

TO MEMBERS OF THE COUNCIL

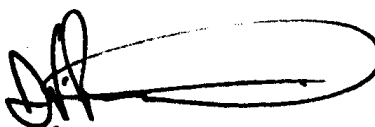
Notice is hereby given that a meeting of the Council of the London Borough of Bromley is to be held in the Council Chamber at Bromley Civic Centre on Wednesday 11 May 2016 at 6.30 pm which meeting the Members of the Council are hereby summoned to attend.

Prayers

A G E N D A

- 1 To elect the Mayor of the Borough
The Mayor to make and deliver the statutory Declaration of Office
- 2 To record the appointment of the Deputy Mayor signified to the Council in writing
- 3 Apologies for absence
- 4 Declarations of Interest
- 5 To confirm the Minutes of the meeting of the Council held on 11th April 2016
(Pages 3 - 40)
- 6 To receive an address from the Leader of the Council if they so elect
- 7 To appoint Committees and their Chairmen and Vice-Chairmen and agree proportionality (Schedule to follow)
- 8 To receive the Scheme of Delegation of Executive Functions from the Leader of the Council, and to approve the Scheme of Delegation of Non-Executive Functions
(Pages 41 - 128)
- 9 To Approve Changes to the Constitution (Pages 129 - 138)
- 10 To Receive the report on Councillor Attendance in 2015/16 (Pages 139 - 142)
- 11 To Receive reports from Councillors appointed to Outside Bodies in 2015/16
(Pages 143 - 148)
- 12 The Mayor's announcements and communications.

.....



Chief Executive

This page is left intentionally blank

LONDON BOROUGH OF BROMLEY

MINUTES

of the proceedings of the Meeting of the
Council of the Borough
held at 7.00 pm on 11 April 2016

Present:

**The Worshipful the Mayor
Councillor Kim Botting**

**The Deputy Mayor
Councillor Alan Collins**

Councillors

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

The meeting was opened with prayers

In the Chair
The Mayor
Councillor Kim Botting

166 Apologies for absence

Apologies for absence were received from Councillors Ruth Bennett, Nicky Dykes, Terence Nathan, Ian Payne and Pauline Tunnicliffe.

167 Declarations of Interest

Councillor Peter Morgan declared an interest in respect of the Budget Monitoring reports as his daughter was a director of Kier Group plc.

168 To confirm the Minutes of the meeting of the Council held on 22nd February 2016

The minutes of the meeting held on 22nd February 2016 were confirmed.

169 Petitions

There were no petitions to consider.

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

Eleven questions had been received from members of the public. These are set out in Appendix A to these minutes.

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

Fourteen questions for oral reply had been received from members of the Council. These are set out in Appendix B to these minutes.

172 Written questions from Members of the Council

Twelve questions had been received from members of the Council for written reply. These are set out in Appendix C to these minutes.

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

No statements were made.

**174 Budget Monitoring - Growth Fund and Earmarked Reserve
Report CSD16056**

A motion to agree the recommendations of the Executive that £6m of the underspend in Central Contingency and services be transferred to the Growth Fund, and that £3m be set aside in an earmarked reserve to provide a general provision to reflect the financial risks relating to the Council's share of business rate income was moved by Councillor Graham Arthur, seconded by Councillor Stephen Carr.

The following amendment to recommendation 2.1 was moved by Councillor Vanessa Allen and seconded by Councillor Ian Dunn –

“That the £6m underspend in Central Contingency and services, over half of which seems to come from the Care Services budget, should not be transferred to the Growth Fund, but should be used instead to reverse some of the cuts earlier this year in the proposed split as follows –

£2m to Children’s Social Care, including supporting Fostering Services, Children with Disabilities Short Breaks and Direct Payments;

£2m to Adult Social Care to support Melvyn Hall and other Day Care facilities, Adult Learning Disabilities Services and Domiciliary Care Packages,

£2m to Public Health to support areas such as the childhood obesity programme and other initiatives.”

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

The substantive motion to accept the recommendations of the Executive was put to the vote and **CARRIED**.

(Councillor Simon Fawthrop made a statement of personal explanation that in his earlier speech on this item what he had referred to as “frivolous” was the amendment, not social services – recorded at his request.)

175 Constitution Improvement Working Group - Fifth Report
Report CSD16055

A motion to accept the recommendations in the Constitution Improvement Working Group’s Fifth Report was moved by Councillor Nicholas Bennett, seconded by Councillor Tim Stevens and **CARRIED**.

176 Policy Development and Scrutiny - Annual Report 2015/16
Report CSD16054

A motion to receive the Annual Policy Development and Scrutiny Report for 2015/16 was moved by Councillor Simon Fawthrop, seconded by Councillor Stephen Wells and **CARRIED**.

177 To consider Motions of which notice has been given.

No motions had been received.

178 The Mayor’s announcements and communications

The Mayor thanked those Members who would be attending the Golf Day on 14th April, and appealed for others to fill the remaining places. She also thanked her Consort for arranging the day. She announced that the end of year dinner dance on 23rd April was now full, although there was a waiting list.

The Mayor informed Members that there would be a special meeting of the Council at 6pm on Wednesday 11th May, before the annual meeting, to admit new Honorary Aldermen.

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

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

**The following summaries
refer to matters
involving exempt information**

180 Investment Proposal
Report CSD16057

A motion to accept the recommendations in the report was moved by Councillor Graham Arthur, seconded by Councillor Stephen Carr and **CARRIED**.

181 Budget Monitoring - Part 2
Report FSD16024

The Council noted part 2 information relating to the part 1 report.

The Meeting ended at 8.46 pm

Mayor

COUNCIL MEETING

11TH APRIL 2016

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

1. From Sarah Horsley, BFCA Secretary & Chair, to the Portfolio Holder for Care Services

How will LBB Councillors, who are all Corporate Parents, fulfill Bromley's Pledge to Children Looked After, if fostering allowance cuts go ahead? Foster carers will no longer be able to afford to take them on holidays, pay for religious celebrations, birthdays and extra-curricular activities, if additional allowances are cut.

Reply:

Elected Members are fully aware of their responsibilities as Corporate Parents for children looked after and strive to ensure that they fulfil their obligations to the best of their ability within the resources available. Currently, the Council is consulting on changes to our foster carer allowances and any views expressed during the consultation will be fully considered by Members as part of any decision.

Supplementary question:

In our role as a foster carer we execute your responsibility towards your children. We are not in loco parentis – the authority is yours. We follow the standards and guidelines set down by you, the local authority, which states that every child matters. The London Borough of Bromley training that we undertake underpins your pledge and your responsibility towards your children. So, as the corporate parent, how do you specifically intend to inform your children that they no longer matter enough to be funded to go on holiday, to celebrate their birthday, to celebrate Christmas or other significant religious festivals. Will it be by letter, by email or how?

Reply:

We are looking at the whole situation and consulting. I take your points about birthdays etc, but as part of our negotiations on this we are comparing the amounts of money that Bromley pays with other local authorities. I can assure you that many other authorities do not give these additional allowances.

2. From Sarah Horsley, BFCA Secretary & Chair, to the Portfolio Holder for Care Services

If cuts to foster allowances go ahead this summer, 80% (90% now) of Bromley carers will transfer to another Borough that values the work their foster-carers do by paying better fees. Would the councillors advise what provision they have put in place to deal with re-placing 100+ children with new carers?

Reply:

The Council is currently consulting with our foster carers on changes to the allowances. Any risks identified as part of the consultation will be fully analysed and

considered by Members as part of any decision. I would also comment on one part of your question, which implies that foster carers can move to other local authorities who pay better fees. It is our information that other local authorities do not.

Supplementary question:

May I draw your attention to page 22 of the findings and recommendations of care inquiry report launched in the House of Commons on 30th April 2013, where it addresses the need for greater attention to placement quality. The report advocates frameworks for commissioning services for children leaving care should require a minimum weighting of 60:40 in favour of quality over cost. As foster carers we have the central role in the day to day care of your children and we often know your children best. The cuts you have proposed are extreme, we therefore ask why has the corporate parent chosen to ignore this research in the interest of the cost to the borough over the quality of care to your children?

Reply:

Certainly we accept that the quality of care is most important, and it is one of our guiding principles. But unfortunately we have to also consider the wider picture of the financial constraints that the Council is faced with at the moment. Each and every department of the Council must be looked at very carefully in terms of potential savings.

3. From Sarah Horsley, BFCA Secretary & Chair, to the Portfolio Holder for Care Services

76% (now it is 90%) of foster carers stated that it would no longer be financial viable for the person in their care to join them on their family holiday. Would the councillors advise how they intend to provide respite for nearly 100+ children during the month of August?

Reply:

I can only repeat my previous answer - the Council is currently consulting with our foster carers on changes to the allowances. Any risks identified as part of the consultation will be fully analysed and considered by Members as part of any decision.

Supplementary question:

This is a very personal question from one carer. Many carers have based their outgoing financial commitment on fees they receive to look after your vulnerable children. If these cuts go ahead what will you say to the children who have lived with this single carer for over six years when she has to sell her house and give 28 days' notice because she will no longer be able to care for them because she will be over £600 a month worse off?

Reply:

We are looking at all of the circumstances with regard to fostering allowances and we will consider all of the evidence that we have, all of the potential risks, and we will make a decision based on all of the evidence.

4. From David Clapham to the Portfolio Holder for Renewal and Recreation

What specifically have the Council discovered following the information previously provided concerning the two flights operating outside hours and claimed to be 'Home Based'?

Reply:

The Council is satisfied that both cited did involve regular users who are account holders.

Supplementary question:

What is the difference between account holders and those that are based at the airport? Is it possible to have an account and not be based at the airport? What does an account holder mean?

Reply:

We have considered the whole topic of 'based aircraft' in light of your recent questions and analysis and concluded the examples cited are indeed 'based aircraft'. As you would expect, we have discussed this matter with Biggin Hill Airport, examined the lease and looked at the industry use of the word 'based' and reviewed historic practices prior to the grant of the lease.

Although the lease refers to aircraft which are normally based at the airport, it does not define what is meant by the term "based". Neither is there a standard industry definition of what a 'based aircraft' is. In 1991, the Council's Policy and Resources Committee defined 'based' as "jets which regularly use the airport and are account holders" and it is this broad definition that the Airport use in their operations. The use of fleet aircraft and fractional ownership has practically meant that where an individual or organisation have access to more than one aircraft but are account holders and regular users, that different actual aircraft are sometimes used by account holders and regular users. This operational practice has been in existence for some time. The volume of aircraft using the 'based' aircraft privilege is relatively low as would reasonably be expected, with these aircraft operated by account holders.

It is noteworthy that the Airport, as part of their application to change the operating hours, have effectively applied to the Council to remove the 'based' restriction from the early morning period. For the first time (if the final approval is given), there will be actual volume limits in the early morning period as well as tighter noise restrictions in this period compared with the rest of the day. It follows that the Airport, in applying for this additional flexibility, both recognise and operate within the 'based' aircraft criteria.

Please do be assured that the Council will not hesitate to take action if terms of the lease are breached and if you do have further evidence or examples which concern you, please do forward them so they can be examined.

5. From David Clapham to the Portfolio Holder for Renewal and Recreation

What action does LBB intend to take on these two clear lease contraventions and what process will be instigated to ensure spot-checks on information provided are

carried out in future.

Reply:

To date, we have not discovered any lease contravention but as we have said many times, we will take action if evidence is brought to our attention specifically regarding the lease. If anyone does believe that the airport is operating outside its license terms this should be reported also to the Civil Aviation Authority as they would need to investigate and take action they saw fit.

Supplementary:

I have informed the Council of a contravention. As there was a contravention of the lease and equally seriously CAA regulations by a landing at 21:38 on Thursday 22nd October 2015, as the landowner is the Council also vicariously liable in not taking action on non-compliance

Reply:

We have spent quite a long time investigating this aircraft which seemed at one time to be a ghost. It is not a ghost. We have actually found out that the entry at Biggin Hill was incorrect. It was not entered as arriving on 22nd April but as 21st April. It arrived on 22nd, but they recorded it, whether by mis-print or typing, as arriving on 21st. It is the same problem, the same time, 21:38, so Mr Clapham's question is very reasonably addressed to that particular aircraft. What I can tell him is that that aircraft was a Phenom 100, a small six seater business jet. The airport have confirmed that they are a frequent user of the airport and have an account with them. I am therefore satisfied that this is a based aircraft in a similar way to how I described earlier.

6. From David Clapham to the Portfolio Holder for Renewal and Recreation

In view of these and other potential contraventions, are the Council satisfied that the many promises made during the application process for additional operating hours will be honoured.

Reply:

I refer to my previous answers as no contraventions have yet been found. If you do have evidence please bring this forward.

Whilst I respect promises, I will not rely on promises but on the legal agreement that we will be entering into and the strength that this will give to us and to everybody, and we will enter into this new agreement with the utmost care.

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

(Please refer and circulate my first attachment, taken from BH Section 2, recently published by LBB – appendix 1)

The very important over-riding clause (f) of Schedule 3 is now in brackets. It could prevent the Piaggio Avanti at Biggin Hill, as is already the case at other private airports. Since you promised that, excepting the hours, the terms of Schedule 3 will remain, why is that clause in brackets?

Reply:

The Council has already used this clause to look very carefully at the Piaggio, with the findings of the subsequent noise study already published in the appendix of the November report. The brackets shown on your scanned document are not in the original lease and appear to have been added in manuscript by a third party, just as someone has underlined parts of the previous paragraph. These marks have absolutely no basis or meaning in law. The deed of variation to be entered into with BHAL will be a separate deed and will not affect paragraph (f) which will remain completely in force.

Supplementary:

In the same document there are also square brackets and I would like to understand the difference between normal brackets and square brackets and why they are there in the first place.

Reply:

They have equal meaning to the round brackets in the following paragraph – no meaning whatsoever.

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

(Please refer and circulate Figure 7 in my second attachment, taken from the Cyrrus submission with regards to the new R03 route – appendix 2)

The forecast procedure for take-offs from R03 no longer requires turning east one mile from take-off. Jets will now follow the Runway 21 route to the hospital, Farnborough, Crofton and Orpington. Where is Cllr Carr's promised benefit for us since, when we do not have landings, now have even noisier take-offs?

Reply:

I suspect you may have misunderstood the plan. The map you are referring to only shows 03 arrivals and not departures. The departure routes remain completely unchanged and as they have been for the last 30 years.

Supplementary question:

Why do we have a map if it does not say what is meant to happen?

Reply:

The green line is delineating the missed approach path when an aircraft fails to land for whatever reason and then takes off again. That shows the route that in those very rare circumstances the aircraft might follow. It is for the precision approach and then only a notional procedural path to be followed in the absence of alternative ATC instructions and radar vectors and will only be rarely used if ever. The Airport cannot change departure tracks (or other tracks) without a full airspace change proposal.

(At this point the 15 minute time limit was reached, but the Mayor agreed that the remaining questions should be answered.)

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

£65,000 have been allocated in the new budget for extra consultancy work on the implementation of the NAP. Considering that residents have already explained that

we do not consider the noise monitoring and track keeping system helpful, why do you continue to spend residents' money on this futile exercise?

Reply:

The Council would quite rightly be criticised if we naively accepted any Noise Action Plan that the Airport presented and therefore, we have engaged expert advice to make sure the noise monitoring, for instance, is as robust and accurate as it can be. For the first time, all of us, including residents, will be able to track individual Biggin Hill planes online, seeing exactly what path has been taken, with noise levels etc and action can then be taken if appropriate. I don't regard spending money on noise related advice as futile but you have a different view.

Supplementary question:

Can you imagine a 737 or a Gulfstream or a helicopter 700 feet above your home? Can you imagine 8 of them in half an hour between 6.30 and 7am, and 8 between 10 and 11 at night? The NAP noise envelope allows for this. Isn't it futile to monitor this kind of noise? Do you not see that you are donating to the airport a tool to silence us?

Reply:

All the costs will be recovered from Biggin Hill Airport including the £65k to which you refer. The comment about 8 aircraft in the shoulder hours - of course, it is possible now, if those aircraft happened to be based at Biggin Hill - in fact we could have more than 8, the lease has no restriction. In fact, with the overall envelopes, although you might have 8 on one particular day you would then have to have none on other days to make up for it. So the overall effect, we believe, is going to be beneficial.

10. From Robin Fletcher to the Portfolio Holder for Care Services

The London Borough of Bromley has stated its intention to move to a commissioning borough for all services. Does the council therefore intend to move fostering services including foster carers to an Independent Fostering Agency (IFA)? If so - has an agency or agencies been approached by LBB in order to provide this service, what stage are the negotiations and has an IFA been appointed or will be appointed within this financial year 2016/17?

Reply:

The Council is reviewing all of the services that it provides as part of the need to identify cost efficiencies due to the significant reduction in central government grants. As part of this review, all services are scoped and market tested before a formal view is taken as to whether the service, in whole or in part, can be delivered differently and more efficiently, either internally or commissioned from an external provider.

Currently, with regard to fostering, work has commenced to 'scope' the work of the fostering service, with a view to market testing during the 2016/17 financial year. No decision has been taken to 'outsource' the fostering service and no independent has been provider identified. Any decision to commission a new service will be subject to a formal procurement exercise which includes consultation with foster carers and other staff affected.

11. From Jonathan Coulter to the Portfolio Holder for the Environment

Road congestion is growing, and one way of reducing it is to get commuters cycling to the stations. In view of this:

- What is the Council doing to improve the safety of the approaches to Bromley South along the A21 and Westmoreland Road?
- Has the Council any plans for segregated cycle tracks on these routes?

Reply:

Bromley Council, as is the case elsewhere across London, closely monitors collisions involving injury on all of our streets in order to identify problem locations and to prioritise interventions.

The A21 is the responsibility of TfL, so it would be for TfL to prioritise safety interventions on that particular route.

The Council does support, and indeed is already lobbying TfL, to make more cycling friendly improvements along the A21.

Westmoreland Road is not deemed wide enough, nor do available funds exist in either event, to facilitate segregated cycling along its route.

Supplementary question:

I understand that when the property housing the DHSS office at the corner of Westmoreland Road and Masons Hill was put up for sale, the Council might have put in a section 106 with a view to widening the junction and improving access for cyclists and buses. The Council might have anticipated these transport cycling needs before approving new building projects in the area like the massive St Mark's Place.

Reply:

The future of the Westmoreland Road site is uncertain still, who knows what might prove possible there once we establish its longer term future. Certainly, if there is any possibility of improving what is a very busy and for children dangerous junction the Council will look closely to do so. So far as that actual building is concerned its longer term future is still uncertain, so we cannot say anything with certainty at this stage.

This page is left intentionally blank

in this category, (ie those considered excessively noisy by reference to such measured noise data as exists, complaints received and actual operating experience) will not be allowed to use the Airport. Lists of such aircraft will be published by the Tenant and the list updated from time to time.

(ii) Other Subsonic Aircraft

Noise levels measured at 3 points.

- (a) "sideline" - on take-off, maximum noise level 650 metres to the side (450 metres in the case of "new" turbo-jets or turbo-fans);
- (b) "take-off" - on take-off, 6.5 km from start to take-off;
- (a) they have CAA noise certification;
- (b) authoritative measured data exists which show that the aircraft satisfies the most stringent of the noise levels set out above, ie that for modern turbo-jets and turbo-fans which is:

Sideline	94 EPNdB
Take-off	89 EPNdB
Approach	98 EPNdB

These limits will be revised in line with any Government revision. Lists of aircraft satisfying these criteria will be published by the Tenant and updated from time to time.

