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DATE: 3rd July 2017

To: Members of the

GENERAL PURPOSES AND LICENSING COMMITTEE

Councillor Ian F. Payne (Chairman)

Councillor Stephen Wells (Vice-Chairman)

Councillors Vanessa Allen, Nicholas Bennett J.P., Kim Botting FRSA, Alan Collins, Mary Cooke, Ellie Harmer, David Livett, Tony Owen, Charles Rideout QPM CVO, Tim Stevens, Teresa Te, Pauline Tunnicliffe and Michael Turner

A meeting of the General Purposes and Licensing Committee will be held at Bromley Civic Centre on **TUESDAY 11 JULY 2017 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 the Chairman of 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 5th July 2017.

4 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 23RD MAY 2017
(Pages 3 - 12)

5 FORFEITURE OF LOCAL GOVERNMENT PENSION SCHEME RIGHTS

(To Follow)

6 LICENSING UPDATE

(To Follow)

- 7 **REVIEW OF OUTSIDE BODIES**
(Pages 13 - 28)

- 8 **WORK PROGRAMME 2017/18**
(Pages 29 - 32)

- 9 **LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES OF THE MEETING HELD ON 20TH JUNE 2017**
(Pages 33 - 38)

- 10 **AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 21ST JUNE 2017, EXCLUDING EXEMPT INFORMATION**
(Pages 39 - 48)

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

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

<u>Items of Business</u>	<u>Schedule 12A Description</u>
12 EXEMPT MINUTES - 23RD MAY 2017 (Pages 49 - 50)	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
13 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 4TH APRIL 2017 (Pages 51 - 58)	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
14 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 21ST JUNE 2017 (Pages 59 - 64)	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.00 pm on 23 May 2017

Present:

Councillor Ian F. Payne (Chairman)
Councillors Ruth Bennett, Alan Collins, Mary Cooke,
Ellie Harmer, David Livett, Tony Owen,
Charles Rideout QPM CVO, Tim Stevens, Teresa Te,
Pauline Tunnicliffe and Angela Wilkins

243 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES MEMBERS

Apologies for absence were received from Councillors Vanessa Allen (who was replaced by Cllr Angela Wilkins), Nicholas Bennett (who was replaced by Councillor Ruth Bennett), Kim Botting, Michael Turner and Stephen Wells.

244 DECLARATIONS OF INTEREST

There were no declarations of interest.

245 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Three questions for written answer had been received from Councillor Nicholas Bennett - the answers are set out in Appendix A to these minutes.

Councillor Tony Owen commented that the IOS7 operating system used by Council I-pads was out of date, and the Chairman would query why screen capture was not allowed.

246 CONFIRMATION OF MINUTES OF THE MEETINGS HELD ON 6TH FEBRUARY AND 10TH MAY 2017

RESOLVED that the minutes of the meetings held on 6th February 2017 (excluding exempt information) and 10th May 2017 be confirmed.

247 APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES

Report CSD17061

The Committee received a report on the appointments to outside bodies and partnerships due for 2017/18. Nominations had been received from the party groups and were set out in appendix 1 to the report. In the majority of cases the nominations matched the places available; paragraph 3.2 of the report set out where this was not the case.

Members raised concerns that there was only one place available on the Affinity Sutton Regional Scrutiny Board. It was explained that this reflected the Association's increased size and scope, which was much greater than the former Broomleigh Housing Association, but the Committee nevertheless considered that Affinity Sutton should be asked to provide an additional place.

The Committee also noted that a new Trust was being established to run Crystal Palace Park, and suggested that the Council should be represented on the Trust Board.

RESOLVED that

(1) The following amendments to Appendix 1 be noted -

- **Children's Safeguarding Board: Councillors Stephen Carr and Peter Fortune were nominated by the majority group (not Councillor Diane Smith).**
- **Mentoring Steering Group: Two places were available (not one place and a deputy.)**

(2) Appointments to outside bodies and partnerships be approved as set out in Appendix B to these minutes, including the following –

- **London Councils Transport and Environment Committee: Councillors William Huntington-Thresher, Tim Stevens, Angela Page & Ian Dunn.**
- **London Councils Lead Member for Housing: Councillors Diane Smith/Peter Morgan**
- **Bromley Economic Partnership: Councillor Peter Morgan**
- **Bromley Y: Councillors Judi Ellis and Peter Fortune.**
- **Affinity Sutton Group London and East Regional Scrutiny Board: Councillor Chris Pierce**
- **Community Links Bromley: Councillors Peter Fortune and William Huntington-Thresher.**

(3) It is noted that a vacancy exists on the Cray Valley Library and War Memorial Institute.

(4) Affinity Sutton be requested to allocate an additional place on their Regional Scrutiny Board.

248 WORK PROGRAMME
Report CSD17074

The Committee received a report summarising its role. The report included the Committee's terms of reference and terms of reference for its sub-committees, and a draft work programme for the 2017/18 Council year. It was noted that there would be reports on elections and complaints – it was suggested that the complaints report needed to give a picture of whether complaints were increasing or not.

The Chairman and other Members suggested the following additional issues for consideration at future meetings –

- A review of outside body appointments;
- A review of the Scheme of Delegation to Officers;
- Training for newly elected Members

It was also suggested that there should be feedback to the Committee from the Licensing Sub-Committee meetings either the decisions from each meeting or a summary of recent decisions.

The Committee discussed the briefings provided by the Licensing Officer that the Chairman received on incidents in Beckenham and Bromley town centres – the chairman offered to pass these on. Members commented that there was no similar information for Orpington town centre, and that more generally it was difficult to obtain information from the Police on incidents in their wards.

RESOLVED that the report be noted.

249 LOCAL JOINT CONSULTATIVE COMMITTEE - MINUTES OF THE MEETING HELD ON 23RD FEBRUARY 2017

The minutes of the Local Joint Consultative Committee's meeting on 23rd February 2017 were received.

250 PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETINGS HELD ON 31 JANUARY 2017 (EXCLUDING EXEMPT INFORMATION) , 22 FEBRUARY 2017 AND 5 APRIL 2017

The minutes of the Pensions Investment Sub-Committee's meetings held on 31st January 2017 (excluding exempt information), 22nd February 2017 and 5th April 2017 were received.

251 AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 4TH APRIL 2017, EXCLUDING EXEMPT INFORMATION

The minutes of the Audit Sub-Committee's meeting on 4th April 2017 (excluding exempt information) were received. Councillor Angela Wilkins

commented that she had been at this meeting – the minutes would be corrected accordingly before they were approved.

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

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

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

253 EXEMPT MINUTES - 6TH FEBRUARY 2017

The Committee approved the exempt minutes of the meeting held on 6th February 2017.

254 PENSIONS INVESTMENT SUB-COMMITTEE: EXEMPT MINUTES - 31 JANUARY 2017

The exempt minutes of the Pensions Investment Sub-Committee's meeting on 31st January 2017 (excluding exempt information) were received.

255 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 4TH APRIL 2017

The exempt minutes of the Audit Sub-Committee's meeting on 4th April 2017 were received.

