the ECB fired its big bazooka in January 2015 in unleashing a massive €1.1 trillion programme of quantitative easing to buy up high credit quality government and other debt of selected EZ countries. This programme of €60bn of monthly purchases started in March 2015 and it is intended to run initially to September 2016. This already appears to have had a positive effect in helping a recovery in consumer and business confidence and a start to a significant improvement in economic growth, though it remains to be seen whether this will have an enduring effect as strong as the recovery in the US and UK.

## APPENDIX 1

### INVESTMENTS HELD AS AT 30th JUNE 2015

Counterparty	Start Date	Maturity Date	Rate of Interest %	Amount £m
<b>FIXED TERM DEPOSITS</b>				
NEWCASTLE CITY COUNCIL	01/07/13	01/07/15	0.70000	5.0
NEWCASTLE CITY COUNCIL	29/07/13	29/07/15	0.70000	10.0
LLOYDS BANK	19/11/14	19/11/15	1.00000	5.0
KINGSTON-UPON-HILL CITY COUNCIL	02/01/14	04/01/16	0.90000	2.0
LLOYDS BANK	31/03/15	31/03/16	1.00000	5.0
GREATER LONDON AUTHORITY	01/04/14	01/04/16	1.14000	15.0
LLOYDS BANK	13/04/15	13/04/16	1.00000	5.0
RBS (collar deposit - floor 1.15%; ceiling 1.37%)	21/05/14	23/05/16	1.15000	15.0
LLOYDS BANK	07/07/14	07/07/16	1.25000	2.5
LLOYDS BANK	18/08/14	18/08/16	1.28000	7.5
RBS (collar deposit - floor 1.52%; ceiling 2.00%)	26/08/14	26/08/16	1.52000	15.0
WARRINGTON BOROUGH COUNCIL	31/10/13	31/10/16	1.45000	5.0
LONDON FIRE & EMERGENCY PLANNING AUTHORITY	28/11/13	28/11/16	1.50000	5.0
LLOYDS BANK	04/12/14	05/12/16	1.09000	25.0
RBS (King & Shaxson Client A/c) - CD investment	13/02/15	13/02/17	1.34000	10.0
WEST DUMBARTONSHIRE COUNCIL	26/03/14	24/03/17	1.60000	2.5
PERTH & KINROSS COUNCIL	23/03/14	24/03/17	1.45000	5.0
NORTHUMBERLAND COUNTY COUNCIL	15/08/14	15/08/17	1.50000	5.0
DONCASTER MBC	15/08/14	15/08/17	1.88000	5.0
LB CROYDON	22/08/14	22/08/17	1.50000	10.0
RBS (King & Shaxson Client A/c) - CD investment	30/10/14	30/10/17	1.85000	40.0
BLAENAU GWENT CBC	04/12/14	04/12/17	1.90000	3.0
LLOYDS BANK	15/04/15	16/04/18	1.49000	30.0
				<u>232.5</u>
<b>OTHER</b>				
Money Market Funds - Ignis		Money Market Fund		15.0
- LGIM		Money Market Fund		2.8
CCLA Local Authority Property Fund		Property Fund		15.0
Diversified Growth Fund - Newton		Diversified Growth Fund		5.0
- Standard Life		Diversified Growth Fund		5.0
<b>TOTAL INVESTMENTS AS AT 30th JUNE 2015</b>				<b><u>275.3</u></b>
<b>ICELANDIC BANK DEPOSIT (not included above)</b>				
Heritable Bank - total claim (principal & interest)	28/06/07	29/06/09	6.42	5,087,065
Less: Dividend received to 30/06/15 (94%)				<u>-4,782,724</u>
Principal sum unrecovered as at 30/06/15				<u>304,341</u>
Provision in 2014/15 accounts for non-recovery (5.9% of total claim)				<u>300,000</u>

**APPENDIX 2**

**INVESTMENTS HELD AS AT 30th JUNE 2015**

	FROM	TO	RATE	£m	TOTAL £m	LIMIT	REMAINING
<b><u>UK BANKS</u></b>							
LLOYDS BANK	19/11/14	19/11/15	1.000	5.0			
LLOYDS BANK	31/03/15	31/03/16	1.000	5.0			
LLOYDS BANK	13/04/15	13/04/16	1.000	5.0			
LLOYDS BANK	07/07/14	07/07/16	1.250	2.5			
LLOYDS BANK	18/08/14	18/08/16	1.280	7.5			
LLOYDS BANK	04/12/14	05/12/16	1.090	25.0			
LLOYDS BANK	15/04/15	16/04/18	1.490	30.0	80.0	80.0	0.0
ROYAL BANK OF SCOTLAND-Floor 1.15%; ceiling 1.37%	21/05/14	23/05/16	1.150	15.0			
ROYAL BANK OF SCOTLAND-Floor 1.52%; ceiling 2.00%	26/08/14	26/08/16	1.520	15.0			
ROYAL BANK OF SCOTLAND-CD Investment	13/02/15	13/02/17	1.340	10.0			
ROYAL BANK OF SCOTLAND-CD Investment	30/10/14	30/10/17	1.850	40.0	80.0	80.0	0.0
<b><u>OTHER LOCAL AUTHORITIES</u></b>							
BLAENAU GWENT CBC	04/12/14	04/12/17	1.900	3.0	3.0	15.0	12.0
DONCASTER MBC	15/08/14	15/08/17	1.880	5.0	5.0	15.0	10.0
GREATER LONDON AUTHORITY	01/04/14	01/04/16	1.140	15.0	15.0	15.0	0.0
KINGSTON-UPON-HILL CITY COUNCIL	02/01/14	04/01/16	0.900	2.0	2.0	15.0	13.0
LONDON BOROUGH OF CROYDON	22/08/14	22/08/17	1.500	10.0	10.0	15.0	5.0
LONDON FIRE & EMERGENCY PLANNING AUTHORITY	28/11/13	28/11/16	1.500	5.0	5.0	15.0	10.0
NEWCASTLE CITY COUNCIL	01/07/13	01/07/15	0.700	5.0			
NEWCASTLE CITY COUNCIL	29/07/13	29/07/15	0.700	10.0	15.0	15.0	0.0
NORTHUMBERLAND COUNTY COUNCIL	15/08/14	15/08/17	1.500	5.0	5.0	15.0	10.0
PERTH & KINROSS COUNCIL	23/03/14	24/03/17	1.450	5.0	5.0	15.0	10.0
WARRINGTON BOROUGH COUNCIL	31/10/13	31/10/16	1.450	5.0	5.0	15.0	10.0
WEST DUMBARTONSHIRE COUNCIL	26/03/14	24/03/17	1.600	2.5	2.5	15.0	12.5
<b><u>OTHER ACCOUNTS</u></b>							
MONEY MARKET FUNDS - IGNIS		Money Market Fund		15.0	15.0	15.0	0.0
- LGIM		Money Market Fund		2.8	2.8	15.0	12.2
CCLA PROPERTY FUND		Property Fund		15.0	15.0	}	
DIVERSIFIED GROWTH FUND - NEWTON		Diversified Growth Fund		5.0	5.0	25.0	0.0
- STANDARD LIFE		Diversified Growth Fund		5.0	5.0	}	
<b>TOTAL INVESTMENTS AS AT 30th JUNE 2015</b>				<b>275.3</b>	<b>275.3</b>		
<b>ICELANDIC BANK DEPOSIT (not included above)</b>							
Heritable Bank - total claim (principal & interest)	28/06/07	29/06/09	6.420	5087065			
Less: Dividend received to 30/06/15 (94%)				-4782724			
Principal sum unrecovered as at 30/06/15				304341			
Provision in 2014/15 accounts for non-recovery (5.9% of total claim)				300000			



Report No.  
CSD15123

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** COUNCIL

**Date:** Monday 19 October 2015

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

**Title:** CAPITAL PROGRAMME - HOUSING ZONE BID

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

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

**Ward:** N/A

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1. Reason for report

- 1.1 At its meeting on 15<sup>th</sup> July 2015 the Executive agreed to recommend that Council includes the £5.7m Housing Zone Bid (Site G) in the Capital Programme. The Housing Zone Bid is summarised in paragraph 3.3.9 of the attached report to the Executive – Capital Programme Monitoring – 1st Quarter 2015/16. The £5.7m is funded by £3m from the Housing Payment in Lieu Fund and £2.7m from the Growth Fund.

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2. **RECOMMENDATION**

**Council is recommended to approve the inclusion of the £5.7m Housing Zone Bid into the Capital Programme.**

### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Excellent Council Vibrant, Thriving Town Centres:
- 

### Financial

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

### Staff

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

### Legal

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

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
- 

### Ward Councillor Views

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

<b>Non-Applicable Sections:</b>	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	See attached report

PART ONE - PUBLIC

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**Decision Maker:** Executive Council

**Date:** 15<sup>th</sup> July 2015  
19<sup>th</sup> October 2015

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

**Title:** CAPITAL PROGRAMME MONITORING – 1<sup>ST</sup> QUARTER 2015/16

**Contact Officer:** Martin Reeves, Principal Accountant  
Tel: 020 8313 4291 E-mail: martin.reeves@bromley.gov.uk

**Chief Officer:** Director of Finance

**Ward:** All

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1. Reason for report

This report summarises the current position on capital expenditure and receipts following the 1st quarter of 2015/16 and seeks the Executive's approval to a revised Capital Programme.

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2. **RECOMMENDATION(S)**

**The Executive is requested to:**

- (a) Note the report, including the rephrasing of £2,123k from 2014/15 into 2015/16 and £9,049k from 2015/16 into 2016/17 (see paragraph 3.3.11) and agree a revised Capital Programme;
- (b) Approve the following amendments to the Capital Programme:
  - (i) Addition of £638k in 2015/16 re. annual revenue contributions to Bromley Mytime Investment Fund (see para 3.3.1);
  - (ii) Addition of £289k in 2015/16 for Gosshill Road, Chislehurst – Private Street Works (funded by S106 receipts (£209k) and Transport for London (£80k)) (see para 3.3.2);
  - (iii) Addition of £130k in 2015/16 for Oprington Railway Station (funded by S106 receipts (£80k) and Transport for London (£50k)) (see para 3.3.3);
  - (iv) Addition of £18k re. Autism Capital grant received from Department of Health (see para 3.3.4);
  - (v) Addition of £18k in 2015/16 to the Churchill Theatre & Central Library Chiller scheme to reflect the additional contract cost (see para 3.3.5);

- (vi) A net reduction of £156k over four years 2015/16 to 2018/19 in respect of reduced Schools Formula Devolved Capital grant support (see para 3.3.6);
- (vii) Reduction of £220k in 2015/16 to reflect revised grant support from Transport for London (TfL) for highway schemes (see para 3.3.7);
- (viii) Transfer (virement) of £43k from the budget for Financial Systems Upgrade to Rollout of Windows 7 budget (see para 3.3.8);
- (ix) Inclusion of £5.7m Housing Zone Bid (Site G) (Executive 24/03/15) into the Capital programme (see para 3.3.9);
- (x) Section 106 receipts from developers - net increase of £2,827k (£2,760k in 15/16 and £67k in 16/17) to reflect the funding available and remaining unallocated balance (see para 3.3.10);

**Full Council is requested to:**

- (a) Approve the inclusion of the £5.7m Housing Zone Bid into the Capital Programme (see para 3.3.9)

## Corporate Policy

1. Policy Status: Existing Policy: Capital Programme monitoring is part of the planning and review process for all services. Capital schemes help to maintain and improve the quality of life in the borough. Affective asset management planning (AMP) is a crucial corporate activity if a local authority is to achieve its corporate and service aims and objectives and deliver its services. The Council continuously reviews its property assets and service users are regularly asked to justify their continued use of the property. For each of our portfolios and service priorities, we review our main aims and outcomes through the AMP process and identify those that require the use of capital assets. Our primary concern is to ensure that capital investment provides value for money and matches the Council's overall priorities as set out in the Community Plan and in "Building a Better Bromley". The capital review process requires Council Directors to ensure that bids for capital investment provide value for money and match Council plans and priorities.
  2. BBB Priority: Excellent Council
- 

## Financial

1. Cost of proposal: Estimated Cost: Total increase of £11.4m over the 4 years 2015/16 to 2018/19, mainly due to rephasing of expenditure from 2014/15 into 2015/16, the Housing Zone Bid (Site G) and the revised S106 schemes to reflect the funding available.
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Capital Programme
  4. Total current budget for this head: Total £152.9m over 4 years 2015/16 to 2018/19
  5. Source of funding: Capital grants, capital receipts and earmarked revenue contributions
- 

## Staff

1. Number of staff (current and additional): 1fte
  2. If from existing staff resources, number of staff hours: 36 hours per week
- 

## Legal

1. Legal Requirement: Non-Statutory - Government Guidance
  2. Call-in: 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? Not Applicable
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

#### Capital Expenditure

- 3.1 Appendix A sets out proposed changes to the Capital Programme following a detailed monitoring exercise carried out after the 1st quarter of 2015/16. The base position is the revised programme approved by the Executive on 11th February 2015, as amended by variations approved at subsequent Executive meetings. If the changes proposed in this report are approved, the total Capital Programme 2015/16 to 2018/19 would increase by £11.4m, mainly due to rephasing from 2014/15 into 2015/16 (£2.1m), the inclusion of the Housing Zone Bid (Site G) (£5.7m) and an increase of £2.8m in the S106 unallocated budget to reflect the current funding available.

