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DATE: 14 March 2016

To: Members of the

## **GENERAL PURPOSES AND LICENSING COMMITTEE**

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

A meeting of the General Purposes and Licensing Committee will be held at Bromley Civic Centre on **TUESDAY 22 MARCH 2016 AT 7.00 PM**

MARK BOWEN  
Director of Corporate Services

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

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

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**  
In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Wednesday 16<sup>th</sup> March 2016.
- 4 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 10TH FEBRUARY 2016**  
(Pages 5 - 10)
- 5 POLICE LICENSING OFFICER**
- 6 VU VU APPEAL - UPDATE**  
Bromley Town Ward

- 7     **INTU SHOPPING CENTRE NAME CHANGE**  
(Pages 11 - 14)  
Bromley Town Ward
  
- 8     **REVIEW OF APPEALS PROCESSES**  
(Pages 15 - 22)
  
- 9     **LOCAL GOVERNMENT PENSION SCHEME (LGPS) - ILL HEALTH RETIREMENTS**  
(Pages 23 - 28)  
(See Part 2 appendix)
  
- 10    **FIFTH REPORT OF THE CONSTITUTION IMPROVEMENT WORKING GROUP**  
(Pages 29 - 38)
  
- 11    **PROGRAMME OF MEETINGS 2016/17**  
(Pages 39 - 44)
  
- 12    **HONORARY ALDERMEN**  
(Pages 45 - 50)
  
- 13    **APPOINTMENTS TO OUTSIDE BODIES**  
(Pages 51 - 54)
  
- 14    **LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES - 25TH FEBRUARY 2016**  
(Pages 55 - 60)
  
- 15    **PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 11TH FEBRUARY 2016, EXCLUDING EXEMPT INFORMATION**  
(Pages 61 - 66)
  
- 16    **APPEALS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 1ST FEBRUARY 2016, EXCLUDING EXEMPT INFORMATION**  
(Pages 67 - 68)
  
- 17    **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

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

**Items of Business**

**Schedule 12A Description**

- 18    **EXEMPT MINUTES OF THE MEETING HELD ON 10TH FEBRUARY 2016**  
(Pages 69 - 70)

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**19 APPEALS SUB-COMMITTEE: EXEMPT  
MINUTES - 1ST FEBRUARY 2016**  
(Pages 71 - 84)

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.

**20 LOCAL GOVERNMENT PENSION  
SCHEME (LGPS) - ILL HEALTH  
RETIREMENTS**  
(Pages 85 - 86)  
(See Part 1 report)

Information which is likely to reveal the identity of an individual.

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## **GENERAL PURPOSES AND LICENSING COMMITTEE**

Minutes of the meeting held at 6.00 pm on 10 February 2016

### **Present:**

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

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

Apologies for absence were received from Councillors Charles Rideout (Councillor David Cartwright attended as his substitute) and Councillor Ellie Harmer (Councillor Colin Smith was due to attend as her substitute, but was detained at another meeting.)

### **132 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

No questions had been received.

### **134 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 9TH DECEMBER 2015**

**RESOLVED** that the minutes of the meeting held on 9<sup>th</sup> December 2015 be confirmed.

### **135 2016/17 PAY AWARD** Report HR14003

Under the local terms and conditions of employment framework adopted in November 2012, the Committee was required to make a recommendation on the annual pay award to full Council. In the context of the significant budget gap faced by the Council over the next four years, a flat rate increase of 1.2% had been proposed for all staff, excluding teachers, and consultation with the Trade Unions had been carried out.

The three Trade Unions, Unison, GMB and Unite had submitted a joint pay claim for deletion of all local pay points below the London Living Wage (currently £9.40ph), a flat rate increase of £1 per hour on all other pay points, a guarantee that there will be no negative changes to terms and conditions and fair treatment of school staff through a joint review of term time working.

The Committee noted that the cost to the Council of the Trade Union proposals was about £4m compared to £840k for the 1.2% increase. It was considered useful to participate in the national joint review of term time working of school staff, although the Council would not be bound by its findings.

**RESOLVED that**

**(1) Full Council be recommended to approve a flat 1.2% pay increase for all staff (excluding teachers who are covered by a separate statutory pay negotiating process).**

**(2) Pursuant to (1) above, Members note that the pay increase is again higher than the proposed average pay settlement for local government staff negotiated at the national/regional levels between the Unions and Local Government employers.**

**(3) Members also note that, as in the last three years since coming out of the nationally/regionally negotiated frameworks, Bromley staff will receive the 2016/17 pay increase in time for the April pay.**

**(4) The Trade Unions' pay claims for:**

**(i) deletion of all local pay points which fall below the London Living Wage (Currently £9.40ph);**

**(ii) a flat rate increase of £1 an hour on all other pay points; and**

**(iii) a guarantee of no negative changes to terms and conditions;**

**be rejected.**

**(5) Participation in a national joint review of term time working of school staff for those schools where the local authority has statutory employment responsibilities be approved.**

**136 PAY POLICY STATEMENT 2016/17**

Under the Localism Act 2011 the Council was required to publish a Pay Policy Statement which had to be approved by full Council each year. The Committee considered the 2016/17 Pay Policy Statement and also approved an increase in the bicycle allowance rate from 10p per mile to 20p per mile from 1<sup>st</sup> April 2016, consistent with the HMRC recommended rate for bicycle users.

**RESOLVED that**

**(1) full Council be recommended to approve the 2016/17 Pay Policy Statement.**

**(2) An increase in the Bicycle Allowance rate to 20p per mile be approved.**

**137 MEMBERS' ALLOWANCES SCHEME 2016/17**  
Report CSD16012

The regulations governing Members' Allowances required that, before the beginning of each financial year, the Council made a scheme of allowances for that year and the report detailed the proposed allowances for 2016/17. The allowances had remained frozen since 2009 due to the economic circumstances and the pressure on the Council's budgets. The Mayoral and Deputy Mayoral Allowances were not part of the scheme, but were usually considered in conjunction with it.

The Chairman reported that an informal cross-party working group had met to consider the Scheme. The Working Group asked the Director of Corporate Services to review the Scheme within six months, so that any changes could be in place before the 2018 local election, but recommended that the following changes be made for the 2016/17 scheme, all within the existing budget –

(a) the allowances for the Chairmen of Development Control Committee, General Purposes and Licensing Committee, Executive and Resources PDS Committee and Health and Wellbeing Board be equalised at £8,670;

(b) the allowance for the Leader of the largest opposition group be aligned with the allowance for PDS Chairmen (£7,140), with the allowance for the Leader of the second opposition being half of this amount (£3,570).

(c) The allowance for the Deputy Mayor be increased to the level of the Executive Assistants (£3,575);

(d) All amounts in the scheme be rounded up or down as appropriate to the nearest £5.

Schedule 1 to the scheme as amended by these proposals is set out below.

Allowances for the year ending 31st March 2017

	£
Basic Allowance	10,870.00
Posts of Special Responsibility Allowance	
Leader of the Council	30,600.00
Portfolio Holders (x6)	20,400.00
Executive Members without Portfolio	3,575.00
Executive Assistants (x5)	3,575.00
Chairman of Health and Wellbeing Board	8,670.00
Chairman of Main PDS Committee	8,670.00
Chairman of Portfolio PDS Committees (x5)	7,140.00
Chairman of Development Control Committee	8,670.00
Vice-Chairman of Development Control Committee	1,970.00
Chairman of Plans Sub-Committees (x4)	2,770.00
Chairman of General Purposes and Licensing Committee	8,670.00
Vice-Chairman of General Purposes and Licensing Committee	1,970.00
Chairman of Audit Sub-Committee	1,970.00
Chairman of Pensions Investment Sub-Committee	1,970.00
Leader of largest Opposition Party	7,140.00
Leader of second largest Opposition Party	3,570.00
Quasi-judicial allowances	
Members of one Plans Sub-Committee	335.00
Members of two Plans Sub-Committees	670.00
Members of Adoption Panel	670.00
Members of Fostering Panel	670.00
Members of Licensing Sub-Committee	670.00

**RESOLVED** that Council be recommended to approve the **Members Allowances Scheme 2016/17** and the **Mayoral and Deputy Mayoral Allowances for 2016/17**, with allowances frozen except as amended above.



**138 EXECUTIVE ASSISTANTS: ANNUAL REPORT 2015/16**  
Report CSD16014

As part of the Committee's consideration of the Members Allowances Scheme each year it requested brief reports from each of the Executive Assistants that had been appointed by the Leader. Reports for 2015/16 had been received from Councillors Tom Philpott (Education) and Diane Smith (Care Services), and Councillor Will Harmer (assistant to the Leader) had sent his apologies and stated that he would supply a report in due course. The Committee was disappointed that it had not heard from the other Executive Assistant, Councillor Lydia Buttinger (Environment.)

**RESOLVED that the reports from the Executive Assistants be noted.**

**139 APPOINTMENTS TO OUTSIDE BODIES**  
Report CSD16013

The Hayes (Kent) Trust was a local charity whose main function was to make small grants for the benefit of the people of Hayes. Two of the six trustees were appointed by the Council. The four year term of office of one of the Council trustees, Mrs C Truelove, was due to end in May 2016 and the Trust had requested that she be re-appointed.

**RESOLVED that Mrs C Truelove be re-appointed as a Council representative on the Hayes (Kent) Trust for a four year period from May 2016 to May 2020.**

**140 PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES - 18TH NOVEMBER 2015, EXCLUDING EXEMPT INFORMATION**

The minutes of the Pensions Investment Sub-Committee meeting on 18<sup>th</sup> November 2015 (excluding exempt information) were received.

**141 AUDIT SUB-COMMITTEE: MINUTES - 1ST DECEMBER 2015, EXCLUDING EXEMPT INFORMATION**

The minutes of the Audit Sub-Committee meeting on 1<sup>st</sup> December 2015 (excluding exempt information) were confirmed.

**142 LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES - 8TH DECEMBER 2015**

The minutes of the Local Joint Consultative Committee meeting on 8<sup>th</sup> December 2015 were received.