The Meeting ended at 7.50pm

Chairman

GENERAL PURPOSES AND LICENSING COMMITTEE

23RD MAY 2017

3. QUESTIONS

From Councillor Nicholas Bennett JP to the Chairman of the General Purposes and Licensing Committee for written reply.

If he will inquire as to why the following restrictions apply to members' iPads;

iCloud backup not allowed
iTunes Store not allowed
Photo stream not allowed
Pop ups in Safari not allowed
Screen capture not allowed?

Reply:

We have checked the policies applied to the iPad devices via Mobile Iron security.

The following actions are not restricted by Mobile Iron:

iCloud backup
iTunes Store
Photo stream

These are not restricted hence could be used. However, the use of iCloud backup is discouraged as the data is held in the cloud and we have no idea where it is being stored. In addition, security around this storage method has been breached quite recently.

If these matters are causing problems a call can be logged with the Helpdesk who will resolve the issues.

The following actions are blocked by Mobile Iron policy –

Pop ups in Safari
Screen capture

Both of these are blocked as part of the CESH* best practice. If there is a business need to review these then this can be investigated by the IT Division.

**Communications-Electronics Security Group (part of the National Cyber Security Centre)*

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**LONDON BOROUGH OF BROMLEY
ANNUAL APPOINTMENTS TO OUTSIDE BODIES
AND PARTNERSHIP BODIES 2017/18**

(i) London Councils' Appointments

Leaders' Committee (S.101 Joint Committee)

Cllr Stephen Carr

Cllr Colin Smith (deputy)

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

Cllr Colin Smith

Cllr William Huntington-Thresher, Cllr Tim Stevens, Cllr Angela Page & Cllr Ian Dunn (deputies)

Grants Committee (Associated Joint Committee)

Cllr Stephen Carr

Cllrs Diane Smith and Colin Smith (deputies)

Pensions CIV (Sectoral Joint Committee)

Cllr Onslow

Cllr Mellor (deputy)

Greater London Employment Forum

Cllr Ian Payne

Cllr Stephen Wells (deputy)

Lead Members for London Councils

Children & Young People: Cllr Peter Fortune

Employment and Skills: Cllr Peter Morgan

Housing: Cllr Diane Smith/Cllr Peter Morgan

Health and Adult Services: Cllr Diane Smith

Culture, Tourism & Sport: Cllr Peter Morgan

Crime and Public Protection: Cllr Kate Lymer

Economic Development/Regeneration: Cllr Peter Morgan

Planning/Infrastructure: Cllr Peter Dean

(ii) **Partnership Appointments**

Safer Bromley Partnership Strategic Group

Cllr Kate Lymer

Safer Neighbourhood Board

Cllrs Alexa Michael & Cllr Richard Williams

Bromley Economic Partnership

Cllr Peter Morgan

Adult's Safeguarding Board

Cllrs Stephen Carr and Diane Smith

Children's Safeguarding Board

Cllrs Stephen Carr & Peter Fortune

(iii) **Care Services Appointments**

Age Concern (Greater London)

Cllr Mary Cooke

Early Years Development & Child Care Partnership

Cllr Peter Fortune

(iv) **Education Appointments**

Management Committee of Wood Lodge Living Skills Centre

Cllr Kate Lymer

Bromley "Y" Project

Cllrs Judi Ellis & Peter Fortune

Mentoring Steering Group

Cllrs Kate Lymer & Cllr Tim Stevens

Nash College

Cllr Peter Fortune

(v) **Environment Appointments**

London Road Safety Council

Cllr William Huntington-Thresher

Southern Regional Flood Defence Committee

*(Joint representative for Bromley/Bexley/Greenwich/Medway –
Cllr Colin Tandy, LB Bexley)*

(vi) **Renewal and Recreation Appointments**

Bromley Arts Council

(4 appointments)

Cllrs Vanessa Allen, Kim Botting, Alan Collins & Alexa Michael

The Crystal Palace Community Development Trust

Cllr Angela Wilkins

Greater London Enterprise

Cllr Peter Morgan

London Youth Games

Cllr Teresa Te

Proactive Bromley

Cllrs Julian Benington & Stephen Carr

(vii) **General Appointments**

Biggin Hill Airport Consultative Committee

Representative of the Council as freeholder:

Cllr Peter Morgan (deputy Cllr Hannah Gray)

Representative of Biggin Hill Ward:

Cllr Melanie Stevens (deputy Cllr Julian Benington)

Representative of Darwin Ward:

Cllr Richard Scoates (deputy Cllr Tim Stevens)

Bromley Town Twinning Association

Cllrs Ruth Bennett, Kim Botting & Mary Cooke

Affinity Sutton Group – London & East Regional Scrutiny Group

Cllr Chris Pierce

Community Links Bromley

Cllrs Peter Fortune & William Huntington-Thresher

Bromley Community Fund

Cllr Tom Philpott

(viii) Three Year Appointments

Duke of Edinburgh's Award support Committee

Cllrs Peter Fortune and Tom Philpott

The Court of the University of Kent

Cllr Peter Fortune

Phillips and Lubbock Foundations

Cllr Julian Benington, Mr John Bowers, Mrs Brenda Powell and Mrs Jane Woodhead

St Olave's and St Saviour Grammar School Foundation

Cllr Stephen Wells

(To replace Cllr Neil Reddin for the remainder of the 3 year term to 2019; Cllr Robert Evans to continue his term of office.)

(ix) Four year appointments

Mytime Active

Cllr Robert Evans

(To replace Cllr Tim Stevens; Cllr Nicholas Bennett to continue his term of office to 2018.)

Cray Valley Library and War Memorial Institute

(No appointment made - 1 vacancy for the term of office expiring June 2018; Cllrs Fortune, Page and Te are the Council's other three representatives.)

Report No.
CSD17094

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 11 July 2017

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

Title: REVIEW OF 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: Not Applicable

1. Reason for report

- 1.1 One of this Committee's duties is to make appointments to a range of partnerships and "outside bodies" on behalf of the Council. Most of these appointments are made annually, following the Council year, in May. This report offers the opportunity to review the purpose of making these appointments.
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2. **RECOMMENDATION**

The Committee is requested to comment on appointments to outside bodies.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not applicable
-

Corporate Policy

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

1. Cost of proposal:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £343,810
 5. Source of funding: 2017/18 Revenue Budget
-

Personnel

1. Number of staff (current and additional): 8 (6.67fte)
 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
-

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: Not applicable

3. COMMENTARY

3.1 This Committee makes a range of appointments to partnerships and outside bodies on behalf of the Council. The appointments range from nominating to a number of positions at London Councils, to various partnerships, local and regional bodies, to small local charities. Many of the appointments follow the Council year (May to May), but some follow different patterns or involve terms of office of three or four years, as specified by the bodies themselves. In the case of many of the local charities, the Council's nominees do not necessarily have to be Councillors. This Committee makes its appointments based on nominations received from the party groups.

3.2 For the purposes of reviewing these appointments, they can be broken down into the following categories –

(a) London Councils (5 Committees)

London Councils is a cross-party organisation representing the 32 London Boroughs and the City of London.