The variations are summarised in the table below with further detail set out in Appendix A.

	2015/16	2016/17	2017/18	2018/19	TOTAL 2015/16 to 2018/19
	£000	£000	£000	£000	£000
Programme approved by Executive 11/02/15	64,215	46,737	4,612	4,610	120,174
Variations approved at subsequent Executive meetings	11,599	909	8,838		21,346
Approved Programme prior to 1st Quarter's Monitoring	75,814	47,646	13,450	4,610	141,520
Variations requiring the approval of the Executive	9,316	50	-17	-105	9,244
Variations not requiring approval:					
Net underspendings in 2014/15 rephased into 2015/16	2,123	0	0	0	2,123
Net rephasing from 2015/16 into 2016/17	-9,049	9,049	0	0	0
Total Amendment to the Capital Programme	2,390	9,099	-17	-105	11,367
<b>Total Revised Capital Programme</b>	<b>78,204</b>	<b>56,745</b>	<b>13,433</b>	<b>4,505</b>	<b>152,887</b>
Assumed Further Slippage (for financing purposes)	-10,000	2,000	2,000	2,000	-4,000
Assumed New Schemes (to be agreed)	0	0	2,500	2,500	5,000
	-10,000	2,000	4,500	4,500	1,000
Projected Programme for Capital Financing Forecast (see appendix C)	68,204	58,745	17,933	9,005	153,887

#### 3.2 Variations approved at subsequent Executive meetings

- 3.2.1 As detailed in Appendix A, variations of £21.3m have been approved since the February meeting of Executive. This mainly comprises £8.8m on the 2017/18 allocation for Basic Need to support the provision of school places, £8.7m for further property acquisitions funded by the Investment Fund, £1.5m for additional School Capital Maintenance Grant, and £1.3m for Penge and Orpington Town Centre schemes funded by the New Homes Bonus and the High Street Fund.

#### 3.3 Variations requiring the approval of the Executive (£9,244k net increase)

##### 3.3.1 Bromley Mytime Investment Fund (£638k increase in 2015/16):

There is annual provision in the revenue budget for a contribution towards capital investment in Council leisure centres by Bromley MyTime and Members are asked to approve the inclusion of £638k in 2015/16, which will bring the total contribution to £1,892k in 2015/16.

### 3.3.2 Gosshill Road, Chislehurst – Private Street Works (£289k increase in 2015/16)

Members are asked to approve the inclusion of the Gosshill Road scheme into the Capital Programme. On 1st July 2014, the Environment Portfolio Holder received the first resolution report regarding the use and condition of Gosshill Road, Chislehurst (under the Private Street Works code). The estimated cost of the implementation works is £289k of which £209k is funded from S106 and £80k is funded from the TfL budget for Public Transport Interchange and Access. This was agreed by the Portfolio Holder in the second resolution report to the Environment PDS Committee on 23rd September 2014.

### 3.3.3 Orpington Railway Station – Improved Access and Bus stop Enhancement (£130k increase in 2015/16)

Members are asked to approve the inclusion of the Orpington Railway Station scheme into the Capital Programme. On 4th November 2014, the Environment Portfolio approved the allocation of £80k of S106 monies towards access and bus stop improvements as part of the Orpington railway station car park and forecourt scheme. The estimated implementation cost of the proposal is £130k and the remaining £50k is funded from the TfL allocation for Public Transport Interchange and Access.

### 3.3.4 Autism Capital Grant (£18k increase in 2015/16)

Confirmation has been received from Department of Health of a new capital grant of £18k, which will be used to support work on implementing Think Autism, the recent update to the 2010 Adult Autism Strategy for England. Although the grant is not ring fenced, conditions are included in a supporting memorandum of understanding.

### 3.3.5 Churchill Theatre & Central Library Chillers (£18k increase in 2015/16)

The Churchill Theatre & Central Library Chiller scheme aims to replace the existing mechanical plant at the Central Library / Churchill Theatre Site. This is required for Health & Safety reasons (legionella) and to mitigate the risk of financial claims from the theatre in the event of equipment failure. The contract for the chiller replacements has been recently awarded to East West Connect Ltd. It is anticipated that the total cost of the scheme will vary slightly from the original estimated budget (within the 5% threshold) and Members are asked to approve an additional £18k to the existing budget of £457k.

### 3.3.6 Formula Devolved Capital Grant (net reduction of £156k in 2015/16 to 2018/19)

The level of funding received from the Department for Education for 2015/16 Formula Devolved Capital Grant (£285k) is lower than anticipated due to the increasing level of Academy conversion as Academies receive separate devolved capital funding from the Education Funding Agency. The capital programme has been adjusted to reflect an overall reduction of £156k. (£17k in 2015/16, £17k 2016/17, £17k in 2017/18 and £105k in 2018/19).

### 3.3.7 Transport for London (TfL) – Revised Support for Highway Schemes (£220k reduction in 2015/16)

Provision for transport schemes to be 100% funded by TfL was originally included in the Capital Programme 2015/16 to 2018/19 on the basis of the bid in our Borough Spending Plan (BSP). Notification of an overall reduction of £220k in the 2015/16 grant has been received from TfL. Grant allocations from TfL change frequently and any further variations will be reported in subsequent capital monitoring reports.

### 3.3.8 Virement of £43k from Financial Systems Upgrade to Rollout of Windows 7

Due to the impact of moving to Windows 7, additional works are required to upgrade older dependent systems and software along with service improvements to bring the system into line with recognised industry best practice. £43k from the budget for the Financial Systems Upgrade scheme has been allocated to contribute towards upgrading Version One. Members are asked to approve a virement of £43k to the Rollout of Windows 7 budget to ensure the funding is located where the actual spend is.

### 3.3.9 Housing Zone Bid (Site G) – (increase of £5.7m in 2015/16)

On 24<sup>th</sup> March 2015, the Executive approved the Housing Zone Bid (Site G) proposal to support the delivery policy objectives set out within the Council's adopted Bromley Town Centre Area Action Plan. Members are asked to approve the inclusion of the £5.7m Housing Zone Bid (Site G) into the Capital Programme of which £3m is funded from the Housing Payment In Lieu Fund (S106) and £2.7m is funded from the Growth Fund. This will also require the approval of Full Council.

### 3.3.10 Section 106 receipts (uncommitted balance) – net increase of £2,827k (£2,760k in 2015/16 and £67k in 2016/17)

In previous years, the Capital Programme budget for Section 106 receipts has been adjusted as and when new spending plans receive approval. In future, however, it seems sensible to match the Capital Programme budget with the total of S106 receipts available to fund expenditure and it is proposed, therefore, that the Capital Programme be increased by a total of £2,827k (£2,760k in 2015/16 and £67k in 2016/17). As per the table below, this would leave a total budget of £6,948k in 2015/16 and 2016/17, which matches the total of available S106 receipts in paragraph 3.7.

	Total Approved S106 Budget £000	Actuals upto FY14/15 £000	Budget FY15/16 £000	Budget FY16/17 £000
<b>Housing:</b>				
Purchase of Properties	1,120	1,016	104	0
Site K	672	0	605	67
Site G (£5.7m - £3m PIL £2.7m Growth Fund)	3,000	0	3,000	0
Uncommitted balance (as at May 2015)	1,286	0	1,286	0
<b>Housing Total</b>	<b>6,078</b>	<b>1,016</b>	<b>4,995</b>	<b>67</b>
<b>Education:</b>				
Basic Need	706	456	250	0
Uncommitted balance (as at May 2015)	1,341	0	1,341	0
<b>Education Total</b>	<b>2,047</b>	<b>456</b>	<b>1,591</b>	<b>0</b>
<b>Highways:</b>				
Gosshill Road	209	0	209	0
Orpington Railway Station	80	0	80	0
Uncommitted balance (as at May 2015)	6	0	6	0
<b>Highways Total</b>	<b>295</b>	<b>0</b>	<b>295</b>	<b>0</b>



### 3.3.11 Scheme Rephasing

The 2014/15 Capital Outturn was reported to the Executive on 10<sup>th</sup> June 2015. The final capital outturn for the year was £50.5m compared to a revised budget of £52.5m. After allowing for other net variations of £0.1m, a total of £2.1m has been re-phased from 2014/15 into 2015/16.

In the quarter 1 monitoring exercise, slippage of £9,049k has been identified and this has been re-phased from 2015/16 into 2016/17 to reflect the latest estimates of when expenditure is likely to be incurred. This has no overall impact on the total approved estimate for the capital programme. Further details are provided in Appendix B.

### Capital Receipts

- 3.4 Details of the receipts forecast in the years 2015/16 to 2018/19 are included elsewhere on the agenda in a confidential appendix to this report (Appendix D). Actual receipts from asset disposals totalled some £7.1m in 2014/15, compared to a forecast of £9.2m reported to the February meeting. The latest estimate for 2015/16 has increased to £9.8m from £6m reported in February. Estimates for 2016/17, 2017/18 and 2018/19 remain at £6.5m, £1.0m and £1.0m respectively, as was reported in February. A total of £1m per annum is assumed for later years, in line with the target included in the Resources Portfolio Plan. The financing and balances projections shown in Appendix C reflect prudent assumptions for capital receipts.

### Financing of the Capital Programme

- 3.5 A capital financing statement is attached at Appendix C and the following table summarises the estimated impact on balances of the revised programme and revised capital receipt projections, which reflect prudent assumptions on the level and timing of disposals. Total balances would reduce from £48.9m (General Fund £20.0m and capital receipts £28.9m) at the end of 2014/15 to £37.8m by the end of 2018/19 and would then reduce further to £31.3m by the end of 2023/24. It is estimated that the General Fund would not be required to make any contributions to the funding of capital expenditure in any year.