**143 APPEALS SUB-COMMITTEE: MINUTES - 29TH SEPTEMBER  
(ADJOURNED TO 4TH DECEMBER ), 14TH DECEMBER AND  
18TH DECEMBER 2015, EXCLUDING EXEMPT INFORMATION**

The minutes of the Appeals Sub-Committee meetings held on 29<sup>th</sup> September 2015 (adjourned to 4<sup>th</sup> December 2015), 14<sup>th</sup> December 2015 and 18<sup>th</sup> December 2015 (excluding exempt information) were received.

**144 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 summary  
refers to matters  
involving exempt information**

**145 PENSIONS INVESTMENT SUB-COMMITTEE: EXEMPT  
MINUTES 18TH NOVEMBER 2015**

The exempt minutes of the Pensions Investment Sub-Committee meeting on 18<sup>th</sup> November 2015 were received.

**146 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 1ST  
DECEMBER 2015**

The exempt minutes of the Audit Sub-Committee meeting on 1<sup>st</sup> December 2015 were received.

**147 APPEALS SUB-COMMITTEE: EXEMPT MINUTES - 29TH  
SEPTEMBER (ADJOURNED TO 4TH DECEMBER), 14TH  
DECEMBER AND 18TH DECEMBER 2015**

The exempt minutes of the Appeals Sub-Committee meetings held on 29<sup>th</sup> September 2015 (adjourned to 4<sup>th</sup> December 2015), 14<sup>th</sup> December 2015 and 18<sup>th</sup> December 2015 were received.

The Meeting ended at 6.46 pm

Chairman

Report No.  
DRR16/028

London Borough of Bromley

## PART ONE - PUBLIC

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

**Date:** 22<sup>nd</sup> March 2016

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

**Title:** INTU SHOPPING CENTRE NAME CHANGE

**Contact Officer:** Steven Ing, Head of Business Support  
Tel: 020 8313 4974 E-mail: [steven.ing@bromley.gov.uk](mailto:steven.ing@bromley.gov.uk)

**Chief Officer:** Chief Planner

**Ward:** Bromley Town

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1. Reason for report

This report seeks Members agreement to the request from INTU Retail Services Ltd to change the name of the Borough's principal shopping centre from INTU Bromley The Glades Shopping Centre to INTU Bromley Shopping Centre. There has been interest from Members and the public on this subject.

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2. **RECOMMENDATION(S)**

**2.1 Members are asked to agree to the name change from INTU Bromley The Glades Shopping Centre to INTU Bromley Shopping Centre.**

### Corporate Policy

1. Policy Status: Not Applicable
  2. BBB Priority: Safer Bromley Vibrant, Thriving Town Centres:
- 

### Financial

1. Cost of proposal: Estimated Cost £3.5k to £4k
  2. Ongoing costs: Non-Recurring Cost No additional costs
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: N/A
  5. Source of funding: All costs to be recovered from the Capital Shopping Centres Group PLC
- 

### Staff

1. Number of staff (current and additional): 2ftes
  2. If from existing staff resources, number of staff hours: 3hrs
- 

### Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
  2. Call-in: Applicable Not Applicable: Further Details
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide
- 

### Ward Councillor Views

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

### **3. COMMENTARY**

- 3.1 Capital Shopping Centres Group PLC changed its name to Intu Properties plc on 18 February 2013 and set about changing the names of its shopping centres to create the INTU brand.
- 3.2 Around this time, the management of The Glades asked the Council, via its Street Naming and Numbering section, to change the name to INTU Bromley. Following consultation with the Fire Brigade, the suffix “Shopping Centre” was retained in the title for public safety reasons. Following consultation at a high level within the Council, the name “The Glades” was also retained. On 6 August 2013, The Glades Shopping Centre was renamed INTU Bromley The Glades Shopping Centre.
- 3.3 Since the name change, all traces of “The Glades” branding has been erased from the shopping centre to be replaced by “INTU Bromley” and the INTU robin logo.
- 3.4 The official name agreed by the Council for the shopping centre is important because it is the name used on most address based databases utilised, for example, by courier and parcel delivery companies and providers of satellite navigation software.
- 3.5 In September 2015, INTU Retail Services Ltd requested a change of name to INTU Bromley Shopping Centre as “we no longer refer to “The Glades” in any of our materials and would therefore like to change this in our address as it is causing some confusion to customers, couriers/drivers and other people visiting the centre”.
- 3.6 The Council has the power to refuse a building name through Section 11(3) of the London Building Acts (Amendment) Act, 1939 - Where a name has been given otherwise than in pursuance of subsection (1) of this section to a building and is in the opinion of the Council unsuitable or likely to cause delay or inconvenience in executing any public service they may without prejudice to the exercise from time to time of the powers of the Council under the said subsection (1) by order assign a name to the building in substitution for such first-mentioned name. The key phrase is “unsuitable or likely to cause delay or inconvenience”
- 3.7 The Fire Brigade on behalf of the emergency services have no objections to the renaming of the shopping centre as long as the words “shopping centre” are retained. The Legal Services Section advise that the proposed name does not appear to be unsuitable and the word INTU is not a real word and, for example, is not nor does not sound rude (cause offence.)
- 3.8 The Council, along with Aviva plc, own a minority share of the shopping centre, with INTU owning over half. Legal services advise that there is nothing in the lease that would preclude INTU from changing the name of the shopping centre.
- 3.9 Some Council owned signage outside and on the roads leading up to the shopping centre has already changed to indicate the “INTU” shopping centre and others still referring to “The Glades” will need to be changed. Many of the signs will change when other names are changed such as the Westmoreland Road car park so that signs will not be replaced twice. The cost of the replacement signs (including posts) will be in the region of £3.5k to £4k.
- 3.10 The renaming will be carried out by the Street Naming and Numbering Section.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 All costs associated with the change in name such as signage (£3.5k to £4k) will be fully recovered from the Capital Shopping Centres Group PLC.

## 5. LEGAL IMPLICATIONS

- 5.1 The Council has the power to refuse a building name through Section 11(3) of the London Building Acts (Amendment) Act 1939, if the name is “unsuitable or likely to cause delay or inconvenience”. The name does not appear to be unsuitable and the Fire Brigade have stated their agreement to the name change provided the suffix “Shopping Centre” is retained in the title.
- 5.2 There is nothing in the lease agreement that would preclude INTU from changing the name of the shopping centre.

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

Report No.

London Borough of Bromley

## PART ONE - PUBLIC

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

**Date:** 22 March 2016

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

**Title:** Review of Appeal Processes

**Contact Officer:** Angela Huggett, Head of HR Strategy and Education  
Tel: 020 8313 4029 E-mail: angela.huggett@bromley.gov.uk

**Chief Officer:** Charles Obazuaye, Director Human Resources

**Ward:** N/A

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### 1. REASON FOR REPORT

- 1.1 As an employer Bromley Council is required by Law to have in place a range of policies and procedures to ensure that employee staffing matters are handled in a fair, reasonable and transparent way. These policies and procedures recognise an employee's statutory rights and afford an opportunity for them to make representation against decisions that directly affect them particularly those decisions which may give rise to the termination of their employment through an appeal process. Although the law requires there to be an opportunity for an employee facing dismissal to be able to make representation it does not prescribe how many opportunities that employee should have nor who should hear such representation, this is for an employer to determine.
- 1.2 The current framework for appeal procedures is inconsistent with other decision making frameworks within the Council. Some appeal processes directly involve members whereas others delegate appeal to Chief Officers and in addition some procedures provide for 3 stage processes providing a further right of appeal. This report sets out the current framework and proposes options for consideration.

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### 2. RECOMMENDATIONS

- 2.1 That Members:
- 2.2 Note and comment on the report and determine whether they wish Officers to undertake further work in streamlining procedures as set out in this report and detailed in the options below;
- 2.3 Option 1 Make no changes to the current arrangements for appeal procedures.

- 2.4 **Option 2** Retain Member involvement in Appeal Procedures and compress/realign the number of appeal stages to ensure consistency across all procedures.
- 2.5 **Option 3** Same as Option 2 above but remove the requirement for Members to be involved in Appeals and delegate responsibility to the Head of Paid Service (Chief Executive) or his representative.
- 2.6 In the event that either option 2 or 3 above is agreed, authorise Officers to formally consult with Trade Unions and Staff on proposed changes to appeal procedures.



### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Excellent Council
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### Financial

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

### Staff

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

1. Legal Requirement: Statutory Requirement
  2. Call-in: Applicable
- 

### Customer Impact

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

### Ward Councillor Views

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

### **3. COMMENTARY**

3.1 Although the law requires there to be an opportunity for an employee facing dismissal to be able to make representation it does not prescribe how many opportunities that employee should have nor who should hear such representation, this is for an employer to determine. That said, the key levels to any fair process are as follows:

- Investigation
- Right to be heard/Right to be accompanied/represented
- Independent hearing by a person(s)
- Independent appeal by a person(s) preferably at the same or higher level to the hearing officer above.

These principles have been developed through case law and are also reiterated in the ACAS Code of Practice on Disciplinary and Grievance Procedures.

3.2 An employee also has the ultimate right to progress matters to an employment tribunal if they believe that they have been dismissed or treated unfairly and the Employment Tribunal's judgement would be binding on the Council. However, since 2013 it is a legal requirement for litigants to use the ACAS conciliatory service first before registering their claim with the employment tribunal.

#### **3.3 Bromley Council Position**

3.3.1 For key employment matters such as sickness, disciplinary, capability and grievance the Council follows a formal procedure which has been consulted on with the Trade Unions. These procedures include a right of appeal. There are also informal arrangements in place for each of the aforementioned employment processes.

3.3.2 Currently some appeal processes directly involve members whereas others delegate appeal to Chief Officers and in addition some procedures provide for 3 stage processes providing a further right of appeal. This approach is inconsistent with other decision making frameworks within the Council i.e. recruitment below Chief Officer is currently delegated to the Head of Paid Service. It is also inconsistent in the case of dismissal.

The table at Appendix A indicates the current situation within Bromley in relation to employment procedures and the relevant right of appeal.