- (f) NOT permit any movements in or out of the Airport by any aircraft which the Landlord has prescribed as being excessively noisy (having regard to measured noise data tests undertaken by the Council's Chief Environmental Health Officer, operating experience, representations received from persons living in the area or surrounding the Airport, the users of the Airport and the views of the Biggin Hill Airport Consultative Committee). The restrictive provisions of this paragraph (f) shall not apply to any

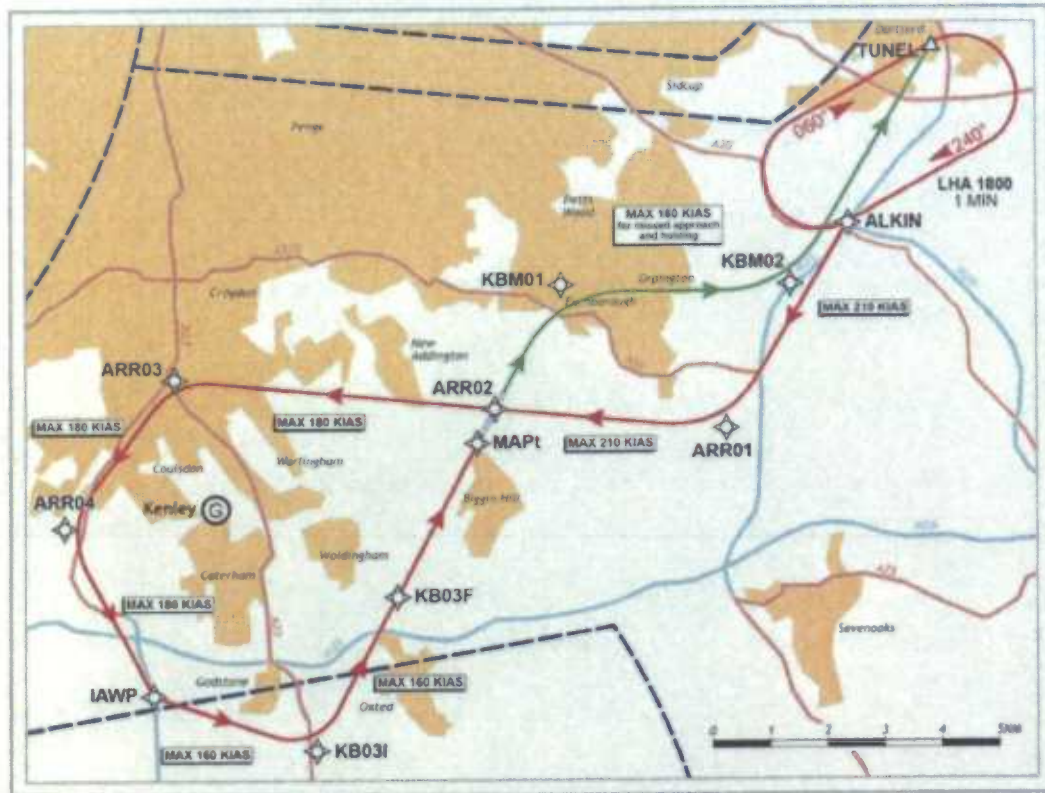
aircraft movements occurring in connection with the International Air Fair or any specific event or display approved by the Landlord.

- (g) Support and co-operate fully with the Biggin Hill Airport Consultative



**LONDON
BIGGIN HILL
AIRPORT**
BUSINESS | TRAVEL | COMMUNITY

Sponsor Consultation Document



Ordnance Survey © Crown copyright, All rights reserved. 2012. Licence number 100050170

Figure 7: Proposed RNAV GNSS IAP – Runway 03

This, in turn, allows the aircraft to maintain 3000ft amsl for this 'Direct Arrival' portion of the procedure which keeps the aircraft within CAS (base 2500ft amsl) so that LBHA arrivals are not vectored to avoid itinerant transit traffic – the intentions of which are unknown - operating in the uncontrolled (Class G) airspace below 2500ft amsl. Consequently, the track can be very predictable and therefore repeatable. Furthermore, at 3,000ft amsl a typical business jet in clean configuration would be audibly imperceptible from the ground.

- 4.2.3. In order to avoid other routes in the LTMA used by LHR, LCY, London Southend, London Stansted and London Luton, the preferred track from ALKIN would be via the LBHA overhead. However, this would mean direct overflight of significant residential areas such as Orpington and Farnborough. Whereas the type of aircraft flying this IAP are inherently quiet, the opportunity has been taken to route east and south of the Orpington conurbation over relatively open countryside by introducing a turning waypoint designated ARR01 (the designation of this and other similarly-designated positions may change later) positioned overhead the M25 Junction 4; the minor increase in track distance occasioned by introducing this 'dog-leg' is considered acceptable when compared with the reduction in overflight and reduction in potential disturbance to densely populated suburban areas. From ALKIN to overhead LBHA (waypoint ARR 02) the aircraft maintains 3000ft amsl.
- 4.2.4. Subsequently, the aircraft continues on the same westerly track to a waypoint currently designated ARRO3 where the aircraft turns south-westerly. The purpose of this leg is to provide some displacement to the west of LBHA so that the aircraft has enough space to turn onto final approach and descend without the procedure becoming 'rushed', possibly resulting in an unstable approach. Until the turn at ARR03, the aircraft will have been

COUNCIL MEETING

11TH APRIL 2016

QUESTIONS FOR ORAL REPLY FROM MEMBERS OF THE COUNCIL

1 From Cllr Angela Wilkins to the Portfolio Holder for Renewal & Recreation

Does the Portfolio Holder agree with me that it is healthy for the community at large and for future business rate revenues for the council if our smaller town centres are vibrant and growing? What is the council doing to support and develop successful local shops and businesses in its smaller town centres such as Penge & Beckenham?

Reply:

The Council has allocated £1.2m from the 2015/16 New Home Bonus settlements to support public realm improvements and business support initiatives that directly assist local shops and businesses in Penge and Orpington.

The Orpington tranche of this programme is being delivered by Orpington 1st the BID (Business Improvement District) Company in partnership with the Council. To date this has included their delivery of a business support workshop programme, a business support expo (in partnership with Bromley College) and an upgrading of the Orpington town centre website.

Officers have also been working with the Penge Traders Association to understand business support needs in Penge through use of a business survey and a mystery shopper exercise. The results of this work will shape and commission a comprehensive and relevant programme of support, including a shopfront improvement scheme.

A feasibility study into the potential for the development of BIDs in Beckenham and Penge town centres has been commissioned and will be completed by early May 2016.

The detailed design of the major public realm improvement works in Beckenham are ongoing with an anticipated start date in September 2016.

Finally the Council has also approved the extension of the successful Local Parades Improvement initiative using an allocation of a further £250k as part of the Members Initiative fund. This fund will be accessed via local Ward Councillors and will be open to Local Neighbourhood Centres and Parades.

I am also very pleased to inform you that all of the shops that the Council owns on shopping parades throughout the Borough are now fully let, that is, we have no current voids. I believe this is the first time in many years that this has been the case. These units not only generate rent to the Council, they also provide important services to our local community – a win for all.

Supplementary Question:

It will be rewarding to see the outcome in Penge and Beckenham in particular. Is he confident that putting car parking charges up in Petts Wood is actually going to help there or will it cause problems for businesses?

Reply:

I have long debates with my colleague the Portfolio Holder for the Environment about this topic of parking in shopping centres. It is a bit early to say in the case of Petts Wood but we will keep a close eye on it because it could have reference to other centres in the borough.

2 From Cllr Ian Dunn to the Portfolio Holder for Care Services.

Can the Portfolio Holder describe the independent research undertaken by the Council which has led to the conclusion that the fostering allowances currently paid by the Council are generous as stated in the consultation letter dated 14 March 2016?

Reply:

Research was undertaken, by the Fostering Service, during the summer of 2015 which compared Bromley foster carers allowances with similar allowances paid to foster carers in neighbouring authorities. This research was independently analysed by colleagues in the Finance Directorate and concluded, from the information provided, that Bromley foster carer allowances are greater, generally, than those paid to foster carers in our neighbouring Boroughs.

I am very keen to look at all evidence, as much evidence as I can with regard to these payments. I understand from Ms Horsley who spoke earlier that she has access to information which tends to indicate that we are not quite so generous. I would like to look at that evidence and assess it.

Supplementary Question:

The most important people in fostering are the foster children themselves. How do you assure councillors as corporate parents that when the decision on this is taken later this year that full regard will be given to the interests of children, particularly their need for stability?

Reply:

The situation with regard to the children is paramount as far as I am concerned, but as I said earlier this has to be within the financial restraints that the Council has.

3 From Cllr Kathy Bance to the Portfolio Holder for Care Services

How can you justify that empty Affinity Sutton properties in Bromley are available to bid by people living outside the Borough, but not on the London Borough of Bromley housing bid system.

Reply:

Affinity Sutton advertises all empty properties available for letting in the Borough through Bromley Homeseekers Choice Based Lettings System. As such they are all available to local residents meeting the criteria in terms of level of housing need for inclusion onto the housing register. The only exceptions are a small proportion of vacancies each year which must be advertised on a pan-London basis through

Housing Moves. This is a mandatory requirement and affords social tenants the opportunity to transfer between boroughs. The scheme is designed on the basis that no borough would become a net exporter or importer and as such does not lose the total number of lettings available. There are also a very small number of units which may not be advertised through Bromley Homeseekers as they may be used for direct lettings to local residents, for example requiring an emergency transfer or under a quota queue arrangement for move-on

Supplementary Question:

Does that mean that if I forward the address someone can tell me if that was the circumstances for a pan-London application?

Reply:

I am very happy to look at any individual cases sent to me.

4 From Cllr Kevin Brooks to the Portfolio Holder for Care Services

When the London Borough of Bromley awarded the contract covering the organisation of elderly care packages to Variance, what processes were expected from them to advertise day care centres to potential service users?

Reply:

We assume that Councillor Brooks is referring to the contract with Vibrance.

All service users who have been assessed as requiring some form of day opportunity, either to provide respite for family/ carer or to combat social isolation for the individual, are referred to Vibrance. As individuals are statutorily entitled to exercise choice in how they spend their personal budget, Vibrance makes an initial contact to establish what the person might want to do. If the person is clear that they want to go to a day centre then Vibrance have no further involvement and refer back to the Council to refer to the relevant day centre.

If people are not sure at that point what they want to do, Vibrance will explore options with the service user and develop a support plan. After exploring alternatives it may be that someone decides that a day centre is their preferred option. In these circumstances then again they are passed back to the Council to fast-track a referral to the relevant day centre.

From April 2015 to March 2016, 39% of referrals to Vibrance were referred to day centres.

Supplementary Question:

I admit that not everybody wants to access day care centre provision, and there should be a choice of alternatives as people want to choose different care packages. However, the percentage of people being referred is placing a great burden on day care centres continuing to function. As the Council desires choice it is important for these to continue in order for people to have that choice. Could I ask what the Portfolio Holder may do to work with Vibrance to encourage referrals and ensure that day care centres have a future for Bromley residents.

Reply:

It is important that enough day care centres continue to provide the opportunities for people who are eligible, but I do not think that I hold a brief for the maintenance of

day care centres. What I am responsible for is the individuals who are eligible for our assistance and it is a question of making sure that they go where they want to. We have day care provision available, but it is certainly true that, over the last few years, and it is increasingly so, that fewer and fewer of our elderly residents if they have a care package do not choose to go to day centres.

5 From Cllr Peter Fookes to the Leader of the Council

What representations has he made with regard to the future of the Crown Post Office at Beckenham?

Reply:

Proposed changes to the Crown Post Office at Beckenham have only recently come to our attention. Most of the information available at present seems to be from the campaign against its relocation. Officers are urgently seeking clarification from the Post Office about the exact nature of the proposed changes, and about any consultations which the Post Office is running, or plans to run, to which the Council and myself can make representations.

Supplementary Question:

It would be very useful that if any decisions are to be made on the future of any of our post offices that a report should go to General Purposes and Licensing Committee, Renewal and Recreation PDS Committee or the Executive. I certainly think that Members should have the opportunity of commenting.

Reply:

Clearly we are in the business of trying to defend what local people want and supporting local businesses and the local economy. I have been in contact with others, local assembly members etc just to highlight the issue just in case they hear of anything out there on the airwaves. I have put the word around looking for as much feedback as I possibly can. We will be keen to support the local economy in any way we can.

6. From Cllr Nicholas Bennett JP to the Leader of the Council

What instructions has the Chief Executive given to his chief officers regarding the timely treatment of correspondence from members?

Reply:

Following my discussion with the Chief Executive, he has directed that Members' requests must be treated as high priority and should be acknowledged within 24 hours with a full response within 3 working days, sooner where possible, but perhaps up to 5 days depending on the nature and the complexity of the issue. However, if a question cannot be answered within this time frame, Members should be given an expectation of when a full response will be provided. There will be occasions due to annual leave or sickness, for example, when these deadlines may be tested, but out of office responses should always indicate to Members who to contact and the delegated respondent should take up the request, explaining any delay to the Member concerned. A guidance note will be issued to all senior staff to this effect.

Members of the Council are accountable to their electorate and therefore officers must ensure that Members are in a position to respond promptly to questions that have been raised by them.

7. From Cllr Hannah Gray to the Portfolio Holder for Renewal & Recreation

What action is being taken to respond to inquiry number 310330? (This is regarding a tree surgery request at Corkscrew Hill Tennis Club, Corkscrew Hill, West Wickham BR4 9BA.)

Reply:

A search of the Council's On-line-application portal for Tree Preservation Works reference 310330 did not reveal any submitted application. Whilst it is acknowledged that an application receipt was issued, the Council's internal information technology systems suffered major system failure in the week of 13th February when the application was submitted. Investigations have concluded that the electrical outage resulted in a number of submitted applications being wiped, as in this case. Unfortunately as there were no contact details remaining on the system officers could not contact applicants to make them aware of the problem.

Officers were only made aware that there was a problem six weeks later and have since then been in direct contact with the applicant to request that the application be resubmitted so it can be processed. I accompany this with an apology.

8. From Cllr Angela Wilkins to the Portfolio Holder for Resources

Is he absolutely certain that no member of current or previous council staff can be held responsible for inadequate checks on the employment status of people paid by this council as consultants (or under IR35 more generally) which have led to the Council now having to pay an unexpected £343,500 to HMRC?

Whilst the report in which information related to this question was provided was classified as Part Two, it was stated at the meeting that the reason for this was actually the subsequent material relating to the NHS and business rates.

We therefore believe that there is no legal reason why the repayment due (from Bromley council tax payers) to HMRC should not be in the public domain.

Reply:

As previously advised at the last Executive meeting, a number of organisations both in the private and public sectors are currently working with the HMRC to address the complexity of this issue to ensure that individuals, irrespective of their employment status, are personally liable for their tax liabilities. The complexity arises, in part, from the different approaches to employment status for tax and employment purposes. In respect of the former, self employed unlike directly employed staff, are required to individually settle their taxes.

However, on the back of the ongoing work with the HMRC the Council's approach to consultants or self-employed individuals has been radically changed to eliminate or significantly reduce any future risks to the Council. Hence, going forward, every consultant or self-employed individual will 'not be engaged in their own right'. Instead they will be engaged through a master vendor, Adecco, who will be responsible for the tax deductions applicable to this group of workers.

Supplementary Question:

I am not sure that my question has been answered. The situation around self-employed contractors is very complex, and it is partly why Gordon Brown as Chancellor in 1999 introduced various regulations on the IR 35 issue to try to address this problem. I find it very difficult to believe that this has happened, as there was a lot of training and briefing across all Councils and companies at the time. Will the Portfolio Holder please agree that the information should be in the public domain and not in part 2. Will he agree to do that? This part of the report should be published and not in part 2 and in order to avoid the allegations of a cover up this is exactly what we need to do.

Reply:

The advice which puts reports into part 2 is legal advice. In this case legal advice was given that as this was an ongoing contractual matter it should properly be put in part 2. The report has two items and this particular item I would be happy to see in the public arena. We are talking about public funds and therefore it is a matter of public interest. There are certain things that I would like to explain which would probably take me into part 2. That said, I think I can properly say that HMRC operate under delegated regulation and have chosen to interpret this piece of legislation in a certain way that disadvantages local government. It is true to say that a good number of Councils up and down the country, some suffering a liability in the millions of pounds, have engaged other people to act on their behalf. It was acting on our behalf that led to our own liability coming down from an initial figure substantially higher than the figure finally arrived at. The process for that should be in the public domain once I have legal clearance for that.

Additional supplementary question:

Councillor Simon Fawthrop stated that he supported Councillor Arthur's hope that the issue could be brought into the public domain, but he also asked that if necessary Audit would look at this to see if any other action should take place.

Reply:

Cllr Arthur responded that he was happy to give this assurance and that he had already spoken to the Chairman of the Audit Sub-Committee who would be taking this to his Committee.

9. From Cllr Kathy Bance to the Portfolio Holder for Care Services

Do the London Borough of Bromley and Affinity Sutton have any plans to identify and convert appropriate empty properties to suit our residents who are on the waiting list for adapted properties? They understand that at present they have to wait for tenants to die and so vacate one of the few premises we have.

Reply:

Bromley has a dedicated housing Occupational Therapist (OT) who works with housing associations and housing developers to ensure that 10% of new build units are built to wheelchair accessible standards in line with the London Plan Policy. The OT also works with households requiring adapted properties and housing associations to make the best use of existing adapted units. This work will also include facilitating adaptations in non-adapted properties where these properties have the potential for adaptations to meet a household's needs.

In response to the last sentence of the question, the understanding that they have to wait for tenants to die and so vacate one of the few premises we have is incorrect. Applicants with disabilities have equal rights on the register to all other people, and if they are allocated a property according to our criteria and that property needs, and we can put in, adaptations, then we do so.

Supplementary Question:

The last time I checked with our dedicated Housing Officer, residents, such as a resident that I am working with who has had both legs amputated living high up off the ground floor, could be waiting up to six years. That does not seem to match the reply you have given. Is there any proactive work that could be done to reduce this? I have at least two residents who are totally incapacitated that live not on the ground floor and not in adapted properties with no short term assurance that they will be moved soon.

Reply:

I have quoted the official departmental policy, but if there are individual cases that do not fit that please refer and I will look at them.

10. From Cllr Peter Fookes to the Portfolio Holder for Education

What evidence has he got that academy schools perform better than those under LEA control?

Reply:

If the two areas of performance are considered for schools – Ofsted outcomes and attainment data we cannot give a simple response. I will try my best.

For the January 2016 Education Policy and Development Scrutiny Committee we reported in the Schools Performance Update Report on Ofsted Outcomes presented in the Ofsted Annual Report 2015. Bromley has a high level of schools that are Good or above.

At Secondary level 100% of Bromley pupils are taught in Good or Outstanding schools, which makes Bromley the second highest performing LA in England and Bromley also the second highest number of secondary pupils taught in Academy schools (95%).

At primary phase, 77% of pupils in mainstream primary phase schools are in Good or Outstanding schools, with the highest number of pupils educated in primary phase mainstream academy schools, also 77%. Most Academy schools, however, have not been inspected post-conversion, so it is too early to comment on relative performance when comparing Ofsted inspection data. Most maintained schools with a below Good rating have chosen to await their next inspection before converting.

In terms of attainment data it is also difficult to present a definitive view as to the performance of academies as compared with maintained schools. In Bromley we continue to perform at above national comparators on all indicators. The DfE produce school performance tables for LAs showing all schools.

As only one secondary school does not have academy status the comparative aspect is very limited in terms of its usefulness.

For Primary phase schools we can say that of the schools that were Academies with published Key Stage 2 results for 2015 92% showed the same or improved results for 2015 compared with 2012, whilst for maintained schools it is only 73%.

Supplementary question:

Is he aware that there has been widespread disagreement amongst his Conservative colleagues? Roger Gough, his Kent counterpart, says there is no demonstrable evidence of improvement under the academy regime, and Graham Brady MP, chair of the 1922 Committee, says schools should not be coerced into becoming academies. The other problem we have here is whether this authority supports the loss of parent governors from academy schools, which is also part of the Bill.

Reply:

I did try to present the facts, both from Ofsted and attainment data, but it seems that we are going to quotes, so I dug out a quote from a former Education Secretary that talks about some of the important aspects of academy schools. He says "... My key priority is to close the gap between the best and worst performing schools... That is the single most important challenge facing the national education system. We have, at the top of our system the best schools in the world but by far too long a tail of underperforming schools. That is why I was so relentless about maths and literacy, phonics and effective teaching of reading in primary schools. I am passionate about improving pay and conditions for undervalued teachers, passionate about Teach First which gets more highly achieving graduates into the most challenging schools, it is why I pioneered the academies programme to act as a battering ram for high standards." That was Lord Adonis, the former Labour Education Minister and author of "Education, Education, Education." What we are seeing is an improvement in schools, we are seeing choice for parents and more responsibility being given back to the people looking after the children.

What I do not understand is that they are very keen for steelworkers to run the steelworks, for tube drivers to run the tube network, and yet they do not seem to trust the teachers to run the schools. I have faith in those teachers.

11. From Cllr Nicholas Bennett JP to the Portfolio Holder for the Environment

What is the policy regarding the cleaning of mandatory and advisory traffic signs on the borough roads?

Reply:

Traffic signs, other than illuminated 'keep left' bollards which are cleaned 2 to 3 times a year subject to requirement, are cleaned on an ad-hoc basis where a need is seen by officers or requested by a 3rd party.

Supplementary question:

Is the Portfolio Holder aware that when I was last at the West Wickham Residents Association the person who represented the Association at the Road Safety Panel was told that no street signs were cleaned because of the cuts? I am delighted to hear that that is not the case.