	Balance 1/4/15	Estimated Balance 31/3/19	Estimated Balance 31/3/20
	£m	£m	£m
General Fund	20.0	20.0	20.0
Capital Receipts	28.9	17.8	11.3
	<hr/> 48.9	<hr/> 37.8	<hr/> 31.3

## Investment Fund and Growth Fund

*(formerly Economic Development and Investment Fund)*

- 3.6 Full details of the Investment Fund and Growth Fund were reported to the June meeting of the Executive in the Capital Programme Outturn 2014/15 report. A total of £41.4m has been spent to date, and schemes totalling £46.2m have been approved. The uncommitted balance currently stands at £27.6m for the Investment Fund and £7.0m for the Growth Fund

<u>Investment Fund:</u>	£'000
<u>Funding:</u>	
Approved by Executive 7th September 2011	10,000
Approved by Council 27th February 2013	16,319
Approved by Council 1st July 2013	20,977
Approved by Executive 10th June 2014	13,792
Approved by Executive 15th October 2014	90
New Home Bonus (2014/15)	5,040
Approved by Executive 11th February 2015	4,400
Approved by Executive 10th June 2015	10,165
	<b>80,783</b>
Less: Allocated to Growth Fund (Executive 26/11/14)	10,000
Total spend to 25th June 2015	<b>41,385</b>
<u>Actual Fund balance 25th June 2015</u>	<b>29,398</b>
<u>Schemes Approved, but not spent</u>	
Approved by Executive 12th June 2013 (Growth & Delivery Plans)	85
Approved by Executive 20th November 2013 (Queens's Garden)	893
Approved by Executive 16th October 2013 (Crystal Palace Park exclusivity agreement)	163
Approved by Executive 15th January 2014 & 26th November 2014 (Bromley BID Project)	245
Approved by Executive 12th February 2014 (147 - 153 High St)	38
Approved by Executive 24th March 2015 (Morrisons)	67
Approved by Executive 24th March 2015 (Civic Centre for the future)	50
Valuation for Biggin Hill and Westmoreland Rd	5
Strategic Property cost	258
Total further spending approvals	<b>1,804</b>
Uncommitted Balance on Investment Fund	<b>27,594</b>
In addition to the sum identified above, Members have approved a further provision of £15m to supplement the Investment Fund in 2016/17 (to be met from capital receipts)	
<u>Growth Fund:</u>	£'000
<u>Funding:</u>	
Transfer from Investment Fund (Executive 26/11/14)	10,000
<u>Schemes Approved, but not spent</u>	
Approved by Executive 24th March 2015 (Housing Zone Bid (Site G))	2,700
Renewal Team Cost	310
Total further spending approvals	<b>3,010</b>
Uncommitted Balance on Growth Fund	<b>6,990</b>

## Section 106 Receipts

- 3.7 In addition to capital receipts from asset disposals, the Council is holding a number of Section 106 contributions received from developers. These are made to the Council as a result of the granting of planning permission and are restricted to being spent on capital works in accordance with the terms of agreements reached between the Council and the developers. These receipts are held in a reserve, the balance of which stood at £6,447k as at 31<sup>st</sup> March 2015, and will be used to finance capital expenditure from 2015/16 onwards. The current position on capital Section 106 receipts (excluding commitments) is shown below:

<b>Specified capital works</b>	<b>Balance 31/03/15 £000</b>	<b>Receipts 2015/16 £000</b>	<b>Expenditure 2015/16 £000</b>	<b>Balance 30/06/15 £000</b>
Housing	4,856	206	-	5,062
Education	1,591	-	-	1,591
Highways	0	295	-	295
<b>TOTAL</b>	<b>6,447</b>	<b>501</b>	<b>-</b>	<b>6,948</b>

The Council's budgets are limited and, where a developer contribution (S106) can be secured consistent with the national Community Infrastructure Levy Regulations, this will be required as a contribution towards projects, notwithstanding any other allocation of resources contained in the Council's spending plans.

## Post-Completion Reports

- 3.8 Under approved Capital Programme procedures, capital schemes should be subject to a post-completion review within one year of completion. These reviews should compare actual expenditure against budget and evaluate the achievement of the scheme's non-financial objectives. Post-completion reports on the following schemes should be submitted to the relevant Portfolio Holders during 2015/16:

Bellegrave – reduce temporary accommodation

The Hill Car Park – strengthening works

Bromley Town Centre – increased parking capacity

Former Chartwell Business Centre – improvement works

Increasing Network Security

Civic Centre Cabling Renewal

## 4. POLICY IMPLICATIONS

- 4.1 Capital Programme monitoring and review is part of the planning and review process for all services.

## 5. FINANCIAL IMPLICATIONS

- 5.1 These are contained in the main body of the report and in the appendices. Attached as Appendix C is a capital financing statement, which gives a long-term indication of how the revised Programme would be financed if all the proposed changes were approved and if all the planned receipts were achieved. The financing projections continue to assume no General Fund support to the revenue budget in future years. They also assume approval of the revised capital programme recommended in this report, together with an estimated £2.5m pa for new capital schemes and service developments from 2017/18 onwards.

<b>Non-Applicable Sections:</b>	Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Departmental monitoring returns July 2015. Approved Capital Programme (Executive 11/02/15) Q3 Monitoring report (Executive 11/02/15). Capital Programme Outturn 2014/15 report (Executive 10/06/15). List of potential capital receipts from Valuation & Estates as at 12/06/15. Housing Zone Bid (Executive 24/03/15) Gosshill Road, Chislehurst - Private Street Works (Environmental PDS 23/09/14) Orpington Railway Station: Improved Access and Bus Stop Enhancement (Environmental PDS 04/11/14)

## CAPITAL PROGRAMME MONITORING - JUL 2015 - SUMMARY OF VARIATIONS FROM APPROVED PROGRAMME

Variations on individual schemes	Date of Portfolio meeting	2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	TOTAL 2015/16 to 2018/19 £000	Comments/reason for variation
<b>Current Approved Capital Programme</b>								
Programme approved by Executive 11/02/15	Exec 11/02/15	52,460	64,215	46,737	4,612	4,610	120,174	
Glebe School Expansion	Exec 11/02/15		88				88	
Capital Maintenance Grant - FY15/16 allocation from DfE	Exec 24/03/15							
- Seed Challenge			200				200	
- Security Works			50				50	
- Suitability			250				250	
- Capital Maintenance in schools			952				952	
Property Investment Fund - additional acquisition	Exec 24/03/15		8,739				8,739	
Civic Centre for the Future	Exec 24/03/15		50				50	
Penge Town Centre / Crystal Palace Public Realm Scheme	Exec 24/03/15		300	446			746	
Orpington Town Centre - Walnut Centre & New Market infrastructure	Exec 24/03/15		285	240			525	
Crystal Palace park - Alternative Management Options	Exec 24/03/15		272	223			495	
Basic Need - FY17/18 allocation from DfE	Exec 20/05/15				8,838		8,838	
Relocation of Exhibitions - Bromley Musuem	Exec 10/06/15		395				395	
Block provision c/fwd into 2015/16 - emergency works to surplus sites	Exec 10/06/15	-18	18				18	
<b>Approved Programme prior to 1st Quarter's Monitoring</b>		<b>52,442</b>	<b>75,814</b>	<b>47,646</b>	<b>13,450</b>	<b>4,610</b>	<b>141,520</b>	
<b>Variations in the estimated cost of approved schemes</b>								
<b>(i) Variations requiring the approval of the Executive</b>								
Bromley Mytime Fund			638				638	See paragraph 3.3.1
Gosshill Road – Private Street Works			289				289	See paragraph 3.3.2
Orpington Railway Station			130				130	See paragraph 3.3.3
Autism Grant			18				18	See paragraph 3.3.4
Churchill Theatre & Central Library Chiller			18				18	See paragraph 3.3.5
Formula Devolved Capital Grant			-17	-17	-17	-105	-156	See paragraph 3.3.6
Reduction in TfL funding for Highway schemes			-220				-220	See paragraph 3.3.7
Virement re. Window 7								See paragraph 3.3.8
From: Financial Systems Upgrade			-43				-43	
To: Rollout of Windows 7			43				43	
Housing Zone Bid (Site G )	Exec 24/03/15							See paragraph 3.3.9
- Funded from PIL			3,000				3,000	
- Funded from Growth Fund			2,700				2,700	
Section 106 receipts from developers			2,760	67			2,827	See paragraph 3.3.10
		0	9,316	50	-17	-105	9,244	
<b>(ii) Variations not requiring approval</b>								
<b>Rephasing of schemes</b>								
Rephasing from 2014/15 into 2015/16		-2,123	2,123				2,123	
Other miscellaneous items in 2014/15		154					0	
Net rephasing from 2015/16 into 2016/17			-9,049	9,049			0	See paragraph 3.3.11 and Appendix B
		-1,969	-6,926	9,049	0	0	2,123	
<b>TOTAL AMENDMENT TO CAPITAL PROGRAMME</b>		<b>-1,969</b>	<b>2,390</b>	<b>9,099</b>	<b>-17</b>	<b>-105</b>	<b>11,367</b>	
<b>TOTAL REVISED CAPITAL PROGRAMME</b>		<b>50,473</b>	<b>78,204</b>	<b>56,745</b>	<b>13,433</b>	<b>4,505</b>	<b>152,887</b>	
Less: Further slippage projection			-10,000	2,000	2,000	2,000	-4,000	
Add: Estimate for further new schemes					2,500	2,500	5,000	
<b>TOTAL TO BE FINANCED</b>		<b>50,473</b>	<b>68,204</b>	<b>58,745</b>	<b>17,933</b>	<b>9,005</b>	<b>153,887</b>	

NB. ROUNDED		50,470	68,200	58,750	17,930	9,010	153,890	
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**CAPITAL PROGRAMME MONITORING - JUL 2015 - SUMMARY OF VARIATIONS FROM APPROVED PROGRAMME - SCHEME REPHASING**

Variations on individual schemes	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	TOTAL £000	Comments/reason for variation
<b>Rephasing of schemes</b>						
Basic Need	-4,708	4,708				A full detailed report on the various projects within the Basic Need Programme was reported to Executive on 20/05/15. It is unlikely that all projects will be completed in 15/16, request to rephase £ 4,708k into 16/17.
Beacon House Refurbishment	-1,000	1,000				Tender is in development and we are waiting on the tender report back on an enabling works package. It is unlikely that the scheme will complete in 15/16 and request to rephase £1m into 16/17.
Gateway Review of Housing I.T System	-100	100				This scheme was approved by Executive on 14/01/15 and funding should be split across 15/16 and 16/17. Request to rephase £100k to 16/17 to reflect this.
Glebe School Expansion	-100	100				Contracts have recently been awarded. We estimate majority of the works to be completed in 15/16 and request to rephase £100k into 16/17 which will cover the final payment and consultancy cost.
PCT Learning Disability Reprovision Programme - Walpole Road	-850	850				Approximately £850k has been identified for alternative day service provision following the closure of the Bassetts Day Centre. LD Day activities are being reviewed and their future would be heavily influenced by the proposed award of a tender to an external provider. The tender process has taken longer than originally anticipated and it is now forecast that any resulting capital expenditure is unlikely to occur before 16/17. Request to rephase £850k into 16/17.
Schools Access Initiative	-100	100				Works at Charles Darwin and Valley schools which are due to start in the summer, Tubbenden and Unicorn schools are currently at the consultancy stage. Request to rephase £100k into 16/17.
Seed Challenge Fund	-200	200				For 15/16 Seed programme which will be subject to approval of Education PDS, works have not been allocated yet and we do not expect the works to be completed in 15/16. Request to rephase £200k into 16/17.
Social Care Grant	-1,940	1,940				This funding is made available to support reform of adult social care services. Several projects are in progress including works to Council owned learning disability properties, proposed investment in older people day opportunity services and the reconfiguration of extra care housing. We do not expect to spend all of the money in 15/16 and request to rephase £1,940k to 16/17.
Universal Free School Meals	-15	15				We anticipate £275k of works to be completed in 15/16. It is unlikely that the scheme will finish in 15/16 and request to rephase £15k into 16/17.
Winter Maintenance - Gritter replacement	-36	36				Following a condition review of the winter maintenance fleet and associated equipment at the end of the 14/15 winter season, replacements will need to be rephased into following years. Request to rephase £36k into 16/17.
<b>TOTAL REPHASING ADJUSTMENTS</b>	<b>-9,049</b>	<b>9,049</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**CAPITAL FINANCING STATEMENT Executive JUL 15 - ALL RECEIPTS**

(NB. Assumes all capital receipts - see below)

