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DATE: 20 November 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 28 NOVEMBER 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 22nd November 2017.

4 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 12TH SEPTEMBER 2017, EXCLUDING EXEMPT INFORMATION

(Pages 3 - 12)

5 PENSIONS FORFEITURE SCHEME - OUTCOME OF CONSULTATION

(Pages 13 - 24)

6 LOCAL PENSION BOARD - APPOINTMENT OF BOARD MEMBERS

(Pages 25 - 30)

- 7 **LICENSING UPDATE - NOVEMBER 2017**
(Pages 31 - 36)

- 8 **APPOINTMENTS TO OUTSIDE BODIES**
(Pages 37 - 40)
Bromley Common and Keston ward

- 9 **UPDATES TO THE SCHEME OF DELEGATION - PUBLIC PROTECTION AND SAFETY PORTFOLIO**
(Pages 41 - 48)

- 10 **AUDIT SUB-COMMITTEE: MEMBERSHIP**
(Pages 49 - 50)

- 11 **WORK PROGRAMME 2017/18**
(Pages 51 - 54)

- 12 **LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES OF THE MEETING HELD ON 25TH OCTOBER 2017**
(Pages 55 - 60)

- 13 **APPEALS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 30TH AUGUST 2017, EXCLUDING EXEMPT INFORMATION**
(Pages 61 - 62)

- 14 **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>
15 LOCAL PENSION BOARD - APPOINTMENT OF BOARD MEMBERS (PART 2 APPENDIX) (Pages 63 - 68)	Information relating to any individual.
16 APPEALS SUB-COMMITTEE: EXEMPT MINUTES - 30TH AUGUST 2017 (Pages 69 - 80)	Information relating to any individual.

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GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.00 pm on 12 September 2017

Present:

Councillor Ian F. Payne (Chairman)
Councillor Stephen Wells (Vice-Chairman)
Councillors Vanessa Allen, Nicholas Bennett J.P.,
Kim Botting FRSA, Simon Fawthrop, David Livett,
Tony Owen, Charles Rideout QPM CVO, Tim Stevens,
Teresa Te and Michael Turner

Also Present:

Councillor Colin Smith

270 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Mary Cooke (who was replaced by Councillor Simon Fawthrop) and Councillor Ellie Harmer. Apologies for lateness were received from Councillor Kim Botting.

271 DECLARATIONS OF INTEREST

There were no declarations of interest.

272 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

273 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 11TH JULY 2017

RESOLVED that the minutes of the meeting held on 11th July 2017 (excluding exempt information) be confirmed.

274 AUDIT OF FINANCIAL STATEMENTS 2016/17 Report FSD17066

The Committee considered a report setting out the Council's 2016/17 statutory accounts for approval by Members in accordance with the requirements of the Accounts and Audit Regulations 2015. The report also detailed the conclusions and significant issues arising from the work carried out in relation to the audit of the 2016/17 accounts.

The Committee were advised that the Council's accounts and related records were made available for public inspection for 30 working days between 3rd July 2017 and 11th August 2017. This was a requirement of the Regulations and had to take place prior to the completion of the audit. An elector in the Bromley borough had raised two objections to the 2016/17 accounts:

- Waste Management and Street Cleansing Services;
- Trade Waste Collection Service.

Although the objections had no bearing on the accuracy of the accounts, the audit could not be formally concluded and an audit certificate issued until they had been resolved.

Philip Johnstone and James Seegar of KPMG, the Council's external auditors, attended the meeting to answer questions from the Committee. A Member commented that it appeared that smaller, local accountancy firms were being excluded from being able to bid for this work. Officers confirmed that there was a tendering exercise undertaken by Public Sector Audit Appointments Ltd (PSAA) and Mr Johnstone added that smaller firms did not usually meet the specified criteria to be included on the register of approved auditors.

Members questioned the auditors about the process of considering the objections. This was a long process involving discussions with the objector and the relevant Council departments – Mr Johnstone confirmed that the objections had not yet been formally accepted. There were a range of actions open to him as the auditor, which could include bringing in specialist expertise if necessary. He also confirmed that the objections had not been made solely on the basis of Internal Audit reports and that there were other matters he needed to consider.