Reply:

Our Road Safety Panel perform a very important function and help us to link with residents. Communication in these matters has to be spot-on. Mindful of Councillor

Bennett's information, I will feed back through officers to the Panel to ensure that anything that they have been told that is incorrect is corrected – we will do that tomorrow morning.

(At this point the 30 minute time limit for question was reached, but the Mayor agreed that the remaining questions should be heard.)

12. From Cllr Angela Wilkins to the Leader of the Council

Has he read the recent "*London Plan Annual Monitoring Report 12, 2014-15*"?

Reply:

Yes, not in its entirety but a large chunk of it.

Supplementary Question:

This report explains how Boris Johnson has struggled to get to just over 50% of his own target for social housing across London for 2012 to 2015. Here in Bromley we have only contributed 18 houses to this and we have had two years where we have lost social housing for various reasons. Will the Leader undertake to ensure that Bromley makes a much better contribution under the next London Mayor?

Reply:

We are fully aware of our statutory obligations and do continue to meet them over a period of time. The figure that Cllr Wilkins alluded to is a disappointing figure but it must be taken in real context – the net effect it has of having closed two or three regeneration sites across the borough that has led to a much lower figure than would otherwise be the case. Cllr Wilkins also refers to social rented accommodation, and that is just part of the definition of affordable housing and we have been very keen to get a balanced and mixed tenure spread of affordable units across the borough. We will continue to do that. What has happened because of the economic situation is that it has become more and more difficult where developers, getting planning permission to build (and we have never aspired to 50% affordable housing, but have a target of 35%) still seem to be able to get away with claiming a lack of viability on schemes and are not delivering the affordable houses that should be delivered in our borough. I will take that up with people. I do think that the figures are slightly inaccurate at present or certainly must be put in context. One of the things we have benefited from is that a significant part of the developments in the borough have been from small sites up to nine or ten units where no affordable housing is required. We are getting the significant benefits of new builds, but it has been difficult to acquire the affordable housing units. Yes, we will be doing more to give more choice and the ability for people to get on the housing ladder where here they can, but it will be done in the Bromley way. We do not believe in high densities and tall buildings in certain areas, but we will be doing what we can to support what we believe is the Bromley aspiration for young people to aspire to own their own homes.

13. From Cllr Peter Fookes to the Portfolio Holder for the Environment

When will weekend or evening street cleaning take place in those roads which are heavily parked during the day?

Reply:

The borough's street cleaning department are already cleaning roads early mornings, evenings or at the weekends. I have asked in this chamber if any Members have any

roads that should be a candidate for weekend cleaning or at a time when the kerbs may be more accessible, to please let me know and I will process that with officers on their behalf, but I have not had contact from many people, or indeed from Cllr Fookes.

Supplementary Question:

What we need to do is look again at this. In the past we have asked people not to park in particular roads to allow cleaning to take place and we do need to do this more, particularly in the Beckenham and Penge areas.

Reply:

We have the Environment PDS Committee where these issues can be channelled through if there is a real need and I would welcome input from any Members. It is clearly a problem but we are working around it where we get cooperation from Residents Associations and Street Friends. Please feed any positive input through and I am sure that we can take this forward in any ward across the borough.

14. From Cllr Nicholas Bennett JP to the Portfolio Holder for Education

What estimate he has of the number of schools which will have converted to academies by September 1st 2016 and what that will represent as a proportion of the total maintained schools in the Borough?

Reply:

As of September it is expected that there will be 64 Primary Academies, 87% of the total, and 16 Secondary Academies, 94% of the total (that is all but one of the secondary schools.)

In addition 1 special academy and 1 alternative provision academy exist out of a total of 5 special provisions, 40% of the total having converted.

Our overall conversion rate is therefore predicted to be over 90% for mainstream schools by September 2016.

Supplementary Question:

Has the Portfolio Holder seen the White Paper “Educational Excellence Everywhere” page 69 published on March 17th which refers to Bromley in glowing terms. Can I congratulate him and Cllr Wells his predecessor on all the work they have done on the academisation process and can I ask him that he ensures that he will be there at the first Education Select Committee where we look at the future role of the Education Authority?

Reply:

I have seen that report and I echo his comments about Cllr Wells who laid the path for what we have done and to himself on the PDS Committee. We will have a big role to play with the academies agenda. We have already been invited to talk to DfE officials last week, we have spoken with the Regional Schools Commissioner who talks about Bromley at the highest level. I think this is something we should be proud about because we are championing the academies programme, we are providing opportunity for the children, we are making sure that kids in our borough are getting the best possible education that they can get. This is something we should be very proud of. Whether or not I attend the Select Committee as Portfolio Holder is, as he is aware, not up to me.

COUNCIL MEETING

11TH APRIL 2016

QUESTIONS FOR WRITTEN REPLY FROM MEMBERS OF THE COUNCIL

1. From Cllr Simon Fawthrop to the Resources Portfolio Holder

What is the average cost to the Council in Officer time and any additional on costs of answering (this can be an estimated cost)

- a) a written question from Council Members?
- b) an oral question from Council members?

c) Using the answer to a) and b) above

In tabular format can you list the number of questions (oral and written) by Councillors (in alphabetical order) and the cost that these questions can attribute to each councillor since the Council election of May 2014.

Reply:

It is very difficult to estimate the cost of answering a Council question, as the amount of work can vary enormously for each question and we do not keep detailed records of the time spent on questions. There is also a wide range of officers who may potentially be involved, including Democratic Services officers providing central coordination, Chief Officers and their PA's, and officers in the departments (often at senior level) researching the answers and providing draft replies. In addition, most Portfolio Holders and Chairmen will spend some time discussing each question with senior officers and checking and approving each answer. There is not necessarily a great difference between the time spent on questions for oral or written reply.

Allowing for all the above, an estimate £104 per question is reasonable. The numbers of questions asked by each Member since the 2014 election are set out in Appendix 1, and the £104 figure has been used to total the estimated cost to the Council.

2. From Cllr Angela Wilkins to the Leader of the Council

Can he confirm please whether or not the council has commissioned a report on the impact of membership of the EU on the council's budget?

If such a report has been commissioned, can he please provide the cost of such a report and also confirm who will be paying for it?

If such a report has not been commissioned by the Council will he inform his members that they should not be telling voters that it has?

Reply:

I am not aware that any such report has been commissioned and voters should not be told by anyone that it has.

3. From Cllr Ian Dunn to the Public Protection & Safety Portfolio Holder

Can you provide the number of food premises in the Borough, the number of new premises, the number of inspections of food premises carried out, the number of inspections resulting in the issue of notices requiring improvement and the number of prosecutions? All of this information to be provided for the last 10 years and broken down by year.

What is the current backlog of food inspections?

Reply:

We have data for the last 8 years as this is all we keep.

The table sets out the details to the specific questions posed by Cllr Dunn

Year	No of premises	No of Inspections	No of new premises registrations	No of premises with notices	No of convictions
2015/16	2415	565	315	8	2
2014/15	2398	638	310	9	2
2013/14	2286	889	333	17	0
2012/13	2210	897	382	15	0
2011/12	2110	973	312	22	3
2010/11	2055	992	211	4	0
2009/10	1984	1001	242	13	3
2008/09	2011	997	160	16	0

As at the 31 March 2016 we have 722 inspections outstanding in risk categories B-D (38 cat B = 12 monthly inspection, 288 cat. C = 18 months inspections and 396 cat D = 24 month inspections). 340 businesses are unrated of which about 50 will require an inspection to determine the risks and future inspections. The remaining are very low risk and will be Category E premises which are not inspected but are subject to an alternative enforcement strategy based on reassessing their food safety risk every 3 years using questionnaires.

4. From Cllr Ian Dunn to the Public Protection & Safety Portfolio Holder

Can you provide the number of test purchases for selling age restricted products in the last five years broken down by year and the number of premises where this resulted in a review of the Premises Licence, also broken down by year?

Reply:

See [Appendix 2](#).

5. From Cllr Kathy Bance to the Education Portfolio Holder

The Improvement Plan for Bromley Youth Offending Service dated July 2015, recommendation 1f stated:

‘Restructure the YOS staff structure to ensure that it is fit for purpose by ensuring all YOS core business is adequately staffed and resourced to meet the needs of children and young people’

The improvement plan was endorsed by members on 22 July 2015. The wording for recommendation 1f of the Improvement Plan (September 2015 onwards) no longer includes any wording after the word “purpose”.

1. Who authorised the deletion of the wording and why?
2. In view of recommendation 1f and endorsed by members in July 2015, explain why the following YOS posts will no longer be funded from April 2016?
 - a) Seconded CAMHS worker
 - b) Dedicated parenting worker
 - c) Substance misuse worker
 - d) Counsellor

Reply:

1. There was no decision taken to remove the wording referred to on the Improvement Plan. The fact the words are missing from the later versions of the Improvement Plan was an oversight.

However the improvement work carried out at the Youth Offending Service (YOS) since September 2015 has focussed on ensuring that the core business of the YOS is adequately staffed and resourced. The number of casework staff has been maintained despite a reduction in the number of children and young people being referred by the police and the courts. Caseloads at the YOS are lower than in the immediate past in order to ensure sufficient capacity to improve performance and standards

Meeting the needs of children and young people remains a priority for the staff at the YOS. The service now provides a wider range of reparation projects, a wider range of intervention programmes and operates in close partnership with key partners to ensure that the needs of children, young people and their families are met.

A recent mock inspection of the Bromley YOS conducted by the Youth Justice Board (YJB) stated that there was evidence of substantial improvements in the quality of work being undertaken since the HMIP Inspection in 2015.

2. The Bromley YOS has just completed a Consultation process which involved a restructuring of the service as a response to a reduction in the resources available and the need to make it more efficient and effective. These reductions included meeting the savings target set by the Council, a reduction in the Youth Justice grant and a reduction in the financial support provided by health partners. The restructure has resulted in the following changes:

- a) Seconded CAMHS worker.

The Oxleas Mental Health Trust informed the Council that due to a reduction in funding it was no longer able to provide a dedicated CAHMS worker to be seconded to the Bromley YOS.

From April 2016 children and young people known to the YOS who are assessed by a YOS worker as being in need of CAHMS services will be referred to the Bromley Well Being Service which is the single point of access for children's well-being services in Bromley. The effectiveness of this arrangement will be monitored and reviewed by the YOS Management Board.

b) Dedicated parenting worker.

The post of dedicated parenting worker was deleted to meet the reductions in funding to the YOS in the current financial year.

Working with parents remains at the core of the offer to families.. Parents are encouraged to accompany their children to the YOS and all statutory cases involve visits to the home of the young person. If a parent is made subject to a Parenting Order by the Court this will be held and implemented by the Case worker at the YOS.

In addition, families of young people known to the YOS will be referred to the Bromley Family Support Service and Tackling Troubled Families project so that they can access the range of parenting courses available for parents across Bromley. The advantage of this arrangement is that access to these services continues after the young person's order has ceased.

c) Counsellor.

The post of counsellor was deleted to meet the reduction in funding to the YOS in the current financial year.

Going forward, if a child or young person is assessed as being in need of a counselling service, they will be referred to the Bromley Well Being Service for an assessment and service. This arrangement will be monitored.

d) Substance Misuse worker.

The Bromley Clinical Commissioning Group informed the Council that the post of dedicated substance misuse worker at the Bromley YOS will no longer be funded from April 2016.

From April 2016, the local Young People's Substance Misuse Service, "Changes" will provide a dedicated substance misuse worker who will be based at the YOS two days per week.

6. From Cllr Kathy Bance to the Education Portfolio Holder

How can you provide assurance that the Youth Offending Service is 'fit for purpose' in view of the reduction in resources and staff from April 2016?

Reply:

Following the HMIP Inspection of the Bromley YOS in 2015 there followed an in depth review of the services offered to children, young people and their families which resulted in a detailed Improvement Plan being put in place, major staffing changes and increased support provided by key partners.

Progress against this Improvement Plan has been closely scrutinised by the YOS Improvement Board and the YOS Management Board together with regular reports to the Education PDS Committee.

Monthly audits have measured the improvement in direct work with children and young people and an independent mock inspection carried out by the Youth Justice Board took place in March.

Both audits and the mock inspection have provided evidence that progress has been made in improving the quality of work being carried out while regular performance reporting has shown that outcomes for young people have improved.

As with all other Youth Offending Services in London Bromley YOS has had to respond to a reduction in funding from both central Government and the local Council. While this has resulted in the reduction of some services delivered directly by staff based in the YOS, it has not had an impact on the direct work with those young people at risk of offending or those subject to statutory orders. Indeed, current caseloads compare favourably with caseloads over the last two years as referrals to the YOS have reduced.

While some services to young people and their families are no longer provided directly by staff based in the YOS, clear pathways for young people to receive services have been put in place such as those for counselling and substance misuse. The YOS Management Board will be kept informed of the impact on these services throughout the year.

7. From Cllr Peter Fookes to the Chairman of Development Control Committee

How many planning enforcement cases remain outstanding?

Reply:

Enforcement cases outstanding and including current investigations – 728.

8. From Cllr Peter Fookes to the Chairman of Development Control Committee

What progress has been made in the case of enforcement action in respect of 23 Genoa Rd, Penge?

Reply:

Planning permission has been approved DC/16/00225/FULL1 for the Retention of single storey rear extension and access ramp to day nursery (RETROSPECTIVE APPLICATION) decision dated 16th March 2016.

9. From Cllr Nicholas Bennett JP to the Portfolio Holder for Renewal and Recreation

When can I expect a reply to my letter to the Chief Planner of 11th February (handed in at the Civic Centre) and the reminder letter of 9th March regarding 2 Southcroft Avenue, West Wickham?

Reply:

A response was sent to Cllr Bennett on 8 April along with an apology for the delay (copy attached – [Appendix 4](#))

10. From Cllr Nicholas Bennett JP to the Portfolio Holder for the Environment

When I can expect a reply on the four points raised with me by residents of Bencurtis Park and sent to the Director on 24th February, with reminder email on March 9th and a further email to the Chief Executive on March 31st?

Reply:

I understand that officers have now responded and apologised for the delay, which I agree was unacceptable.

11. From Cllr Nicholas Bennett JP to the Portfolio Holder for Resources

If he will list by ward the number of residential properties which have been empty for more than six months?

Reply:

Unfortunately, the requested information is not available on a ward basis. However, attached as [Appendix 3](#) is the requested data “sorted” by postcode.

The information contained in this response was extracted from the Council Tax database and could possibly be understated as discounts/exemptions are no longer granted in respect of empty homes unless any of the circumstances tabled below apply.

The first column of the Appendix relates to empty properties where the full Council Tax charge is being levied, the second column relates to properties where 1 of the below exemptions apply.

Exemption Class	Description
B	Unoccupied dwelling owned by charities
D	Dwelling left empty by a property who is detained elsewhere

E	Dwelling left empty by a person in hospital or a care home
F	Unoccupied dwelling – liable person deceased. Exemption is for a maximum of 6 months after the date of probate
G	Occupation prohibited by law
H	Unoccupied property held for the occupation of a minister of religion
I	Dwelling left empty by a person needing personal care
J	Dwelling left empty by a person providing personal care
K	Dwelling left unoccupied by a student
L	Unoccupied dwelling where the mortgagee is in possession
O	Property held as accommodation for armed forces
Q	Unoccupied property where liable person is a trustee of bankruptcy
T	Unoccupied annexe to an occupied dwelling

12. From Cllr Tony Owen to the Portfolio Holder for Renewal and Recreation

How are agreements progressing with Biggin Hill Airport relating to the change in operating hours and when is the final version likely to be considered by the Executive?

Reply:

The Council has met with the Airport to outline the various conditions that were required following the Council meeting last November. We are awaiting a final response from the Airport on the conditions and how the potential implementation would happen.

Question 1

**Questions Submitted to full Council since the 2014 Election
(13 meetings, 21/7/14 to 11/4/16)**

Councillor	Written questions since May 2014	Oral questions since May 2014	Estimated Cost to the Council (£)
Allen	7	4	1,144
Arthur	0	0	0
Auld	0	0	0
Ball	0	0	0
Bance	19	14	3,432
Benington	0	0	0
Bennett (N)	30	29	6,136
Bennett (R)	1	2	312
Bosshard	0	0	0
Botting	0	0	0
Boughey	0	0	0
Brooks	11	8	1,976
Buttinger	0	1	104
Carr	0	0	0
Cartwright	0	0	0
Collins	0	0	0
Cooke	0	0	0
Dean	0	0	0
Dunn	21	7	2,912
Dykes	0	0	0
Ellis	0	0	0
Evans	0	0	0
Fawthrop	11	0	1,144
Fookes	23	18	4,264
Fortune	0	0	0
Gray	0	1	104
Harmer (E)	0	0	0
Harmer (W)	0	0	0
Huntington-Thresher (S)	0	0	0
Huntington-Thresher (W)	0	0	0
Jefferys	4	2	624
Joel	0	0	0
Livett	1	6	728
Lymer	0	0	0
Mellor	2	3	520
Michael	0	0	0

Morgan	0	0	0
Nathan	0	0	0
Onslow	0	0	0
Owen	8	15	2,392
Page	0	0	0
Payne	0	0	0
Phillips	0	0	0
Philpott	1	0	104
Pierce	0	1	104
Reddin	0	0	0
Rideout (Ca)	0	0	0
Rideout (Ch)	0	0	0
Rutherford	0	1	104
Scoates	0	0	0
Smith (C)	2	0	208
Smith (D)	0	0	0
Stevens (M)	0	0	0
Stevens (T)	0	0	0
Tickner	0	1	104
Turner	0	0	0
Tunncliffe	0	0	0
Wells	0	0	0
Wilkins	17	14	3,224
Williams	11	0	1,144
TOTAL	168	128	30,784

Question 4 -Trading Standards Underage Sales Work

Appendix 2

The number of test purchases for selling age restricted products in the last five years broken down by year and the number of premises where this resulted in a review of the Premises Licence, also broken down by year.

	2015-16	2014-15	2013-14	2012-13	2011-12
The number of attempts to purchase an age restricted product by volunteers <u>under</u> the age of 18	87	156	121	275	229
Number of sales of an age restricted product to <u>under</u> 18s	9	22	23	41	43
Number of refusals to sell an age restricted product to <u>under</u> 18s	78	134	98	234	186
% compliance	89.6%	85.8%	80.9%	85%	81%
Number of attempts to purchase an age restricted product by volunteers <u>over</u> 18 without ID in order to test Challenge 25 policy	71	98	98	Not tested	Not tested
Number of sales of an age restricted product to <u>over</u> 18s without ID	28	33	27	Not tested	Not tested
Number of refusals to sell an age restricted product to <u>over</u> 18s without ID	43	65	71	Not tested	Not tested
Number of licence reviews	1 Costcutter, Elmers End	0	3 Jerry's Penge; Kent House off licence Beckenham; Swarmi News Penge	0	4 Food Store Orp; Newlands News Penge; Nisa Local Penge; Shahs Bromley

Appendix 3
(Question 11 – Empty properties)

Post Code	Full Liability - number	Exemption/Discount - number
BR1 1	16	4
BR1 2	25	12
BR1 3	43	20
BR1 4	28	8
BR1 5	5	4
BR2 0	28	22
BR2 6	4	8
BR2 7	12	9
BR2 8	22	21
BR2 9	33	8
BR3 1	42	9
BR3 3	28	11
BR3 4	47	22
BR3 5	17	9
BR3 6	12	16
BR4 0	16	14
BR4 9	21	13
BR5 1	16	12
BR5 2	20	10
BR5 3	32	6
BR5 4	20	11
BR6 0	48	20
BR6 6	14	9
BR6 7	22	12
BR6 8	12	21
BR6 9	45	14
BR7 5	19	13
BR7 6	22	13
DA14 5	2	1
SE19 2	23	4

SE20 7	60	12
SE20 8	55	9
SE26 5	15	5
SE26 6	9	3
SE9 4	23	8
TN14 7	4	2
TN16 2	1	1
TN16 3	16	15
Total	877	411



Town Planning

Civic Centre, Stockwell Close, Bromley, BRI 3UH

Telephone: 0208 464 3333 Fax:

Direct Line: 0208 313 4441 Internet: www.bromley.gov.uk

Email: Jim.Kehoe@bromley.gov.uk

Your Reference:

Our Reference: nq/jk

8 April 2016

Dear Cllr Bennett,

RE: 2 Southcroft Avenue, West Wickham

Thank you for your letters of 9th March and 11th February (attaching a letter from your constituent Mr Rowe). I apologise for the delay in responding to you.