	2014-15		2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
	Estimate	Actual	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
	£000	£000	£000	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
<b>Summary Financing Statement</b>											
Capital Grants	8,532	10,036	31,355	29,557	9,123	285	285	285	285	285	285
Other external contributions	8,280	7,780	13,755	7,956	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Usable Capital Receipts	2,948	1,432	4,871	19,467	4,537	4,445	4,445	4,445	2,445	2,445	2,445
Revenue Contributions	30,700	31,225	18,219	1,770	270	270	270	270	270	270	270
General Fund	0	0	0	0	0	0	0	0	0	0	0
Borrowing	0	0	0	0	0	0	0	0	0	0	0
<b>Total expenditure</b>	<b>50,460</b>	<b>50,473</b>	<b>68,200</b>	<b>58,750</b>	<b>17,930</b>	<b>9,000</b>	<b>9,000</b>	<b>9,000</b>	<b>7,000</b>	<b>7,000</b>	<b>7,000</b>
<b>Usable Capital Receipts</b>											
Balance brought forward	21,987	21,987	28,851	33,915	24,553	21,121	17,781	16,941	13,521	12,101	12,681
New usable receipts	9,430	8,296	9,935	10,105	1,105	1,105	3,605	1,025	1,025	3,025	1,025
	31,417	30,283	38,786	44,020	25,658	22,226	21,386	17,966	14,546	15,126	13,706
Capital Financing	-2,948	-1,432	-4,871	-19,467	-4,537	-4,445	-4,445	-4,445	-2,445	-2,445	-2,445
<b>Balance carried forward</b>	<b>28,469</b>	<b>28,851</b>	<b>33,915</b>	<b>24,553</b>	<b>21,121</b>	<b>17,781</b>	<b>16,941</b>	<b>13,521</b>	<b>12,101</b>	<b>12,681</b>	<b>11,261</b>
<b>General Fund</b>											
Balance brought forward	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Less: Capital Financing	0	0	0	0	0	0	0	0	0	0	0
Less: Use for Revenue Budget	0	0	0	0	0	0	0	0	0	0	0
<b>Balance carried forward</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>
<b>TOTAL AVAILABLE RESERVES</b>	<b>48,469</b>	<b>48,851</b>	<b>53,915</b>	<b>44,553</b>	<b>41,121</b>	<b>37,781</b>	<b>36,941</b>	<b>33,521</b>	<b>32,101</b>	<b>32,681</b>	<b>31,261</b>
Assumptions:											
GF contribution to support capital programme not required in any year.											
New capital schemes - £2.5m p.a. from 2017/18 for future new schemes.											
Capital receipts - includes figures reported by Property Division as at 12/06/15 (pessimistic/realistic estimate, including Tweedy Road & Town Hall) and £1m pa from 2017/18.											
Current approved programme - as recommended to Executive 15/07/15											



Report No.  
CDS15120

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** COUNCIL

**Date:** Monday 19 October 2015

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

**Title:** LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY FOR 2016 TO 2021

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

**Chief Officer:** Director of Corporate Services

**Ward:** All

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1. Reason for report

- 1.1 At its meeting on 17<sup>th</sup> September 2015, the General Purposes and Licensing Committee considered the results of the public consultation on the draft Licensing Policy and recommended that Council adopt the Policy to take effect on 7 January 2016. The report considered by the Committee is attached, together with the final version of the Licensing Policy.
- 

2. **RECOMMENDATION**

**Council is recommended to note the response to public consultation and adopt the Statement of Licensing Policy under the Licensing Act 2003 to have effect from 7<sup>th</sup> January 2016.**

## Corporate Policy

1. Policy Status: Existing Policy: The Council adopted its statement of licensing policy for the period 2011 – 2016 on 25<sup>th</sup> October 2010. It was subsequently revised and updated in May 2012.
  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 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): 51 fte
  2. If from existing staff resources, number of staff hours: N/A
- 

## Legal

1. Legal Requirement: Statutory Requirement: Section 5 (as amended) of the Licensing Act 2003 requires the Council as the licensing authority to determine and publish its policy every five years.
  2. Call-in: Not Applicable:
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All businesses and organisations who hold licenses, their customers and residents who live in close proximity.
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes All ward councillors received a letter advising them that the draft policy was available for comment on the Council's website.
2. Summary of Ward Councillors comments: None

<b>Non-Applicable Sections:</b>	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	See attached report.

PART ONE - PUBLIC

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

**Date:** Thursday 17 September 2015

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

**Title:** LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY FOR 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:** Executive Director of Environment & Community Services

**Ward:** (All Wards);

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1. Reason for report

To present Members with the results of public consultation on the draft Licensing Policy and recommend the approval of the draft policy for adoption by Council on 19 October 2015.

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2. **RECOMMENDATION(S)**

**Members are asked to note and comment on the response to public consultation and recommended the Statement of Licensing Policy under the Licensing Act 2003 for adoption by full Council on 19 October 2015 to have effect from 7 January 2016.**

### Corporate Policy

1. Policy Status: Existing Policy: The Council adopted its statement of licensing policy for the period 2011 - 2016 on 25 October 2010. It was subsequently revised and updated in May 2012
  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): 51 fte
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory Requirement: Section 5 (as amended) of the Licensing Act 2003 requires the Council as the Licensing Authority to determine and publish its policy every 5 years.
  2. Call-in: Not Applicable:
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All businesses and organisations who hold licences, their customers and residents who live in close proximity.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes All Ward Councillors received a letter advising them that the draft policy was available for comment on the council's website.
2. Summary of Ward Councillors comments: None

### **3. COMMENTARY**

3.1 The Council is the Licensing Authority for the purposes of the Licensing Act 2003 and is required to establish a licensing committee to discharge its day to day duties. These duties have been delegated to the General Purposes and Licensing Committee.

3.2 The General Purposes and Licensing Committee prepares and recommends to full Council the adoption of the Councils Statement of Licensing Policy which is required by the Licensing Act 2003.

3.3. The Statement of Licensing Policy is reviewed every five years and the current policy expires on 6 January 2016.

3.4 At its meeting on 14 July 2015 Members approved a draft Statement of Licensing Policy (2016-2021) for public consultation.

3.5 The draft policy has been published on the Council's website and all licence holders (premises, clubs and personal) have been written to advising them of the draft policy, highlighting the most significant changes and seeking their views. In addition the draft policy has been drawn to the attention of the statutory Responsible Authorities and a wide range of other bodies and organisations as listed on page 5 of the draft policy.

3.6 This report updates Members on the responses to the public consultation.

3.7. A total of four responses have been received.

1. Copers cope Area Residents Association – Supported the proposed policy
2. Babbacome Road Residents Association – Detailed comments ( Appendix 1 including a response)
3. Bromley Safeguarding Children Board – corrected their name
4. Duke of Kent Court Bowls Club – No comments

3.8. Members are asked to consider the comments made and whether they require any further changes to the proposed final version of the policy.

3.9 In light of the responses to the consultation, a final version of the policy is attached which Members are asked to recommend for adoption by full Council on 19 October 2015. (Appendix 2)

### **4. POLICY IMPLICATIONS**

This version of the Councils policy has been reviewed and updated to address concerns about an observed increased in crime and disorder in Bromley and Beckenham town centres and to set out the Councils vision for Bromley, Beckenham and Orpington town centres following discussion with Ward Members and other Councillors.

### **5. LEGAL IMPLICATIONS**

The Council is required to prepare and publish a statement of its Licensing Policy for a period of 5 years from 7 January 2016 to 6 January 2021.

<b>Non-Applicable Sections:</b>	<b>PERSONNEL &amp; FINANCIAL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	Licensing Act 2003, Guidance issued by the Secretary of State under Section 182. Draft Licensing Policy and Committee report to GP&L 14 July 2015.

# BABBACOMBE ROAD RESIDENTS' ASSOCIATION

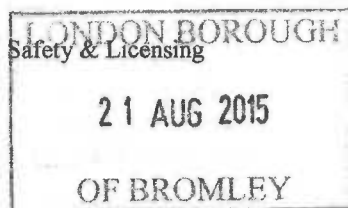
Incorporating: Babbacombe Road, Station Road, Mitchell Way, High Tor Close, Holligrave Road, Ronalds Road & Glebe Road

Babbacombe Road  
Bromley  
Kent, BR1 3LR

Tel: [REDACTED]

Date 20th August 2015

Paul Lehane  
Head of Food Safety, Occupational Safety & Licensing  
Civic Centre  
Stockwell Close  
Bromley BR1 3UH



Dear Paul Lehane,

**COMMENTS ON:  
DRAFT STATEMENT OF LICENSING POLICY 2016 to 2021 Licensing Act 2003**

Having read the draft Statement of Licensing Policy 2016 to 2021 we make comment as per attachment.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Paul Lehane".

[REDACTED]  
(chairman) Babbacombe Road Residents' Association:

# BABBACOMBE ROAD RESIDENTS' ASSOCIATION

incorporating: Babbacombe Road, Station Road, Mitchell Way, High Tor Close, Holligrave Road, Ronalds Road & Glebe Road

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## COMMENT ON: DRAFT STATEMENT OF LICENSING POLICY 2016 to 2021 LICENSING ACT 2003

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DATE 20th August 2015

CONTACT These comments have been submitted on behalf of the Babbacombe Road Residents' Association, where contact may be made to the chairman – ~~XXXXXXXXXX~~  
Babbacombe Road, BR1 3LR phone ~~XXXXXXXXXX~~ [brra@btinternet.com](mailto:brra@btinternet.com).

---

1. Page 6 of draft – Fundamental Principle – para 4 under sub heading Late night Levy & Early morning order.

With businesses becoming more active in creating a 24 hour economy within the Town Centre we feel it unwise that it is not considered necessary to address this issue. It is not enough to just say that you will be “monitoring” this trend.

At least one operation in East Street already operates until 5am (Vu Vu), a Planning Application submitted by INTU for cinemas and cafes/restaurants to operate through the night will bring in further night-time activity and, it is understood, the BID currently being reviewed by Town Centre businesses will be working on introducing further night time activities.

We, therefore, would prefer to see the Licensing activities controlled by Bromley Council to become far more pro active in dealing with this trend than is suggested in this draft.

2. Page 6 of draft – Fundamental Principle – para 5 under sub heading Late night Levy & Early morning order.  
Page 23 - Dispersal

We appreciate the limitations that any licensing authority has when legislating on businesses controlling their customers after leaving their premises, but we consider this to be an issue that needs greater thought.

Whilst this draft recognises the problem by referring to other mechanisms whereby the issues may be addressed, we feel now is the time to make businesses take greater responsibility in dealing with unruly customers on leaving their premises. For instance we understand that customers from one of the establishments in East Street, have been known to leave smashed bottles, rubbish and cigarette butts along the stretch of East Street where these establishments are sited. Is it not possible, therefore, for the licensing law to take account of “unruly behaviour by its customers to within, say 50 yards of the establishment”. This would at least make the operators aware of their responsibility within the local community.



**3. Page 23 – LICENSING HOURS – Sale of Alcohol for Consumption on the Premises**

A few years ago we understood that the Police recommended a staggered dispersal of customers from pubs within a locality, so that there was never a serious problem of large groups of drinkers all dispersing into the local community at the same time. We are unsure if this is still the preferred option from the Police and if it is, how you intend to license the increasing number of operators who will be operating in the Town Centre. We feel greater clarity needs to be given to the wording in this section.

**4. Page 50 APPENDIX C - ...special policy of Cumulative Impact within Town Centres**

There have been previous efforts by the Council in restricting the number of licences, where alcohol is sold and consumed, to within the town centre. This, however, seems not to have been adhered to since applications have been approved beyond the point where we understood the maximum had been reached.

Therefore, we seek greater clarity to be given within this section on what is understood to be the maximum number of licences beyond which the Cumulative Impact would prove detrimental to the town centre community.