The Council is also requested by London Councils to nominate spokespersons for 8 different issues.

(b) Partnership Appointments and Local Boards

These are primarily local bodies where the Council is closely involved as a major partner.

(c) Organisations providing services in the Borough

These are organisations and partners providing services in the borough. Some have historic links to the Council, such as the Clarion Housing Group or Mytime Active.

(d) London/Regional Organisations

These are bodies with representation from across London (and sometimes wider). In some cases, the representation is shared with other authorities.

(e) Local Charities and Foundations

The number of these small local charities has reduced in recent years as some have become inactive, been wound up or amalgamated. Many of these appointments will relate to a specific locality and therefore ward councillors will be appointed.

A list of all outside body appointments is set out in Appendix A.

3.3 Guidance for Members of the Council appointed to serve on outside bodies is included as an appendix to the Council's Constitution – see Appendix B to this report.

3.4 The Constitution Improvement Working Group recommended in 2009 that Councillors appointed to outside bodies with a significant role in the borough or expenditure should provide a short annual report to provide an additional degree of accountability. This recommendation was endorsed by Council, and since then these reports have been received at the annual Council meeting each May. Reports are provided for the following outside bodies –

- Clarion Housing Group (formerly Broomleigh/Affinity Sutton)
- Mytime Active
- Bromley Youth Music Trust
- Community Links Bromley

- 3.5 Membership of outside bodies is a means for Members to extend and maintain the influence of the Council, and to scrutinise the activities of these organisations, many of which have an impact on residents of the borough. Some of the local charities are quite small-scale, with limited local impact, and the Committee might want to consider whether the Council should continue to be committed to providing representatives. In most of these cases, it is not necessary for the Council to appoint Members, but if non-members are appointed this does reduce the potential influence of the Council. In most cases the involvement of Members is appreciated, and the Council continues to receive occasional new requests for representatives. Recent additions to the list include Nash College in Hayes, an independent specialist college for learners with moderate to profound learning disabilities, and the Bromley Community Fund.
- 3.6 There are no costs involved in serving on outside bodies, other than the time and commitment of the Members involved. Members are entitled to claim travel expenses or journeys outside the borough on Council business, and this could include outside body meetings, but the amounts actually claimed are minimal.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children/ Policy/Finance/ Personnel/Legal/Procurement
Background Documents: (Access via Contact Officer)	None

(a) London Councils

Name	Current appointment	Term of Office	Notes
Leaders Committee	Cllr Stephen Carr (Cllr Colin Smith – deputy)	1 year	Usually the Leader
Transport & Environment Committee	Cllr Colin Smith (Cllrs William Huntington-Thresher, Tim Stevens, Angela Page & Ian Dunn- deputies)	1 year	
Grants Committee	Cllr Stephen Carr (Cllrs Diane Smith & Colin Smith – deputies)	1 year	Executive Members required.
Greater London Employment Forum	Cllr Ian F. Payne (Cllr Stephen Wells – deputy)	1 year	
Pensions CIV Joint Committee	Cllr Keith Onslow (Cllr Russell Mellor – deputy)	1 year	
Lead Members	Children & Young People – Cllr Peter Fortune Employment & Skills – Cllr Peter Morgan Housing – Cllr Diane Smith/Cllr Peter Morgan Health & Adult Services – Cllr Diane Smith Culture, Tourism & Sport – Cllr Peter Morgan Crime & Public Protection – Cllr Kate Lymer	1 year	In the past, London Councils operated a much wider range of committees. These have now been replaced with a request for each borough to nominate a lead member/spokesperson for these 8 issues.

	Economic Development & Regeneration - Cllr Peter Morgan Planning/infrastructure – Cllr Peter Dean		
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(b) Partnership Appointments and Local Boards

Safer Bromley Partnership Strategic Group	Cllr Kate Lymer	1 Year	
Safer Neighbourhood Board	Cllr Alexa Michael & Cllr Richard Williams	1 Year	
Bromley Economic Partnership	Cllr Peter Morgan	1 Year	
Adult's Safeguarding Board	Cllrs Stephen Carr & Diane Smith	1 Year	
Children's Safeguarding Board	Cllrs Stephen Carr and Peter Fortune	1 Year	
Management Committee of Wood Lodge Living skills Centre	Cllr Kate Lymer	1 Year	
Bromley Y Project	Cllrs Judi Ellis & Peter Fortune	1 Year	
Bromley Mentoring Initiative Steering Group	Cllrs Kate Lymer & Tim Stevens	1 Year	
Early Years Development and Childcare Partnership	Cllr Peter Fortune	1 Year	
Proactive Bromley	Cllrs Julian Benington & Stephen Carr	1 Year	
Duke of Edinburgh's Awards Support Committee	Cllrs Peter Fortune & Tom Philpott	1 Year	
Bromley Youth Music Trust	Cllr Kate Lymer	4 years	

(c) Organisations Providing Services in the Borough

Community Links Bromley - Board of Trustees	Cllrs Peter Fortune & William Huntington-Thresher	1 Year	
Biggin Hill Airport Consultative Committee	Cllr Peter Morgan (deputy Cllr Hannah Gray): Council as Freeholder Cllr Melanie Stevens (deputy Cllr Julian Benington): Biggin Hill ward Cllr Richard Scoates (deputy Cllr Tim Stevens): Darwin ward	1 Year	
Clarion Housing Group (formerly Broomleigh/Affinity Sutton) Regional Scrutiny Board	Cllr Chris Pierce	1 Year	
Oxleas NHS Foundation Trust - Council of Governors	Cllr Judi Ellis	3 Years	
Diocese of Rochester Board of Education	Cllr Kate Lymer	3 Years	
Mytime Active	Cllrs Nicholas Bennett & Robert Evans	4 Years	
Nash College, Hayes	Cllr Peter Fortune	4 years	

(d) London/Regional Organisations

London Youth Games	Cllr Teresa Te	1 Year	
London Road Safety Council	Cllr William Huntington-Thresher	1 Year	
Southern Regional Flood and Coastal Defence Committee	Cllr Colin Tandy (LB Bexley)	1 Year	Nomination shared by Bexley, Bromley, Greenwich and Medway Councils
Greater London Enterprise	Cllr Peter Morgan	1 Year	
Age UK, London	Cllr Mary Cooke	1 Year	
The Court of the University of Kent	Cllr Peter Fortune	3 Years	
Reserve Forces and Cadets Association for Greater London	Cllr Peter Fortune	4 Years	
Thames Regional Flood Defence Committee	-	4 years	Shared between Bromley, Croydon, Lambeth and Southwark