This site was investigated in late 2014 and again in 2016, by the Planning Enforcement Team. In particular, the breach of any planning controls or the potential for an Untidy Notice was considered. The conclusion to date is that there is not a breach of planning control and that the site does not merit an Untidy Site Notice. However, the case has not been closed and investigations will continue with a view to reaching a solution.

Turning to the specific points raised by Mr Rowe.

1. *How has the operation got to this unacceptable impasse during a housing shortage?*

The site is under private development and it is open to the developer to judge his response to the housing market.

2. *Is anyone taking action to bring the matter to a proper conclusion?*

A breach of planning control has not been identified. However, the case has not been closed.

3. *When may we see the house finished, properly fenced?*

We do not control the rate of development; it is a matter for the landowner.

4. *When will the Public Footpath be restored to its original, tidy condition?*

We are not aware of an infringement of the public footpath. The adjacent temporary fencing is needed to secure the site.

5. *Who looks after the Oaktree and its paddock?*

This is the responsibility of the landowner.

I apologise again for the delay, please contact me with any further questions.

Yours sincerely,

Jim Kehoe
Chief Planner

Jim.Kehoe@bromley.gov.uk

This page is left intentionally blank

Report No.
CSD16059

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Wednesday 11 May 2016

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

Title: SCHEME OF DELEGATION TO OFFICERS

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 1.1 At the Annual Council meeting each year a Scheme of Delegation to Officers is approved by Council and by the Leader. The Scheme is an appendix to the Council's constitution. In 2010, the Scheme was amended to meet the requirements of the Local Government and Public Involvement in Health Act 2007, principally by clarifying whether powers are delegated by the Council, by the Leader in the case of executive powers, or both. The Scheme was last updated by Council on 13th May and 29th June 2015, and only a small number of minor updates are proposed.
-

2. **RECOMMENDATIONS**

2.1 That the Scheme of Delegation to Officers in respect of non-executive functions be approved.

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

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £335,590
 5. Source of funding: Existing revenue budgets
-

Staff

1. Number of staff (current and additional): 8 (7.27fte)
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement: Local Government Act 1972 and successive legislation.
 2. Call-in: Not Applicable:
-

Customer Impact

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

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 Scheme of Delegation to Officers sets out formal delegation of various powers to the Council's chief officers and their staff, and forms part of the Council's Constitution (Appendix 10). The Scheme is normally updated for approval at the Council's annual meeting each year, although under the Local Government and Public Involvement in Health Act 2007 any executive powers delegated to officers have to be delegated not by the Council, but by the Leader of the Council, and it is open to the Leader to table changes to the executive scheme. The executive or non-executive origin of each delegation in the scheme is reflected in a column which indicates whether each individual delegation derives from the Leader or from Council, or both.
- 3.2 The scheme has been reviewed and a number of minor updates have been made where legislation has changed. In addition, the delegation relating to control of high hedges under the Anti-Social Behaviour Act 2003 has been moved from the Executive Director of Environment and Community Services to the Chief Planner. No other changes are proposed.
- 3.3 The amended scheme, including all the changes recommended above, is attached at Appendix A.

Non-Applicable Sections:	Finance/Legal/Policy/Personnel
Background Documents: (Access via Contact Officer)	Scheme of Delegation to Officers – reports to full Council 13 th May and 29 th June 2015

This page is left intentionally blank

LONDON BOROUGH OF BROMLEY
CONSTITUTION – APPENDIX 10

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

* * * *

CONTENTS

	Page No.
Proper Officers	2
<u>Part I</u>	
General Conditions governing delegation of functions to:	
Chief Officers	4
<u>Part II</u>	
(A) General Authorities applicable to the functions of the Council, Executive body or any Committee:	
All Chief Officers	7
Chief Executive	9
Director of Corporate Services	10
Executive Director of Education, Care and Health Services	12
(B) Authorities related to the functions of the Executive, individual Portfolio Holders and regulatory Committees:	
Key references to Officers	13
Development Control Committee	14
Portfolio for Education*	22
Portfolio for Public Protection & Safety*	27
Portfolio for the Environment *	31
Portfolio for Resources*	50
Portfolio for Care Services *	59
Portfolio for Renewal and Recreation*	64
* Or, as the case may be, any relevant regulatory Committee(s)	
Appendices	65

(May 2016)

* * *

PROPER OFFICERS

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

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

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

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

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

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

PART I

GENERAL CONDITIONS GOVERNING DELEGATION OF FUNCTIONS TO CHIEF OFFICERS

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

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

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

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

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

PART II

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

A. GENERAL AUTHORITIES	Responsibility Delegated from
<p>1. To each Chief Officer, authority to:-</p> <p>(i) Take all necessary action for the effective day-to-day management, administration and supervision of their Department and of the services for which they are responsible, and for the efficient discharge of the professional responsibilities of their office.</p> <p>(ii) Within budgetary provision, take all necessary action for the effective day-to-day management, administration and supervision of the land and buildings for which they are responsible, such action to include for each property concerned and as far as practicable</p> <ul style="list-style-type: none"> (a) proper documentation; (b) appropriate occupation; (c) maintenance to retain value; (d) security and satisfactory appearance; (e) an annual review to ensure property is still required; and (f) prompt release if surplus to requirements. <p>(iii) That all powers delegated to Chief Officers include authority to take action in respect of any London Residuary Body matter transferred to Bromley by virtue of the London Residuary Body (Transfer of Property etc) Order 1990 in the same way and to the same extent that they have delegated powers in respect of any equivalent Bromley matters.</p> <p>(iv) Incur expenditure and accept tenders for items provided for in the approved revenue estimates or approved capital programme, in accordance with the Council's Contract Procedure Rules.</p> <p>(v) Select quotations and tenders for works, services and/or goods within approved budgetary provision on all contracts in accordance with the Council's Contract Procedure Rules.</p> <p>(vi) On the best terms obtainable, dispose of stores, plant, vehicles, equipment, furniture or other such items which are obsolete, or are unusable for or surplus to the Council's requirements, subject to the Director of Finance's prior agreement to</p>	<p>Council/Leader</p> <p>Council/Leader</p> <p>Leader</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Leader</p>

any consequential writing off of balances of book value.	
(vii) Make adjustments of stock ledgers and accounts following stocktaking, subject to the Director of Finance's prior agreement.	Leader
(viii) Authorise officers under their control to attend conferences, courses and similar events appropriate to their personal, official responsibilities and to the work of the particular Department, in accordance with an approved list or agreed code of practice.	Council/Leader
(ix) Vary annually fees and charges (except car parking) within policy established by an Executive body or Committee.	Council/Leader
(x) Deal with applications for re-grading in accordance with the Council's agreed procedures.	Council
(xi) Sign authorisation documents, with the exception of the Chief Officer's own personal authorisation, which shall be signed by the Director of Corporate Services.	Council
(xii) Where a complaint has been made through the Council's complaints system, decide whether there is a justifiable case for which the Council should apologise and pay compensation, up to a limit of £5,000 in any one case (or, in the case of the Chief Executive, £10,000).	Council/Leader
(xiii) Approve trips to EU countries made on Council business subject; in each case, to a subsequent report to the appropriate Executive body or Committee on the action taken.	Leader
(xiv) Enter into contracts with any voluntary sector organisation (VSO) for the provision of services by way of a service level agreement (SLA) without the necessity of competition, provided that: (1) the Chief Officer is satisfied that the VSO is able to provide a satisfactory quality of service and that the sums payable under the SLA represent best value; (2) the relevant Portfolio Holder is notified of any new SLAs being entered into; (3) any approval, extensions or renewals of such SLAs comply with the provisions of rule 13.1 of the Contract Procedure Rules;	Council/Leader
(xv) Authorise expenditure of money received through Section 106 agreements, subject to any restrictions set out in the Council's Financial Regulations.	Council/Leader

2. To the Chief Executive, authority to:-	
(i) undertake all duties and responsibilities of the Council's Head of Paid Service as defined in the Local Government and Housing Act 1989;	Council
(ii) take all action necessary for the efficient management and execution of the Council's policies, services and functions;	Council/Leader
(iii) determine in conjunction with the Director of Human Resources, starting salaries of staff on Management Grades 1 and 2;	Council
(iv) authority to make detailed arrangements, in consultation with the Leader of the Council, for consultation with residents on service priorities and Council Tax implications.	Leader
In exercising such authority the Chief Executive shall have full regard to the position where:-	
(a) Chief Officers are exercising responsibilities directly imposed on them by statute; or	Council/Leader
(b) the professional discretion or judgement of Chief Officers is involved subject to any difference of opinion between the Chief Executive and the Chief Officer being referred to the next available appropriate meeting of the Executive Portfolio Holder, Executive or committee for determination;	
(v) settle any points requiring interpretation or clarification in the practical application of this code of delegated authorities to Chief Officers.	Council/Leader
(vi) Parliamentary Matters - Take urgent action to protect the Council's interest (through Members of Parliament and/or by petition or otherwise) in consultation with the Leader of the Council.	Council/Leader
(vii) Electoral Fees - To approve the annual revision of the scale of fees within the approved estimate provision, payable to canvassers, checkers and coders.	Council
(viii) Discharge (insofar as it is necessary) the functions granted to the Executive Director of Education, Care and Health Services.	Leader

3. To the Director of Corporate Services, authority to:-	
(i) authorise proceedings before any Court of Summary jurisdiction in respect of any offence for which the Council by virtue of any Act of Parliament; , regulation, order or bye-law, is now or may hereafter be empowered to prosecute or to authorise the institution of such proceedings; except in cases where some other officer is specifically authorised to act;	Council/Leader
(ii) authorise proceedings for the recovery of debts of all kinds due to the Council (other than rates) and for the recovery of possession of premises;	Council/Leader
(iii) authorise the institution or defence of proceedings in the Courts to safeguard the Council's interest;	Council/Leader
(iv) obtain Counsel's Opinion to ensure adequate advice to the Council or Committees;	Council/Leader
(v) in accordance with instructions given, institute or defend any legal proceedings authorised to be taken or defended on behalf of the Council, or serve notices, including directions under section 77 of the Criminal Justice and Public Order Act 1994;	Council/Leader
(vi) take any action urgently required to settle legal proceedings during the course of a trial or other hearing;	Council/Leader
(vii) authorise permanent or temporary members of staff to represent the Council under Section 223 of the Local Government Act 1972 in proceedings before a Magistrates' Court or a Juvenile Court or Family Proceedings Court and under Section 60(2) of the County Courts Act 1984 to represent the Council in the County Court;	Council
(viii) issue written authorities to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties (as evidence of their bona fides); provided that any written authority to enter upon land or premises is in pursuance of a statutory power of entry or inspection;	Council/Leader
(ix) sign and serve on behalf of the Council notices authorised by statute to ascertain ownership and other interest in land;	Council
(x) sign and approve service of Notices to Treat in pursuance of confirmed compulsory purchase orders and, where possession is required without waiting for settlement of terms of acquisition, sign and approve the service of Notices of Entry;	Leader
(xi) approve the assignment of contracts;	Council/Leader

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

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

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

KEY REFERENCES TO OFFICERS

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

DEVELOPMENT CONTROL COMMITTEE

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

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

Operation of Tree Preservation Orders

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

CP	(15)	Confirm opposed or unopposed TPOs.	Council
CP	(16)	Agree to the revocation of TPOs.	Council
CP	(17)	Issue tree planting notices.	Council
CP	(18)	Enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981.	Council
CP/DRT	(19)	Authorise legal proceedings to be taken in respect of breaches of TPOs and the legislation relating to trees in Conservation Areas, subject to the Director of Resources being satisfied as to the evidence.	Council
Determination			
CP (Subject to consultation with DCS)	(20)	Determine applications for certificates of lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.	Council
CP (Subject to consultation with DCS)	(21)	Determine applications for certificates of lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.	Council
CP	(22)	Determine applications for prior approval under any part of the Town and Country Planning (General Permitted Development) Order 2015 including determination of whether prior approval is required and the granting or refusing of prior approval	Council
CP	(23)	Determine applications for hazardous substances consent.	Council
CP	(24)	The power to grant outline or full planning permission, approve reserved matters, approve details pursuant to or vary conditions, give advertisement and listed building consent, with or without conditions to planning applications or proposals excluding those in the following categories:	Council
	(i)	Applications submitted by or on behalf of the Council or on land substantially owned by the Council where the Council has a financial interest (but	Council

not details pursuant, reserved matters revised plans and proposals to renew deemed permissions).

- | | | |
|-------|---|---------|
| (ii) | Permission to applications involving ten or more purpose-built new dwellings (but not other associated buildings, conversions, extensions and changes of use, reserved matters, details pursuant, revised plans and renewal permission applications. | Council |
| (iii) | Permissions to applications for new commercial development such as industry, offices and shops (but not other associated buildings, conversions, extensions and change of use, reserved matters, details pursuant, revised plans and renewal applications). | Council |
| (iv) | Applications submitted by members of staff in the Planning Division, or other Chief Officers, or submitted by or on behalf of Bromley Councillors or Members of Parliament. | Council |
| (v) | Applications and other matters which one or more Members formally request in writing are put before a Committee or Sub-Committee of Members. | Council |

CP

(25)

The power to:

- | | | |
|-------|--|---------|
| (i) | refuse planning permission; | Council |
| (ii) | refuse express consent for advertisements; | Council |
| (iii) | refuse Listed Building Consent; | Council |
| (iv) | not approve details submitted pursuant to a condition of a permission or consent; | Council |
| (v) | refuse revisions and amendments to plans and to specify reasons for so doing whatever representations are received for or against the application; | Council |

	(vi)	determine whether or not to contest an appeal against non-determination and where relevant provide grounds of appeal and contest all appeals, including all action necessary to prevent or reduce the likelihood of an award of costs against the Council;	Council
	(vii)	observations on proposals for development by Government departments or in adjoining authority areas which would otherwise fall within the delegated categories.	Council
CP/DCS	(26)	Power to authorise the issue of the following (the signing and actual issue of the notices to be dealt with by the Director of Corporate Services):	
	(i)	Enforcement Notices under Section 172 of the Town & Country Planning Act 1990.	Council
	(ii)	Stop Notices under Section 183 of the Town & Country Planning Act 1990.	Council
	(iii)	Completion Notices under Section 94 of the Town & Country Planning Act 1990.	Council
	(iv)	Unopposed revocations under Section 97 of the Town & Country Planning Act 1990 and Section 239 of Planning (Listed Building & Conservation Areas) Act 1990.	Council
(with DRT)	(v)	Section 106 Agreements (Town & Country Planning Act 1990) and similar agreements concerning related legislation including modification and discharge.	Council
	(vi)	Orders under Section 102 Town & Country Planning Act 1990 requiring discontinuance of use, or alteration, or removal of buildings and works.	Council
	(vii)	Unopposed revocations of Listed Buildings Consent under Section 23 of Planning (Listed Building &	Council

Conservation Areas) Act 1990.

- | | | |
|--------|---|---------|
| (viii) | Notices under Section 54 and 55 of the Planning (Listed Building & Conservation Areas) Act 1990 concerning urgent works and recovery of expenses. | Council |
| (ix) | Making and recovery of grants under Section 57 and 58 of Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (x) | Listed Building Enforcement Notices under Section 38 of the Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (xi) | The enforcement of Advertisement Control. | Council |
| (xii) | The authorisation of Rights of Entry to premises and any land for all the purposes of the Town & Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Building Act 1984 (all these Acts as amended) and any Orders or Regulations made there under. | Council |
| (xiii) | The power to require information as to interests in land under Section 330 of the Town & Country Planning Act 1990. | Council |

and to give reasons in the Notice or Order for taking such action;

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

CP

(27) The power to:

- | | | |
|-------|---|---------|
| (i) | give directions and notifications under Regulation 4 of the Town & Country Planning (Applications) Regulations 1988 and Article 7 of the Town & Country Planning General Development Order 1988 to require applicants to submit further information to enable the Council to deal with an application or to verify any particulars; | Council |
| (ii) | make determinations as to whether planning applications are departures from the development plan; | Council |
| (iii) | make determinations as to whether development would affect the character or appearance of a conservation area or the setting of a listed building to enable such applications to be advertised; | Council |
| (iv) | make determinations under Section 73 of the Planning (Listed Building & Conservation Areas) Act 1990 as to whether a proposal should be advertised as affecting the character or appearance of the Listed Building or Conservation Area; | Council |
| (v) | determine applications for non-material amendment to planning permission, minor material amendments to planning permission and extensions to time limits of existing planning permissions. | Council |

Notes:

- (i) No decision will normally be issued within 3 weeks of the date of the weekly lists supplied to Members.
- (ii) In relation to paragraph 19(ii) above the definition of “dwelling” includes bungalows, flats, maisonettes and multi-occupied premises.
- (iii) “Details” as mentioned herein include siting, design, external appearance,

materials, car parking, landscaping, site lines, access, levels and drainage.

- (iv) The Chief Planner will continue long established practice to deal administratively with very minor revisions, details, without formal registration, circular consultations or consultations from adjoining boroughs.

Means of Escape in Case of Fire

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

Buildings of Special Architectural or Historic Interest

- | | | | |
|----|------|--|--------|
| CP | (29) | Approach Historic England to spot list properties on the list of buildings of special architectural interest if they are threatened. | Leader |
|----|------|--|--------|

Repeat Planning Applications

- | | | | |
|----|------|---|---------|
| CP | (30) | Authority to decline to determine repeat applications in accordance with the provisions of Section 70A of the Town & Country Planning Act 1990. | Council |
|----|------|---|---------|

Control of Unauthorised Advertisements

- | | | | |
|----|------|--|---------|
| CP | (31) | Authority to take action under Sections 10-12 of the London Local Authorities Act 1995 relating to the control of unauthorised advertisements. | Council |
|----|------|--|---------|

Untidy Site Notices

- | | | | |
|----|------|--|---------|
| CP | (32) | Authority to issue Untidy Site Notices under Section 215 of the Town & Country Planning Act 1990, with such decisions being reported to the next available meeting of Plans Sub-Committee for information. | Council |
|----|------|--|---------|

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

Officer(s) Authorised	Authority to:-	Responsibility Delegated from
DECH	(1) Direct the Authority's functions in its capacity as a local education authority, except those excluded under section 18(3) of the Act (namely certain functions relating to further education, higher education and adult education).	Leader
DECH	(2) Interpret conditions of service and all related matters for all teaching staff and non-teaching staff in schools in consultation with the Director of Human Resources where these concern matters which remain to be set by the LEA.	Council
DECH	(3) Implement payment of teachers' pay awards and secure the LEA's responsibilities as the Relevant Body under the School Teachers' Pay and Conditions.	Council
DECH	(4) Subject to any existing right of appeal to an Appeals Panel, to suspend, relegate or dismiss school based employees on all grades under the Education Act 2002 and any Regulations made there under.	Council

DECH	(5)	Review and fix, subject to provision of the approved estimates, the establishment of employees at all maintained educational services not covered by a scheme of local management.	Council
DECH	(6)	Exercise all of the statutory functions of the LEA as regards staffing matters in LEA maintained schools as provided for under the Education Act 2002 and any Regulations made there under with the exception of any exercise of discretion concerning the funding of discretionary early retirement with added years or redundancy costs which fall to be determined by the Executive Portfolio Holder.	Council
DECH	(7)	Manage the provision of training and support to the Education Service. (The element of training relating to an individual's terms and conditions is a non-executive matter. However, the Executive may recommend appropriate training within this framework.)	Council/Leader
DECH	(8)	Approve requests from employees in all maintained educational institutions for special leave in accordance with the Council's policy.	Council
DECH	(9)	Approve the payment of relocation and removal expenses to employees in all maintained educational institutions in accordance with the scheme agreed by the Executive Portfolio Holder.	Council
DECH	(10)	Approve payment of grants to individuals and organisations in accordance with the Executive's policy.	Leader
DECH	(11)	Agree annually increases in charges for service within the remit of the Executive Portfolio Holder.	Leader
DECH	(12)	Manage the admissions procedure in accordance with the Executive's policy.	Leader
DECH	(13)	Approve the placing of children with special educational needs in suitable schools as	Leader

specified in a statement and including day, residential, independent and non-maintained special schools and special schools maintained by other authorities.