**5. Page 34 & 35 – ALCOHOL PUBLIC HEALTH**

It is worrying to read that around 25% of all drinkers within Bromley are categorised as either High Risk or of an Increased Risk of becoming a High Risk drinker. Calculating this out to an amount of 30,000 and considering that town centres attract more customers than elsewhere in the borough, we take the opinion that a Licensing Policy needs to have a more robust approach to Town Centre applications than those outside the town centres.

By considering the points we have made above and taking action to meet our requests may help local communities such as ours, to feel that they are being considered and listened to.



## Environmental Services

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020-8464 3333

Direct Line:

Email: **020 8313 4216**

**paul.lehane@bromley.gov.uk**

Fax: 020-8313 4450

Internet: [www.bromley.gov.uk](http://www.bromley.gov.uk)

DX5727 Bromley

Our Ref: ehts/co/pml

26 August 2015

[REDACTED]  
(Chairman Babbacombe Road Residents Association  
[REDACTED] Babbacombe Road  
Bromley  
Kent BR1 3LR

Dear [REDACTED]

Comments on the draft statement of Licensing Policy 2016-2021

Thank you for your letter dated 20 August and the comments on the draft policy.

These will be included in my report to the General Purposes and Licensing Committee on 17 September.

In response to your points I would make the following observations.

1. The comments regarding 'monitoring' only related to the introduction of the Late Night Levy and Early Morning Restriction Orders. These have been considered but Councillors have decided they are not necessary or appropriate to the Borough at this time.

The Council does keep the policy under constant review and if circumstances change the policy is updated as necessary during its 5 year lifetime.

2. I acknowledge this is a difficult issue. Under the Act licence holder cannot be held directly responsible for the behaviour of customers when they are off their premises. The Guidance issued by the Secretary of State (Par 2.20) states that

'Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

In practice however both the Police and the Council do take in account and act on the effect of disorderly behaviour by customers. The Police recently brought a formal 'Review' of the licence for VuVu because of drunkenness and associated crime and disorder in the area

3. We are still adopting an approach to closing hours based on individual applications and staggered closing hours.

4. The cumulative impact policy is still in place and Members have expressed a wish for it to remain so. Whilst the policy creates a presumption for refusal it is open to a Licensing subcommittee to allow an application where they are satisfied that the promotion of the licensing objectives would be adversely affected. We are required to consider each application individually. We cannot set a numerical limit on the number of licences that can be held in a particular area.

5. I note your comments on the potential scale of high risk drinkers. Whilst colleagues in Public Health are now 'Responsible Authorities' and are included in all consultations for licence applications it is very difficult for them to raise specific representations, particularly when health is not one of the four 'licensing objectives. As the law stands the Council can only respond to concerns that relate to the four licensing objectives. We asked for Public Health to contribute to the policy as means of beginning to raise awareness about the wider impact of alcohol on the health of the community.

Yours sincerely

Paul Lehane

  
Head of Food Safety, Occupational Safety and Licensing  
0208 313 4216  
Mobile 07956680727  
[paul.lehane@bromley.gov.uk](mailto:paul.lehane@bromley.gov.uk)

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# London Borough of Bromley

## Statement of Licensing Policy 2016 - 2021

Approved by the General Purposes and Licensing Committee on  
17 Sept 2015  
and Council on 19 October 2015

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



## Contents

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# Introduction

Bromley 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 are 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 to 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

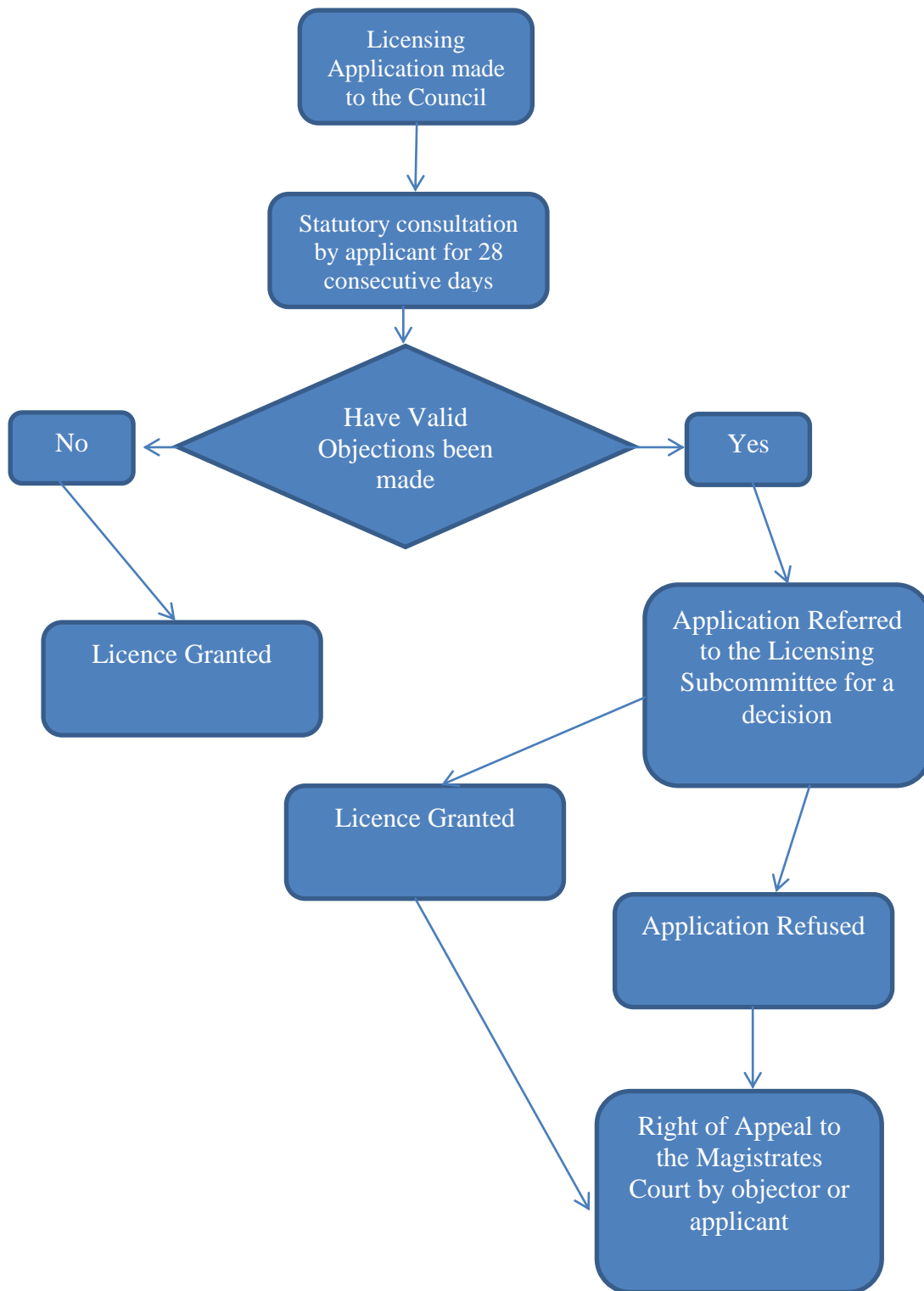
The Licensing Authority has a wide range of responsibilities including helping to develop and promote a strong sustainable local economy. Thriving food, drink and entertainment businesses in the Borough are an important part of that local economy and this policy is critical to their continuing success 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 contain strong powers for both the Police and the Licensing Authority. These will be used to their fullest extent where businesses or licence holders 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 ( expected to be introduced in 2016)

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.

## 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 (Public Protection Division)
- Trading Standards Service (Public Protection Division)
- Holders of premises licences
- Sports and Social Clubs (representing club premises certificate holders)
- Personal Licence Holders
- Residents' Associations
- Ward Members
- Crime and Disorder Reduction Partnership
- Transport for London (TfL)
- The London Boroughs of Bexley, Greenwich, Lewisham, Southwark, Lambeth, Croydon, Sevenoaks District Council and Tandridge District Council
- PRUH – Kings College Hospital NHS Foundation Trust
- 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 Policies 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 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 'other persons' 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 Other Persons 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.

Examples of applications that the Licensing Authority may consider as exceptional may include, though are not limited to:

- premises which fit the vision for the respective town centres
- small premises with a capacity of fifty persons or less who only intend to operate until 2300hrs
- premises which are not alcohol-led such as coffee shops

Examples of factors the Licensing Authority will **not** consider as exceptional include that the:

- premises will be well managed and run
- premises will be constructed to a high standard
- applicant operates similar premises elsewhere without complaint
- similar premises operate in the area

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 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 Licensing Objectives.

### **Vision of our Town Centres**

Members have identified 3 town centres where special consideration will be given to licensing decisions based on this policy. The Councils approach in these areas may be different based on the opinions of Ward Councillors reflecting the views of local residents and businesses.

- 1. Bromley Town Centre

Bromley Town Councillors wish to see the continuing development of a responsible and flourishing night time economy in line with the existing profile of businesses pubs, clubs and restaurants. Notwithstanding the existence of the cumulative Impact policy ward members are supportive of applications for premises that will positively benefit the town centre including both the Bromley South and North Developments. However where the operation of licences is irresponsible and undermines the promotion of the licensing objectives, especially crime and disorder or public nuisance, and has a negative impact on the local night time economy, Members will support tough enforcement of licence conditions and reviews.

- 2. Beckenham Town Centre

Beckenham Town Centre is also subject to a cumulative impact policy. Ward Members recognise the improvements brought about to reduce crime and disorder through partnership working and the active support of the larger licenced premises (Operation Triangle 2014/15). Work is in progress to develop an application for a Purple Flag award for Beckenham Town Centre (anticipated submission late 2015).

Consequently Ward Members consider that Beckenham Town Centre is currently operating in a way which promotes the Licensing Objectives however the balance of licence type, timings and diversity is currently optimised for this area and any applications for new licences or variations will be considered very carefully to ensure the current status quo is not jeopardised.

- 3. Orpington Town Centre

Orpington Town Centre is not subject to a Cumulative Impact Policy however the development taking place is designed to promote a “café” type environment with restaurants and cafes being given positive support from the licensing subcommittee to encourage this type of atmosphere and evening economy. Members are not keen to see Orpington develop by way of high density vertical drinking premises or those operating after 23.30.

## 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 at least 25 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)
- 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
- What percentage of the public floor area will be used for Vertical Drinking
- What percentage of the public floor areas 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 as a 'Responsible Authority' behalf of the Licensing Authority will routinely exercise 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 discretion. 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 :-

1. 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.).
2. Removal of a licensable activity or licence condition,
3. Addition of a volunteered condition or conditions.
4. 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 that 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 Other Persons 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:

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(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:

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(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 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 TEN must be given with at least 10 clear working days' 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 or the Police and Public Health Nuisance Team have not 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 an application for a TEN 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 applications 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 for up to 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 electronic and paper applications. A failure in any part of the consultation process will lead to an application being invalid and could delay the application process.

### Special Note

In order to satisfy compliance with these requirements the Licensing Authority 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 arises and any neighbouring Ward Councillors or London Boroughs if the application is 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 any other 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 (we suggest a 6 monthly review and re-signed by staff) and be in a form that can be inspected at any time by an authorised officer of the police or Licensing Authority.

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 activities 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 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 public 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 adversely affect 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, being admitted or re-admitted to or departing from the premises, particularly, but not exclusively between 11pm and 7am.
- 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 to 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 8pm 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 that:

- 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 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' polices 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 is 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 disclosure and barring service 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 Bromley Safeguarding Board directly to seek advice prior to submitting their application (See Appendix B for contact details).

### **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**

### **Micro-Breweries and Micro Pubs**

The Licensing authority has identified these type of premises for positive support within the borough.



Micro Pub is defined as:

a small free house which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks'

Micro Brewery is defined as:

a small, usually independent brewery that produces limited quantities of specialized beers, often sold for consumption on the premises

## 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 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 of 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 establishment's 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 / nudity displayed on the outside of the premises,
- When striptease / nudity 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 / nude 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 is 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 [www.gov.uk](http://www.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 and are not already provided for in any other legislation, and are not contained within the applicant's operating schedule.