(e) Local Charities and Foundations

Bromley Arts Council	Cllr Vanessa Allen, Kim Botting, Alan Collins & Alexa Michael	1 Year	
Crystal Palace Community Development Trust	Cllr Angela Wilkins	1 Year	Crystal Palace Ward
Bromley Town Twinning Association	Cllrs Ruth Bennett, Kim Botting & Mary Cooke	1 Year	
Bromley Community Fund	Cllr Tom Philpott	1 Year	
St Olave's and St Saviours Grammar School Foundation: Court of Governors	Cllrs Stephen Wells and Robert Evans	3 years	
Phillips and Lubbock Foundations	Cllr Julian Benington, Mr John Bowers, Mrs Brenda Powell & Mrs Jane Woodhead	3 years	
The Petts Wood and Hawkwood Committee	Cllr Simon Fawthrop (Deputy - Cllr Ian F. Payne)	4 years	Petts Wood and Knoll/Chislehurst Wards
Thomas Stringer Charity, Cudham	Cllrs Richard Scoates & Melanie Stevens	4 years	
Keston Village Hall Trust	Mr Martyn Baker, Mr Peter Luckens & Mr Peter Zieminsky	4 years	
The Beckenham Parochial Charities	Cllr Russell Mellor, Mr AJ Duncan, Mrs M Jessiman, Mr Robert Mitchell, Mrs G Scales & Mr M Winsor	4 years	
Cray Valley War Memorial Hall	Cllrs Peter Fortune, Angela Page & Teresa Te (1 vacancy)	4 years	Cray Valley East Ward
The Hayes (Kent) Trust	Mrs Alison Naish & Mrs Carol Truelove	4 years	
Kelsey Park Avenue Trustees	Cllr Peter Dean	4 years	Kelsey and Eden Park Ward

8. Guidance to Councillors: Membership of Outside Bodies

An important part of the role for many Councillors is the oversight or management of outside bodies. In the majority of cases things work well and there are benefits to the Council, the outside body and the individual Councillor. However, there are pit falls and this guidance note has been produced to help avoid risks which may arise, particularly when things do not work out.

What to do when nominated to an outside body

- Satisfy yourself as to the type of body it is. For example is it a joint committee, an informal association or a legally constituted company or trust?
- Clarify the role you have been appointed to. Are you a Trustee, Company Director, Member of a Committee or just an observer?
- Be aware of the risks and pit falls. Check what indemnities are available from the Council and the body if things go wrong. Check your duties and be clear on anything that you may be personally liable for.

What types of bodies are there?

Incorporated Associations

- A club, group or society may be an incorporated association. This can be an informal organisation existing where several people joint together to carry out a mutual purpose other than for profit. If appointed as a member, a Councillor will have responsibilities to other members of the organisation which should be set out in the association's Constitution. This is simply an agreement between members of the association as to how the organisation will operate.
- If you are appointed to the management committee of such an association, you must act within its Constitution and use reasonable care. If the association holds any property or has any accommodation that needs to be held by one or more individuals as the organisation does not have a legal existence of its own.
- As a member of the management committee you will be personally liable for acts of that organisation but are entitled to an indemnity from the funds of the organisation as long as you act properly. If the organisation does not have enough funds then Committee members are personally liable for the shortfall.

- Care is needed where one person is appointed by the Constitution of an association to act as agent of the organisation for certain purposes. That person acts as agent for all members of the organisation who all have joint responsibility for the agent's actions.
- Members of a Committee of Management will have personal liability if they act outside the authority given to them or if they do not act within the law, for example if there is non-payment of tax and National Insurance for any employees of the association.
- Members of Management Committees are entitled to an indemnity if they act in accordance with the Constitution and are not at fault. It is possible to obtain insurance but if the organisation is to pay the premium it must be permitted by the Constitution. The Council cannot pay the cost of an insurance policy or give an indemnity for circumstances where the Councillor is acting in the capacity as a member of the Management Committee and not in their capacity as a Councillor.

Observers

- If appointed as an observer to an outside body, you will just be watching what happens. The position of an observer has no legal status and you have no special duty to the outside body. You are simply there to represent the Council's interests and will be covered by the Council's indemnities and insurances.
- It is important that you do not become involved unofficially in running the body as that could take you outside of these indemnities. For similar reasons you should avoid appearing to take part in decision making or accepting work or tasks on behalf of the body.

Consultative or Advisory Bodies

- You could be appointed to an external Committee which advises the Council on various issues. Your prime role will be as a representative of the Council. Difficulties can arise if you champion a position taken by the external Committee but that is likely to cause difficulties in taking part in council business rather than giving rise to financial liabilities.

Steering Groups, Joint Committees and Partnerships

- You may be appointed as a member or observer to a steering group or partnership body. You need to establish at the outset whether you are acting as a delegate/representative of the Council to promote the Council's interests or whether you have an independent role to fulfil on behalf of the group or partnership.
- You should avoid committing yourself on behalf of the Council or holding yourself out to be able to do so where you do not have any authority.

Company Directors

- Companies are legally constituted bodies and there is a range of legislation which regulates the conduct and responsibilities of Companies and Company Directors. If you are appointed as a Company Director, you will have the following duties.
 - When acting as a Director you own a fiduciary duty to act honestly and in good faith and in a way you consider most likely to promote the success of the company for the benefit of its members as a whole.
 - You are under a duty as a Director to exercise independent judgement, although it is permissible to take account of third party interest you may represent. You cannot simply vote in accordance with the Council's mandate as to do so would be a breach of your duty to the company.
 - You have a general duty of care and skill to the company. As a Director you will not be deemed to be an expert but you should be diligent and obtain expert advice when necessary.
 - You will have to have a duty not to create conflict – where there is conflict between the interests of the Council and the interests of the company you should not take part in discussions upon such topics both as a Councillor and as a Director. If the conflict is serious or one which repeatedly presents itself, the most appropriate course of action would be for you to resign as a Director of the company.
 - You have a duty not to make a private profit from the position. Any interest you or your family may have in relation to the company's contracts must be declared. Whether or not you can vote following declaration will depend upon the Articles of Association of the Company.
 - As a Director you must ensure compliance with relevant company legislation in relation to keeping of accounts and making relevant returns to the Registrar of Companies. Failure to do so incurs fines for which you are personally liable and persistent default can lead to disqualification as a Director.
 - You have a duty to ensure the company complies with other legislation, for example health and safety legislation if the company employs staff or contractors to undertake work.

Liabilities attached to being a Company Director

- The Council cannot provide indemnities or insurance for liabilities a Councillor incurs whilst acting as a Director. It is lawful and common practice for companies to purchase insurance to protect Directors against claims of negligence, breach of duty, trust or default. You are advised to satisfy yourself that such a policy of insurance is maintained at all times you are a Director.
- You cannot be indemnified by either the Council or the company against liability when you are acting as a Director which arises out of negligence, default or breach of duty or trust. However, you should check the Articles of Association of

the company as this will often allow Directors be indemnified by the company for the cost of defending any proceedings where you are granted relief by the Court or acquitted.

- When a company becomes insolvent, unless Directors have given personal guarantees they will usually not be liable for losses generally or to creditors of the Company. This will not apply where wrongful trading can be proved, i.e.: if there is no possibility of avoiding liquidation, Directors should ensure that the company does not continue to trade otherwise you could be personally liable for losses due to creditors. Also, if a company trades fraudulently and carries on trading with an intent to default creditors, you may also be personally liable whether you were aware of the fraud or not.
- Directors can be personally liable if the company acts outside its permitted powers.
- Although company liability ceases on the dissolution of the company, the liability of Directors may still be enforced after that dissolution.