DECH	(14)	Arrange for home or hospital tuition in appropriate cases.	Leader
DECH	(15)	Fix school terms and holiday dates in consultation with teachers' organisations.	Leader
DECH	(16)	Make arrangements for transport of pupils.	Leader
DECH	(17)	Provide support services as requested by establishments.	Leader
DECH	(18)	Approve the provision of free meals, essential clothing, school uniform and educational maintenance grants in accordance with approved scales.	Leader
DECH	(19)	Approve applications for children to be employed in work or in entertainment, in conformity with relevant bye-laws and statutory obligations.	Leader
DECH	(20)	Take all action including service of notices, consultation, making and service of school attendance orders and to authorised institute and conduct legal proceedings under Sections 437, 438, 439, 440, 441, 443 and 444 of the Education Act 1996 and to make decisions relating to applications for Education Supervision Orders under Section 447 of the Education Act 1996	Leader
DECH	(21)	Approve the making of parenting contracts, parenting orders and the issue of penalty notices under Sections 18 and 23 of the Anti-Social Behaviour Act 2003.	Leader
DECH	(22)	Approve the issue of mini bus passes under Section 19 of the Transport Act 1985.	Leader
DECH	(23)	Undertake the duty of the local education authority with regard to exclusions as specified by Section 67 of the School Standards and Framework Act 1998.	Leader
DECH	(24)	Initiate renewals of temporary planning permissions.	Leader

DECH	(25)	Authorise a fee remission policy for instrumental music tuition provided by Bromley Youth Music Trust in consultation with the Trustees.	Leader
DECH	(26)	Authorise work by the Standards and Effectiveness Services on behalf of other Local Authorities, foundation schools (both within and outside the Borough) and independent schools in accordance with the principles and procedures set out by the Council.	Leader
DECH	(27)	In cases of urgency seek planning permission for mobile accommodation at primary and secondary schools in accordance with Regulation 3 of the Town & Country Planning General Regulations Act 1992 on the understanding that a full explanation for the need will accompany each application.	Leader
DECH	(28)	To act in support of the Borough's Major Incident Controller in respect of emergency accommodation, provisions and staffing.	Leader
DECH	(29)	Approve, after consultation with the Director of Corporate Services and the Head of Strategic Property, leasing arrangements in respect of educational premises where the terms of the lease or agreement do not exceed five years without a break clause.	Leader
DECH	(30)	In consultation with the Director of Corporate Services and Director of Human Resources, interpret and apply the provisions of the Teachers' Pension Scheme Regulation in respect of current and ex employees where the LEA is deemed to be the employer for pension purposes.	Council
DECH	(31)	Agree teachers' applications for early retirement without enhancement by way of added years.	Council
DECH	(32)	Approve the appropriate use of the Priority Schools Budget, Schools Budget Central Contingency as approved by the School's	Leader

Forum subject to their use being monitored by the budget review process and the relevant consultation with the School's Forum.

DECH	(33)	Approve the arrangements for teachers who are to be awarded qualified teacher status after 7 th May 1999 to undertake an induction period in accordance with the provision of any regulations laid down by the Secretary of State and subsequent amendments; to grant extensions of the induction period as specified in the regulations and determine whether or not an induction period has been completed satisfactorily.	Council
------	------	---	---------

DECH	(34)	Decide on action in response to individuals OFSTED reports and, when the circumstances of the report are exceptional, submit the report to the Portfolio Holder for detailed consideration.	Leader
------	------	---	--------

Adult Education

DECH	(35)	To ensure the provision of Adult Education Services under Section 85 of the Further and Higher Education Act 1992 in accordance with Committee policy.	Leader
------	------	--	--------

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

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

which have already been delegated within this Authority.

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

discharge the above functions within Bromley Borough.)

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

set out in Appendix B to this scheme.)

Regulation of
Investigatory
Powers

DECS	(27)	Authorise action under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.	Leader
DECS	(28)	Exercise functions and powers under the Scrap Metal Dealers Act 2013 including – (i) determining applications where refusal is being considered; 2. granting licences where there is no prospect of refusal; 3. imposing conditions as set out in section 4(9) where the site manager has relevant convictions; 4. revoking licences under specific conditions; 5. exercising the rights of entry and inspection; 6. applying to a Magistrates Court for warrants of entry; and 7. closing unlicensed sites.	Leader
CEX, DECS and DCS	(29)	Exercise functions related to the Anti-social Behaviour, Crime and Policing Act 2014 as set out in appendix 2 to the report of the Executive Director of Environment and Community Services to the Executive on 26 th November 2014.	Leader

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

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

Street Naming and Numbering

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

Private Direction Signs

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

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

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

Grass Verges

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

Overhanging Trees and Hedges

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

Dangerous Trees

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

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

DECS (20) Take appropriate action in respect of dangerous trees under section 23 and section 24 of the Local Government (Miscellaneous Provisions) Act 1976, including such steps as necessary to recover the costs incurred from the occupier. Leader

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

DECS (21) Authorise and serve notices, and take action under Sections 3 and 6 of the Refuse Disposal (Amenity) Act 1978. Leader

DECS (22) Remove forthwith from the highway and dispose of any vehicle obviously abandoned and ownership unidentifiable. Leader

Car Parks

DECS (23) Allow refunds on car park season tickets. Leader

DCS (24) Make supplementary orders to apply the Off-Street Parking Places Order to further parking places provided by the Council. Leader

DECS (25) Accept commuted payments in lieu of car parking within a scheme approved by the Council. Leader

DECS (26) Approve and provide means of access to any premises under Section 340, Highways Act 1980. Leader

DCS (27) On the recommendation of the Director of Environment and Community Services and on terms negotiated, complete agreements with owners and occupiers concerned. Leader

Off-Street Car Parking

DECS (28) Authority to institute proceedings for contraventions of parking orders relating to the use of off-street car parks. Leader

Parking Enforcement

- | | | | |
|------|------|--|--------|
| DECS | (29) | Sign, on behalf of the Council, requests for information as to the identity of the driver of a vehicle alleged to be guilty of an offence to which Section 85 of the Road Traffic Regulations Act 1967 applies, and sign notices under Sections 2 and 3 of the Road Traffic Act 1974 relating to excess parking charges. | Leader |
| DECS | (30) | Authority to determine applications for exemption from the footway parking ban. | Leader |

Special Parking Areas

- | | | | |
|------|------|--|--------|
| DECS | (31) | Authority to institute or contest any action or administrative proceedings arising out of contraventions of traffic management orders relating to the Special Parking Area designated pursuant of the Road Traffic Act 1991. | Leader |
|------|------|--|--------|

Private Sewers and Drains – Overflow Prevention

- | | | | |
|------|------|--|--------|
| DECS | (32) | Install and maintain anti-flood ball valves. | Leader |
|------|------|--|--------|

Temporary Direction Signs, Street Banners etc

- | | | | |
|------|------|---|----------------|
| DECS | (33) | Deal with all applications for temporary direction signs, street banners, etc, including seasonal and occasional decorations. | Council/leader |
|------|------|---|----------------|

Sight-Lines

- | | | | |
|-----|------|---|--------|
| DCS | (34) | Authorise and serve notices and act under Highways Act 1980, Section 79, to secure sight-lines recommended by the Director of Environment and Community Services. | Leader |
|-----|------|---|--------|

Temporary Closure of Highways

- | | | | |
|-----|------|--|--------|
| DCS | (35) | Make orders for temporary closures recommended by the Director of Environment and Community Services | Leader |
|-----|------|--|--------|

Minor Improvements of Highways and Sewers

- | | | | |
|------|------|--|--------|
| DECS | (36) | Approve and execute minor schemes of improvement of all categories of highways and | Leader |
|------|------|--|--------|

sewers maintainable at public expense, subject to all necessary consents, etc, being obtained and statutory action taken.

Prescription of Building Lines

DCS	(37)	Prescribe building lines under Highways Act 1980, Section 74 recommended by the Executive Director of Environment and Community Services.	Leader
-----	------	---	--------

Highway Adoptions

DECS	(38)	After construction to his satisfaction declare streets to be highways maintainable at the public expense, and declare the associated drainage to be vested in the Council.	Leader
------	------	--	--------

Public Footpaths

DECS	(39)	Approve the making of orders for the diversion of public footpaths where no objections are made following prior consultations with relevant owners and occupiers of land and with local and other interested organisations or statutory undertakers.	Council
------	------	--	---------

DCS	(40)	Make orders for diversion of public footpaths approved by the Executive Director of Environment and Community Services and confirm such orders where no statutory objections are made.	Council
-----	------	--	---------

DCS	(41)	The Director of Corporate Services, in consultation with the Executive Director of Environment and Community Services, to confirm:	Council
-----	------	--	---------

(a)	all unopposed Orders for the creation, extinguishment, stopping-up or diversion of any footpaths, bridleways and byways; and	Council
-----	--	---------

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

DECS	(42)	Make comments, on behalf of the Highway Authority, on the diversion of footpaths or bridleways necessitated to enable development for which planning consent has been given, to	Leader
------	------	---	--------

take place

DECS/DCS (43)	Make Definitive Map Modification Orders and amendments to the Definitive Map and Statement of Public Rights of Way	Council
---------------	--	---------

Markets

DECS (43)	Deal with the day-to-day supervision and management of markets.	Council
-----------	---	---------

Walkways in Buildings

DCS (44)	On terms recommended by the Executive Director of Environment and Community Services complete agreements for the provision of dedication of footways or walkways under the provisions of Section 35, Highways Act 1980.	Leader
----------	---	--------

Drainage of Highways

DECS (45)	Take all action necessary for the drainage or prevention of flooding of highways under the provisions of Sections 100, 299 and 339 of the Highways Act 1980.	Leader
-----------	--	--------

Control of Builders' Skips

DECS (46)	Operate the provisions of Section 139 and 140, Highways Act 1980 in respect of skips deposited on highways.	Council
-----------	---	---------

Retaining Walls near Streets

DECS (47)	Operate the provisions of Section 167 of the Highways Act 1980 in respect of the erection and condition of retaining walls.	Leader
-----------	---	--------

Construction of Buildings over Highways

DECS (48)	Issue licences for construction of buildings over any part of a publicly maintained highways under the provisions of Section 177 of the Highways Act 1980.	Leader
-----------	--	--------

Vehicle Crossings over Footways

DECS (49)	Operate the provisions of Section 184 of the Highways Act 1980 relating to the construction of vehicle crossings over footways and verges.	Leader
-----------	--	--------

DECS	(50)	Authorise, the waiver of charges in respect of the provision of crossovers in association with other adaptations to disabled persons' properties, and in accordance with the recommendations of the Executive Director of Education, Care and Health Services (Occupational Therapy Service).	Leader
------	------	---	--------

Trees and Shrubs in a Highway

DECS	(51)	Grant licences for the planting and maintenance of trees and shrubs under the provisions of Section 142 Highways Act 1980.	Council
------	------	--	---------

Powers of entry for Survey

DECS	(52)	Authorise entry on to land for surveys in connection with highway functions under the provisions of Sections 289 and 290, Highways Act 1980.	Council
------	------	--	---------

Powers of Entry to Maintain Structures and Works

DECS	(53)	Authorise entry on to land for the purpose of maintaining, altering etc, works or structures owned by the Highway Authority under the provisions of Section 291 of the Highways Act 1980.	Leader
------	------	---	--------

Provision of Dustbins

DECS	(54)	Authorise and serve notices under Section 46 of the Environmental Protection Act 1990, as amended, requiring owners or occupiers of premises to provide the required number and type of covered dustbins for household refuse.	Leader
------	------	--	--------

Trade Refuse Disposal Facilities

DECS	(55)	Authorise and serve notices on the owner or occupier of a building under Section 11 of the London County Council (General Powers) Act 1963 as amended requiring the carrying out of works or taking action to secure that the building is provided with trade refuse disposal facilities approved by the Executive Director of Environment and Community Services.	Council
------	------	--	---------

Offences involving the use of a vehicle

DECS	(56)	Authorise and serve notices under Section 17 of the Greater London Council (General Powers)	Council
------	------	---	---------

Act 1972 relating to an offence involving the use of a vehicle on a highway or parking area requiring information as to the identity to the driver or person in charge.

Dangerous Land Adjoining Streets

DECS (57) Authorise and serve notices and take action under Section 165, Highways Act 1980 in respect of dangerous land adjoining streets. Leader

Footbridges over Highways

DECS (58) Grant licences for the construction of footbridges over highways under provisions of Section 176 of the Highways Act 1980. Leader

Restriction on placing rails, beams, etc over highways

DECS (59) Determine applications and grant consents under Section 178, Highways Act 1980, to place rails, beams, pipes, cables, wires, or other similar apparatus over, along or across highways. Council

Cellars under Streets

DECS (60) Determine applications and grant consents under Section 179, Highways Act 1980 for the construction of cellars, etc under the carriageway of a street and authorise and serve notices for removal, or alteration, of any cellar, etc, constructed in contravention of that section. Council

Openings in footways into cellars and pavement lights and ventilation

DECS (61) Determine applications and grant consents under Section 180, Highways Act 1980, to make an opening in the footway of a street to a cellar, or vaults; or to carry out works in a street to provide means for the admission of air or light to premises situated under or abutting onto the street and authorise and serve notices where default arises in complying with statutory requirements as to repairs. Council

Minor Improvement Budget Schemes

DECS (62) Approve expenditure on schemes from within the minor improvement budget. Leader

Traffic Management Schemes – Civil Engineering Costs

DECS (63) Following agreement in principle to traffic management schemes by the Council, approve the detailed civil engineering element costs. Leader

Land Drainage and Watercourses

DECS (64) (i) Issue approvals under Section 11 (Restrictions as to buildings etc, in or over streams) and Section 13 (Restrictions on new connections with streams) of the River Ravensbourne etc (Improvements and Flood Prevention Act 1961. Council

(ii) In accordance with the Land Drainage Acts 1991 and 1992 implement the Council's National Rivers Authority policies on:

(a) building over, adjacent to or in the flood plain of any watercourse; Leader

(b) the use and maintenance of any watercourse;

(c) the prevention of pollution to, and protection of the water environment;

(d) in accordance with the Land Drainage Act 1991 Section 25, to serve notices on riparian owners for maintenance of watercourses and, if in default, carry out works and recharge the owner all reasonable costs.

Bromley Town Centre – Closure of White Hart Slip

DECS (65) Approve the issue of permits and determine any conditions that should be imposed thereon in respect of vehicles carrying out infrequent specialised maintenance or building activities and for infrequent delivery or collection of exceptional loads needing to gain access to White Hart Slip. Leader

Bromley Town Centre – Parades etc in High Street

DECS	(66)	Determine applications for exemptions for parades and other similar events in the pedestrianised area of the High Street.	Council
------	------	---	---------

Disposal of small surplus highway sites

DECS	(67)	Authority to declare as surplus to the requirements land held for highways purposes, being small areas of highway land not exceeding 500 square metres and to take such action as is necessary to extinguish highway rights associated with the land, subject to the receipt of planning consent for the change of use and the views of the local Ward Councillors being sought before any application is determined.	Leader
------	------	---	--------

Licences – use of highway land

DCS	(68)	On the recommendation of the Executive Director of Environment and Community Services prepare licences under the provisions of the Highways Act 1980 to enable the owners of properties fronting public highways to use adjoining highway land as part of their gardens.	<i>Leader</i>
-----	------	--	---------------

Neighbourhood Watch Signs

DECS	(69)	Authorise and/or refuse consent for the erection of Neighbourhood Watch signs on Council street furniture.	Council/Leader
------	------	--	----------------

Street Trading

DECS	(70)	To recommend legal proceedings subject to the Director of Corporate Services being satisfied as to the sufficiency of evidence.	Council
------	------	---	---------

DECS	(71)	To grant unopposed applications for full and temporary licences and applications for renewals of such licences where the terms and conditions are unchanged.	Council
------	------	--	---------

DECS	(72)	To refuse applications for street trading licences in circumstances where Section 25(4)(a) and (b) apply.	Council
------	------	---	---------

DECS	(73)	To grant unopposed applications by licence	Council
------	------	--	---------

holders for variation of conditions attached to their licence.

DECS	(74)	To waive fees for temporary licences in respect of national charity events.	Council
DECS	(75)	To remit or refund fees or charges associated with street trading licences on production of a medical certificate or where because of road works etc a trader is unable to trade or for any other approved reason.	Council
DECS	(76)	To accept applications for renewal of licences later than two months before expiry date (submitted before the expiry date).	Council
DECS	(77)	To accept the surrender of a street trading licence.	Council
DECS	(78)	To refuse the granting of a temporary licence for a street trader.	Council
DECS	(79)	Confirm all experimental traffic regulation orders after an operational period of 12 months subject to: <ul style="list-style-type: none"> (i) the Ward Members concerned, the police and the public where appropriate being consulted; (ii) no objections being forthcoming; (iii) a report being made to the Executive Portfolio Holder in respect of those locations where objections have been received. 	Leader
DECS	(80)	Powers to control unlicensed street trading under the London Local Authorities' Act 2004 Section 20 and Schedule 4.	Council

School Keep Clear Markings

DECS	(81)	Introduce mandatory school Keep Clear markings when the need is apparent and, the cost of each Traffic Order be funded from the block revenue provision for minor traffic management schemes.	Leader
------	------	---	--------

Central Islands/Refuges

DECS	(82)	Approve the installation and removal of central islands/refuges subject to consultation with ward members.	Leader
------	------	--	--------

Environment Bromley – Grant

DECS	(83)	Approve annual requests from Environment Bromley for grant funding.	Leader
------	------	---	--------

Graffiti Removal

DECS	(84)	The Power to require the removal of graffiti from shops, commercial properties, apparatus and plant under the London Local Authorities’ Act 2004.	Council
------	------	---	---------

DECS	(85)	Approve action to secure the removal of graffiti in consultation with the Director of Corporate Services.	Council/Leader
------	------	---	----------------

Waiting and Loading Restrictions

DECS	(86)	Authority to:	
		(i) suggest the sites for the introduction or amendment of waiting and loading restrictions.	Leader
		(ii) consult the Executive Portfolio Holder, Ward Members concerned, the Police and the public on the proposals.	Leader
		(iii) subject to no objections being forthcoming, or where the scheme is less than £5,000 to introduce the restrictions; and	Leader
		(iv) report to the Executive Portfolio Holder in respect of schemes costing over £5,000 where objections have been received but it is still considered that the restrictions should be implemented.	Leader

Disabled Persons Parking Bays

DECS	(87)	Approve applications which meet all the following criteria and where no objections are received during consultation with the	Leader
------	------	--	--------

Ward Members, Police and local residents.

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

Street Works etc

- DECS (88) Operate the provisions of Section 50 of the New Roads and Street Works Act 1991, for the granting of street works licences. Council
- DECS (89) Operate the provisions of Section 56 of the New Roads and Street works Act 1991, for giving the undertaker such directions as to the times when works may or may not be carried out. Leader

Unauthorised Signs on the Highways

- DECS (90) Operate the provisions of Section 132 of the Leader

Highways Act 1980 to remove unauthorised signs placed on the highway in roads which are on the Council's statutory list of maintained highways and rights of way in the Definitive Map.

Wilful Obstruction of the Highway

DECS	(91)	Operate the provisions of Section 148 of the Highways Act 1980 for the removal of unauthorised things on the highway which are on the Council's statutory list of highways and rights of way in the Definitive Map.	Leader
------	------	---	--------

Removal of Projections from Buildings

DECS	(92)	Serve notice under Section 152 of the Highways Act 1980 in respect of any projection from a building which may endanger the public.	Leader
------	------	---	--------

White Bar Carriageway Markings

DECS	(93)	Decide whether white bar markings should be laid to reduce the incidence of car parking obstruction in the following cases: (a) access to public places such as churches, halls and libraries; (b) accesses to groups of garages or similar situations where obstruction causes for delivery or loading including refuse collection. (c) access for individual disabled drivers who park off-street; and (d) to assist pedestrian access where vehicle parking obstruction takes place at crossing sites, excluding formal pedestrian crossings.	Leader
------	------	--	--------

Consultation Documents

DECS	(94)	Consider and submit comments in respect of consultation documents received seeking the	Leader
------	------	--	--------

Council's views on all matters within the portfolio's purview subject to there being no policy issues or substantial expenditure, involved. In those instances, where the Executive Director of Environment and Community Services considers it appropriate prior consultation should be undertaken with the Executive Portfolio Holder before observations are submitted.

Signing to Places of Worship

DECS	(95)	Approve or refuse application for signing to places of worship, based on the criteria approved by the Executive Portfolio Holder – any complex or sensitive issues to be referred to the Executive Portfolio Holder for determination.	Leader
------	------	--	--------

Environmental Improvements

CP	(96)	Select environmental improvement schemes for implementation, following consultation with the Ward Members concerned (the CP also to report annually on the Committee on the action taken).	Leader
----	------	--	--------

Blue Badge Scheme

DECS	(97)	The issue and administration of the Blue Badge Scheme as provided for under the Chronically Sick and Disabled Persons Act 1970.	Leader
------	------	---	--------

Lease of Council Facility

DECS	(98)	Let or lease a Council facility or part to a Council contractor to assist with the performance of their contract with the Council.	Leader
DECS	(99)	Authority to approve highways and transport planning schemes for signs and disabled parking bays, including consultation and implementation stages, provided costs are within current budgets.	Council/Leader
DECS	(100)	Authority, in consultation with the Director of Corporate Services, to make Orders in respect of waiting restrictions and loading bays.	Leader
DECS	(101)	Decide on action in response to petitions	Council/Leader

related to environmental operational matters.