### 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, and 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 have 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.	No more than 2-3 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.	More than 3-4 units a day on a regular* basis.	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 50 units per week (or more than 8 units per day) on a regular* basis.	More than 35 units per week (or more than 6 units per day) on a regular* basis.

# Cultural Strategy

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 the licensing policy is 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 I

**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 has 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 (see note 1);
- an exhibition of a film;
- an indoor sporting event (see note 2)
- a boxing or wrestling entertainment
- a performance of live music; (see note 1);
  - 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.

Note 1 Exempt from licencing if it takes place between 8am and 11pm in premises licenced for the sale of alcohol and for less than 500 people. Unamplified music is exempt between 8am and 11pm in any place.

Note 2 Exempt from licencing if it takes place between 8am and 11pm and for less than 1000 people.

### **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:**

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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 between 21 and 50 units per week (adult men) or between 14 and 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

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:ehts.customer@bromley.gov.uk">ehts.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 Safeguarding 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
HSE Only if the premises are visited by the HSE and not the Council	HSE Rose Court 2 Southwark Bridge London, SE1	<a href="mailto:licensing.applications@hse.gsi.gov.uk">licensing.applications@hse.gsi.gov.uk</a>

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



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<b>ENVIRONMENT AND LEISURE SERVICES</b>	<b>LICENSING ACT 2003 - BROMLEY TOWN CENTRE</b> AREA SUBJECT TO A SPECIAL POLICY OF CUMULATIVE IMPACT.		
 GORDON HAYWARD DIRECTOR OF ENVIRONMENT AND LEISURE SERVICES, CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY, KENT, SA1 3UH. Tel: 020 8464 3333	Scale 1:4000	03/11/04	BTC 83



# 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><small>GORDON HAYWARD DIRECTOR OF ENVIRONMENT AND LEISURE SERVICES Civic Centre, Stockwell Close, Bromley, Kent, BR1 3JH Tel: 020 8464 3333</small></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 :-

Report No.  
CSD15121

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** COUNCIL

**Date:** Monday 19 October 2015

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

**Title:** GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY

**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 At its meeting on 17<sup>th</sup> September 2015, the General Purposes and Licensing Committee received the results of public consultation on the draft Gambling Policy and recommended that Council adopt the Policy to come into effect on 31<sup>st</sup> January 2016. The report considered by the Committee is attached together with the final Statement of Gambling Policy, as updated to take into account the following minor changes required by the Committee -

- Section A.7.1: Information from Operators and Premises License Holders: The paragraph to be amended to allow the Council to seek information from operators/premises license holders when requested rather than once a year.
- Section B.3: Location of Premises: Add a sentence on taking into account age restrictions when considering the impact on children, young or vulnerable people.
- Section B.3 Location of Premises: The paragraph on Risk Profiles being based on factual evidence should be amended to replace the word "should" with "will" and moved to the third paragraph of section B.4: Local Area Profiles.

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## 2. RECOMMENDATION

**Council is recommended to note the response to public consultation and adopt the Statement of Gambling Policy under the Gambling Act 2005 to have effect from 31<sup>st</sup> January 2016.**

## Corporate Policy

1. Policy Status: Existing Policy: The Council adopted the current Gambling Policy on 12 November 2013 which had effect from 31 January 2013 for a period of three years.
  2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Supporting Independence 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: £2.277m
  5. Source of funding: Existing revenue budgets 2015/16
- 

## Staff

1. Number of staff (current and additional): 51 fte
  2. If from existing staff resources, number of staff hours: N/A
- 

## Legal

1. Legal Requirement: Statutory Requirement: Section 349 of the gambling Act 2005 requires the Council to prepare and publish a statement of the principles they propose to apply in exercising their functions under the Act. Each statement of policy lasts for three years. The next three year period is from 31 January 2016 to 30 January 2019.
  2. Call-in: Not Applicable: This report does not involve an executive decision.
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 150 licensed gambling premises and all residents and businesses living and trading in the vicinity of licensed premises and users of licensed premises.
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: No comments have been received in response to consultation on the draft statement of Licensing Policy.

<b>Non-Applicable Sections:</b>	Policy/Finance/Legal/Personnel
Background Documents: (Access via Contact Officer)	See attached report

PART ONE - PUBLIC

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

**Date:** Thursday 17 September 2015

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

**Title:** **GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY 2016-2019**

**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:** Executive Director of Environment & Community Services

**Ward:** (All Wards);

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1. Reason for report

To present Members with the results of public consultation on the draft gambling policy and recommend the approval of the draft policy for adoption by Council on 19 October 2015.

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2. **RECOMMENDATION(S)**

**Members are asked to note and comment on the response to public consultation and recommended the Statement of Gambling Policy under the Gambling Act 2005 for adoption by full Council on 19 October 2015 to have effect from 31 January 2016.**

### Corporate Policy

1. Policy Status: Existing Policy: The Council adopted the current Gambling Policy on 12 November 2013 which had effect from 31 January 2013 for a period of three years.
  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: £2.277m
  5. Source of funding: Existing revenue budgets 2015/16
- 

### Staff

1. Number of staff (current and additional): 51 fte
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory Requirement: Section 349 Gambling Act 2005 requires the Council to prepare and publish a statement of the principles they propose to apply in exercising their functions under the Act. Each statement of policy lasts for 3 years. The next three year period is from 31 January 2016 to 30 Jan 2019.
  2. Call-in: Not Applicable:
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 150 licensed gambling premises and all residents and businesses living and trading in the vicinity of licensed premises and users of licenced premises.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: No comments have been received in response to consultation on the draft statement of Gambling policy

### 3. COMMENTARY

- 3.1 The Council is the 'Licensing Authority' under the Gambling Act 2005 and must prepare and publish a statement of its licensing policy for periods of three years (Section 349). The policy must be reviewed from time to time and before each three year period. The current policy was reviewed by Members on 26 September 2012 and adopted by Full Council on 12 November and come in effect on 31 January 2013.
- 3.2 The General Purposes and Licensing Committee prepares and recommends to full Council the adoption of the Councils Statement of Gambling policy which is required by the Gambling Act 2005
- 3.3 At its meeting on 14 July 2015 Members approved a draft Statement of Gambling Policy (2016-2019) for public consultation.
- 3.4 The draft policy has been published on the Council's website and all licence holders have been written to advising them of the draft policy, highlighting the most significant changes and seeking their views. In addition the draft policy has been drawn to the attention of the statutory Responsible Authorities and a wide range of other bodies and organisations as listed on page 5 of the draft policy
- 3.5 A total of four responses have been received

1. Copers Cope Area Residents' Association. Asked for a specific provision for the cumulative impact of betting shops to be considered and set a saturation level.

There are no provisions within the Gambling Act 2005 to control betting shops in this way.

2. Bromley Safeguarding Children Board – corrected their name

3. Association of British Bookmakers –ABB (Appendix 1)

Members are asked to consider the points made by the ABB under the headings - Evidence based approach and Concerns around increases in regulatory burden. In particular

a. Local Area profiles. We don't currently have any but would ensure they were based on evidenced risks not perceived risks.

b. Should proximity of gambling premises to schools / children's services and the vulnerable be included as potential licence issues when determining applications?

c. Should the policy include the requirement under section A7.1 for operators to supply information on an annual basis or only when required.

4. Power Leisure Bookmakers (Paddy Power) (Appendix 2)

Minor changes to section B3 and B4 have been made to the policy in respect of the comments by Paddy Power. These are shaded grey on pages 16 and 18.

- 3.6 In light of the responses to the consultation, a suggested final version of the policy is attached which Members are asked to recommend for adoption by full Council on 19 October 2015, subject to any changes agreed following public consultation. (Appendix 3)

#### 4. POLICY IMPLICATIONS

The current statement of Gambling policy 2013 - 2016 expires on 30 January 2016. A new policy statement is required for the period 2016 – 2019 to comply with the Councils legal duties. The policy is largely unchanged from the previous one.

#### 5. LEGAL IMPLICATIONS

See policy implications

<b>Non-Applicable Sections:</b>	<b>FINANCIAL &amp; PERSONNEL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	Gambling Act 2005, Statement of Gambling policy 2013 – 2016. Report to GP&L on 14 July 2015



## **Gambling Policy Statement of Principles consultation | ABB response**

September 2015

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### **Introduction**

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Our members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the current consultation on Bromley Council's review of its gambling policy statement.

This sets out the ABB approach to partnership working with local authorities and details any areas of concern within the draft statement, including our views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime.

We are concerned to ensure these changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle.

In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.

It is important that this is also set within the context of declining betting shop numbers. Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest [Gambling Commission industry statistics](#) show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

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### **Working in partnership with local authorities**

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

- **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the

*“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”*

The framework builds on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Learnings from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council’s Portfolio Holder for Planning, Economic Growth & Regulation, said:

*“The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme.”*

Describing the project, Glasgow’s City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

*“This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.”*

- **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

## Local area risk assessments

From April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB supports this requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

- **Evidence based approach**

It is important that any risks identified are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles. There is a danger that this could take place in instances – such as those suggested on pages 16 and 17 of the draft document – where councils are mandated within the local area risk assessment to consider as a minimum factors including 'whether the premises is in an area of deprivation' or the 'ethnic profile of residents in the area' as such measures as these lead to decisions based on assumptions rather than factual evidence.

The ABB does not believe that the geographic proximity of a gambling premises, e.g. being close to schools or venues providing services to children and the vulnerable, should be included as a potential licence issue. We are not aware of any evidence of negative impact resulting from the near location of gambling premises to schools or residential areas where there may be a high concentration of families with children because of the stringent policies already in place.

This would distort the aim to permit principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

- **Concerns around increases in the regulatory burden on operators**

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

The ABB is also concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

- **Employing additional licence conditions**

It is our view that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so – in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

- **Operators' risk assessments**

As indicated, any exposition of risk in the Statement of Principles should not be based on anything less than empirical evidence and proportionality needs to be applied to all licensing decisions. For example successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Although our members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that would be against better regulation principles with operators being allowed to gear risk assessment to their own operational processes; informed by Statements of Principle and the local area profile.

We would particular note the suggestion in the consultation document that operators should be required to provide details on the number of test purchase activities that have been undertaken; and figures relating to incidents of gambling refusals due to underage or excessive gambling where staff intervention has occurred. The ABB does not currently, and does not believe in the need, for operators to automatically provide this information although operators are able to do so upon specific request. We would point to the Primary Authority relationships held by the major operators and by the ABB on behalf of our independent members with Reading Council, as the appropriate avenue for information sharing at this level of detail.

- **Additional concerns**

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

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### **Conclusion**

The ABB and our members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

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**Contact:** For any responses or requests for additional information please contact Lauren Hilton, Public Affairs Executive ([laurenhilton@abb.uk.com](mailto:laurenhilton@abb.uk.com) / 020 7434 2111).

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## **Power Leisure Bookmakers Limited response to the London Borough of Bromley Council's Consultation on its draft Statement of Gambling Principles**

Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.

Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives.

We respectfully remind the Licensing Authority that operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, which were introduced by the Gambling Commission earlier this year.

We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Specifically, Regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. Where local risks are to be addressed, an evidenced based approach should be taken.

### **General Policy Commentary**

Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria. The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.

## **Location and local area risk assessment**

Under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We respectfully refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, Regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. We propose that to ensure that better regulation principles are followed, operators should be allowed to assess their existing operational processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas should only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Identification of theoretical risk factors such as area demographics, ethnicity and deprivation should only be included where local evidence is available which quantifies the ascertainable risk to be mitigated. Any proposed measures to address risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators. Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns. It may not be proportional for applicants or existing licence holders to actively engage in investigations for unique localised risk factors where problems which may be associated with gambling premises are not realised. Whilst operators may regularly review their policies and procedures incorporating risk assessment at a local premises level it may not be appropriate for the Authority to prescribe the nature of an annual risk assessment as internal processes should already be responsive to evidence of changes in local operational risk profile (A7.1).