The position of Charitable Trustees

- The Council often has a right to appoint Councillors to charities or charitable trusts it may have set up or gives funding to or which operate generally in the area.
- Charities and charitable trusts are regulated by the Charity Commission which provides a range of useful information.
- As a trustee you will have the following duties:
 - The duty to act in accordance with the Trust Deed and to protect the charity's assets;
 - A duty to comply with the Charities Act and other legislation affecting the charity;
 - A duty not to make a private profit from the position;
 - A duty to act with a standard of care which an ordinary prudent business person would show. Higher standards are required of professionals and in relation to investment matters.
- Trustees must ensure that information relating to the trust and trustees are registered with the Charity Commission and that annual accounts and returns are sent;
- If the charitable income exceeds £5,000, there is a duty to ensure that letters, adverts, cheques, etc., bear a statement that the organisation is a registered charity.
- Trustees are under a duty to ensure compliance with all relevant legislation, for example in relation to tax and health and safety at work.

Trustees' Liabilities

- Many trusts do not have corporate status and have no separate identify from the trustees. If appointed as a trustee you should check whether this is the case as if it is you together with the other trustees are personally liable for losses on contacts or claims by third parties, although trustees are entitled to an indemnity from the trust's assets provided they have acted properly in incurring the liability.
- As a trustee you will also have the following liabilities:
 - A liability to make good any deficiencies where trust property is used for a trustees own benefit or for purposes not in accordance with the purposes of the trust;
 - Personal liability for losses or claims where a trustee has acted outside the scope of the Trust Deed;
 - Personal liability where a trustee has not shown the required standard of care;
 - Personal liability for fines if the trust does not comply with duties to make returns, etc.
- It is important to remember that often trustees remain personally liable even after they have retired, for example where they have previously entered into a contract on behalf of a trust. It is important that when you stand down from a trust you seek an indemnity from your successors. You do not need to do this if a charity is a company when the trustees for the time being will be responsible.
- An indemnity can be given from the trust provided the trustee has acted properly and within their powers. Trustees can take out insurance to protect themselves against personal liability but not for criminal acts and fraud. If the charity pays the premium you will need to check the Trust Deed as the consent of the Charity Commission will be needed unless the Trust Deed expressly does not require it.

The Council Code of Conduct

- If you are appointed to an outside body and take an active part in it, this may limit the extent to which you can take part in some debates or votes in your role as a Councillor. You will have to have regard both to the Council's Code of Conduct and any rules governing your role on the outside body. If there are regular conflicts of interest you should resign from the outside body.

Council Indemnities

- Since November 2004 it has been possible for an indemnity to be provided in relation to any action or failure to act as a Councillor which is authorised by the Council, or where the Councillor is carrying on any functions at the request of, or with the approval of, or for the purposes of the Council. However, it does not extend to situations where a Councillor is acting other than as a Councillor, e.g.: where the Councillor is fulfilling personal obligations as a company director or

trustee. Then you must ensure that the outside body provides the necessary indemnities.

Report No.
CSD17097

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 11 July 2017

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

Title: WORK PROGRAMME

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

- 1.1 This report summarises the Committee's role and sets out the Committee's work programme and terms of reference for the 2017/18 Council year.
-

2. **RECOMMENDATION**

Members are requested to consider their work programme for the 2017/18 Council year.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Excellent Council:
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £343,810
 5. Source of funding: 2017/18 revenue budget
-

Personnel

1. Number of staff (current and additional): 8 (7.27fte)
 2. If from existing staff resources, number of staff hours: Not applicable
-

Legal

1. Legal Requirement: Statutory Requirement: The Committee is responsible for non-executive functions as required by the Local Government Act 2000.
 2. Call-in: Not Applicable: This report does not involve an executive decision.
-

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: Not applicable

3. COMMENTARY

- 3.1 Bromley Council operates under a “Leader and Executive” constitutional model, with most decision making functions resting with the Executive. However, there are a number of functions which the Executive is prohibited from dealing with, for which Committees need to be appointed. In Bromley, the majority of these “non-executive” functions are the responsibility of Development Control Committee for town planning and related functions, and this Committee for most other non-executive functions.
- 3.2 General Purposes and Licensing Committee fulfils the role of Licensing Committee under the 2003 Licensing Act, but also deals with a range of other non-executive functions that cannot be dealt with by the Executive or do not fall within the terms of reference of Development Control Committee. It therefore has a range of varied and sometimes unrelated responsibilities, including finance matters relating to audit and pensions, human resources, elections and Member appointments.
- 3.3 Unlike PDS Committees, the General Purposes and Licensing Committee has decision-making powers, many of which are delegated to a number of sub-committees. These sub-committees also have decision-making powers within their own terms of reference, and in most cases their minutes are reported up to the parent committee for information.
- 3.4 The Committee has six scheduled meetings in the year, including this one. These are summarised in appendix 1, with the reports anticipated at each meeting.

Non-Applicable Sections:	Impact on vulnerable adults and children/Policy/Financial/Personnel/Legal/Procurement
Background Documents: (Access via Contact Officer)	None

General Purposes and Licensing Committee

Work Programme 2017/18

23rd May 2017

Work Programme
Outside Body Appointments

11th July 2017

Review of Outside Bodies
Forfeiture of Local Government Pension Scheme Rights
Licensing Update

12th September 2017

HR Key Issues Presentation
Audit of Financial Statements
2017 General Election/2018 Local Election
Complaints – Annual Ombudsman Letter
Induction/Training for New Members in 2018
Pensions Forfeiture Scheme – Consultation Feedback
Pensions Forfeiture
Licensing Update

31st January 2018

Pay Award 2018
Pay Policy Statement 2018/19
Members Allowances 2018/19
Executive Assistants Reports 2017/18
Programme of Meetings 2018/19
Risk Registers and Health and Safety Review
Licensing Update

20th March 2018

Licensing Update

In addition to the specific reports identified above, at each meeting the Committee will receive minutes from the meetings of its Sub-Committees and a Work Programme report.

LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.00 pm on 20 June 2017

Present:

Councillor Russell Mellor (Chairman)

Councillor Stephen Carr

Councillor David Cartwright QFSM

Councillor Simon Fawthrop

Councillor William Huntington-Thresher

Councillor Kate Lymer

Councillor Michael Turner

Jill Crawley, Unite

Jackie Goad, Chief Executives

Nicola Musto, Environment and Community

Services

Gill Slater, Unite Representative

Kathy Smith, Unite

53 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Nicholas Bennett.

Councillor William Huntington Thresher acted as Alternate.

Apologies were also received from Kirsty Wilkinson, Mandy Henry and Kelle Akala.

Apologies were also received from Cllr Ian F Payne and Councillor Angela Wilkins.

54 DECLARATIONS OF INTEREST

There were no declarations of interest.

55 MINUTES FROM THE PREVIOUS MEETING OF THE LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 23RD FEBRUARY 2017

The Vice Chairman referred to the comments that she had made at the previous meeting relating to the sickness procedure and to the resolution pertaining to the preparation of a report outlining deficiencies in the procedure. She stated that her comments were not meant to be an attack on the sickness procedure, but that she wanted to highlight that in certain circumstances she felt that the convening of sickness meetings were not appropriate or the best use of time and resources. She expressed the view that she had not had sufficient time to prepare a report.