Allotments

DECS	(102)	Manage and let allotment plots (in conjunction with allotment society or association where management agreement exists between Council and the society or association).	Leader
DECS	(103)	Waive all or part of the rent due in the initial year of a tenancy where in his opinion a plot requires additional work to put it into a satisfactory state for cultivation.	Leader
DECS	(104)	Deal with applications for permission to erect buildings and structures, subject to consultation with local allotment society or association in the case of those exceeding two feet in height and not being the replacement of an existing building or structure.	Leader
DECS	(105)	Authorise the signature of tenancy agreements on behalf of the Council.	Leader
DECS	(106)	Authorise and service notices to quit or notices or re-entry on allotment tenants:- (a) where the Council determine alternative use of the land, and (b) for arrears of rent or other breach of tenancy agreement.	Leader
DECS	(107)	In consultation with the Director of Corporate Services, approve changes of trustees appointed for the purposes of a management agreement between the Council and an allotment society or association.	Leader

Parks, recreation grounds, open spaces

DECS	(108)	Approve occasional, general or individual variations of dates and opening hours.	Leader
DECS	(109)	Allocate seasonal reservations in accordance with priorities approved.	Leader
DECS	(110)	Restrict public use to accommodate lettings, reservations and other special occasions.	Leader

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

DCS	(120)	Approve the use of the forecourt at the Churchill Theatre/Central Library for events.	Leader (Licensing decision Council)
-----	-------	---	-------------------------------------

Commons

DECS	(121)	Deal with applications for fetes and other special activities on commons.	Leader (Licensing decision Council)
------	-------	---	-------------------------------------

Cemeteries

DECS	(122)	Manage the Council's cemeteries including the allocation of burial space and the authorisation and execution of grave grants.	Leader
------	-------	---	--------

Anti Social Behaviour

DECS	(123)	In consultation with the Director of Corporate Services issue of fixed penalty notices in respect of graffiti and fly posting under the Anti-Social Behaviour Act 2003 Section 43.	Leader
------	-------	--	--------

DECS	(124)	Issue of graffiti removal notices under the Anti-Social Behaviour Act 2003 Section 48.	Leader
------	-------	--	--------

DECS	(125)	Powers to deal with the clearance of works and litter under the Anti-Social Behaviour Act 2003 Sections 55 and 56.	Leader
------	-------	--	--------

CP (126)		Control of high hedges under the Anti-Social Behaviour Act 2003 Sections 68, 69 and 70.	Council
----------	--	---	---------

DECS	(127)	Propose the making of a Gating Order under the Clean Neighbourhoods and Environment Act 2005.	Leader
------	-------	---	--------

Miscellaneous

DECS	(128)	Deal with dangerous trees pursuant to Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976.	Leader
------	-------	---	--------

DECS	(129)	Approve the purchase of selected horticultural stock, without recourse to competitive quotations.	Leader
------	-------	---	--------

DECS	(130)	Refer to the Director of Corporate Services for consideration with a view to prosecutions, cases under the Council's byelaws or other statutes.	Council
------	-------	---	---------

DRT	(131)	Manage the staff canteens and catering service without prejudice to the Director of Finance's financial responsibilities referred to in Minute 1/356 (General Purposes Committee – 8.6.65) and subject to consultation as appropriate with and by the Director of Human Resources on staff welfare aspects.	Council/Leader
DECS	(132)	Issue of fixed penalty notices for fly posting under the London Local Authorities' Act 2004 Sections 15-17 and Schedule 2	Council
DECS	(133)	Destruction of vehicles which are unlicensed, without a valid registration plate, or which have no registered keeper and associated powers under the London Local Authorities' Act 2004 Sections 3, 4, 6 and 7.	Council
DECS	(134)	The control of car repairs on the street under the London Local Authorities' Act 2004 Section 11.	Council
DECS	(135)	Pigeon proofing of bridges under the London Local Authorities' Act 2004 Section 9.	Council

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

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

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

Conditions of Service

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

pensioners, dependants and transfer values.

DHR	(12)	The determination and application of all matters relating to ill-health retirement under the Local Government Pension Scheme Regulations.	Council
DF and DHR	(13)	Authority to determine future applications for early payment of deferred benefits under the Local Government Pension Scheme Regulations.	Council
DCS, DHR and DF	(14)	To undertake the role of “nominated person” under the Internal Dispute Resolution Procedures of the Local Government Pension Scheme and the Teacher’s Pension Scheme	Council
DF and DHR	(15)	To implement the Council’s schemes for gratuities and severance payments.	Council
DF and DHR	(16)	With regard to automatic enrolment under the Pensions Act 2008 authority to - (i) use postponement for workers on short-term contracts and in circumstances where it aids administrative processes; and (ii) take all necessary action to ensure that the Council’s responsibilities under the requirements of automatic enrolment are met.	Council

Implementation of Awards etc

DF	(17)	Implement payment of salary and wage awards by the Council.	Council
----	------	---	---------

Ex Gratia Payments

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

Industrial Injuries Scheme

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

Honoraria

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

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

Essential Car users – Car Loan Council

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

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

Benchmark Lease Cars

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

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

Mortgages

DCS (26) Seal: Council

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

CE/DCS (27) Sign receipt on mortgages and discharges of Council

		registered charges where the Council's seal is not required.	
DCS	(28)	Approve advances for the connection of houses to public sewers.	
DCS	(29)	Approve applications for the consent of the Council as mortgagee to: <ul style="list-style-type: none"> (i) the grant of rights of way and other easements, and licences; (ii) the carrying out of alterations and/or improvements to the mortgaged properties; subject in each case to being satisfied that the Council's security will not be adversely affected.	Leader
DCS	(30)	Authorise and institute proceedings for the recovery of arrears and/or possession of the property where mortgagors under the Council's Housing Act Advance Scheme have made default in payment of sums secured by the mortgage.	Leader
DCS	(31)	Authorise and give permission for short-term lettings of mortgaged property by mortgagors.	Leader
DECHS	(32)	Approve Housing Act advances in accordance with the scheme and criteria approved by the Executive.	Leader
DF	(33)	Approve increases or reductions in mortgage periods.	Leader
DCS/DF	(34)	Approve applications for the transfer of mortgages from the husband and/or wife to husband and/or wife subject to normal income limits.	Leader
DCS	(35)	Endorse extensions of mortgages executed by the Council in connection with external loans.	Leader
Private Street Works Charges, etc.			
DCS/DF	(36)	Approve the suspension of repayment of the principal element of private street works charges and loans for house connections to sewers for such period as the applicant is in receipt of Social Security income support	Leader
Loans			
DF	(37)	To make all necessary arrangements for efficient debt and cash management in accordance with any	Council/Leader

statutory requirements and the Treasury Policy Statement approved by the Council. In particular to:

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

DECH (38) Authority to approve maturity loans applications. Leader

Rates of Interest

DCS (39) Determine rates of interest of (a) local bonds and mortgages and (b) Housing Act mortgage advances, subject to referral to Committee of any proposal to vary existing practice in the relative treatment of pre- and post-1980 Act mortgages. Council/Leader

Local Taxes

DF (40) Authority to act on behalf of the Council in all matters concerning the administration, collection, recovery or community charges, Council Tax and non-domestic rates (including authority to authorise bailiffs to levy distress on behalf of the Council) and the administration of community charge and Council Tax benefits (including, for the avoidance of doubt, the consideration of any complaint or appeal by a Council tax payer). Council/Leader

Value Added Tax

DF (41) To take any necessary action to “opt to tax” exempt supplies where the third party is VAT registered. Leader

Contractors Bonds

All (42) Allow contractors to obtain their own bonds for due performance of any proposed contract, subject to the nominated bondsman being acceptable to the Director of Finance and to any additional cost being met by the contractor. Leader

Carry Forward of Budgets

DF (43) Authorise spending officers to carry forward from one financial year to the next any unspent General Fund or Housing Revenue Account budget provision, provided that the goods were ordered or the work was started in the expectation that the order would be completed by 31st March. Council/Leader

DF	(44)	The Director of Finance shall be the Chief Finance Officer for the purposes of Section 114 of the Local Government Finance Act 1988.	Council
----	------	--	---------

DF	(45)	In respect of benefit fraud, impose or request administration penalties as appropriate.	Leader
----	------	---	--------

Management of The Glades

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

Property

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

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

Station and any other property owned by that body; and

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

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

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

(xviii) Approve transactions when the name of the purchaser or transferee changes, or the purchaser wishes the transfer to proceed in the name of another company within the same group but all other terms and conditions remain as originally approved; Leader

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

Energy Contracts

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

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

Registration Service

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

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

Officer(s) Authorised	Authority to:-	Responsibility delegated from
DECH/ DECS (1)	Ensure that the powers and duties to provide for the social care of elderly people, people with a disability and/or chronic sicknesses are met in accordance with statutory requirements and Council policy.	Council/Leader
DECH (2)	Exercise the statutory functions (including under the Mental Health Acts and Mental Capacity Act 2005) to safeguard the welfare of people suffering from a mental illness.	Leader
DECH (3)	Arrange burials and cremations in cases where no other suitable arrangements have been made.	Leader
DECH/ DRT/DECS (4)	Consider the conditions and housing needs of the Borough.	Leader
DECH (5)	Assess and arrange rehousing for homeless applicants in accordance with statutory requirements and Council policy.	Leader
DECH (6)	Nominate applicants to Housing Associations.	Leader
DECH/DRT (7)	Monitor the performance of Housing Associations and arrange for collection and production of statistical information.	Leader
DECH/DRT (8)	Consult with and provide advice to Housing Associations and other housing organisations on the housing needs of the Borough.	Leader
DECH (9)	Manage and provide temporary accommodation for homeless people and in cases of emergencies.	Leader
DECH (10)	Agree the terms and conditions for block booking arrangements for temporary accommodation.	Leader
DECH/DRT (11)	Manage the Council funded development programme in line with Council policy.	Leader
DECH (12)	Undertake the general supervision and management of social work support services	Leader

provided under the Local Authority Social Services Act 1970 (and any other enactment) not generally covered elsewhere in this scheme of delegation.

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

practice of the Executive. Approve the waiving of repayments where financial hardship to the owner would arise.

DECS	(25)	Carry out the Council's functions relating to private sector housing in connection with hazard rating, disrepair, provision of amenity, means of escape in the case of fire, overcrowding, energy efficiency, empty property, management and control.	Leader
DECS	(26)	Institute enforcement action and, subject to the Director of Corporate Services being satisfied with the evidence in each case, legal proceedings, and hearings in respect of (25) above.	Leader
DECS	(27)	Authorise the carrying out of work in default in appropriate cases of non-compliance.	Leader
DECS/CP	(28)	Arrange for the demolition of properties for redevelopment purposes.	Leader
DF	(29)	Determine the amounts of rent rebates to be allowed under approved scheme.	Leader
DECH	(30)	Authorise the approval of discretionary disabled facilities grants in exceptional circumstances.	Leader
DECH	(31)	Authority to approve Social Workers' warrant cards.	Leader
DECH	(32)	Ensure that the powers and duties to provide for the welfare and protection of children and young people are carried out in accordance with statutory requirements and Council policy.	Leader
DECH	(33)	Provide preventative services and support for the care of mothers and young children.	Leader
DECH	(34)	As Head of the Adoption Agency set up by the Local authority, ensure that the agency and the Adoption Panel functions in accordance with statutory requirements, save that this does not include a power to increase fostering allowances which exceed inflation.	Leader

DECH	(35)	Direct the Authority's social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children and the Local Authority's functions for children and young people leaving care.	Leader
DECH	(36)	Direct any health-related functions exercised on behalf of an NHS body under Section 31 of the Health Act 1999, insofar as they relate to children.	Leader
DECH	(37)	Direct the new functions of the Children's Services Authority set out in the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation.	Council/Leader
DECH	(38)	Make and sustain arrangements to promote co-operation between the Authority and its partner organisations to improve the well-being of children in the Authority's area.	Leader
DECH	(39)	Maintain the database of basic information on all children in the Authority	Leader
DECH	(40)	Maintain the Local Safeguarding Children Board (LSCB) to co-ordinate and ensure the effectiveness of board members' activities for the purpose of safeguarding and promoting the welfare of children in the Authority's area.	Leader
DECH	(41)	Prepare and publish a Children and Young People's Plan (CYPP) to set out the Authority's strategy for discharging their functions in relation to children and young people,	Leader
DECH	(42)	Co-ordinate statements of proposed action in light of a Joint Area Review report, in consultation with partners. The DECH will also exercise a key role in monitoring and evaluating implementation of the proposed action.	Leader
DECH	(43)	Second at least one children's social worker and at least one education professional to the Youth Offending Team.	Leader
DECH	(44)	Promote the educational achievement of looked after children.	Leader

DECH	(45)	Provide the Secretary of State, if he so directs the authority, with information on individual children.	Leader
DECH	(46)	In consultation with the Portfolio Holder and the Director of Corporate Services, approve Section 106 funding under formal grant arrangements for individual health proposals up to £250,000.	Leader

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

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

Legislation enforced by Bromley Public Protection Division
(Public Protection and Safety Portfolio – Delegations 7 to 12)

PRIMARY LEGISLATION

ACT/REGULATION	DESCRIPTION OF DELEGATION
Accommodation Agencies Act 1953	To perform functions and investigate offences related to the practices of accommodation agencies
Administration of Justice Act 1970	To perform functions and investigate offences related to the harassment of debtors
Animal Welfare Act 2006	Powers relating to the control of animal welfare
Animal Health Act 1981	Provisions for welfare of farm animals in transit, on the farm and at market
Animal Boarding Establishments Act 1963	Provisions relating to the commercial boarding of animals
Agriculture Act 1970 Refer to Schedule of secondary legislation (Regulations)	67(1) Duty Of local authority to enforce part IV of the Act in respect of fertilisers and animal feeding stuffs.67(4) Power to grant consent for inspectors of another enforcement authority to exercise powers within the London Borough of Bromley;67(3) Power to appoint agricultural analyst and deputies; to perform functions and investigate offences related to fertilisers and animal feeding stuffs;75(2) Power to require information and documentation; 76 – Power to enter premises and take samples
Anti-social Behaviour, Crime and Policing Act 2014	
Advanced Television Services Regulations 1996	Provisions relating to supply & construction of television equipment.
Aerosol Dispensers (EEC Requirements) Regs 1977	Re marking, inspecting, testing and content of aerosols
Anti-Social Behaviour Act 2003	To perform functions and investigate offences related to the sale of aerosol paint to persons under age.
Architects Act 1997	To perform functions and investigate offences related to unregistered architects
Breeding and sale of dogs (welfare) Act 1999	Provisions to control the activities of commercial dog breeders
Breeding of dogs Act 1973 & 1991	Provisions to control the activities of commercial dog breeders

ACT/REGULATION	DESCRIPTION OF DELEGATION
Building Act 1984	Provisions relating to adequate water supply, drainage and sanitary ware repair/improvement, in dwellings and emergency abatement of certain statutory nuisances.
Cancer Act 1939	To perform functions and investigate offences connected to advertisements relating to the treatment of cancer
Caravan Sites and Control of Development Act 1960	Provisions for granting licences to caravan sites, attachment of conditions and the provision of caravan sites.
Charities Act 1992	To perform functions and investigate offences connected with information to be provided, and false statements made by, professional fund raisers.
Charities Act 2006	To perform functions and investigate offences connected with unauthorised use of badges certificates and articles and of false statements made, in respect of charitable appeals.
Children and Families Act 2014 Refer to schedule of secondary legislation (Regulations)	Duty of weights and measures authority to enforce the Regulations made under this Act around the prohibition of sale of nicotine products to persons under 18, proxy sales and tobacco packaging.
Children & Young Persons Act 1933	To perform functions and investigate offences connected with the sale of tobacco and cigarette papers to persons under age and in respect of tobacco vending machines.
Children & Young Persons (Protection Tobacco) Act 1991	Duty of local authority to consider a programme of enforcement action in respect of the sale of tobacco to persons under age.
Children & Young Persons (Protection Tobacco) Act 1991	To perform functions and investigate offences connected with the sale of single cigarettes [3(1)] and in respect of tobacco warning notices [4(1) & 4(2)]
Cinemas Act 1985	The provisions relating to the regulation of cinemas and film exhibitions
Clean Air Act 1993	Provisions relating to control of smoke from chimneys and the chimney height; smoke grit and fumes from furnaces and the height of the furnace; the control of appliances and fuels in smoke control areas; controls over cable burning and the power to publish information thereof. Duty to enforce regulations concerning the composition and content of motor fuel [30(4)] and the sulphur content of oil fuel [31(4)] To perform functions and investigate offences connected to regulations made under section 30 & 31 related to the composition and content of motor fuel and fuel oil. To exercise powers of entry, inspection, seizure and test purchase in respect of motor fuel and fuel oil
Copyright, Designs & Patents Act 1988	To perform functions and investigate offences related to making or dealing with infringing articles etc Duty of enforcement by local weights and measures authority and powers of authorised officers related to entry, inspection, seizure and test purchase etc To perform functions and

ACT/REGULATION	DESCRIPTION OF DELEGATION
	investigate offences related to making dealing with or using illicit recordings etc Duty of enforcement by local weights and measures authority and powers of authorised officers related to entry, inspection, seizure and test purchase etc
Companies Act 2006	Where relevant to other authorised functions, to perform functions and investigate offences related to the display and disclosure of company names [Part 5], fraudulent trading [part 29], display and disclosure of business names [part 41].
Consumer Credit Act 1974	Duty of enforcement by local weights and measures authority Powers of authorised officers related to entry[including making application for warrants], inspection, seizure etc [162] and test purchase [164]
Consumer Protection Act 1987	Duty of enforcement by local weights and measures authority of safety provisions [part II of Act] Power of authorised officers to issue suspension notices in respect of goods suspected of contravening safety provisions and to give consents in respect of notices issued. Power of authorised officers to apply for forfeiture of goods contravening safety provisions. Powers of authorised officers to make test purchases [28(1)], of entry inspection & seizure etc [29], to apply for warrants of entry [30(2)], to request information & assistance [32(1)], to request information & assistance from Commissioners of Customs & Excise [37(1)].
Consuler Rights Act 2015	Power of officers to purchase products, observe carrying on of business, enter a premises with or without a warrant, inspect products, test equipment, require production of documents, seize and detail goods and documents, decommission or switch off fixed installations, break open containers and require assistance from persons on premises.
Control of Pollution (Amendment) Act 1989	Powers relating to control of waste carriers and power to seize vehicles.
Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991	Power to require information in relation to waste carriers.
Control of Pollution Act 1974	Provisions relating to the control of certain paints and treatments; noise and vibration from building sites; noise in the streets; noise abatement zones and the carrying out of certain works by the Council.
Criminal Justice and Public Order Act 1994	Power to remove unauthorised traveller encampments
Criminal Justice and Police Act 2001	Closure of certain classifications of premises

ACT/REGULATION	DESCRIPTION OF DELEGATION
Criminal Attempts Act 1981	To perform functions and investigate offences connected to attempts to commit an indictable offence, where relevant to other authorised functions.
Criminal Justice Act 1988	To perform functions and investigate offences connected to the supply of offensive weapons [141] and the sale of knives etc. to underage persons [141A]
Criminal Law Act 1977	To perform functions and investigate matters connected to conspiracy to commit offences where relevant to other authorised functions.
Crossbows Act 1987	To perform functions and investigate matters connected to– the supply of crossbows to persons underage.
Dangerous Wild Animals Act 1976	Provisions relating to control of dangerous wild animals and power to seize dangerous wild animals.
Dangerous Dogs Act 1991	Provisions relating to breeding, supply, control and abandonment of dangerous dogs.
Development of Tourism Act 1969 See also schedule of secondary legislation [orders & regulations]	To perform functions and investigate matters connected to the notification of pricing of accommodation.
Deer Act 1991	The provisions relating to control of the sale of deer and associated record keeping
Eggs (Marketing Standards) Regs 1995	Control provisions for quality, marking and grading of eggs
Education Reform Act 1988	To perform functions and investigate offences connected to unrecognised degrees Duty of local weights and measures authority to enforce provisions of section 214 Trading Standards List 2 Powers of authorised officers in respect of premise entry, inspection search & seizure etc [215(2), 215(6)], to apply for warrants of entry [215(4).
Enterprise Act 2002	Designation and power of local weights and measures authority to act as a general enforcer in respect of certain consumer legislation. Power of authorised officers to seek undertakings in respect of domestic and community infringements. Power of authorised officers to give notice requiring that information be provided Duty of local weights and measures authority to give notice of intended proceedings under specified enactments or legislation. Power to disclose specified information To investigate offences in respect of disclosure of specified information
Energy Act 1976 See also schedule of secondary legislation [orders & regulations]	Enforcement of orders relating to passenger car fuel consumption
Energy Conservation Act 1981	Power of local weights and measures authority to enforce provisions concerning the design, construction and operation of energy consuming appliances. Powers of