#### **3.4 Issues for Consideration**

3.4.1 There are 2 key issues for consideration:

- Members continuing involvement in Appeal Processes
- Compression/realignment of appeal procedures to provide for one stage of appeal only

3.4.2 In the past the Trade Unions and departmental staff representatives have strongly commented in favour of Member involvement in appeals. It allows them to present their case to people who are independent from management. From Members perspective it allows them to

maintain a degree of scrutiny on Officer actions and keeps them abreast of current employment related issues within the organisation, although this objective can be achieved in another way without Members direct participation in appeal cases. For example, regular reports on employment processes based on robust KPIs can be presented to and scrutinised by the E&R PDS, GP&LC or the Audit Committee.

- 3.4.3 A survey of other London Borough's has revealed that several do not involve members in all appeal processes although like Bromley they also have various stages of appeal. Appendix B details the findings of the survey in relation to key employment procedures.
- 3.4.4 The Council's REAL leadership values promote empowerment for managers. The current model for appeal processes is cumbersome and does not fully support this. One potential way forward could be to delegate all appeals to the Head of Paid Service who would then be able to determine appeal arrangements maximising the use of staffing resources available at that time.
- 3.4.5 Whilst there is no legal requirement to make any changes to the Council's appeal procedures there is a strong argument to align/compress appeal processes. In Law a dismissal is a dismissal and as such the approach to appeal processes should be consistent i.e. at the moment our sickness procedure provides for one stage of appeal whilst our disciplinary procedure provides for 2 appeal stages.
- 3.4.6 An average appeal is normally heard in a day however some cases are particularly complex and an appeal can last for longer than this. Officers try to resolve matters at an earlier stage and therefore member appeals particularly are a pre cursor to an employee enforcing their statutory right to progress a case to Employment Tribunal. In addition to the appeal hearing itself there is also significant preparation required. It is difficult to quantify the exact cost of an appeal but an average estimated cost taking into account 1 day for the hearing, all the staff involved and 1 day preparation would be £ 2,276. (This figure is conservative and does not include the cost of the employee and their representative attending the hearing nor the member time and obvious opportunity costs for both Officers and Members).
- 3.4.7 Attached at Appendix B is a summary of appeals held in the past 3 years and the resultant outcome. The number and complexity of HR issues in tougher times is likely to impact on the level of grievances, capability and disciplinary interventions including appeals. Although the current low level of Member appeals is a good testimony: it means that officer decisions are sound and reasonable and therefore not routinely appealed by affected staff. That said the number of cases and grievances in particular is likely to increase in the current unprecedented financial climate. For example we have had more grievances in the last 12 months than in the last few years combined.
- 3.4.8 In the event that Members determine that they wish to have just one stage of appeal for all processes and for that appeal to be heard by members then consideration would need to be given to the best way of achieving this i.e. perhaps a pool of members with regular availability that could be drawn upon. There may also be a need to provide training for those not familiar with employment processes. The appeal stage is usually the final chance for the employer to address and correct any defects at the previous stage. So it is very important that officers or/and Members involved in appeal cases receive some training and regular updates on

significant employment law developments and case laws. The appeal process at Officer and Member level is always supported by an experienced HR professional usually the Director of HR or his immediate direct reports. To date no Member appeal outcome has been overturned by an employment tribunal. If required the HR officer will give evidence at the employment tribunal on behalf of the Member Appeal Panel unless there is a specific Witness Order (Subpoena) issued against a Member. To date no Member has been required to appear before the Employment Tribunal.

- 3.4.9 It is important to note that our current procedures are made reference to in our contracts of employment and were consulted upon with the Trade Unions. Any changes would therefore need to progress through a formal consultative process in order to eliminate or/and mitigate any industrial relations or/and legal risks albeit minimal.

#### **4. CONCLUSION**

- 4.1 The current framework for appeal procedures within the Council is inconsistent with other decision making frameworks. Streamlining of appeal procedures will allow more flexibility in the handling of appeals maximising the use of resources whilst still ensuring that statutory requirements are met. This would be consistent with the Council's REAL leadership values and good employment practice.

#### **5. POLICY IMPLICATIONS**

- 5.1 The realignment of appeal processes and empowerment of managers is consistent with Building a Better Bromley and the Council's Core Operating Principles.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 There no specific cost issues arising from the proposals in this report. The compression/realignment of appeal processes would reduce the number of appeal levels thereby saving time and resources which ultimately may translate into a cost saving. Details of any potential savings will be included in any subsequent report.

#### **7. LEGAL IMPLICATIONS**

- 7.1 The Law does not require that local authorities include an appeal to members as part of their disciplinary/grievance procedures and as long as there is compliance with the principles set out in paragraph 3.1.

#### **8. PERSONNEL IMPLICATIONS**

- 8.1 As set out in this report.

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

## **Appendix A**

<b>Procedure</b>	<b>1<sup>st</sup> Stage</b>	<b>2<sup>nd</sup> Stage</b>	<b>3<sup>rd</sup> Stage</b>
Sickness	Chief Officer hearing dismissal hearing (can be delegated to AD level)	Appeal to Members	
Disciplinary	Chief Officer hearing dismissal hearing (can be delegated to AD level)	CEX appeal hearing (can be delegated to Chief Officer)	Appeal to Members
Redundancy	Director of HR dismissal	Appeal to CEX (can be delegated to Chief Officer)	
Grievance	Line Manager hearing (unless against line manager, then goes straight to second stage)	Chief Officer hearing (can be delegated to AD)	Appeal to Members
Probation	2nd or 3rd tier Manager hearing	Appeal to Chief Officer (can be delegated to AD, as long as AD did not hear/ make original decision.	

## **Appendix B**

### **Comparison with other boroughs**

<b>Procedure</b>	<b>Member Appeal Yes</b>	<b>Member Appeal No</b>	<b>Bromley Position Member Appeal</b>
Sickness	9	22	Yes – Ill Health Dismissals
Disciplinary	14	17	Yes
Redundancy/non-renewal of Fixed Term Contracts	2	29	No
Grievance	4	27	Yes
Probation			
Capability	11	20	Yes
Job Evaluation	1	30	Yes but via the Grievance Route

Report No.  
CEO 16018

London Borough of Bromley

## PART ONE - PUBLIC

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

**Date:** Tuesday 22 March 2016

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

**Title:** LOCAL GOVERNMENT PENSION SCHEME (LGPS)  
ILL HEALTH RETIREMENTS

**Contact Officer:** Tammy Eglinton, HR Consultancy Manager - Corporate Services  
Tel: 020 8313 4209 E-mail: tammy.eglinton@bromley.gov.uk

**Chief Officer:** Director of Human Resources

**Ward:** (All Wards);

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1. Reason for report

The Pensions Investment Sub-Committee, at its meeting on 19 May 2015, requested that General Purposes and Licensing Committee review the existing arrangements for ill health retirement. This reports sets out the current arrangements for dealing with ill health retirement cases within Bromley's Pension Fund. The Council's Pension Fund is a defined benefit scheme operated under the provisions of the Local Government Pension Scheme (LGPS) Regulations 2013, for the purpose of providing pension benefits for its employees. This report also provides information about the employees who have retired early on grounds of ill health within the last three years. This report does not include information about members of the Local Government Pension Scheme who are not employed by Bromley Council.

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2. **RECOMMENDATION(S)**

The General Purposes and Licensing Committee is asked to note the details of this report.

### Corporate Policy

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

### Financial

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

### Staff

1. Number of staff (current and additional): total headcount 3,291 (1837 corporate employees 1,354 employees within community and voluntary controlled schools)
  2. If from existing staff resources, number of staff hours:
- 

### Legal

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

### Customer Impact

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

### Ward Councillor Views

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



### 3. COMMENTARY

3.1. Ill health retirements within the Local Government Pension Scheme (LGPS) are governed by a statutory framework, most recently updated by the Local Government Pension Scheme Regulations 2013, which came into effect on 1 April 2014. The regulatory provisions governing ill health retirements under the Local Government Scheme are set out in regulation 35 to 39 of the 2013 and regulation 12 of the Transitional Regulations.

3.2. Employees of the Council, who are eligible, are automatically enrolled into the Local Government Pension Scheme when they commence employment with the Council. If eligible employees decide to opt out of the scheme, they may decide to join at a later date. The scheme is a defined benefits scheme.

3.3. The normal retirement age within the LGPS scheme is linked to the State Pension Age, however there are some protections for employees who were within 10 years of their Normal Pension Age on 1 April 2012 who may have an earlier protected retirement age, normally age 65.

3.4. The pension scheme regulations make provision for employees to receive their pension benefits before normal retirement age if it is decided that they meet the conditions for an ill-health retirement pension. In order to determine whether an employee meets the criteria a certificate has to be obtained from an Independent Registered Medical Practitioner (IRMP), who has been approved by Bromley Council.

3.5. Cases of employee ill health are managed through the Council's formal HR procedures; Managing Employee Ill Health. The process will include one or more formal meetings conducted by management, who are supported and advised by HR Consultancy. The employee may be accompanied at these meetings. Professional occupational health advice is obtained from the Council's Occupational Health Physician, who will provide a prognosis, if possible, as to the likely length of illness/absence and of any effects of the employee's ability to carry out the full duties of their job. They will also advise as to whether there are any reasonable adjustments that could be considered in order to enable the employee to continue working, or possible redeployment. This is an essential part of the process and recognises an employer's responsibilities having due regard for the Equality Act 2010 in relation to disabilities.

3.6. In the event that a manager considers they are unable to sustain the absences and/or adjustments that have been put in place the matter would then be referred to the Chief Officer of the Department who will review the case. A Chief Officer hearing, as part of the formal procedures, may be convened to fully consider matters; one outcome of which is dismissal on grounds of ill health capability.

3.7. Whilst the dismissal itself would be the responsibility of the Chief Officer, responsibility for determining whether the employee meets the criteria for ill-health retirement under the LGPS sits with the Director of Human Resources, having due regard for the recommendations set out in the IRMP's certificate. The criteria set out in paragraph 3.8 and 3.9 below. The Director of Human Resources will consider whether the employee was genuinely medically incapacitated from undertaking their current employment or any other employment at the point of dismissal.