It was agreed that the minutes could be signed as a correct record.

RESOLVED that the minutes be agreed as a correct record.

56 UPDATE FROM DEPARTMENTAL REPRESENTATIVES

The update from the Departmental Representatives was given by Jackie Goad.

A document had been provided by the Departmental Representatives, which was in colour and rag rated. The document updated the Committee concerning the progress made with the implementation of various improvements and actions that had been requested.

The Committee was pleased with the positive outcomes achieved by the Departmental Representatives.

Unite asked if they could be kept informed of any issues outlined in the report that were not addressed. Ms Slater asked for clarification of timescales where work was in progress.

The matter of the provision of funding for professional fees was raised. The Director of Human Resources explained that not all courses would be able to be funded. It would need to be clarified if the course in question was relevant to the work of the Council, and linked to Building a Better Bromley. It would have to be decided if any course under consideration could be funded by the Apprenticeship Levy. LBB had been funded with a statutory levy of £350k. There would be some scope to support exiting staff in addition to providing funding for apprenticeships.

Councillor David Cartwright noted that some professional qualifications were tax allowable.

The report was noted and the Chairman thanked the Departmental Representatives for all of their hard work.

57 COMMISSIONING

The Staff Side had asked the following question:

'In an update to the LJCC, the Director of Commissioning had previously stated that the delay in the implementation of the Cushman and Wakefield contract was because clarification had been required concerning the final pension agreement.'

The Staff Side allege that in a meeting with the Director of Culture, Renewal and Recreation and an Amey representative, it was stated that the delay in signing the contract was not related to pensions, but that there were additional problems that were not pension related.

The Staff Side are seeking clarification around what they perceive as statements that are conflicting.'

A written answer had been tabled from the Director of Commissioning:

'The issue was two-fold – but both issues were related to pensions.

1) Cushman and Wakefield thought that they had Admitted Body status to the LGPS, but late in the day they found out that they did not – specifically to make payments into Bromley Pensions.

The delay was primarily a procedural one of getting Cushman and Wakefield Admitted Body status from LGPS--which was obtained relatively quickly but took over a month. Consequently the decision was made to start Cushman and Wakefield on 1st December rather than mid-month.

2) Cushman and Wakefield also required a Bond, and as an American owned company this had to be approved by the American Board.'

The Staff Side expressed appreciation for the information that had been provided. Ms Slater commented that it would have been helpful to have received more information and clarity concerning the issue of the American Bond. The Vice Chairman wondered if all contracts required some sort of bond. Ms Slater expressed the view that another fundamental issue existed that had delayed the signing of the contract, aside from the pension agreement. She stated that TUPE processes should be clear and understandable. The Director of HR concurred with this.

The Chairman asked if there were any more issues that needed to be directed to the Director of Commissioning—there were none and so the matter was closed.

The Staff Side had asked a secondary question as follows:

'The Staff Side would like to request the publication of the full review of the Idverde contract.'

The Vice Chairman stated that she did not wish the commissioning questions to be heard by the Environment PDS Committee. She expressed the view that the matter was more suited to the LJCC, as it was a better forum for debate. She also commented that any dialogue with the Director of Environment and the Chairman of the Environment PDS Committee was welcome. The Chairman of the Environment PDS Committee (Councillor William Huntington Thresher) informed that at the next meeting of the Environment PDS Committee, members would be looking at annual reports on contracts, and that much of the information that the Staff Side were seeking may be detailed in the reports.

The Chairman explained to the Staff Side the process that they should follow in submitting questions to any PDS Committee. Councillor Huntington Thresher encouraged the Staff Side to submit questions to the PDS

Committee, and assured that the PDS would be very interested to receive the questions.

RESOLVED that any issues relating to contract monitoring and to the Idverde contract be referred to the Environment PDS Committee.

58 RISK REGISTER

The previous suggestion from Councillor Simon Fawthrop that the Staff Side be informed when the Risk Register was going to be an agenda item on PDS meetings was noted.

It was further noted that the Staff Side had recently been informed that the Public Protection Portfolio Risk Register would be an agenda item at the next meeting of the Public Protection and Safety PDS Committee on June 29th. The Portfolio Holder for Public Protection and Safety looked forward to Staff Side representatives attending the meeting.

RESOLVED that the Staff Side be informed going forward of any PDS meetings where the Risk Register would appear as an agenda item, and that the clerk email all democratic services officers to this effect.

59 AUDIT CONTROLS (2016) REPORT

The Staff Side asked why the Audit Controls (2016) Report was only published on the Intranet, and not on the Internet.

A written answer had been prepared by the Head of Internal Audit which stated:

'The Audit Controls report was a slide presentation of 16 slides lasting about 30 minutes explaining the purpose, type of recommendations made and key findings with examples. The purpose was to promote awareness of audit issues without the need for a question and answer session and is available to all staff. The decision during discussions with management was to put it on the Learning Hub of One Bromley.'

The answer from the Head of Audit was noted.

60 REPRESENTATIONS

The Staff Side had asked that consideration be given to Staff Side representation at the meetings of the Departmental Representatives. They expressed the view that they had been deliberately excluded from meetings with the Departmental Representatives, and this now meant that the only forum that they had for discussion was the LJCC. They asserted that when the Staff Side and Departmental Representatives had previously met together, the meetings were harmonious and good natured.

The Staff Side asked if a review could take place to look at the way in which Staff Side and Departmental Representative meetings were taking place, and if there was a possibility of a joint meeting.

The Director of HR commented that when a review of meeting arrangements had taken place in 2015, the Unions were consulted. He felt that the current arrangements were working well and were approved by Members. He added that separate meetings are also arranged with the unions without the departmental representatives. He gave examples of meetings with the unions without the departmental representatives. The Council Leader (Councillor Carr) stated the matter of a review should be given serious consideration and that the Council should be seen to be acting in a reasonable manner.

The Vice Chairman pointed out to the Committee that according to best practice guidelines from ACAS, a person (on the first occasion) should be able to get the representative of his/her choice if that request was reasonable. In response, the Director of HR said that Bromley Council has a very good representation arrangement which allows employees to be accompanied and represented by a person of their choice including a trade union representative, a departmental rep, a work colleague or a friend or family member. The Director of HR stated that he may be able to factor in a quarterly meeting with the Unions; the Vice Chairman responded that the Union would be glad to accept the offer of a regular meeting.

Ms Slater closed by informing that a review had not taken place for 2.5 years. She hoped that going forward, joint meetings could be arranged which would mean that in the future, not all Staff Side concerns would need to be raised at the LJCC.

Although the matter of a review was discussed, it was not passed as a formal resolution.

61 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 10th October 2017.