The Committee considered the Auditor's formal recommendation about setting up a separate Pension Fund Bank Account. Officers confirmed that a cost/benefit analysis had previously been undertaken and details presented to Audit Sub-Committee. Mr Johnstone confirmed that no issues had been identified during the audit and, while required to raise the issue, the Auditors accepted the Council's position.

A Member commented on the payment of £258k to a senior officer who had left the Council. It was confirmed that this would most likely include the costs of early release of pension and was not solely related to a redundancy payment. The authority to agree redundancies had previously been delegated to the Chief Executive in consultation with the Leader.

Members raised the issue of Journal Posting. The Auditors recommended a monthly process be put in place for a sample of journals to be checked to see that they are correct. Officers responded that they were not aware of any priority one recommendations relating to this issue, but undertook to discuss this recommendation with Internal Audit. A Member requested that this matter be referred to Audit Sub-Committee for consideration.

RESOLVED that

- (a) The Council's statutory accounts for 2016/17 be approved;**
- (b) In accordance with the requirements of the Accounts and Audit Regulations 2015, following approval, the Chairman of this Committee shall sign and date the statutory statements on page 1 as a formal record of the Committee's approval;**
- (c) The external auditor's report be noted;**
- (d) The auditor's conclusion on VFM be noted;**
- (e) Agreement with the auditor's conclusion on their independence and objectivity be confirmed;**
- (f) The objections to the accounts as set out in the report be noted;**
- (g) The Chairman of this Committee be authorised to sign the letter of representation for 2016/17 on behalf of the Council as set out in Appendix 2 of report FSD17066; and**
- (h) The Annual Governance Statement accompanying the statutory statement of accounts be approved.**

275 FEEDBACK ON THE 2017 UK PARLIAMENTARY (GENERAL) ELECTION
Report CSD17025

The Committee considered a report advising Members on the key issues relating to the UK Parliamentary (General) Election held on 8 June 2017.

There had been an incident at Darrick Wood School where a member of the public had required first aid. A Member asked whether qualified First Aiders were in place at each polling station. Officers confirmed that there was no requirement for this and it would not be practical, but this was covered in the training for poll staff and in their instruction packs.

Officers confirmed that alternative sites to schools were inspected, but in many cases the school was the only practical site available. Where there were no safeguarding issues, and there was sufficient separation, schools could remain open. A catholic church had been inspected as an alternative to Darrick Wood School, but there were access issues as the hall was on the first floor, and it was in frequent use by clubs.

Some 460 postal votes had been rejected – officers confirmed that this was usually because either the signature or the date of birth was missing. Officers were required to write to the elector with an explanation of why the vote was rejected. Members requested that postal votes should be allocated at General Elections by ward rather than by constituency. Officers confirmed that there were different requirements for different types of elections, that for General

Elections there was no requirement for postal votes to be allocated by ward and to do this would be inefficient.

Members requested to be supplied with the results from the three wards in the Lewisham West and Penge constituency. It was confirmed that Bromley provided the staff for these polling stations, in consultation with Lewisham.

Residents in a small area of Beckenham (16 households, containing 41 electors) had complained that they had received duplicate polling cards. This had been investigated – it was still not clear what had happened, but it might have been linked to stops in the print run.

Some Members expressed concern that more should be done to root out postal vote fraud and abuses such as students being able to vote in two locations. Other Members commented that although the Council should investigate reported incidents it was not necessary to proactively seek out double voting. Officers confirmed that the issue of double voting was being considered at a national level by Electoral Officers and by the Cabinet Office, and the Committee therefore decided to await the outcome of these discussions.

The Chairman congratulated officers on the smooth running of the election

RESOLVED that the report be noted, and a report back on double voting be made in due course.

276 PROPOSED ARRANGEMENTS FOR THE 2018 LOCAL COUNCIL ELECTIONS
Report CSD17130

The Committee considered a report from the Returning Officer advising Members on the proposed key electoral arrangements in regard to the Local Council Elections to be held on 3 May 2018. The count had to be accurate and timely, and the major issue was whether the votes would be counted immediately following the close of the polls (overnight), or the next day. It was intended to hold the count at the Kent County Cricket Ground in Beckenham, but the Returning Officer sought the Committee's views on the timing before he made his final decision. One Member commented that the overnight count in 2006 had not gone well, and overall the Committee supported a daytime count.