3.8. Under regulation 35 of the LGPS, Bromley Council, as the employing authority, is required to consider and decide a number of questions before entitlement to an ill health retirement benefit under that regulation can be awarded. These include:

- a) does the member meet the 2 years vesting period (Regulations 3(7) and 35(1)); and
- b) does an IRMP consider that the member's ill health or infirmity of mind or body render him or her permanently incapable of discharging efficiently the duties of the employment the member was engaged in (Regulation 35(3)). For example, would the member ever be able to do the old/former job; and
- c) does the independent registered medical practitioner consider that the member's ill health or infirmity of mind or body render him or her not immediately capable of undertaking any gainful employment. (Regulation 35(4)). For example, would the member, at the time of the medical assessment, be able to do a different job which satisfies the definition of "gainful employment".

3.9. If the answers to all three questions are yes, there is a prima facie entitlement to payment of an ill-health benefit under regulation 35. To decide the level of benefit, the employer, having due regard to the recommendations of the IRMP must further decide which of the following three tiers applies:-

- a) Tier One:  
is the member unlikely to be capable of undertaking gainful employment before reaching his or her normal pension age?
- b) Tier Two:  
is the member unlikely to be capable of undertaking any gainful employment within three years of leaving local government employment, but it is thought likely that he or she would be able to do so before reaching his normal pension age?
- c) Tier Three:  
is the member likely to recover sufficiently from the incapacity to enable him or her to be capable of undertaking gainful employment within three years of leaving local government employment or before reaching normal pension age if earlier?

3.10. The number of employees, where Bromley Council is the employer and who met the above criteria are set out in the attached Appendix to this report, which is a Part Two Item.

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

The Council's Sickness management Procedure is consistent with good HR practice and the relevant employment laws including the Equalities Act 2010. Effective sickness management, as part as of the wider HR strategy, is key to achieving an 'Excellent Council' – a top Building a Better Bromley strategy priority.

#### **5. FINANCIAL IMPLICATIONS**

Nothing specific save for the above information in the attached Part Two Appendix.

#### **6. LEGAL IMPLICATIONS**

As covered elsewhere in this report.

#### **7. PERSONNEL IMPLICATIONS**

7.1 Under the provisions of the Employment Rights Act 1996, an employee has the right not to be unfairly dismissed by his or her employer (s.94 of the Employment Rights Act 1996). If an

employee were to be dismissed due to ill health and if they were to subsequently bring a claim for unfair dismissal, Bromley Council would be required to show that the reason for the dismissal was capability on grounds of ill health and that the dismissal was fair in all the circumstances.

7.2. The decision to dismiss is not a medical question but one for the Bromley Council to take in the light of the medical evidence available, see paragraph 3.7, 3.8 and 3.9. above. Whilst the Council may have obtained medical evidence there is also a requirement to meet with the employee and consider whether any reasonable steps could be taken to enable them to return to work. Any ill health dismissal that has not met these requirements may be liable for disability discrimination as well as unfair dismissal, if the employee is disabled within the meaning of the Equality Act 2010.

7.3. Bromley Council's Human Resources team, and in particular HR Consultancy, supported by the Council's Occupational Health Physician, will provide appropriate support and advice to managers dealing with potential ill health retirement cases to ensure that the Council's HR Procedures along with adherence to employment legislation is maintained throughout the process.

<b>Non-Applicable Sections:</b>	
Background Documents: (Access via Contact Officer)	LBB HR Procedure: Managing Employee Ill Health LGPS Regulations 2013

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Report No.  
CSD16051

London Borough of Bromley

PART ONE - PUBLIC

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

**Date:**                    **22 March 2016**  
                                 **23 March 2016**

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

**Title:**                    **FIFTH REPORT OF THE CONSTITUTION IMPROVEMENT  
WORKING GROUP**

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

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

**Ward:**                    All

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1.    Reason for report

- 1.1    The fifth report of the Constitution Improvement Working Group is attached. The Working Group was appointed by the Executive to consider constitutional issues and make recommendations to full Council. The Working Group recommends an experiment with an Education Select Committee, with appropriate changes to executive decision making to release the Select Committee from the majority of pre-decision scrutiny; various minor amendments to the Constitution including measures to clarify call-in arrangements; the establishment of a Contracts Sub-Committee reporting to Executive and Resources PDS Committee; and recommends that there should be no changes to Councillor numbers.

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2.    **RECOMMENDATIONS**

**That the recommendations in the fifth report of the Constitution Improvement Working Group be supported and referred to full Council.**

**That the Director of Corporate Services be authorised to draw up the necessary detailed changes to the wording of the Constitution for approval by Council.**

### 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: Not Applicable
  4. Total current budget for this head: Not applicable
  5. Source of funding: Not Applicable
- 

### Staff

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

### Legal

1. Legal Requirement: None:
  2. Call-in: Not Applicable: Decisions on changing the Constitution are the responsibility of full Council
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The proposals affect all Councillors
- 

### Ward Councillor Views

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

<b>Non-Applicable Sections:</b>	Policy/Legal/Personnel/Finance
Background Documents: (Access via Contact Officer)	None



# **Constitution Improvement Working Group**

## **Fifth Report February 2016**

**(General Purposes & Licensing Committee 22<sup>nd</sup> March 2016/  
Executive 23<sup>rd</sup> March 2016/Council 11<sup>th</sup> April 2016)**



## **Constitution Improvement Working Group - 5<sup>th</sup> Report**

### **1. Introduction**

- 1.1 The Constitution Improvement Working Group (CIWG) was originally established by the Council's General Purposes and Licensing Committee on 25<sup>th</sup> June 2008. Subsequently, the Working Group was made a sub-group of the Executive. The CIWG has produced 4 Reports and in addition various ad-hoc recommendations to the Council at its meetings on 19<sup>th</sup> January 2009 (1<sup>st</sup> Report), 16<sup>th</sup> March 2009 (2<sup>nd</sup> Report), 27<sup>th</sup> April 2009, 26<sup>th</sup> October 2009, 15<sup>th</sup> December 2009 (3<sup>rd</sup> Report), 29<sup>th</sup> March 2010, 28<sup>th</sup> June 2010, 26<sup>th</sup> March 2012, 12<sup>th</sup> November 2012 (4<sup>th</sup> Report) and 15<sup>th</sup> May 2013.
- 1.2 This, the 5<sup>th</sup> Report of the Working Group to Council, recommends a trial of a radical change to the way the Council develops policy and scrutinises the working of the Council.
- 1.3 Other recommendations are of a more minor nature and seek, in the main, to ensure that the constitution contains no anomalies and that procedures are improved.



**Councillor Nicholas Bennett JP**  
**Chairman, Constitution Improvement Working Group**



## **2. Executive Summary – Recommendations**

### **Scrutiny and Decision Making**

- 2.1 That a trial of a “select committee” approach be undertaken by the Education PDS Committee in 2016/17.**
- 2.2 That, based on the outcome of the trial, further consideration be given to new scrutiny and decision making structures at the appropriate time.**
- 2.3 The procedures for referral for scrutiny set out in Section 5 of this report be agreed.**

### **Call-in**

- 2.4 Where Executive decisions have been submitted for pre-decision scrutiny at full Council there should not be a further right of call-in provided the Executive decision accords with the views of Council.**
- 2.5 A Member who is party to the call-in shall not chair the PDS meeting considering the call-in.**
- 2.6 The relevant PDS Committee must meet to consider a call-in within ten working days of the call-in being received by the Proper Officer (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.**
- 2.7 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.**

### **Minor Constitutional Changes**

- 2.8 The Constitutional Conventions (Appendix 1 to the Constitution) should be deleted and key points incorporated into the main Constitution.**
- 2.9 Public questions to be put on the same basis as Member questions, i.e. all first questions to be taken then second and third questions.**
- 2.10 To enshrine in the Constitution the rule that if a Member is not present for all of an item they are unable to vote on it.**
- 2.11 That evening meetings should normally start at 7.00 p.m. – this should be written into the Constitution.**

- 2.12 Executive Members should only to be able to substitute for other Executive Members at regulatory and general Committees.**
- 2.13 A recorded vote will be taken where five Members rising in their seats indicate their support.**

**Contracts Sub-Committee**

- 2.14 That a Contracts Sub-Committee be established in 2016/17 by Executive and Resources PDS Committee with scope to examine contracts and commissioning issues across the Council.**

**Councillor Numbers**

- 2.15 No changes be made to Councillor numbers at present.**

### **3. Scrutiny and Decision Making**

- 3.1 Until 2002, the Council decision making structure was based on a system of committees covering the different areas of the Council's operations. This was replaced by the Leader and Executive structure in 2002 and the creation of six Policy Development and Review (PDR), later Policy Development and Scrutiny (PDS), Committees. In addition, separate meetings were held in public on a regular cycle for Portfolio Holders to consider recommendations for their executive decision. The need for these regular meetings, which seldom lasted more than a few minutes and which very few people attended, was often limited. This approach was discontinued in 2009 following the first report of the CIWG which introduced the current pre-decision scrutiny sessions at the PDS committees. Since then there have been very few 'call ins' of decisions for further scrutiny. Minor amendments to the system were introduced subsequently to enable a Portfolio Holder to circulate to members by email a 'minded to' proposed decision on relatively minor matters, whereby if members have no objection the decision is implemented after five days. This has been used for such items such as the appointment of school governors and minor revisions to the highway.
- 3.2 The Working Group has considered extending this system to allow scrutiny members to focus on a "select committee" approach. Subject to safeguards, we propose that this is introduced on a pilot basis in 2016/17 to one of the PDS Committees (Education PDS Committee) and potentially, after that, to all scrutiny committees. This will save considerable time and paper at meetings - experience has shown that most recommendations for decision by Portfolio Holders are approved with little or no debate.
- 3.3 We recognise that the policy making structure needs revision. With a number of notable exceptions most policy development has not emanated from the PDS committees but has come about through initiatives led by the Executive and the Portfolio Holders. We have considered how backbench members can still contribute to the development of policy through the new ways of working. The role of scrutiny is essential to any organisation, but particularly in a democratically elected and accountable one like the Council. Through the 'call for evidence' proposal for the select committee it is hoped that the residents of the Borough may make a contribution to the process with their expertise and knowledge. Such "select committee" scrutiny will not only help to ensure that the Council and its contractors are more efficient, economic and effective in the provision of services but will also play keep role in suggesting improvements and policy changes to the Executive.