Section B3 and B4 provide extensive provisions as to the nature and content of local area risk assessments to be provided by operators. The Authority should consider that where operators implement extensive policies in accordance with the Gambling Commission's LCCP that without evidence to suggest that such policies are insufficient to address concerns within local areas, a repeat analysis of standardised procedures within new applications may not be appropriate as this would duplicate the requirements under operating licence provisions. For example, whilst obligations with regard to advertising practice, self-exclusion, age verification, training and the provision of appropriate information are not conditions under sections 167 and 168 of the Gambling Act 2005, they are imposed as code provisions under the Licensing Conditions and Codes of Practice.



The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. The policy also states that consideration will be given to the location of proposed premises in particularly sensitive locations along with those areas with known high levels of crime and disorder (sections B3 and B6). In order to fully address any potential concerns, all risk profiles should be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission's LCCP, should not pose a gambling related risk to children and young people and additional measures, controls or conditions considered should not be imposed to address wider social issues. Any reference to vulnerability should specifically address evidence based risks of gambling related harm caused to individuals and populations identified. Any proposed measures to mitigate those risks may only be appropriate where they cannot be addressed by operators' existing measures and compliance with governing legislation.

When considering crime and disorder, the policy should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority may wish to consider the prevalence of illegal gambling and ensure that any measures proposed to address crime are proportionate to the existing operational procedures implemented and will effectively address any concerns identified.

Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises (section B4), thorough details should be provided for consultation with stakeholders. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.

Any finalised policy should not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.

### **Primary Authority**

Power Leisure Bookmakers Limited has established Primary Authority Partnerships with both Milton Keynes and Reading Council. The primary authorities worked with each other and the

Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.

### **Conditions**

Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.

### **Conclusion**

We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives.

**LONDON BOROUGH OF BROMLEY**  
**GAMBLING ACT 2005**  
**DRAFT STATEMENT OF GAMBLING POLICY**  
**2016 – 2019**

**Approved by General Purposes and Licensing Committee on 17 September 2015 and  
adopted by Full Council on 19 October 2015.**

**Commencement date 31 January 2016**



## **Statement of Policy - Gambling Act 2005 Contents**

### **Part A - General**

- A.1. Summary of the Gambling Act
- A.2. Introduction
- A.3. Declaration
- A.4. Delegation
- A.5. Responsible Authorities
- A.6. Interested parties
  
- A.7. Exchange of information
  - A.7.1. Information from Operators and Premises Licence Holders
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- A. 9. Licensing Authority functions

### **Part B - Premises licences**

- B.1. General Principles
- B.2. Definition of premises
- B.3. Location of Premises
- B.4. Local Area Profiles
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- B.6. Licensing objectives
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- B.9. Adult Gaming Centres
- B.10. Licensed Family Entertainment Centres
- B.11. Casinos
- B.12. Bingo
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- B.14. Tracks
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### **Part C - Permits / Temporary and Occasional Use Notices**

- C.1. Unlicensed Family Entertainment Centre gaming machine permits

- C.2. (Alcohol) Licensed premises gaming machine permits
  - C.2.1. Automatic Entitlement
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- C.3. Prize Gaming Permits
- C.4. Club Gaming and Club Machines Permits
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- C.6. Occasional Use Notices

## **Appendices**

- Appendix A - Map of London Borough of Bromley
- Appendix B - Responsible Authorities details

## **PART A - GENERAL**

### **A.1. Summary of the Gambling Act 2005**

The Gambling Act 2005 establishes a system of licences and permits for a wide range of gambling activities.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

For the purposes of the Gambling Act 2005 the London Borough of Bromley is the Licensing Authority.

Any decision taken by the Council regarding the determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives which are:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

The licensing authority will make decisions about premises licences, permits and temporary use notices with reference to the following documents and guidance:

- The relevant guidance issued by the Gambling Commission
- The relevant Licence Conditions and Code of Practice issued by the Gambling Commission (LCCP)
- that are reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises and travelling fairs.

The council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

## **A.2. Introduction**

The London Borough of Bromley is situated on the borders of South East London and Kent. Geographically it is the largest of the London boroughs with an area of approximately 58 Sq miles. The borough has a population of approximately 300,000.

The central and northern parts of the borough are urban and densely populated with the main residential centres being:

- Penge/Anerley
- Beckenham
- West Wickham
- Bromley

- Chislehurst / Mottingham
- Orpington / Farnborough
- St Paul's Cray / St Mary Cray

The Southern part of the Borough is rural with Biggin Hill as its main residential and commercial centre. See Map of Borough in **Appendix A**

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions.

This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

A list of those persons consulted is provided below. It should be noted that unsolicited comments may be received from other persons.

List of persons this authority consulted:

- All Councillors
- The Metropolitan Police – Bromley Police Station
- The London Fire Brigade
- Planning Department of the London Borough of Bromley
- Public Health Complaints Team
- The Director for Childrens Services
- All known premises with AWP Machines
- All known operators of licensed Betting Offices
- All known operators of licensed bingo halls
- All known registered Society Lotteries
- All known Residents Associations
- All known faith groups
- Other adjoining Councils

The consultation took place between 20 July 2015 and the 1 Sept 2015

The full list of comments made and the consideration of those comments is available by request from the:

Licensing Team  
Public Protection  
Civic Centre  
Stockwell Close  
Bromley BR1 3UH

Tel 020 8313 4218 or via the council’s website at: [www.bromley.gov.uk](http://www.bromley.gov.uk)

The final policy approved by Full Council will be published on the council's website at: [www.bromley.gov.uk](http://www.bromley.gov.uk).

Should you have any comments regarding this policy statement please send them via e-mail or letter to the following contact:

Paul Lehane  
 Manager Food, Safety and Licensing  
 Public Protection  
 Civic Centre  
 Stockwell Close  
 Bromley BR1 3UH  
 Tel: 020 8313 4216  
 e-mail: paul.lehane@bromley.gov.uk

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### A.3. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

### A.4. Licensing Authority Delegation under the Gambling Act

X depicts the lowest levels to which decisions can be made

Matter to be dealt with	Full Council	Licensing Sub-Committee	Officers
Final approval of the Licensing Authority Policy Statement	X		
Gambling Policy not to permit casinos	X		
Fee setting (Where appropriate)		X If delegated by full council	



Applications for new grant or variation of a premises licences where representations have been received and not withdrawn.		<b>X</b>	
Applications for new grant or variation of a premises licences where no representations have been made, or where any representations made have been withdrawn.			<b>X</b>
Application for the transfer of a premises licence where representations have been received from the Commission or responsible authority.		<b>X</b>	
Application for the transfer of a premises licence where no representations received from the Commission or responsible authority			<b>X</b>
Application for a provisional statement where representations have been received and not withdrawn.		<b>X</b>	
Application for a provisional statement where no representations have been made, or where any representations made have been withdrawn.			<b>X</b>
Review of a premises licence.		<b>X</b>	
Application for club gaming/club machine permits where objections have been received and not withdrawn.		<b>X</b>	
Application for club gaming/club machine permits where no objections have been received or where any objections made have been withdrawn.			<b>X</b>
Cancellation of club gaming/club machine permits and licensed premises gaming machine permits.		<b>X</b>	
Applications for other permits.			<b>X</b>
Consideration of temporary use notice.			<b>X</b>

Decision to give a counter notice to a temporary use notice.		<b>X</b>	
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### **A.5. Responsible Authorities**

When an application is received for a premises licence or permit, there will be a requirement to consult with a number of responsible authorities. It will be the responsibility of the applicant to send copies of their applications to the authorities listed below:

- London Borough of Bromley Licensing Authority
- The Gambling Commission
- The Metropolitan Police: Bromley Police Station
- The London Fire Brigade
- Planning Department of the London Borough of Bromley
- Public Health Complaints Team
- London Borough of Bromley Child Protection Team known as Bromley Safe Guarding Children Board
- HM Commissioners of Customs and Excise

The contact details of all the Responsible Authorities under the Gambling Act 2005 are set out in **Appendix B** of this policy and are also available via the Council's website at: [www.bromley.gov.uk](http://www.bromley.gov.uk)

Each responsible authority will consider an application and may make representations to the licensing authority in accordance with the 3 licensing objectives.

### **A.6. Interested parties**

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in s158 of the Gambling Act 2005. An Interested Person is someone, who in the opinion of the licensing authority:

- Lives sufficiently close to the premises to be affected by the authorised activities taking place.
- Has a business interest that might be affected.
- Represent a person of the above.

We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. We will not apply a rigid rule to our decision-making.
- We will also consider the Gambling Commission's Guidance that

"business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- Interested Parties will include trade associations and trade unions, and residents and tenants associations. This authority will not however generally view these bodies as interested parties unless they have a member who lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Other than these however, we will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter, email or fax from one of these persons requesting the representation is sufficient.

## **A.7. Exchange of Information**

We are required to ensure that we exchange information in accordance with the Act (without contravening the Data Protection Act 1998) with the following bodies:

- The Gambling Commission
- The Metropolitan Police
- HM Commissioners of Customs and Excise
- Gambling Appeal Tribunal
- National Lotteries Commission
- Secretary of State

### **A.7.1. Information from Operators and Premises Licence Holders**

We may require operators/ premises licence holders to supply information to the licensing authority where relevant to the licensing objectives, Licensing Conditions and Code of Practice (LCCP) this may include the following.

- Premises and local area risk assessment
- How many test purchase activities have been undertaken
- How many incidents of gambling refusals due to
  - Underage
  - Excessive gambling where staff intervention has occurred
- How many self-excluded gamblers have registered at the premises

- Incidents of failed age test purchases
- Incidents of crime and disorder (which required police notification or involvement)

## 8. Inspection and Enforcement

Our main aim is to ensure compliance with Premises Licences and other permissions that we authorise..

In accordance with our functions under the Gambling Act 2005 we will endeavour to be:

- **Proportionate:** and will only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** we should be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** our rules and standards must be joined up and implemented fairly;
- **Transparent:** we should be open, and keep regulations simple and user friendly; and,
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

Where inspections are undertaken the licensing authority will endeavour to be consistent with the guidance given by the Gambling Commission and where appropriate will have regard to the inspection templates they have produced. We will endeavour to avoid duplication with other regulatory regimes.

### 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 2005 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
- Allowing illegal Gambling to occur
- Allowing children to gamble or have access to age restricted premises or locations
- Allowing a person to gamble who is knowingly 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
- 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
2. The breach of licensing conditions resulting in substantial risk to the promotion of the licensing objectives
3. Persistent underage gambling or access
4. The use of licensed premises in connection with organised criminal activity
5. Allowing disorderly conduct on licensed premises

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.

## **A.9. Licensing Authority functions**

We are required to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that the licensing authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

## **Part B**

### **PREMISES LICENCES**

## **B.1. General Principles**

The licensing authority is responsible for administering applications for premises licences and permits. The premises licences will be subject to the requirements of the Act and its regulations.

The licensing authority may issue specific mandatory and default conditions, but it will also have the discretion to exclude default conditions and attach others, where it believes it to be appropriate.

Decisions about premises will be made:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission;
- That are reasonably consistent with the licensing objectives
- In accordance with the authority's statement of licensing policy.

Moral objections or demand for gambling are not a valid reason to reject applications for premises licences.

## **B.2. Definition of premises**

Premises are defined in the Act as "any place".

A premise can only hold one premises licence. A building can hold a number of premises licences if it contains a number of distinct premises within it. The question of whether different parts of the premises are separate will be considered at the time of application however the Gambling Commission does not believe that buildings that have been made temporarily or artificially separate are able to be considered as different premises.