The Meeting ended at 7.15 pm

Chairman

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AUDIT SUB-COMMITTEE

Minutes of the meeting held at 7.00 pm on 21 June 2017

Present:

Councillor Neil Reddin FCCA (Chairman)
Councillor William Huntington-Thresher (Vice-Chairman)
Councillors Ian Dunn, Peter Fortune and Tony Owen

Also Present:

Luis Remedios, Head of Audit (until 22/6/17)
David Hogan, Head of Audit (replacing Mr Remedios)
John Bosley, Contract Manager (Waste and Refuse)
Dan Jones, Director of Environment
Charles Obazuaye, Director of HR
Garry Warner, Head of Highway Network Management
Deepali Choudhary, Principal Auditor
Linda Pilkington, Principal Auditor

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Collins.

The Chairman welcomed Mr David Hogan, the new Head of Audit, to the meeting.

2 DECLARATIONS OF INTEREST

Councillor Peter Fortune declared that his wife was a teacher at an academy trust in Bromley.

Councillor Tony Owen declared that his wife was a teacher at an academy trust in Bromley.

Councillor Neil Reddin declared that his children attended academies in the Borough and that his wife was a member of two school governing bodies.

3 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 4TH APRIL 2017

The minutes of the meeting held on 4th April 2017 were agreed as a correct record.

4 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC

No questions were received.

5 MATTERS OUTSTANDING (NOT INCLUDING EXEMPT INFORMATION) FROM THE MEETING HELD ON 4TH APRIL 2017
Report CSD17085

Members considered the Part 1 (Public) Matters Arising report. In relation to Minute 33 (Annual Internal Audit Plan 2017-2018), Mr Hogan confirmed that he was currently undertaking a review of the adequacy of resources within the Audit Team and further information would be available at the end of July 2017.

Concerning Minute 34 (Internal Audit Progress Report), the Chairman confirmed that the recent General Election had delayed progress on the letter to MPs. The letter would now be drafted and sent to Bromley MPs and the relevant Minister within the next week.

It was agreed that the matters outstanding from Minute 37/1 (Register of Staff Interests) were no longer considered to be exempt. The update from the Director of Human Resources would now be considered in Part 1 of the meeting.

The Director of HR provided an update to the Sub-Committee on the progress of returns for the Register of Staff Business Interests. A document providing a breakdown by department of non-completion was tabled. The Director of HR reported that the return rate was more encouraging than it had previously been. There were now only 40 forms outstanding from across the Council and staff within HR had been “chasing, encouraging and cajoling” in order to increase the return rate. The return rate was considered to be good but the target was a 100% return rate. The Sub-Committee were informed that not every member of staff was required to complete a declaration of business interest form. Every Senior Officer was required to complete a declaration and the requirement for other staff was dependent on their role and responsibilities.

In response to a question from the Chairman the Director of HR confirmed that there was no specific sanction for non-compliance. However, disciplinary action could be taken against a member of staff if the disciplinary issues were in anyway linked to the non-disclosure. HR impressed upon staff that completion of the Register of Business Interests was for their own protection. The Director of HR confirmed that the majority of staff interests would not be in conflict with the organisation.

The Sub-Committee noted that one particular area where more vigilance was required was that of agency staff, contractors and staff not directly employed

by the Council. These groups of staff were not as easy for HR to monitor as they were not direct employees. The Head of Audit confirmed that there were concerns around the robustness of references sought by agencies in relation to agency staff. The Director of HR reported that the Council's current contractor had been tightening up their procedures in recent years. As a result of the pressure to bring staff into the Council it was often necessary to undertake a risk assessment and make a judgement about the need to wait for references and further enhanced DBS checks.

6 QUESTIONS ON THE AUDIT REPORTS PUBLISHED ON THE WEB

No questions had been received concerning the internal audit reports that had been published on the web.

7 ANNUAL AUDIT REPORT Report FSD 17049

The Annual Audit report was presented by the Head of Audit who reported that this year the Director of Corporate Services had contributed to the Annual Governance Statement. One of the main areas for concern this year was contract monitoring issues.

The report was primarily for Member information and was intended to assist the Council in meeting the financial management and internal control requirements of the Accounts and Audit Regulations 2015. Part of the overall arrangements required the Chief Executive and the Leader to sign an Annual Governance Statement.

Included in the report were highlights of the performance of the Internal Audit function, a summary of the audits undertaken and an opinion on the overall adequacy and effectiveness of the organisation's internal control environment.

Members noted that schools that were audited were included within the report.

The Committee were reminded that Internal Audit's main objective was to assist management and Members in minimising risks, maintaining high standards and continuously improving service delivery through independent appraisal, review and advice. The report outlined the methodology employed to achieve these objectives.

The audit reviews looked at the controls in place and assessed how effective these were, together with associated risks. The Committee were informed that whilst it was Internal Audit's aim to complete the 2016/17 plan, this had been adjusted as a result of unexpected levels of unplanned activity including fraud and investigative work. To redress some of the shortfall, internal audit had bought in to the internal audit service of Mazars through the Framework Agreement operated by LB Croydon. Mazars undertook six audits from the audit plan--totalling 67 days

Internal Audit completed the majority of high risk audit reviews scheduled in 2016/17 and received positive feedback from the client departments with an overall average of over 4 out of 5 for the audit satisfaction surveys. Overall, after allowing for a number of audits that were either postponed or cancelled due to management requests/organisational change, ad hoc investigations and sickness, Internal Audit had completed about 80% of the Plan against the annual performance indicator requirement of 90%. There were seven audits where work was still in progress.

The Committee was advised that during 2015/2016, 862 audit days had been undertaken, and this included fraud and investigative work as well as mainstream audit work.

All internal work resulted in a formal report to management. Final reports were agreed with clients prior to being released and were followed up systematically in the following financial year; unless there were priority one recommendations which would be followed up within six months. All audit reports (apart from follow ups and investigations) included an opinion from internal audit based on their findings.

The report explained the four different assurance levels that were provided post audit, these were:

- Full Assurance
- Substantial Assurance
- Limited Assurance
- No Assurance

The Committee were notified that audits had been undertaken on 8 schools that were still maintained by Bromley, and that these audits had resulted in 41 recommendations.

For clarity, it was noted that there were follow up reviews for 6 schools that had been audited in 2015/16; of the 22 recommendations raised, 21 were fully implemented and 1 partially implemented and therefore re-recommended.

The main internal audit issues in 2016/17 related to contract management and monitoring, and it had been decided that a major focus of the 2017/18 plan would be to audit contract monitoring controls.

With reference to the Annual Governance Statement, the Head of Audit confirmed that adequate action plans had been agreed for all areas of identified weaknesses and Internal Audit would continue to apply close scrutiny to ensure that all current priority control weaknesses were addressed by management.

The Risk Management process had been reviewed as a result of the Ofsted report into LBB Children's Services in 2016. The various procedures put in place as a result were explained to the Committee.

Following a request from the Executive and Resources PDS Committee Zurich had been commissioned to carry out a check and challenge process on the risk registers for the three Directorates.