### **4. Portfolio Holder Decision Making**

- 4.1 Portfolio Holders can make decisions without the need to call a formal meeting advertised under the "Access to Information" rules. Pre-decision scrutiny is a local rather than a legal requirement. Therefore, there is flexibility to revise the Constitution to streamline Portfolio Holder decision making at Bromley.

- 4.2 The following structures could be used for Portfolio Holder decision going forward, and on a trial basis in 2016/17 for Education Portfolio decisions, to allow space for the PDS Committee to concentrate on taking a “select committee” approach, with most decisions taking the route in column 1 below, rather than column 4 as happens now:

### **PORTFOLIO HOLDER DECISION MAKING**

Portfolio Holder and Director agree forthcoming decisions and produce a Forward Plan



Director produces report and draft decision



Portfolio Holder considers, revises decision if necessary and either -

1. Circulates a 'minded to' decision	1. Refers to the Executive for decision	1. Decides to take decision at public meeting	1. Refers to Select Committee for pre-decision scrutiny
2. The report is circulated to all Members. A 5 day period for referral for scrutiny is allowed, except in cases of urgency, where agreed, by PDS Chairman and Leader. PDS Chairman, Group Leader and one other Member, any 5 Members or, where a matter affects one Ward, all Ward Councillors (except Darwin where it is the Ward Councillor and one other Member) may refer the decision in for pre-decision scrutiny. Items referred for scrutiny shall be heard within 10 working days.	2. No change to present procedure	2. No change to present procedure	2. No change to present procedure

## **5. Referral for Scrutiny**

- 5.1 If the revised decision making arrangements set out above are adopted, then there will be a need to establish clear procedures. To distinguish this from call-in, which will still remain, we propose to name this process “referral for scrutiny.” The process for the referral for scrutiny could be as follows –
- 5.2 A referral for scrutiny can be triggered by –

- 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 Darwin Ward);
- Any 5 members.

5.3 Except in cases of urgency, Members will be given 5 days to refer a decision for scrutiny.

5.4 The referral for scrutiny must be heard by the relevant PDS Committee within 10 working days of the decision being referred.

## **6. Call-in**

6.1 Members considered the call-in process and propose four changes that will overcome recent concerns and clarify the timings in the Constitution. These are -

- As has happened occasionally, Executive decisions have been submitted for pre-decision scrutiny before full Council and in these cases it is considered that there should not be a further right of call-in.
- A Member who is party to the call-in shall not chair the PDS meeting considering the call-in.
- The relevant PDS Committee must meet to consider a call-in within ten working days of the call-in being received by the Proper Officer (including the day of the call-in and the day of the meeting) unless the parties agree to extend the dates to the next ordinary meeting of the PDS Committee, if this is later.
- 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.

## **7. Minor Constitutional Changes**

7.1 The Constitutional Conventions (Appendix 1 to the Constitution) should be deleted and key points incorporated into the main Constitution – Reason: to reduce the potential for conflict between documents and to shorten the Constitution.

7.2 Public questions to be put on the same basis as Member questions, i.e. all first questions to be taken then second and third questions – Reason: to maximise the opportunity for different residents to have their question put.

7.3 To enshrine in the Constitution the rule that if a Member is not present for all of an item they are unable to vote on it – Reason: to support proper decision making processes.

- 7.4 The Council agreed at its meeting on March 26<sup>th</sup> 2012 a recommendation from the General Purposes and Licensing Committee on March 14<sup>th</sup> 2012 that evening meetings should normally start at 7.00 p.m. – this should be written into the Constitution.
- 7.5 Executive Members should only to be able to substitute for other Executive Members at regulatory and general Committees – Reason: to remove an anomaly in the Constitution and prevent two Executive Members serving by substitution.
- 7.6 The Council Procedure Rules currently allow for a recorded vote (effectively, a roll-call) when one third of Members present request it. We considered whether the requirement for one third of Members present was too high, and concluded that it should only be necessary for five Members to indicate support for a recorded vote by rising in their seats.

## **8. Contracts Sub-Committee**

- 8.1 A Contracts Working Group was established by Executive and Resources PDS Committee in 2015. We consider that there is a need for this Working Group to be formalised for 206/17 as a Sub-Committee of the Executive and Resources PDS Committee with scope to examine issues relating to contracts and commissioning across the Council.

## **9. Councillor Numbers**

- 9.1 No changes are proposed to the number of councillors.
- 9.2 The Working Group has considered this matter in depth. On the basis that Bromley already has the largest number of electors per councillor in London, and the future responsibilities that might be imposed on the Council, we have decided that this would not be the right to time to reduce councillor numbers.

Report No.  
CSD16047

London Borough of Bromley

## PART ONE - PUBLIC

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

**Date:** 22<sup>nd</sup> March 2016

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

**Title:** PROGRAMME OF MEETINGS 2016/17

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

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

**Ward:** N/A

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1. Reason for report

- 1.1 This report presents the draft timetable of meetings for the next Municipal Year for Members' consideration. The proposed timetable, which has been the subject of extensive consultation, is based on the current timetable, with only minor alterations.

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2. RECOMMENDATION(S)

- 2.1 That the Programme of Meetings for 2016/17 be approved.

### Corporate Policy

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

### Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Democratic Services
  4. Total current budget for this head: £326,980
  5. Source of funding: 2015/16 Revenue Budget
- 

### Staff

1. Number of staff (current and additional): 8 posts (7.39fte)
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory Requirement: Although the Council is required to hold an annual meeting and to appoint an Executive and a scrutiny committee the Council can set its own meeting dates.
  2. Call-in: Not Applicable: This report does not involve an executive decision.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 60 Members of the Council.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? All Members have been consulted
2. Summary of Ward Councillors comments: See section 3.



### 3. COMMENTARY

- 3.1 The Council's programme of meetings is agreed each year by this Committee, and the proposed programme for 2016/17 is attached at **Appendix 1**.
- 3.2 Since 2012, the overall number of programmed meetings has been reduced, allowing savings to be made in staff costs and other ancillary cost savings – heating, lighting, and preparation and distribution of reports. The proposed Programme for 2016/17 has been prepared closely resembling the programme for the 2015/16.
- 3.3 As in previous years, every effort has been made to avoid more than one meeting being held on the same evening. The proposed programme has been prepared on the basis that the current Executive and Committee decision-making structures will continue in the same form next year. If Members do make any alterations to these then the programme may need to be adapted accordingly. Dates can still be changed by individual Chairmen and Committees, and special meetings can still be arranged when necessary. In response to Member comments, the draft programme includes various daytime meetings.
- 3.4 PDS meetings are now aligned more closely with the Executive, enabling reports to be considered, where necessary, at service PDS Committees before final approval at the Executive. The programme also has to fit in with key timelines relating to financial management, including the setting of the Council Tax and annual budget, the statutory accounts and budget monitoring cycles.
- 3.5 The draft programme has been circulated to all Members and to senior officers, and a number of detailed changes have been made in response to the comments received.

<b>Non-Applicable Sections:</b>	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Previous report to this Committee on the Programme of meetings

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# LONDON BOROUGH OF BROMLEY PROGRAMME OF MEETINGS 2016-2017 (Page 1)

(DRAFT As at 14/3/16 - for latest information see the Council website)

	APRIL 2016			MAY 2016			JUNE 2016				JULY 2016				
MONDAY	18	25	2 Public Holiday	9	16	23	30 Public Holiday Half Term	6	13	20	27 COUNCIL	4	11	18	25
TUESDAY	19  Licensing*	26	3	10	17	24 GP&L	31	7 ENV PDS	14 DC	21 PP&S PDS	28 CARE PDS	5 GP&L	12 Econ Pship*	19	26
WEDNESDAY	20	27  Adoption*	4	11 ANNUAL COUNCIL Licensing*	18 EXECUTIVE	25 Ed Budget EDUCATION Licensing* Adoption*	1	8 ER PDS  Licensing*	15 EXECUTIVE  Health Scrutiny*	22 R&R PDS  Adoption*	29 SACRE	6 Audit	13 EXECUTIVE	20 Term Ends	27  Adoption*
THURSDAY	21  Health & WB*	28 Plans 1	5 GLA Election	12 Plans 2 E&R PDS	19 Pensions	26 Plans 3	2  Health & WB*	9 Plans 4	16 LJCC	23 Referendum	30 Plans 1 Licensing* Schools Forum*	7 E&R PDS	14 Plans 2  Licensing*	21	28 Plans 3 Health & WB* Licensing*
FRIDAY	22	29	6	13	20	27	3	10	17	24	1	8	15	22	29

	AUGUST 2016				SEPTEMBER 2016					OCTOBER 2016				NOVEMBER 2016	
MONDAY	1	8	15	22	29 Public Holiday	5 Term Starts	12	19	26 COUNCIL	3	10	17	24 Half Term	31	7
TUESDAY	2	9	16	23	30	6 DC	13 CARE PDS	20 R&R PDS	27 Ed Budget	4	11 Econ Pship*	18	25	1 PP&S PDS	8 ENV PDS
WEDNESDAY	3	10 Licensing*	17	24 Adoption* Licensing*	31 E&R PDS	7 EXECUTIVE Licensing*	14 GP&L	21 Pensions Licensing*	28 PP&S PDS Adoption*	5 E&R PDS	12 EXECUTIVE	19 LJCC	26 Adoption*	2 Health Scrutiny*	9 SACRE
THURSDAY	4	11 Plans 4	18	25 Plans 1	1	8 Plans 2	15 EDUCATION SB Pship*	22 Plans 3 Schools Forum*	29 ENV PDS	6 Plans 4 Health & WB* Licensing*	13	20 Plans 1 SEN WG Licensing*	27	3 Plans 2 Licensing*	10 R&R PDS
FRIDAY	5	12	19	26	2	9	16	23	30	7	14	21	28	4	11

## Key/Numbers of meetings

(Evening meetings normally start at 7pm and are held at the Civic Centre - please check the Council website for details.)