ACT/REGULATION	DESCRIPTION OF DELEGATION
	authorised officers in respect of entry, inspection, seizure & detention etc [20(2),20(3),20(7) and warrants of entry [20(5)
Environment Act 1985	Provisions imposing certain requirements and provision of controls relating to the control of air quality in the Borough
Environmental Protection Act 1990	Duty of Local authority to inspect its area for nuisance and to investigate all complaints of statutory nuisance. Power of entry, power to require works, power to carry out works and powers to recover costs in relation to said statutory nuisance.
Estate Agents Act 1979	Duty of local weights and measures authority to enforce the provisions of the Act Powers of authorised officers in respect of entry, inspection, seizure & detention etc and warrants of entry.
European Communities Act 1972 Refer to schedule of secondary legislation [orders and regulations].	Enforcement of <i>any</i> orders, regulations or other instruments made there under or relating thereto, or having effect by virtue of the Act, in as far as they relate to consumer protection, fair trading, weights and measures and any other matters considered to be trading standards functions.
Explosives Act 1875 to 1976	To perform functions and investigate offences connected to the sale of gunpowder [30, 32] and the sale of gunpowder to persons under age [31].
Fair Trading Act 1973	Duty of local weights and measures authority to enforce orders made under section 22 of the Act Power to make test purchases [28]. Powers of entry, inspection, seizure & detention etc 7 warrants of entry [29]
Farm & Garden Chemicals Act 1967	To perform functions and investigate offences connected to transactions in unlabelled products
Financial Services & Markets Act 2000 Refer to schedule of secondary legislation [orders and regulations].	To exercise the functions of a 'relevant officer' under the Money Laundering Regulations 2007
Fire Safety & Safety of Places of Sport Act 1987	Provisions relating to the safety of sports grounds
Fertilisers Regulations 1991	Provisions for labelling and sampling controls of fertilisers
Fireworks Act 2003	Duty of local weights and measures authority to enforce provisions in respect of firework regulations Powers of entry and inspection etc [by reference to the Consumer Protection Act 1987]
Firearms Act 1968	To perform functions and investigate offences connected to the supply of air weapons to persons under age.
Food Act 1984	

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

ACT/REGULATION	DESCRIPTION OF DELEGATION
	to investigate, obtain information, inspect and take action in relation to housing conditions, houses in multiple occupation and empty property as set out in parts 1-1V and all associated schedules.
Housing Act 1985	Section 17 in relation to compulsory purchase
Housing Grants, Construction and Renovation Act 1996	Whole Act
Health Act 2006	
Health and Safety at Work etc Act 1974	Section 18(4) of Act – duty of local authority to enforce relevant provisions. Appointment of inspectors Authority to exercise power of inspector
Home Energy Conservation Act 1974	The provisions requiring local authorities to adopt a strategy for improving energy efficiency
Insurance Brokers [Registration] Act 1977	To perform functions and investigate offences connected to false registration
Intoxicating Substances [Supply] Act 1985	To perform functions and investigate offences connected to the sale of solvent based products to persons under age.
Knives Act 1997	To perform functions and investigate offences connected to the unlawful marketing of knives and the publication of associated material.
Legal Services Act 2007	To perform functions and investigate offences connected to carrying on restricted legal activities when not entitled [14] or carrying on those activities through persons not entitled [16] Powers of authorised officers to enter premises, powers to require production or take copies of documents, to request information. Power to apply for warrants of entry [198(6)]. To perform functions and investigate offences connected to obstruction and failing to provide information etc
Licensing Act 1964	To comment on applications for licences and permits
Licensing Act 2003	All I Authority Licensing functions including the duty of local weights and measures authority to enforce the provisions of section 146, 147, 147A in respect of the sale of alcohol to persons under age. To issue a closure notice in respect of persistently selling alcohol to persons under age To request a person under age to buy or attempt to buy alcohol To perform functions and investigate offences connected to the sale of liqueur confectionery to persons under age

ACT/REGULATION	DESCRIPTION OF DELEGATION
Local Government (Miscellaneous Provisions) Act 1982	Powers relating to the protection of unoccupied buildings
Local Government (Miscellaneous Provisions) Act 1976	Power to require information
London Local Authorities Act 1996	The provisions relating to licensing premises where occasional sales take place
London Local Authorities Act 1995	The provisions relating to licensing of door supervisors
London Local Authorities Act 1991	The provisions relating to licensing premises where special treatments are carried out and provision for the control of burglar alarms
London Local Authorities Act 1990	To enforce provisions in respect of street trading licences including the power to require production of a licence by a licence holder Powers in respect of the removal of receptacles Enforcement of provisions in respect of unlicensed street trading including seizure of relevant articles and things Powers of entry and inspection of authorised officers in connection with occasional sales Power to institute legal proceedings if a relevant person fails to furnish an authorised Officer with a name, provides a false name or false address
London Local Authorities Act 2004 Part 4	Administration of accounts for Fixed Penalty Notices, use of surplus, report to Secretary of State Power to enforce provisions including the Issuing of Fixed Penalty Notices in respect of contraventions of section 34(1 – 4) and 38(1) of Local Authorities Act 1990
Plastic materials & Articles in Contact with Food Regulations 1992	The provisions relating to plastic materials that are to be in contact with food
Magistrates Courts Act 1980	Where relevant to other authorised functions, to perform functions and investigate offences related to the aiding, abetting, counselling or procuring the commission of offences.
Malicious Communications Act 1988	Where relevant to other authorised functions, to perform functions and investigate offences related to sending letters etc. with intent to cause distress or anxiety
Materials & Articles in Contact with Food Regulations 1987	The provisions relating to materials that are to be in contact with food
Medicines Act 1968	Powers of authorised officers related to inspection, premise entry, taking of samples, seizure & detention etc related to medicated animal feed stuffs.
Motor Cycle Noise Act 1987	To perform functions and investigate offences related to the supply of motorcycle silencers and exhaust systems.

ACT/REGULATION	DESCRIPTION OF DELEGATION
National Assistance Act 1948	Power of entry to inspect property
Noise & Statutory Nuisance Act 1993	Provisions for powers in relation to noise and nuisance in the street, control of alarms and recovery of costs
Noise Act 1996	Power to issue warning notices and fixed penalty notices for noise and the power to enter premises and seize equipment
Natural Mineral Water, spring water and bottled drinking water Regs 1999	Provisions for the control of the bottling, supply and quality for natural mineral water
National Lottery Act 1993	To perform functions and investigate offences related to the supply of lottery tickets etc to persons under age
Olive Oil (Marketing Standards) Regulations 1987	Provisions for the control of the bottling, supply and quality for olive oils
Olympic Symbol etc (Protection) Act 1995	Power of local weights and measures authority to enforce provisions relating to relevant goods
Olympic Symbol etc (Protection) Act 1995	Powers of test purchase, entry, inspection & seizure of authorised officers
Pet Animals Act 1951 & 1983	Provisions for the control of sale of pet animals
Personal Protective Equipment (EC Directive) Regs 1992	Provisions for the control of the supply and quality of Personal Protective Equipment
Performing Animals (Regulation) Act 1925	Provisions for the control of the training or exhibition of performing animals
Poisons Act 1972	Provisions for the control of the supply and sale of poisons and the registration of sellers of poisons.
Prices Acts 1974 & 1975	Duty of local weights and measures authority to enforce orders made under sections 2, 4 & 5 in respect of the prices of goods. Powers of entry, inspection, seizure etc of authorised officers
Prevention of Damage by Pests Act 1949	Powers to enter premises for the control of rodents, to require treatments and to carry out works.
Protection of Animals Act 1911	Provisions relating to animal welfare
Proceeds of Crime Act 2002	Matters in relation to the investigation and charging of money laundering offences
Property Mis-descriptions Act 1991	Duty of local weights and measures authority to enforce the provisions of the Act Powers of inspection, seizure, to request the production etc of goods and documents Power of authorised officers to enter premises [paragraph 4(1)] and to apply for warrant of entry [paragraph 4(2)]

ACT/REGULATION	DESCRIPTION OF DELEGATION
Protection From Harassment Act 1997	Where relevant to other authorised functions, to perform functions and investigate offences related to harassment and putting people in fear of violence
Public Health (Control of Diseases) Act 1984	The obligations placed upon, and provisions empowering local authorities with regard to the control of disease
Public Health Act 1961	The obligations placed upon, and provisions empowering local authorities with regard to the control of public health
Public Health Act 1936	The obligations placed upon, and provisions empowering local authorities with regard to the control of public health
Recreational Craft Regs 1996	The obligations placed upon, and provisions empowering local authorities with regard to the supply of recreational craft
Restriction of Offensive Weapons Act 1959	Where relevant to other authorised functions, to perform functions and investigate offences related to the sale and supply of knives and other dangerous weapons.
Riding Establishments Act 1964 - 1970	Provisions relating to licensing of horse riding establishments
Road Traffic (Foreign vehicles) Act 1972	Provisions relating to the powers of authorised persons to prohibit overloaded vehicles
Road Traffic Act 1988	To perform functions and investigate offences related to the sale of motorcycle helmets To perform functions and investigate offences related to the supply of unroadworthy vehicles [75] and the fitting or supply of defective or unsuitable vehicle parts [76].
Scotch Whiskey Act 1988	Provisions relating to the supply and sale of products described as scotch whiskey.
Safety of Sports Grounds Act 1975	The provisions relating to the safety of sports grounds
Solicitors Act 1974	To perform functions and investigate offences related to pretending to be a solicitor and engaging in various practices when unqualified Powers of inspection, entry, seizure & detention, application for a warrant of entry of authorised officers
Sunday Trading Act 1994	Controls over hours of opening on Sundays and Easter for large shops.
Scrap Metal Dealers Act 1964	The provisions relating to the registration of scrap metal dealers
Solicitors Act 1974	The provisions relating to the preparation of certain instruments by unqualified persons
Telecommunications Act 1984	To perform functions and investigate offences related to the marking and labelling of telecommunications apparatus and information contained in advertisements for telecommunications apparatus.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Tattooing of minors act 1969	The provisions relating to the tattooing of young persons
Theft Act 1968	Where relevant to other authorised functions, to perform functions and investigate offences related to false accounting [17] and going equipped to cheat [25].
Timeshare Act 1992	Duty of local weights and measures authority to enforce the provisions of the Act. Power of authorised officers to request information and seize documents
Tobacco Advertising and Promotion Act 2002 Refer to schedule of secondary legislation (Regulations)	Duty of local weights and measures authority to enforce the provisions of the Act. Powers of authorised officers to enter premises, perform inspections, seize items, apply for warrants of entry etc.
Trade Descriptions Act 1968	Duty of local weights and measures authority to enforce the provisions of the Act Power of authorised officers to make test purchases Power of authorised officers to enter premises, inspect goods, of seizure and detention, to apply for warrants of entry etc.
Trade Marks Act 1994	Duty of local weights and measures authority to enforce provisions of section 92 (unauthorised use of trade mark, etc. in relation to goods). Powers of authorised officers to inspect goods and enter premises etc, of seizure and detention, to apply for warrants of entry etc. Power to apply for forfeiture of goods To perform functions and investigate offences related to the falsification of the trademarks register etc [94] and falsely representing a trade mark as registered [95].
Trading Representations (Disabled Persons) Acts 1958 and 1972	To perform functions and investigate offences related to registration of sellers of goods made by persons with disabilities
Unsolicited Goods and Services Act 1971 & 1975	To perform functions and investigate offences related to unsolicited demand for payment etc
Veterinary Surgeons Act 1966	To perform functions and investigate offences related to the carrying out of veterinary practices by unqualified persons and the use of practitioners titles when unqualified.
Video Recordings Act 1984	Duty of local weights and measures authority to enforce the provisions of the Act Powers of authorised officers to make test purchases, to enter premises, carry out inspections, powers of seizure & detention and to apply for warrants of entry etc To investigate outside of Bromley, offences suspected of being linked to or suspected to have been committed within the borough. To give consent to officers from other local authorities to investigate within Bromley, offences suspected of being linked to that other authority or suspected to have been committed within it.
Water Industry Act 1991	The provisions relating to the control of water to premises, including sufficiency, wholesomeness, and contamination; the control of waste water and duties placed upon the local

ACT/REGULATION	DESCRIPTION OF DELEGATION
	authority.
Weights and Measures Act 1985	Designation of the London Borough of Bromley as a local weights and measures authority. <i>Power to provide consumer advice</i> Delegation of Chief Inspector of weights and measures To authorise an inspector to act as Deputy Chief Inspector of weights and measures To appoint inspectors of weights and measures To act as Deputy Chief Inspector of weights and measures To perform functions related to passing weighing & measuring equipment as fit for use for trade To issue certificates to operate public weighing and measuring equipment Powers of inspector in connection to certain goods [38] and certain documents [39], goods on road vehicles [40] and check weighing of certain road vehicles [41]. <i>Power to make test purchases</i> General powers of inspector to enter, inspect, seize & detain & to apply for warrants of entry etc
Public Protection - General	All other legislation or parts thereof considered to be relevant to the Public Protection Division that may be in force from time to time including amendments and additions to existing legislation.

SECONDARY LEGISLATION

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

ACT/REGULATION	DESCRIPTION OF DELEGATION
	documents and seize goods. Power to enter premises with a warrant.
Chemical (Hazard Information & Packaging for Supply) Regulations 2002	Duty of the local weights and measures authority to enforce where the supply is from any form of retail outlet and to enforce the provisions relating to the control of advertising (Reg 6) and child resistant packaging (Reg 11) Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Construction Products Regulations 1991	Duty of the local weights and measures authority to enforce the provisions of Part II of the Regulations (requirements relating to construction products). Power of authorised officers to issue suspension notices in respect of products suspected of contravening the regulations and to give consents in respect of notices issued. Power of authorised officers to apply for forfeiture of products contravening the Regulations Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry, to request information & assistance.
Consumer Protection (Cancellation of Contracts made in a consumers home or place of work etc) Regulations 2013	Duty of weights and measures authority to enforce.
Consumer Protection from Unfair Trading Regulations 2008	Duty of local weights and measures authority to enforce the Regulations. Power to carry out test purchases or enter into arrangements to purchase products. Power to enter premises, inspect goods require production and seize or take copies documents and seize goods. Power to enter premises with a warrant.
Control of Misleading Advertisements Regulations 1988	To perform functions and investigate breaches under the Regulations
Consumer Protection (Cancellation of Contracts made in a consumers home or place of work etc) Regulations 2008	Duty of local weights and measures authority to enforce the provisions of regulations (offence relating to the failure to provide cancellation rights). Power of authorised officers to request production of documents and to seize documents.
Consumer Protection (Distance Selling) Regulations 2000	Duty of local weights and measures authority to consider complaints made to it about a breach. To perform functions and investigate offences/breaches under the Regulations
Cosmetic Products (Safety) Regulations 2004	To perform functions and investigate offences under the Regulations
Crystal Glass (Descriptions) Regulations 1973	Duty of local weights and measures authority to enforce Regulations. Powers of authorised officers to make test purchases, of entry inspection & seizure etc , to apply for warrants of entry

ACT/REGULATION	DESCRIPTION OF DELEGATION
Electromagnetic Compatibility Regulations 2006	Duty of local weights and measures authority to enforce the Regulations (except the provisions relating to electricity water meters). Powers of authorised officers to make test purchases, of entry inspection & seizure etc), to apply for warrants of entry, to issue compliance and suspension notices and to request information & assistance.
Electro-medical Equipment (EEC Requirements) Regulations 1988	Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry Power to make test purchases, enter premises and inspect and seize goods and entry by warrant.
Energy Efficiency (Ballasts for Fluorescent Lighting) Regulations 2001	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Washing Machines) Regs 1996	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Household Air Conditioners) Regs 2005	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Combined washer driers) Regs 1997	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Dishwashers) Regs 1999	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Household electric ovens) Regs 2003	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant
Energy Information (Household refrigerators and freezers) Regs 2004	Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (lamps) Regs 1999	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (tumble dryers) Regs 1996	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant
The Energy Performance of Buildings (Certificates and Inspections)	Duty of local weights and measures authority to enforce regulations 5(2), 5(5), 6(2), 9(2), 10, 16(2), 21(1), 23, 24 and 39(4). Powers to request copies of documents to

ACT/REGULATION	DESCRIPTION OF DELEGATION
(England and Wales) Regulations 2007	issue a penalty charge notice.
Explosives Regulations 2014	Duty to grant licences in relation to the storage of explosives.
Financial Services (Distance Marketing) Regulations 2004	Duty of local weights and measures authority to consider complaints about a breach of the Regulations To perform functions and investigate breaches/offences under the Regulations
Footwear (Indication of Composition) Labelling Regulations 1995	Duty of local weights and measures authority to enforce the Regulations. Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry.
General Product Safety Regulations 2005	Duty of local authority to enforce the provisions of the Regulations. Power to issue suspension notices, require to 'mark,' require to warn, issue a withdrawal notice, issue a recall notice, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Measuring Container Bottles (EEC Requirements) Regulations 1977	To perform functions and investigate offences related to the Regulations. Power of inspection, entry and testing.
Measuring Instruments (Automatic Discontinuous Totalisers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Automatic Rail-weighbridges) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Automatic Catchweighers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Gravimetric Filling Instruments) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations
	Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Beltweighers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Capacity Serving Measures) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant

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

ACT/REGULATION	DESCRIPTION OF DELEGATION
	entry by warrant.
Pressure Equipment Regulations 1999	Duty of local weights and measures authority to enforce the Regulations in relation to pressure equipment or assemblies for private use or consumption. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Pyrotechnic Articles (Safety) Regulations 2015	Duty of local weights and measures authority to enforce the Regulations. Power to enter premises, inspect and seize goods etc, carry out test purchases
Radio Equipment & Telecommunications Terminal Equipment Regulations 2000	Duty of local authority to enforce the Regulations. Power to serve enforcement notice. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Recreational Craft Regulations 2004	Duty of local weights and measures authority to enforce the Regulations. Power to service compliance notice. Power to issue suspension notices, apply for forfeiture and obtain information.
Simple Pressure Vessels (Safety) Regulations 1991	Duty of local weights and measures authority to enforce the Regulations where they relate to vessels and relevant assemblies as consumer goods. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Supply of Machinery (Safety) Regulations 1992	Duty of local weights and measures authority to enforce where it relates to relevant machinery as goods for private use or consumption Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Unfair terms in consumer contracts Regs 1999	Enforcement of unfair terms in consumer contracts
Secondary legislation made under the Development of Tourism Act 1969	
Tourism (Sleeping Accommodation Price Display) Order 1977	Power of entry and inspection.
Secondary legislation made under the Financial Services & Markets Act 2000	
Money Laundering Regulations 2007	Pursuant to arrangements made with the Office of Fair Trading (reg. 40) Power to request information, records and attendance of persons to answer questions. Powers of entry, inspection, take copies of documents and entry

ACT/REGULATION	DESCRIPTION OF DELEGATION
	by warrant. Upon failure by a person to provide information, power (pursuant to arrangements made with the Office of Fair Trading) to make an application to the courts requesting person to take certain action.
Secondary legislation made under the Childrens and Families Act 2014	
Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015	Duty of weights and measures authority to enforce Regulations
Standardised Packaging of Tobacco Products Regulations 2015	To perform functions and investigate breaches under the Regulations from commencement date
Secondary legislation made under Tobacco Advertising and Promotion Act 2002	
Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010	To perform functions and investigate breaches under the Regulations
Tobacco Advertising and Promotion (Display) (England) Regulations 2010	To perform functions and investigate breaches under the Regulations
Secondary legislation made under Agriculture Act 1970	
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015	Duty of feed authority to enforce the Regulations
Feed (Hygiene and Enforcement) (England) Regulations 2005	Duty of feed authority to enforce the Regulations. Power to enter premises, inspect, seize and detain suspect feed and serve notices

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

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

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

The Health Protection (Local Authority Powers) Regulations 2010

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

	health protection purposes. Offer compensation
9	Serve notice on the person having charge or control of premises in which a dead body is located prohibiting contact with the body
10	Serve notice on the person having charge or control of premises in which a dead body is located prohibiting entry to the room in which the body is located
11	To relocate or cause to be relocated a dead body

Health Protection (Notification) Regulations 2010

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

Health Protection (Part 2A Order) Regulations 2010

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

Report No.
CSD16065

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Wednesday 11 May 2016

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

Title: CHANGES TO THE CONSTITUTION

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

- 1.1 At the meeting of the Council on 11th April 2016, Members received the fifth report of the Constitution Improvement Working Group and approved the recommendations. This report presents the detailed changes to the Constitution required to implement these recommendations.
-

2. RECOMMENDATIONS

- (1) That the changes to the Constitution set out in Appendix A be approved.
- (2) That the Director of Corporate Services be authorised to make any consequent minor changes to the wording and numbering of the Constitution.