The control issues that had been highlighted in the audit reports were divided into the following categories:

- Organisational – the controls that provide the framework under which the system of other controls can operate effectively and efficiently.
- Financial – the system of controls that ensures the accuracy and adequacy of financial data and safeguards the organisation against possible loss due to fraud or error.
- Operational – the system of controls that ensures the efficiency and effectiveness of operations, ensures the organisation's objectives are met (and services delivered) and also safeguards the organisation against any reputational damage or other loss.
- Compliance controls – the system of controls that ensures that the organisation complies with all relevant legislation, best practice guidance and internal policies with respect to the conduct of the business.

The Portfolio Holder for Education Children and Families requested that in future a further breakdown of the number of audit days for schools be broken down to enable an analysis of the implications of the acadamisation agenda.

With reference to the Annual Governance Statement, a Member suggested that within the Statement it should be reflected that one of the Policy Development and Scrutiny (PDS) Committees had become a Select Committee. With reference to the Inspection of the Bromley Youth Offending Service by HM Inspectorate of Probation, the Portfolio Holder for Education Children and Families confirmed that the report was no longer subject to Purdah.

RESOLVED that the Annual Governance Statement be noted and approved.

8 INTERNAL AUDIT PROGRESS REPORT Report FSD17051

The Head of Audit presented the Internal Audit Progress Report which was intended to inform Members of recent audit activity across the Council and to provide updates on matters arising from the previous Audit Sub-Committee meetings.

The Sub-Committee noted the latest list of outstanding priority one recommendations attached at Appendix A of the report. A Member suggested that in the interests of transparency, in future, all the reports with Priority 1 recommendations should be named in part 1 of the agenda.

In relation to the Priority 1 recommendation concerning St Paul's Cray CE Primary School, the Head of Audit reported that a number of other issues had been picked up during the audit process which were being addressed. The Sub-Committee was advised that the recommendation pertaining to cash handling at St Paul's Cray CE Primary School remained open.

The Sub-Committee were informed that a school had received an overpayment of relief on NNDR (National Non Domestic Rates) of £103,499 as the date on which it converted to an Academy had been miscalculated. This money had now been reimbursed to the Council.

Members were updated concerning the liability of businesses to pay the Community Infrastructure Levy (CIL). There had been two priority one recommendations made in the original audit relating to the identification of CIL liable cases and the need for spot checks. It had been estimated in the previous audit that 48 cases had been identified where CIL liability had not been recorded. The Committee were briefed that the number of original assessments for liability subsequently fell to 41 and 3 of these had made payments totalling £8,126. Another 14 cases had CIL liability orders issued, totalling £79,655.

There had been a priority 1 recommendation for management to run a report from UNIFORM to identify planning applications made since 1 April 2015 where CIL liability had not been assessed and recorded. This recommendation was now regarded as implemented.

There had been a second priority 1 recommendation regarding CIL spot check visits, and this was also regarded as implemented.

Members were provided with an update following the previous audit on the Learning Disabilities Service where there had been three priority one recommendations relating to Assessments, Care and Support Plans and Service Agreements. It was noted that the recommendation relating to Assessments remained outstanding. The recommendations concerning care and support plans and service level agreements would be looked at in a future audit.

Concerning document retention and storage, Members were reminded that previously there had been two priority one recommendations relating to contract monitoring and invoice checking and also cumulative expenditure and also the requirement to undertake a comprehensive review of documents in storage. The former recommendation was considered to be implemented, whilst the latter recommendation was still open. A Member stressed the need to ensure that the costs for retrieval and return were not a disincentive to review documents that were held in storage. It was recognised that there would need to be a review of all the information held in storage in light of the new Data Protection legislation.

Members were updated concerning the audit of corporate waivers. It was still the aim to set up a fully audited corporate waiver register, possibly in an

electronic form that would enhance the audit trail, and audit controls. This matter was ongoing and would be reported back to the Committee at the November meeting.

There had been some slippage in meeting the targets of the 2016/2017 audit plan for a variety of reasons, and the Committee were informed of additional work that internal audit had undertaken outside of the audit plan.

Members were notified that 10 further internal audit reports had just been published, and this meant that 176 had been published to date.

Members approved the nomination of Deepali Choudhary, (Principal Auditor) as Auditor of the Year. This was for an outstanding piece of work in carrying out an audit of the Waste Contract, which was the biggest contract held by the Council.

The Head of Audit updated Members concerning the number of cases of suspected housing benefit fraud that had been referred by Bromley to the SFIS (Single Fraud Investigation Service). Members were still concerned at the lack of prosecutions undertaken by the SFIS, and had previously resolved to write to the DWP, expressing LBB's concerns over this. This letter had not yet been written due to the snap general election, and new ministerial appointments that may be made. However, it was still the intention of the Sub-Committee that the letter be drafted. The Chairman suggested that the concerns of the Sub-Committee surrounding delays in bringing prosecutions should also be included in the letter sent to the DWP.

The Sub-Committee were briefed that LBB were still successfully prosecuting for council tax support fraud.

In relation to training, the Head of Audit reported that there had been some problems with the link on the Bromley Learning Hub. Once the problems had been remedied the training would be relaunched and advertised amongst staff.

RESOLVED: That

- 1. The progress report and matters arising be noted;**
- 2. The Internal Audit report be noted;**
- 3. The list of Internal Audit Reports publicised on the web be noted;**
- 4. The nomination of Deepali Choudhary as Auditor of the Year be approved;**
- 5. The latest cases referred to the DWP be noted;**

6. The letter to the minister for the DWP to express LBB's concerns at the lack of prosecution for housing benefit fraud should still be drafted; and

7. The update on risks, together with actions taken to improve the risk register be noted.

9 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 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 EXEMPT MINUTES OF THE MEETING HELD ON 4th APRIL 2017

The exempt minutes of the meeting held on 4th April 2017 were agreed as a correct record.

**11 MATTERS ARISING FROM THE PREVIOUS MEETING-EXEMPT INFORMATION
Report CSD17086**

The Matters Arising report (Exempt Information) was noted.

**12 ANNUAL FRAUD & INVESTIGATION REPORT
Report FSD17050**

The report was presented by the Head of Audit and summarised all fraud and investigations undertaken for 2016/17.

The report provided a summary of all the allegations of fraud that had been received, investigations of matters not fraud related but breach of financial regulations/procedures, results of the fraud partnership with the Royal Borough of Greenwich and findings from the National Fraud Initiative (NFI) data match exercise. The report also referred to other matters such as major investigations, individual cases of interest, summary of the fraud register, proactive exercises and LBB's self- assessment of counter fraud measures arrangements against CIPFA's (Chartered Institute of Public Finance and Accountancy) Counter Fraud Code of Practice.

**13 FRAUD & INVESTIGATION
Report FSD17052**

The Committee considered a report informing Members of recent Internal Audit activity on fraud and investigations across the Council and providing an update on matters arising from previous meetings of the Audit Sub-Committee.

The Chairman reported that this was the last meeting that the current Head of Audit, Mr Luis Remedios, would attend. The Chairman thanked Mr Remedios for the support he had provided to Bromley and the Audit Sub-Committee. The Sub-Committee wished Mr Remedios well for the future. In response, Mr Remedios thanked the Sub-Committee for the challenge it had provided over the years and the work that had been done to increase the profile of audit.

The Meeting ended at 9.05 pm

Chairman

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