Council	6
General Purposes & Licensing Cttee	6
Audit Sub-Cttee	3
Local Joint Consultative Cttee (LJCC)	4
Pensions Investment Sub-Cttee	4
Development Control Cttee	5
Plans Sub-Cttees	25

Executive	9
SACRE	3

Executive & Resources PDS Cttee (E&R PDS)	9
Care Services PDS Cttee (CARE PDS)	5
Education PDS/Select Cttee	4
Environment PDS Cttee (ENV PDS)	5
Public Protection & Safety PDS Cttee (PP&S PDS)	5
Renewal & Recreation PDS Cttee (R&R PDS)	5
Education Budget PDS Sub-Cttee	4

## Other/Daytime Meetings \*

Adoption Panel (1.30pm)
Economic Partnership (4pm)
Health Scrutiny Sub-Cttee (4.30pm)
Health & Wellbeing Board (1.30pm)
Licensing Sub-Cttee (10am)
Schools Forum (4.30pm)
Safer Bromley Partnership (10am)
Local Development Framework Advisory Panel (7pm)

# LONDON BOROUGH OF BROMLEY PROGRAMME OF MEETINGS 2016-2017 (Page 2)

(DRAFT as at 14/3/16 - for latest information see the Council website)

	NOVEMBER 2016		DECEMBER 2016					JANUARY 2017				FEBRUARY 2017		
MONDAY	14	21	28	5	12 COUNCIL	19	26 Public Holiday	2 Public Holiday	9	16	23	30	6	13 Half Term
TUESDAY	15 CARE PDS	22	29 Audit	6 LJCC	13	20	27 Public Holiday	3 Term Starts	10 CARE PDS Econ Pship*	17 EDUCATION	24 ENV PDS	31 GP&L	7	14
WEDNESDAY	16 Pensions Licensing*	23 E&R PDS Adoption*	30 EXECUTIVE Licensing*	7 GP&L	14 Adoption* Licensing*	21 End of Term	28	4 E&R PDS	11 EXECUTIVE	18 PP&S PDS	25 GP&L Adoption*	1 E&R PDS	8 EXECUTIVE	15
THURSDAY	17 Plans 3	24 DC Schools Forum*	1 Plans 4 Health & WB*	8 SB Pship*	15 Plans 1	22	29	5 Plans 2	12 Schools Forum*	19 Plans 3	26 R&R PDS Licensing* Schools Forum*	2 Plans 4 Health & WB*	9 Licensing*	16 Plans 1
FRIDAY	18	25	2	9	16	23	30	6	13	20	27	3	10	17

	FEB 2017	MARCH 2017					APRIL 2017				MAY 2017			
MONDAY	20 Term Starts COUNCIL	27 Council (Fallback date)	6	13	20	27	3	10 COUNCIL	17 Public Holiday	24	1 Public Holiday	8	15	22
TUESDAY	21	28 CARE PDS	7 ENV PDS	14 GP&L	21 DC	28 Ed Budget	4 Audit Econ Pship*	11	18 Term Starts	25	2	9	16 Pensions	23
WEDNESDAY	22 Pensions Adoption* Licensing*	1 PP&S PDS	8 SACRE Licensing*	15 E&R PDS	22 EXECUTIVE Adoption* Licensing*	29	5 R&R PDS Licensing*	12	19	26 Adoption* Licensing*	3	10 ANNUAL COUNCIL	17	24 EXECUTIVE Adoption*
THURSDAY	23 LJCC	2 Plans 2	9 Health Scrutiny* SB Pship*	16 Plans 3	23 EDUCATION	30 Plans 4 Health & WB*	6	13 Plans 1	20	27 Plans 2	4	11 Plans 3 Licensing*	18 E&R PDS	25 Plans 4 Licensing*
FRIDAY	24	3	10	17	24	31 End of Term	7	14 Public Holiday	21	28	5	12	19	26

## Key/Numbers of meetings

(Evening meetings normally start at 7pm and are held at the Civic Centre - please check the Council website for details.)

Council	6
General Purposes & Licensing Cttee	6
Audit Sub-Cttee	3
Local Joint Consultative Cttee (LJCC)	4
Pensions Investment Sub-Cttee	4
Development Control Cttee	5
Plans Sub-Cttees	25

Executive	9
SACRE	3

Executive & Resources PDS Cttee (E&R PDS)	9
Care Services PDS Cttee (CARE PDS)	5
Education PDS/Select Cttee	4
Environment PDS Cttee (ENV PDS)	5
Public Protection & Safety PDS Cttee (PP&S PDS)	5
Renewal & Recreation PDS Cttee (R&R PDS)	5
Education Budget PDS Sub-Cttee	4

## Other/Daytime Meetings \*

Adoption Panel (1.30pm)
Economic Partnership (4pm)
Health Scrutiny PDS Sub-Cttee (4.30pm)
Health & Wellbeing Board (1.30pm)
Licensing Sub-Cttee (10am)
Schools Forum (4.30pm)
Safer Bromley Partnership (10am)
Local Devt. Framework Advisory Panel (7pm)

Report No.  
CSD16048

## London Borough of Bromley

### PART ONE - PUBLIC

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

**Date:** 22<sup>nd</sup> March 2016

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

**Title:** APPOINTMENT OF HONORARY ALDERMEN

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

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

**Ward:** N/A

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1. Reason for report

- 1.1 To agree nominees for appointment as Honorary Aldermen for consideration at a special meeting of the Council to be held on 11<sup>th</sup> May 2016, before the annual meeting.
- 

2. RECOMMENDATION(S)

That the following members be nominated to full Council for appointment as Honorary Aldermen –

Former Councillors Ernest Dyer and David Haslam

### Corporate Policy

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

### Financial

1. Cost of proposal: Estimated Cost: There are some modest costs relating to production of badges and certificates, but these will be contained within existing budgets.
  2. Ongoing costs: Non-Recurring Cost:
  3. Budget head/performance centre: Democratic Representation
  4. Total current budget for this head: £1,055,820
  5. Source of funding: 2015/16 revenue budget
- 

### Staff

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

### Legal

1. Legal Requirement: Non-Statutory - Government Guidance: Discretionary – Section 249 of the Local Government Act 1972.
  2. Call-in: Not Applicable: This report does not involve an executive decision.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Former Members who meet the eligibility criteria.
- 

### Ward Councillor Views

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

### **3. COMMENTARY**

- 3.1 The Council on 17<sup>th</sup> March 2008 approved a Scheme of Enrolment of Honorary Aldermen and the first appointments of Honorary Aldermen were made and celebrated at a special Council meeting on 23<sup>rd</sup> June 2008. Since then, further appointments have been made in 2010, 2011 and 2014.
- 3.2 An informal cross-party meeting has been held to consider potential Honorary Aldermen, and the following Members have been proposed - former councillors Ernest Dyer and David Haslam. Mr Dyer and Mr Haslam have both indicated that they would accept appointment as honorary aldermen. A third former member was proposed by the Working Group, but officers have not been able to make contact with him to confirm that he would accept the appointment. A brief summary of the service and positions held of the two candidates is attached in Appendix 1. The Scheme of Enrolment for Honorary Aldermen is attached at Appendix 2.

### **4. POLICY IMPLICATIONS**

- 4.1 See Appendix 2.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 The proposal involves some modest costs for the production of badges and certificates. The special Council meeting will be held on the same night as the Council's annual meeting and so meeting costs will be minimal.

### **6. LEGAL IMPLICATIONS**

- 6.1 The power to appoint honorary aldermen is contained in section 249 of the Local Government Act 1972.

### **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no personnel implications.

<b>Non-Applicable Sections:</b>	
Background Documents: (Access via Contact Officer)	Reports to General Purposes and Licensing Committee 7 <sup>th</sup> April 2010 and 26 March 2014 – "Nominations for appointment as Honorary Aldermen"

**Nominations for Appointment as Honorary Aldermen**

<b><u>FORMER COUNCILLOR'S NAME</u></b>	<b><u>SERVICE</u></b>	<b><u>POSITIONS HELD</u></b>
<b>Ernest Dyer</b>	1990 – 2001 Mottingham Ward	Chairman, Education Committee (1998 – 2001)
<b>David Haslam</b>	1978 – 1994 Biggin Hill Ward	Vice-Chairman, Development Control Committee (1981-1989)  Vice-Chairman, Leisure Services Committee (1989 – 1994)



**LONDON BOROUGH OF BROMLEY**

**HONORARY ALDERMAN  
SCHEME OF ENROLMENT**

**1. Qualifications Required for Enrolment**

A person shall be deemed to be eligible for consideration to be nominated to the position of Honorary Alderman if he or she:

- i) has rendered a minimum of 12 years service as a member of the London Borough of Bromley; and
- ii) has rendered eminent, or notable, service generally or by service as Mayor, or a Chairman of a major Council Committee or holding one or more senior positions on the council in any political group.

**2. Method of Enrolment**

- 2.1 Applications for nomination as an Honorary Alderman shall be made by a Member of the Council and submitted, in writing, to the Director of Corporate Services for consideration by the General Purposes Committee.
- 2.2 Prior to the submission of any application for nomination, the person nominated shall be asked by the Member nominating him or her if he or she is willing to accept nomination for enrolment as an Honorary Alderman.
- 2.3 Election to the position of Honorary Alderman shall be by a resolution of the Council, passed on the recommendation of the General Purposes Committee, by not less than two-thirds of the Members voting thereon at a meeting of the Council specially convened for the purpose by the Mayor with notice of the object.
- 2.4 Following the election of a person to the position of Honorary Alderman, the Director of Corporate Services will arrange for the name of the person to be admitted to the Roll of Honorary Aldermen, which shall be established for such purpose.

**3. Rights and Privileges**

- 3.1 An Honorary Alderman shall be entitled to the following rights and privileges:
  - i) to enjoy the courtesy title of "Honorary Alderman" and to be addressed as such;
  - ii) to attend as an observer at meetings of the Council or any other meetings to which the press and public are admitted and to have a seat reserved for this purpose;
  - iii) on request, to receive a copy of the Council Summons and Agenda and a copy of the Council's Year Book.
  - iv) to review invitations to all Civic events to which members of the Council are invited;

- v) to walk in Civic Processions in a position immediately senior to serving Members;
  - vi) to wear the Badge of Office of Honorary Alderman on Civic occasions.
  - vii) on death, to have the Borough flag flown at the Civic Centre at half mast.
  - viii) to enjoy such other privileges as the Council may confer upon them from time to time.
- 3.2 In the event of an Honorary Alderman resuming membership of the council, he or she shall cease to be entitled to be addressed as “Honorary Alderman” or to attend or take part in any Civic ceremonies of the Council as an Honorary Alderman.
- 3.3 It shall be competent for the Council in any particular case to withdraw the title of “Honorary Alderman” and the attached rights and privileges on the recommendation of the General Purposes Committee. Such withdrawal of the title shall be by resolution of the Council, passed by not less than two-thirds of the Members voting thereon at a meeting of the Council specially convened for the purpose by the Mayor. On the passing of such resolution, the Chief Executive shall delete the name of the person concerned from the Roll of Honorary Aldermen and advise that person accordingly.