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £335,590
 5. Source of funding: 2016/17 revenue budget.
-

Staff

1. Number of staff (current and additional): 8 (7.27fte)
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

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

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 At the Council's last meeting on 11th April 2016 Members received and approved the Fifth Report of the Constitution Improvement Working Group and authorised the Director of Corporate Services to prepare the required detailed changes to the wording of the Council's Constitution. The paragraphs containing new wording are set out in Appendix A, and the main changes can be summarised as follows -

Council Procedure Rules

- Changes to questions, including to the order that public questions are taken.
- Clarifying that evening meetings will normally start at 7pm.
- Requiring Members to be present throughout consideration of an item in order to vote on that item
- Changing the requirement for a recorded vote to five Members rising in their seats.
- Clarifying that Executive Members may only substitute for other Executive Members on Committees and Sub-committees.

Executive Procedure Rules

- Additional rules for executive decision making for when a select committee approach is being taken on the scrutiny side, including provision for referral for scrutiny.
- Rules on rights to attend and speak moved from the Guidance and Local Conventions.

Policy Development and Scrutiny Procedure Rules

- Wording moved from the Guidance and Conventions on speaking and attending PDS meetings, officer support and minority reports.
- Clarifications of timescales and other matters regarding call-in.

Appendix 1 – Guidance and Local Conventions

The Working Group proposed that the Guidance and Conventions be removed from the Constitution to remove unnecessary wording that is duplicated elsewhere and to reduce the potential for conflict between different parts of the Constitution. Where some of the wording needs to be retained it has been moved to the Procedure Rules, but most can be safely deleted. Only Section E concerning officers needs to be retained in the revised Appendix 1 to the Constitution (no additional wording is required.)

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Council Constitution Fifth Report of the Constitution Improvement Working Group

This page is left intentionally blank

Changes to the Constitution – New Wording

Council Procedure Rules

3. SPECIAL MEETINGS

3.4 Questions

There will not be a public question time at special meetings of the Council, except in exceptional circumstances agreed in advance by the Mayor.

4. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the proper officer and notified in the summons. Evening meetings will normally commence at 7pm.

9. QUESTIONS FROM THE PUBLIC

9.2 Order of questions

Questions will be asked in the order notice of them was received, with all first questions heard first, then all second questions and then all third questions. The Mayor may group together similar questions or vary the order as he or she sees fit.

10. QUESTIONS BY MEMBERS

10.2.4 Questions will be asked in the order notice of them was received, with all first questions heard first, then all second questions and then all third questions. The Mayor may group together similar questions or vary the order as he or she sees fit.

13. RULES OF DEBATE

13.14 Chief Officers

Chief Officers will participate in debates at Council only if invited to do so by the Mayor but the Mayor will always exercise the discretion to permit a Chief Officer to speak to facilitate the exercise of a statutory responsibility of a Chief Officer.

15. VOTING

15.1 Majority

Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put unless the meeting decides otherwise. Members should only vote on a matter if they have been present in the room for the whole of that item.

15.5 Recorded vote

If five of the Members present at the meeting demand it by rising in their seats, the names for and against the motion or amendment or abstaining from voting will be

taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot. A recorded vote will be taken on Budget and Council Tax setting matters and where required by law.

21. **SUBSTITUTES**

- 21.1 All Members of the Council except for the Executive may serve as substitute Members of a Committee or Sub-Committee in the absence of the appointed Member. Members of the Executive may serve as substitutes on the regulatory Committees, provided that they only substitute for other Executive Members.

Executive Procedure rules

1.8 **How are decisions to be taken by the Executive?**

- (e) Where a scrutiny committee is operating as a select committee, the Executive Portfolio Holder may publish a “minded to” at least report five clear days before making a decision which will be circulated to all Members of the Council. The following may make a referral for scrutiny within this five day period –

- The chairman of the relevant select committee
- A group leader and one other Member;
- Where a decision affects a particular ward, all ward Members (or the ward Member plus one other Member in the case of Darwyn ward);
- Any five Members.

Where a referral for scrutiny is made, the issue must be considered by the relevant select committee within ten working days of the decision being referred.

In cases of urgency, where agreed by the Leader and the select committee chairman, the five day period for referral for scrutiny may be waived.

2.5 **Right to attend and speak**

Over and above the rights of the public, the following have the right to attend meetings of the Executive and Executive Committees (whether public or private):

- all Members of the Executive
- Chairman of Policy Development & Scrutiny Committees
- Nominees of the two major opposition parties
- the Chief Executive, the Director of Corporate Services and the Director of Finance
- all other Chief Officers for items within their sphere of responsibility
- all Councillors but with the right to speak only on items in respect of which they have a Ward or special interest and subject to the overriding discretion of the Chairman
- in addition, the Executive and Executive Committees have discretion to permit other persons to attend meetings for public and private items (including

Councillors who have been appointed to support the Executive in their work) and to speak

2.6 Meetings of Portfolio Members

The meetings of Portfolio members of the Executive will be held in public, except for those items dealt with in private under the statutory provisions relating to access to information. The following have the right to attend and speak when individual Members of the Executive are making decisions

- the Chairman of the relevant Policy, Development & Scrutiny Committee
- the Chief Executive, the Director of Corporate Services and the Director of Finance
- all other Chief Officers for items within their sphere of responsibility
- Councillors, but with the right to speak only on items in respect of which they have a Ward or special interest and subject to the overriding discretion of the Portfolio member
- any other person at the discretion of the individual Portfolio Member of the Executive

2.7 Member support for the Executive

The Executive may appoint other Members of the Council to support them in their work in accordance with arrangements agreed from time to time, covering numbers and roles of such support Members.

Policy Development and Scrutiny Procedure Rules

8. Agenda items

- (b) The Chief Executive, Director of Corporate Services and Director of Finance and any other Chief Officer in respect of any matter coming within his or her sphere of responsibility will be entitled to have items included on the agenda of Policy Development and Scrutiny Committees.

13. Members and officers giving account

- (b) Where any Member or officer is required to attend a Policy Development and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Proper Officer. The proper officer shall inform the Member or officer in writing giving at least 5 working days notice of the meeting at which he/she is required to attend, except in cases of urgency. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) The right of Policy Development & Scrutiny Committees to require officers to attend before them is unlimited in terms of the status and functions of officers. By Council convention, the following officers may

be subject to a requirement to attend to answer questions from time to time:

- the Chief Executive
- all other Chief Officers
- any other officer (but the relevant Chief Officer shall be entitled to attend with that officer and to participate.)

14. Attendance by others

- (a) The following persons will be entitled to attend meetings of the committees by virtue of their office, rather than in exercise of public rights:
- The Leader and all Members of the Executive
 - All other Members of the Council
 - All Chief Officers

15. Call-in

- (c) During that period, the Proper Officer shall make arrangements to call-in a decision for scrutiny by the Committee if so requested with reasons by any five Members of the Council and shall then notify the decision-taker of the call-in. A PDS Committee will meet within a time period agreeable to all parties to the call-in. This must be within ten working days (including the day of the call-in and the day of the meeting) unless the parties agree to extend the date to the next ordinary meeting of the PDS Committee, if this is later. In cases where there is not unanimity on the date of the Committee to consider the call-in, the Chairman of the main PDS Committee to decide.
- (d) Having considered the decision, the PDS Committee may refer it back to the full Executive, with its reasons. The Executive shall then reconsider. A decision which has been referred back to the Executive following a call-in must be considered within 20 working days of the call-in meeting, or it will fall.
- (h) Where Executive decisions have been submitted for pre-decision scrutiny at full Council there will not be a right of call-in, provided that the Executive decision accords with the views of Council.
- (i) A Member who is a party to the call-in shall not chair the PDS meeting considering the call-in.

18. Right to Speak

The following will be entitled to speak at meetings of the committee:

- (a) any Councillor on a matter which affects his or her Ward or in respect of which he or she has a special interest, subject to the overriding discretion of the Chairman of the Committee
- (b) the Chief Executive, the Director of Corporate Services and the Director of Finance in respect of any matter coming within their statutory responsibilities; they and all other Chief Officers in respect of matters coming within their

sphere of responsibility (whether or not covered by a specific statutory provision)

(c) any other person, subject to the agreement of the Committee.

19 **Officer Support**

Officer support for Policy Development and Scrutiny Committees will be provided by the Chief Executive and Chief Officers. Chief Officers and their departments will be “double hatted” (ie: will provide support not only to Policy Development & Scrutiny Committees but also to the Council and its Committees and the Leader and Executive). The Chief Executive will keep under review the support provided to Policy, Development & Scrutiny Committees.

20 **Minority Reports -**

Generally, any reports by Policy Development & Scrutiny Committees shall be prepared on the basis of majority decision. However, it shall be open to any Member or Members to produce a minority report.

21 **Portfolio Attendance at PDS Committees and Pre-decision Scrutiny**

A key function of policy development and scrutiny is to hold the Portfolio Holder to account and to undertake pre-decision scrutiny of prospective portfolio decisions. PDS Committees, in their work programmes, shall allocate a slot for Portfolio Holders to attend to answer questions from the public and Members and to give a general account for their Portfolios. PDS Committees shall also undertake pre-decision scrutiny of prospective Portfolio decisions which are brought to their attention.

Where a Portfolio decision cannot be considered by a service PDS Committee, the Executive & Resources PDS Committee can fulfil the pre-decision scrutiny function.

It is important to remember that PDS Committees cannot make decisions and are fulfilling the important role of challenge to the Portfolio Holder.

This page is left intentionally blank

Report No.
CSD16061

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Wednesday 11 May 2016

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

Title: COUNCILLOR ATTENDANCE 2015/16

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 1.1 One of the recommendations of the Constitution Improvement Working Group, endorsed by Council on 15th December 2009, was that details of Councillor attendance at meetings be published at the end of each Council year. The data for 2015/16 is set out in this report. The data covers formal meetings of the Council, the Executive, Committees and Sub-Committees, plus at the request of the Constitution Improvement Working Group various other meetings including executive and non-executive working groups.
- 1.2 This report does not purport to give an exhaustive account of the very wide range of activities undertaken by Councillors, of which these meetings form only a part.

2. **RECOMMENDATION**

Council is asked to note the Councillor attendance data for 2015/16 and agree that, subject to inclusion of data from any outstanding meetings and any minor corrections identified by Members, this be published on the Council website.

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Representation
 4. Total current budget for this head: £1,061,060
 5. Source of funding: 2015/16 Revenue Budget
-

Staff

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

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This report is provided for the benefit of Councillors and to assist in providing transparency about the work of Councillors
-

Ward Councillor Views

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

3. COMMENTARY

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

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

3.2 The meetings covered are listed in appendix 1; these are all Council, Committee, Sub-Committee and Executive/Portfolio Holder meetings during the Council year 2015/16, plus a variety of other meetings and working groups. These meetings total 233 for the 2015/16 Council year, an increase from 220 in 2014/15. A schedule covering attendance of individual members will be circulated “to follow” as soon as it is available as appendix 2.

3.3 The data in appendix 2 will not include attendance at a variety of more informal meetings, pre-meetings and callovers, partnership meetings, official engagements carried out by the Mayor and Deputy Mayor, or any of the wide range of ward-related activities and case-work carried out by Councillors throughout the year. The Constitution Improvement Working Group also suggested that individual Members be offered the opportunity to add any further notes or comments that take into account any other meetings not already covered – this will be included in appendix 2.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Minutes of meetings held in 2015/16

Meeting Name	Number of meetings in 2014/15	Number of Meetings in 2015/16
Council, Committees & Sub-Committees		
Council	6	8
General Purposes & Licensing	6	6
Appeals Sub-Committee	0	9
Audit Sub-Committee	3	3
Industrial Relations Sub-Committee	1	1
Licensing Sub-Committee	20	14
Local Joint Consultative Committee	3	4
Pensions Investment Sub-Committee	4	5
Rights of Way Sub-Committee	1	0
Development Control Committee	5	7
Plans Sub-Committees (x4)	24	25
Appointment Panel	0	0
Standards Committee	0	0
Urgency Committee	3	0
PDS Committees and Sub-Committees		
Care Services PDS Committee	8	7
Education PDS Committee	6	6
Environment PDS Committee	5	5
Executive & Resources PDS Committee	8	10
Public Protection & Safety PDS Committee	5	7
Renewal & Recreation PDS Committee	5	4
Education Budget PDS Sub-Committee	5	3
Health Scrutiny PDS Sub-Committee	3	3
OHSEL Joint Scrutiny Committee	0	2
Executive meetings		
Executive	14	14
Portfolio Holder Meetings	5	2
Other Meetings		
Health & Wellbeing Board	4	5
SACRE	3	3
Economic Partnership	4	4
Safer Bromley Partnership	4	4
Adoption Panel	13	12
Foster Panel	17	17
Chief Executive Remuneration Panel	1	1
Crystal Palace Park Executive Project Board	4	4
Member Allowances WG	0	1
Honorary Aldermen WG	0	1
Executive Working Groups		
Constitution Improvement WG	2	4
Children's Board	8	10
Child Safeguarding & Corporate Parenting WG	2	4
Local Development Framework Advisory Panel	8	9
Special Educational Needs WG	2	2
Town Centres WG	0	1
PDS Working Groups		
Academies WG	0	2
Accommodation with Care WG	0	2
Beckenham Town Centre WG	4	6
Children's Centres WG	1	1
Contracts WG	0	7
School Places WG	1	2
Parking WG	1	2
Waste WG	1	1
TOTAL	220	233

Report No.
CSD16061

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Wednesday 11 May 2016

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

Title: **REPORTS FROM COUNCILLORS APPOINTED TO OUTSIDE BODIES 2015/16**

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

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

2. **RECOMMENDATION(S)**

Council is asked to receive the reports from Councillors appointed to outside bodies (appendix 1).

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Representation
 4. Total current budget for this head: £1,061,060
 5. Source of funding: 2015/16 Revenue Budget
-

Staff

1. Number of staff (current and additional): 0
 2. If from existing staff resources, number of staff hours: Not Applicable
-

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This report is provided for the benefit of Members of the Council and to provide transparency.
-

Ward Councillor Views

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

3. COMMENTARY

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

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

3.2 This recommendation was duly approved by full Council, and reports have been requested from a number of Members who have served as the Council’s representatives during 2015/16 on outside bodies with significant roles and budgets -

Affinity Sutton – London & East Regional Scrutiny Board (Cllr Chris Pierce)

Design and Heritage Champion (Cllr Nicholas Bennett)

Mytime Active Board (Cllrs Nicholas Bennett & Tim Stevens)

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

Community Links Bromley (Cllrs Peter Fortune and Ellie Harmer)

3.3 Reports will be attached in **Appendix 1** as and when they become available.

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

**Affinity Sutton Group London and East Regional Scrutiny Board (RSB)
Cllr Chris Pierce**

1. The Board is one of a number of established Regional Scrutiny Boards comprising representatives from Affinity Sutton, tenants and local authorities.
2. The Board continues to receive comments from Resident Area Panels (RAPs) which enable tenants in smaller areas within the region to voice their opinions. The London and East Regional Residents Engagement Day was held in London on 13th November. Unfortunately I had to apologise at short notice due to family illness.
3. I have attended all four Board meetings held in London on;

24th June 2015
23rd September 2015
9th December 2015
16th March 2016
4. During the year scrutiny was carried out on the following topics and action plans were developed and progressed to deal with the findings;
 - Repairs to vulnerable residents
 - Planned investment (or works)
5. Scrutiny topics for next year have been selected as;
 - Anti-social behaviour
 - Repairs and the management of subcontractors as it relates to appointments
6. Board members visited the Affinity Sutton Contact Centre in Bromley on 17th November 2015.
7. During the year Board members were asked to undertake an online training scrutiny course. I completed this on 17th February 2016.
8. The new Affinity Sutton online website and residents' portal continues to be developed. This includes 'local pages' to allow residents to search for a wealth of information relating to their own area.
9. During 2015 Affinity Sutton Repairs (ASR) took over maintenance and repairs for the 18,000 properties in London and Kent, effectively bringing the service back 'in house' at the expiry of the Osborne contract.
10. During the next year it is proposed that Affinity Sutton Group and Circle Housing Group merge into a single organisation. A Full Shadow Board and Designate Executive Team have been announced as part of these proposals.

**Design and Heritage Champion
Cllr Nicholas Bennett JP**

I have attended one day conferences organised by Urban Design London. These have included the following:

- 19th May 2015 - *Networking meeting on the Green Belt*
- 21st May 2015- *Urban Design Skills, understanding the structure of place*
- 29th May 2015 - *Site visit to Battersea area to see new Thameside developments*

- 2nd June 2015 – *Heritage Design Skills*
- 2nd July 2015 – *Housing site visit in East End*
- 7th July 2015 – *Councillors' Briefing*
- 6th October 2015 – *Suburbs*
- 11th December 2015 – *Site visit to Olympic legacy buildings*
- 29th January 2016 – *Underground Design*
- 28th April 2016 *The history of London Suburbs*
- 29th April 2016 *Place Conference University College London*
- 10th May 2016 *What has TfL done for design?*

Membership of this organisation, shared between Planning and Environment is thoroughly recommended. The courses, organised by UDL, are free to Bromley members and officers and provides great opportunities for professional development.

At the launch of Historic England on June 17th 2015, I represented the Council. This organisation replaces English Heritage with a new remit and has responsibility for advice on the listing and promotion of the importance of the historic environment. The care of historic buildings has been transferred to a new charity: *The English Heritage Trust*.

I have attended a number of meetings of the Bromley Local History Society and their walks around historic parts of the Borough.

On Sunday 13th September I opened the public open day at Scadbury Moated Manor and toured the site as the guest of the Orpington and District Archaeological Society.

Community Trust seeking to manage the Orpington Priory invited me to their presentation on April 22nd 2016 and I was impressed with the plans which they have drawn up.

I attended or sent representations to a number of planning committees meetings in support of buildings of architectural or historical importance. I was delighted that the gatehouse to Sundridge Manor was saved from demolition but understand why it was not possible to prevent the demolition of 107 Plaistow Lane.

I supported plans for the improvement and extension of the restaurant in Crystal Palace Park and welcome plans for the wider park. Two aspects of the park are identified as being at risk on the Historic England Register namely the Upper and Lower Terraces and the pedestrian footway under Crystal Pace Parade which linked the exhibition site to the then High Level railway station.

I draw attention to the other buildings and sites on the At Risk register in Bromley:

- 20-22 Hamlet Road, Crystal Palace
- Downe Court Manor
- Buildings 1-5 West Camp (Airman's Barracks) Biggin Hill
- Romano-British masonry building and Saxon cemetery at Fordcroft Orpington
- Iron Age Settlement and Roman Villa, Warbank, Keston.

2016-17

July 1st will mark the 100th anniversary of the start of the Battle of the Somme in which the British Army suffered its worst ever day for deaths and wounded. The Western Front Association is seeking to commemorate the occasion with short ceremonies at 7.30am, including the blowing of the whistle at local war memorials to mark the exact time at which British troops went over the top. I hope to organise with the Mayor's office for volunteers to be at as many of the memorials as possible throughout the Borough.

The 30th November 2016 marks the 80th anniversary of the fire which destroyed the Crystal Palace. The Council held an exhibition and published a booklet on the 50th anniversary and it is hoped that the event may be marked in a similar way this year.

Mytime Active Board

Cllrs Nicholas Bennett JP & Tim Stevens JP (To follow)

Bromley Youth Music Trust Board of Directors

Cllr Kate Lymer (To follow)

Community Links Bromley

Cllrs Peter Fortune & Ellie Harmer (To follow)