We will ensure that when considering applications for multiple licences in a building that those areas that are used for non-gambling purposes are kept separate from the gambling areas. In particular we will be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

We will also ensure that applications where access to the licensed premises is through other premises are carefully considered. We will be looking at the issues of whether children can gain access; compatibility of the two establishments; and



ability to comply with the requirements of the Act. We want to ensure that the combination of the premises within the building will not allow an arrangement that would otherwise be prohibited under the Act.

An applicant for a premises licence may not obtain a full premises licence until the premises is constructed. We will ensure that the premises are sufficiently complete to enable a full inspection to be carried out by us and other responsible authorities where necessary.

### **B.3. Location of premises**

When considering applications this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- any levels of organised crime in the area.

The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.

Licensing sub-committees will take into account any proposed operating procedures relating to age restrictions when considering the potential impact of an application on children, young or vulnerable people

From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.

In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertakes a local risk assessment when applying for a new premises licence.

The council will expect the local risk assessment to consider as a minimum:

- The specifics of any "Local Area Profile" if specified for the area of the premises
- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

In any case the local risk assessment should show how vulnerable people including people with gambling dependencies are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- A detailed scale plan showing the layout of the premises showing sight lines so that staff have an unobstructed view of all persons using the premises
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to gambling / game rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Where operators implement extensive policies in accordance with the Gambling Commission's LCCP that without evidence to suggest that such policies are insufficient to address concerns within local areas, a repeat analysis of standardised procedures within new applications may not be necessary as this would duplicate the requirements under operating licence provisions

#### **B.4. Local Area Profiles**

Each locality has its own character and challenges.

Where there is an issue in a local area which impacts on how an applicant should complete their own risk assessment, the council will publish a Local Area Profile.

Local area profiles will be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than a theoretical risk

These profiles will be approved by the Licensing Committee and will be published Councils Web site.

As at July 2015 No Local Area Profiles have been published.

Where Local Area Profiles are published the applicant should give it careful consideration when making an application.

Applicants may be asked to attend a meeting with licensing officers to discuss the measures suggested in the guidance and how they might be relevant to their application. The Local Area Profiles will be presented to any subsequent licensing subcommittee when they determine an application that has received representations.

The council recognises that it cannot insist that applicants address the local area profiles when completing their risk assessments. However an applicant who decides to disregard the guidance may face additional representations and the expense of a hearing as a result

#### **B.5. Duplication with other regulatory regimes**

We will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

## **B.6. Licensing objectives**

Premises licences granted must be reasonably consistent with the licensing objectives.

### **1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

We acknowledge that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.

If during the course of considering a premises licence application or at any other time, we have cause to question the suitability of the applicant to hold an operating licence, we will contact the Gambling Commission as soon as possible.

We will pay particular attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of organised crime we will consider carefully whether it is a suitable location or whether conditions may be applied such as the provision of door supervisors.

We recognise that in the case of gambling premises, disorder is intended to mean activity that is more serious and disruptive than just nuisance. Factors to consider when determining whether a disturbance is serious enough to constitute disorder would include whether police assistance is required and how threatening the behaviour is to those who could see or hear it.

If the disorder is serious or persistent and the operator could do more to prevent it, then we will contact the Gambling Commission so that it can consider the continuing suitability of the operator to hold an operators licence.

### **2. Ensuring that gambling is conducted in a fair and open way**

We have noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences.

### **3. Protecting children and other vulnerable persons from being harmed or exploited by gambling**

We have noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). We will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective.

Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

### **“Vulnerable persons”**

Is considered by the Gambling Commission to include “people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” We will consider this licensing objective on a case-by-case basis.

The Department of Health document “No Secrets” offers a definition of a vulnerable adult as a person:

“who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

Should a more practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

### **B.7. Conditions**

In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Licensing Conditions and Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gambling responsibly and help for problem gamblers
- Customer interaction
- Self-exclusion
- Employment of children and young persons

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and

- reasonable in all other respects.

All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self-exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice passers-by.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures we will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. We will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the



licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

We will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults (over 18) are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

It is noted that there are conditions that the licensing authority cannot attach to premises licences

- Any condition on the premises licence that makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winnings or prizes.

### **B.8. Door Supervisors**

There is no requirement for SIA registered Door Supervisors for casinos or bingo premises. For all other premises where the Gambling Act applies there may be a need for SIA registration and this should be considered on an individual basis. This will be consistent with the Gambling Act Guidance to Local Authorities.

The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises

becoming a source of crime.

It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority.

Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal record (Disclosure and Baring Service) check on potential staff and for such personnel to have attended industry recognised training

### **B.9. Adult Gaming Centres**

Adult gaming centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many city centres.

Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises

We will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **B.10. (Licensed) Family Entertainment Centres**

We will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.

Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located

Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high
- only adults are admitted to the area where the machines (category C) are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises.

The licensing authority will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- proof of age schemes
- a reduction in the number of betting machines (betting premises)
- the manning of premises
- a requirement that children must be accompanied by an adult
- enhanced Disclosure and Baring Service checks of the applicant and/or staff
- support to persons with gambling addiction
- policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half terms and summer holidays
- policies to address the problems associated with truant children who may attempt to gain access to premises and gamble

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff needs to be Disclosure and Baring Service checked.

The licensing authority will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **B.11. Casinos**

This licensing authority has resolved not to issue casino premises licenses under

Section 166 of the Gambling Act 2005 (Resolution made at the meeting of the Full Council on the 6<sup>th</sup> November 2006).

## **B.12. Bingo premises**

Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:

- cash bingo, where the stakes paid make up the cash prizes that are won
- prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

The game and rules of bingo have evolved to the point where, despite the absence of any formal industry standard, the way in which bingo is played is broadly similar throughout Great Britain. Bingo is equal chance gaming. The Commission has published its view of what bingo is and how it differs from other forms of gambling. This can be found in the advice note [What Constitutes Bingo](http://www.gamblingcommission.gov.uk/pdf/What%20constitutes%20bingo%20-%20advice%20note.pdf). This advice was developed with the support of key stakeholders from the Bingo industry. (Available at <http://www.gamblingcommission.gov.uk/pdf/What%20constitutes%20bingo%20-%20advice%20note.pdf>)

In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act

This licensing authority notes that the Gambling Commission's Guidance states:

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to

persons under 18.

Please note: Further guidance will be issued by the Gambling Commission concerning this and it will be incorporated into the policy when available.

### **B.13. Betting premises**

We will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

#### **B.13.1. Betting machines in betting premises**

The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons.

Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues..

### **B.14. Tracks**

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totalizer" or "tote"), and also general betting, often known as "fixed-odds" betting. Multiple betting outlets are usually located on tracks such as 'on-course' betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be 'off-course' betting operators who may operate self-contained

facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.

If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.

Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence

Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.

The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

### **B.15. Travelling Fairs**

A fair is defined in section 286 of the Act. A travelling fair must "wholly or principally" provide amusements. These criteria will have to be met before the licensing authority decides whether, category D machines and/or equal chance prize gaming without a permit are made available for use at travelling fairs. We will bear in mind the statutory requirement that the facilities for gambling shall amount to no more than an ancillary amusement. There is a 27-day maximum period that any land can be used by any travelling fair per calendar year.

We will work with neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

### **B.16. Provisional Statements**

We have noted the Guidance for the Gambling Commission which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully”.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which is in the authority’s opinion reflect a change in the operator’s circumstances.

We have also noted the Gambling Commission’s Guidance that “A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.”

### **B.17. Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant licensing conditions and code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives



- In accordance with the authority's statement of licensing policy

We as the licensing authority can also initiate a review of a licence based on any reason we think appropriate.

## **PART C**

### **Permits, Temporary & Occasional Use Notices**

#### **C.1. Unlicensed Family Entertainment Centre gaming machine permits**

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues."

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre (FEC), and if the chief officer of police has been consulted on the application.

The licensing authorities require applicants for a permit to demonstrate the following:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this section have been addressed through the application.

Applicants only need to address the issues when making their initial applications and not at renewal time.

## **C.2. (Alcohol) Licensed premises gaming machine permits**

### **C.2.1 Automatic Entitlement**

S.282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee.

If the person ceases to be the holder of the relevant alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Whoever applies for the new premises alcohol licence would also need to apply under s.282(2).

This is not an authorisation procedure. Licensing authorities have no discretion to

consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.

The licensing authority can remove the automatic authorisation in respect of any particular premises if

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

### **C.2.2 More than two machines**

If a premise has more than 2 machines, then an application must be made for a permit and the licensing authority must consider the following:

- the licensing objectives
- any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005,
- and “*such matters as they think relevant.*”

We consider that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which will satisfy the authority that there will be no access may include

- the adult machines being in sight of the bar
- or in the sight of staff who will monitor that the machines are not being used by those under 18.

- Notices and signage are appropriately positioned

As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority could decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.

Conditions (other than these) cannot be attached. It should also be noted that the holder of a permit must comply with any Licence Conditions and Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **C.3. Prize Gaming Permits –**

Prize gaming; S.288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

Prize gaming without a prize gaming permit . Some operators have an entitlement to permit prize gaming with certain restrictions they are;

- Casinos
- Bingo operators
- Adult gaming centres
- Licensed family entertainment centres
- Travelling fairs

The licensing authority expects the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize);
- Participation in the gaming must not entitle the player to take part in any other gambling.

#### **C.4. Club Gaming and Club Machines Permits**

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit.

The Club Gaming Permit will

- Enable the premises to provide gaming machines (3 machines of categories B4, C or D),
- Equal chance gaming and games of chance as set out in forthcoming regulations.

A Club Gaming machines permit will:

- Enable the premises to provide gaming machines (3 machines of categories B4, C or D).

Commercial clubs may apply for a 'club machine permit' only.

Gambling Commission Guidance states:

Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968.

A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.”

Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.

These measures may include:

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant’s premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

There is also a ‘fast-track’ procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission’s Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

### **C.5. Temporary Use Notices**

The definition of Temporary Use Notices is found within part 9 of the Act. It allows the use of premises for gambling where there is no premises licence but the applicant holds the relevant operators licence.

Examples of premises that might be suitable for Temporary Use Notices are hotels, conference centres and sporting venues etc.

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed previously. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.

Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.

A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.

The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

### **C.6. Occasional Use Notices**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

#### **Small society lottery registrations**

A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Bromley and want to run such lottery.

A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

To be ‘non-commercial’ a society must be established and conducted:

- for charitable purposes,
- for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or



- for any other non-commercial purpose other than that of private gain.

The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council. Or the Gambling Commission via their website.

## Appendix A

### Map of London Borough of Bromley Boundary



## Appendix B

### Contact details for “Responsible Authorities”

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

<b>Bromley Safeguarding Children Board</b>	<b>Room B40A St. Blaise, Civic Centre, Stockwell Close, BR1 3UH</b>	<b><a href="mailto:bscb@bromley.gov.uk">bscb@bromley.gov.uk</a> 020 8461 7816</b>
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**Others**

<b>Metropolitan Police</b>	<b>Metropolitan Police Service Bromley Borough Police Station, High Street, BR1 1ER</b>	<b><a href="mailto:licensing.py@met.police.uk">licensing.py@met.police.uk</a> 020 8284 9988</b>
<b>London Fire Brigade</b>	<b>Document Management 169 Union Street London SE1 0LL</b>	<b><a href="mailto:FSR-AdminSupport@london-fire.gov.uk">FSR-AdminSupport@london-fire.gov.uk</a> Telephone: 020 8555 1200 Ext. 37630</b>
<b>HSE Only if the premises are visited by the HSE and not the Council</b>	<b>HSE Rose Court 2 Southwark Bridge London, SE1</b>	<b><a href="mailto:licensing.applications@hse.gsi.gov.uk">licensing.applications@hse.gsi.gov.uk</a></b>
<b>Gambling Commission Victoria Square House adixon@gamblingcommission.gov.uk Victoria Square Birmingham B2 4BP</b>		
<b>HM Revenue and Customs NRU Port Cullis Hse 21 India St nrubetting&amp;gaming@hmrc.gsi.gov.uk Glasgow G2 4P2</b>		