Report No.  
CSD160049

London Borough of Bromley

## PART ONE - PUBLIC

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

**Date:** 22<sup>nd</sup> March 2016

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

**Title:** APPOINTMENTS TO OUTSIDE BODIES

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

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

**Ward:** (All Wards);

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1. Reason for report

- 1.1 At its first meeting of the Council year on 27<sup>th</sup> May 2015 the Committee made appointments to various outside bodies. The three year terms of office of the Council's two representatives on the St Olave's and St Saviour's Schools Foundation Court of Governors expire on 30<sup>th</sup> April 2016 and it is recommended that they be re-appointed.

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2. **RECOMMENDATION**

**That Councillors Neil Reddin and Robert Evans be re-appointed to the Court of Governors of the St Olave's and St Saviour's Schools Foundation for three year terms ending on 1<sup>st</sup> May 2019.**

### Corporate Policy

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

### Financial

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

### Staff

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

### Legal

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

### Customer Impact

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

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Any comments will be reported at the meeting

### 3. COMMENTARY

- 3.1 The Council is entitled to appoint two members of the Court of Governors of the St Olave's and St Saviour's Schools Foundation. Appointments are for three years, with a maximum of four terms permitted for any one individual. The Council's current representatives are Councillor Neil Reddin (who has almost completed three terms) and Councillor Robert Evans (who has nearly completed two terms.) Their terms of office expire on 30<sup>th</sup> April 2016. The Foundation has reviewed the skills and experience that it requires and has asked that financial experience be considered by the Council in making its appointments.

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

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## LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 25 February 2016

### Present:

#### Employer's Side

Councillor Russell Mellor (Chairman)  
Councillor Nicholas Bennett J.P.  
Councillor Simon Fawthrop  
Councillor Tom Philpott  
Councillor Colin Smith  
Councillor Diane Smith  
Councillor Tim Stevens J.P.  
Councillor Michael Turner  
Councillor Angela Wilkins

#### Staff Side and Departmental Representatives

Gill Slater, Regeneration & Transformation Service  
Kathy Smith, Unite  
Jill Crawley, Environmental and Community Services

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

Apologies from the Staff Side were received from Mary Odoi and Glenn Kelly. From the Employer's Side, apologies were received from Cllr Stephen Carr, and Cllr Colin Smith acted as alternate.

### **22 DECLARATIONS OF INTEREST**

Cllr Simon Fawthrop declared an interest in his capacity as an employee of British Telecom.

### **23 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 8th DECEMBER 2015**

The minutes from the previous meeting held on 8<sup>th</sup> December 2015 were agreed.

### **24 TENDERS FOR THE COMMISSIONING OF THE LIBRARY SERVICE.**

The Staff Side enquired why LBB had not disclosed that Community Links had bid for the management of the community libraries. They also asked if LBB were now prepared to disclose the identities of the other bidders, and to reveal which organisations had come forward to run the main library service.

The Staff Side were of the view that this information should have been disclosed under the Local Government Transparency Code, Section 20 which dealt with commercially sensitive contracts

Mr Colin Brand (Assistant Director for Culture, Libraries and Leisure) stated that a contract would consist of an offer and the acceptance of that offer. A tender remained an offer until a contract was agreed. It was also the case that tender details were confidential. No contract existed, and so the transparency code did not apply. He assured the Committee that commercial confidentiality had been correctly applied, and that the company details had been released at the correct time through a Portfolio Holder decision.

It was noted that after it was revealed that Community Links had been granted “preferred bidder status” to manage the community libraries, action had been initiated outside of Community House by the Unions.

A debate took place concerning the nature of this action. Members expressed concern that the action undertaken by the unions may in fact be secondary picketing. The Staff Side contended that the unions were not engaged in secondary picketing, but had been peacefully protesting. Their aim was to persuade Community Links to withdraw from the process. Cllr Fawthrop was of the view that what had taken place was secondary picketing to exert pressure on a potential supplier. He was of the view that action should be taken, and that LBB should consider suing for consequential loss.

The Vice Chairman argued that the action undertaken could never be interpreted as a picket, as a picket prevented people going into their places of work. She insisted that there was never any attempt to prevent anyone entering Community House, and that the Unions were simply distributing leaflets.

Cllr Colin Smith asked why the action outside of Community Links had been referred to as a “picketing” on a Unite website, and why were people in wheelchairs being obstructed. The Vice Chairman responded that wheelchair users were not being obstructed. Mr Brand referenced a Twitter webpage where the term “picketing” was used, and stated that more detail could be provided if required. The Director of Human Resources also stated that literature referenced “picketing”. The Vice Chairman reiterated her view that no secondary picketing had been undertaken.

Cllr Angela Wilkins commented that the facts needed to be established, and that the distribution of leaflets was not picketing. It was also a fact that an individual could use terminology incorrectly due to a lack of training or experience and so there was a need for calm.

A Member queried if the action by the Unions constituted a breach of the law.

The Chairman asked the Staff Side how they had gained access to the confidential information concerning Community Links. The Vice Chairman stated that someone was sitting in the public gallery reading a part 2 report, and that a member of the public noted the contents of part of the report.

Cllr Colin Smith asked if the Vice Chairman was permitted to pass on information in her capacity as Staff Union Representative. The Director of



Human Resources stated that it was not known at what stage in the process the Vice Chairman may have revealed the information. Cllr Smith expressed the view that the issue should be investigated.

Gill Slater felt that the Council should pay more attention to the requirements of the Transparency Code for the future, and that LBB may be prudent to take legal advice concerning this. Cllr Fawthrop acknowledged that the Transparency Code was important, and as much information as possible should be detailed in Part 1 reports. The Chairman assured the LBB had an open policy. Mr Brand referred to the original report that had been drafted concerning community libraries, and stated that 90% of the information was detailed in the part 1 report, and that the part 2 report was brief.

The Director of Human Resources made the following points:

- The term “picketing” should not be used by the Unions going forward
- It should be made clear to Union members that they did not benefit from legal protection in this case
- The Union may be at risk of financial penalty
- The Union may be guilty of unlawful secondary action
- The Union should reflect on their position and ensure that they held a valid mandate

**25            BIDDING FOR COMMUNITY LIBRARIES AND THE  
FEASIBILITY REPORT PRODUCED BY AMEY FOR TFM  
(TOTAL FACILITIES MANAGEMENT) SERVICES**

The Staff Side asked if the Council would share details of the feasibility report produced by AMEY for Total Facilities Management (TFM) services that the Council were preparing to outsource. The Staff Side expressed the view that the Council was obliged to share the information under the Local Government Transparency Code 2015.

The Chairman commented that the AMEY report was confidential. Mr Brand stated that a consultation process had been undertaken, and that the relevant information had been provided. He explained that Regulation 21 of the Contract Procedure Rules stated that LBB was not allowed to discuss the tender process as this was confidential. The information could not be released as it was commercially sensitive.

Gill Slater asked what information could be released that was not confidential so that staff input could be considered. She suggested that staff may be able to comment and input to the feasibility study.

The Committee noted that the feasibility study would be scrutinised by the E&R PDS Committee on March 16<sup>th</sup> 2016, and then by Executive on the 23<sup>rd</sup>

March 2016. If the proposals outlined were agreed, then a three month due diligence period would follow. Consultation would then take place with staff and the unions. The marketing for the tender was being undertaken on a like for like basis, and was neither increasing nor reducing. Mr Brand assured that the information that Ms Slater was seeking would be revealed via the due diligence process.

Councillor Wilkins asked if the feasibility report was a public or private report. Mr Brand responded that as much as possible (if not all) of the report would be public. Ms Slater expressed concern that staff were being excluded from the process, and were not being allowed access to information and specifications. She expressed the view that quality was key, and the assessment of quality was difficult and was concerned that staff were not able to highlight potential risks to the Council.

The Chairman reminded the Committee that the intention was to transfer the service on a like for like basis, and that any new contract would be scrutinised by the Contracts Working Group. He was of the view that the Staff Side were expressing hypothetical arguments which were not helpful, and that they should let the professionals progress.

Cllr Fawthrop stated that the Unions may like to consider putting forward a bid for the service. Mr Brand stated that there was an ongoing dispute concerning the release of specifications, but that the Trade Unions had the information. He informed the Committee that experts had drafted the specifications, and that the documents were in circulation for staff to see.

Ms Slater contended that:

- There was still work outstanding on specifications
- Specifications had a “ripple” effect
- The process had not factored in time for the information to be studied by individual Heads of Service
- The information should be located in one easy to access link

## **26 THE IT CONTRACT**

The Staff Side had requested information concerning estimated savings for the new IT contract with BT. They had also asked if there was now a final account or report that was going to the Contracts Working Group which would set out any true savings achieved.

There was no officer available at the meeting to answer the question. The Committee agreed that the question be accepted, and that an answer be drafted by the appropriate officer, and then emailed to the Committee. In this way, the Staff Side would benefit from an answer to the question, without having to wait for the next meeting. It was further agreed that if the Staff Side

were not satisfied with the answer, the matter would then be deferred to the next LJCC meeting.

**RESOLVED:**

**(1) that the question be accepted**

**(2) that an answer be drafted by the proper officer and disseminated to the Committee**

**(3) that if the Staff Side were not satisfied with the written answer, the matter be deferred to the next meeting of the Committee**

**27            DATE OF NEXT MEETING**

The Committee noted that the next meeting of the LJCC had been set for 8<sup>th</sup> June 2016. This was subject to formal ratification of the new LBB Calendar of Meetings by the GP&L Committee.

The Meeting ended at 7.15 pm

Chairman

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## **PENSIONS INVESTMENT SUB-COMMITTEE**

Minutes of the meeting held at 7.30 pm on 11 February 2016

### **Present**

Councillor Teresa Ball (Chairman)  
Councillor Keith Onslow (Vice-Chairman)  
Councillors Eric Bosshard, Simon Fawthrop, David Livett and  
Russell Mellor

### **Also Present**

Alick Stevenson, AllenbridgeEpic Investment Advisers  
Brian Toms, Employer Representative - Local Pension  
Board

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

Apologies were received from Cllr Richard Williams and from Jane Harding as a member of the Local Pension Board.

#### **24 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **25 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 18TH NOVEMBER 2015, EXCLUDING THOSE CONTAINING EXEMPT INFORMATION, AND MATTERS ARISING**

The minutes were agreed.

The Director of Finance also updated Members on developments concerning the Mears scheme. The position looked promising following a recent meeting with financiers. Should necessary legal and financial considerations be finalised it was intended to have the scheme in place from April 2016. Upon a vote, Members agreed that the 2017/18 fund valuation should fully reflect the gifting of the scheme to the L B Bromley Pension Fund.

Members also considered a fluctuating fund performance; L B Bromley was ranked in the 100<sup>th</sup> percentile and 66<sup>th</sup> percentile for the June and September 2015 quarters respectively with a significantly higher ranking expected for the December quarter. The fund had traditionally retained a high proportion of equities with consequent volatility. Long term equities had served the fund well. As an alternative to widely performing equities, equities investment for a solid income was suggested. Consideration would be given to reasons for a decreasing equities income but given the fund's liabilities to deferred and current pensioners, a Member advised against moving away from the current

approach. This would ensure that returns continue to be maximised and provided faster for the fund.

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

There were no questions.

## **27 POOLING OPTIONS**

### **Report FSD16019**

Members were updated on Government proposals for Local Government pension scheme reform and pooling options, each pool being expected to have at least £25bn of scheme assets. Within a pool, authorities would retain decision making on investment strategy and asset allocation along with funding responsibilities for current and past deficit contributions; the pool would manage fund investments and manager selection using an authority's asset allocation. A pool would be accountable to an authority for any poor investment decision. A limited number of investments could also be outside of a pool e.g. direct property investments.

Initial proposals from administering authorities were to be submitted to Government by 19<sup>th</sup> February 2016 with final submissions expected by 15<sup>th</sup> July 2016. A final pooling arrangement was expected to "go live" by April 2018.

Two pools being explored at L B Bromley were ACCESS, "*a Collaboration of Central, Eastern and Southern Shires*" (with a potential value of £38bn) and the London Collective Investment Vehicle (CIV), currently comprising London Boroughs (with a potential value of £24bn).

Currently at an early formation stage, ACCESS included authorities having a similar investment approach to L B Bromley with a heavy reliance on external fund managers. L B Bromley would have the second lowest fund value if part of ACCESS. ACCESS would enable participating authorities to benefit from pooled investments, preserve the best aspects of local practice, and maintain a desired level of local decision making/control. It would also provide a range of asset types so that participating authorities can execute locally decided investment strategies as far as possible.

The London CIV was now established and operational. It comprised the City of London and 30 London Boroughs with another London borough expected to join shortly. By the end of 2016 it was estimated to deliver £3m savings in fund fees from £6bn of assets, with an ambition to deliver fund management savings of £30m per annum by 2020.

To help determine the best pool to join, the Director of Finance was liaising with the Chairman, Vice Chairman and Resources Portfolio Holder. Separate meetings were also being arranged with L B Wandsworth (on their London

CIV experience) and Kent County Council (concerning their progress with ACCESS). Pooling could potentially deliver cost savings through scale, increased resilience, knowledge sharing, and robust governance/decision making without compromising a Council's sovereignty. Individual pension funds would retain separate identities and local accountability; pooling could also provide access to opportunities not available to individual funds with greater benefits being gained from some asset types such as infrastructure. Net savings would be realised in the medium and longer term, particularly from investment fees but initial costs would be necessary to establish a pooled arrangement and associated transition costs.

In discussion there was concern that L B Bromley would have to subsidise poorly performing funds in a pooled arrangement along with scepticism on fee reductions and a large enough return being obtained from any infrastructure investment.

It was confirmed that deficits and asset allocation strategy would remain with authorities and infrastructure investment is not obligatory at this stage. Existing fund managers could continue for different asset classes and transfer existing investments into a chosen pool. To bring competition, a variety of fund managers would be necessary. Fees would also reduce and a similar level of performance could be expected. Although costs associated with Financial Conduct Authority (FCA) regulation and establishing a pool could result in significant costs and be subject to tax, the fund would start to see savings from about year ten of a pooled arrangement. Longer term, fund manager choice would be a matter for the pool rather than individual authorities; however, it would be possible to influence choice at meetings of Pension Committee Chairmen and to hold fund managers to account.

It was suggested that L B Bromley align with other funds having a similar investment approach. There was probably more certainty with the London CIV which included L B Wandsworth (a top performer) but the pool was more diverse in approach including ethical investment. ACCESS on the other hand was more expensive but appeared closer to L B Bromley's investment thinking. Looking at comparable funding levels was suggested as a key principle - were L B Bromley to pool with authorities of a different mind-set, it would be necessary to consider how to mitigate future risks. ACCESS would also avoid any pressure to follow a different approach. It was hoped that each member authority in ACCESS would have an equal voice in decision making but this may result in an equal share of set up costs (rather than proportional to fund value) and, for example, Kent County Council had a fund six times larger than the L B Bromley fund. Following a question from a Member, there is no certainty that Bromley would retain an equal share in voting with ACCESS in choosing fund managers in the future.

It was agreed to delegate to the Chairman any decision on costs associated with investigating the ACCESS option.

**RESOLVED that:**

- (1) key principles in considering a pooling arrangement be noted (section 3.2 of Report FSD16019);**
- (2) the L B Bromley fund be pooled, where possible, with funds of a comparable funding level;**
- (3) of the pooling options being explored, ACCESS be highlighted as the Sub-Committee's preferred pooling arrangement at this stage, subject to the outcome of proposed meetings with L B Wandsworth on their London CIV experience and Kent County Council concerning their progress with ACCESS;**
- (4) any decision on costs associated with investigating the ACCESS option be delegated to the Chairman;**
- (5) the Director of Finance, in consultation with the Chairman and Vice-Chairman, submit the formal consultation response to Government (by 19<sup>th</sup> February 2016), incorporating views expressed by Members; and**
- (6) the final consultation response be emailed separately to all Sub-Committee Members when available.**

**28 PENSION FUND PERFORMANCE Q3 2015/16**

**Report FSD16014**

Summary details were provided of the investment performance of Bromley's Pension Fund for the third quarter of 2015/16 along with information on general financial and membership trends of the Pension Fund and summarised information on early retirements.

AllenbridgeEpic provided further detail on investment performance and Baillie Gifford provided commentary on its third quarter performance, future economic outlook, and recent developments in financial markets.

The market value of the Fund ended the December quarter at £732.0m (£684.4m as at 30<sup>th</sup> September 2015) but as of 26<sup>th</sup> January 2016 it had fallen to £701.5m. The comparable value as at 31<sup>st</sup> December 2014 was £693.7m.

Overall, the total fund returned +6.9% (net of fees) in the latest quarter, compared to the benchmark return of +5.7%. Local authority average rankings for the December quarter were not available for the report. The Fund's medium and long-term returns remained particularly strong.

Concerning admission agreements for outsourced services, an update was provided at the Sub-Committee's previous meeting and Report FSD16014 advised of no significant developments since. Further updates would be provided in future quarterly performance reports.



**RESOLVED that:**

**(1) the report be noted; and**

**(2) the position regarding admission agreements for outsourced services be noted as set out in paragraphs 3.11 to 3.12 of Report FSD16014.**

**29 PENSION FUND - INVESTMENT REPORT**

Members received presentations from representatives of Fidelity and Standard Life . Copies of quarterly reports from all of the Council's Fund Managers had been circulated to Members in advance of the meeting.

Fidelity's presentation concerned performance of the company's UK Aggregate Bond Fund (fixed income). Although a volatile year, the fund outperformed its index (benchmark) over the review period. It was agreed that future presentations would highlight gross and net figures.

Standard Life's presentation concerned the performance of its Global Absolute Return Strategies (Diversified Growth).

**30 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE  
LOCAL GOVERNMENT (ACCESS TO INFORMATION)  
(VARIATION) ORDER 2006 AND 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**

**31 CONFIRMATION OF EXEMPT MINUTES - 18TH NOVEMBER  
2016**

The exempt minutes were agreed.

The Chairman also thanked Mr Martin Reeves, Principal Accountant, Finance for his service over many years advising the Sub-Committee. Mr Reeves would be retiring from the Council's service in March 2016.

The Meeting ended at 9.39 pm

Chairman

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## **APPEALS SUB-COMMITTEE**

Minutes of the meeting held at 9.30 am on 1 February 2016 reconvened at 11am on 9 February 2016

### **Present:**

Councillor Nicholas Bennett J.P. (Chairman)  
Councillors Councillor Melanie Stevens and Councillor Michael Turner

### **Also Present:**

Charles Obazuaye

## **6 APPOINTMENT OF CHAIRMAN**

**RESOLVED:** That Councillor Bennett be elected Chairman.

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

No apologies for absence were received.

## **8 DECLARATIONS OF INTEREST**

Councillor Bennett declared that he was the Chairman of the Education PDS Committee and the Bromley Children's Board. Members of the Bromley Children's Board had recently attended a site visit to the Bromley Youth Offending Service and the Education PDS Committee was scrutinising the Youth Offending Service Improvement Plan.

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

The Chairman moved that the Press and public be excluded during consideration of the item of business listed below as it was 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.

**10            Appeal Against Dismissal - SB**

In accordance with the Council's established disciplinary procedures, the Sub-Committee determined an appeal from a former member of staff against dismissal from Council employment for serious misconduct.

The Meeting ended at 3.00 pm

Chairman

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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