The Council was waiting to hear whether it would be included in a pilot scheme requiring voters to provide a specified form of identification before being issued with a ballot paper.

RESOLVED that the report be noted.

277 COMPLAINTS - ANNUAL OMBUDSMAN LETTER
Report CS18064 ID

The Committee considered a report informing Members of the Local Government Ombudsman (LGO) annual review letter 2016 and providing a summary of complaints and enquiries received and the decisions made by the LGO about the London Borough of Bromley for the year ending 31 March 2017.

Members commented that comparable data from previous years and other authorities would be useful. The LGO reported figures individually to each authority, so a broader picture was difficult to establish, but there was data from previous years in the Council's Getting it Right reports which could identify trends. There was an increase in social care complaints to the Ombudsman, particularly related to housing issues.

RESOLVED that the report be noted.

278 TEACHERS PAY POLICY-CENTRALLY BASED STAFF
Report CEO 1631

The Committee considered a report setting out the main changes in relation to Teachers' Pay and Conditions and proposing a model pay policy for all centrally based teachers. It was confirmed that strike pay for centrally based teaching staff was calculated on a different basis to other Council officers (1/195 per day) – this was determined centrally.

RESOLVED that

(1) The report be noted; and

(2) The model pay policy in respect of Centrally based Teaching staff employed by the Local Authority which provides flexibility for Managers in determining arrangements for Pay and Progression for all Teaching staff consistent with the letter and spirit of the statutory guidance be agreed.

279 FORMAL CONSULTATION ON OUTLINE SERVICE PROPOSALS AND PROCUREMENT STRATEGY FOR THE APPOINTMENT OF AN ACTUARY
Report FSD17068

The Committee considered a report setting out proposals to re-tender the Council's contract for the provision of actuarial services for a period of six years, with an option to extend for a further period of three years. With a potential nine year contract term, the total value of the contract was estimated to be approximately £1,080k (based on estimated activity levels) and, in accordance with the Council's Contract Procedure Rules, the approval of the General Purposes and Licensing Committee was therefore required to enable the procurement process to commence.

Amended recommendations had been circulated proposing that the decisions be referred to the Pensions Investment Sub-Committee. The Chairman suggested that, in future, meetings of the Pensions Investment Sub-Committee should be scheduled to take place just before the General Purposes and Licensing Committee.

RESOLVED that authority be delegated to the Pensions Investment Sub-Committee to –

- (i) agree that the contact for the Council’s actuary be tendered and the tender process to be followed;**
- (ii) agree the contract period, including any optional extension periods;**
- (iii) award the contract following the tender process; and**
- (iv) agree the approval process for any optional contract extensions.**

280 LICENSING ACT 2003 LICENSABLE ACTIVITIES
Report ES17068

The Committee considered a report updating Members on licensable activities under the Licensing Act 2003 following recent changes to the law.

RESOLVED that the report be noted.

281 LICENSING UPDATE SEPTEMBER 2017
Report ES17069

The Committee considered a report updating Members on decisions made by the Licensing Sub Committee between 14 June and 24 August 2017. Four cases had been considered –

- 14th June 2017: Langtry’s/Bridge Bar, High Street, Beckenham: Application of a Temporary Event Notice
- 27th July 2017: Langtry’s/Bridge Bar, High Street, Beckenham: Application to extend the hours of operation
- 27th July 2017: Crystal Palace Park: Application for a one day Premises Licence by Jamaica Basic Schools Foundation
- 10th August 2017: Two Ten, High Street, Beckenham: Application to vary the Premises Licence

The Committee decided to consider the issues relating to Two Ten, High Street Beckenham in part 2 as the case was due to be considered in the Magistrate’s Court.

RESOLVED that the report be noted.

282 INDUCTION ARRANGEMENTS FOR NEW MEMBERS IN 2018
Report CSD17121

The Committee considered a report which summarised the initial plans for Member Induction after the 2018 local elections, including induction arrangements and Member IT. The plans were at an early stage and Members' views on the proposals were sought. It was intended that a survey would be carried out seeking Members' views on the Induction Programme. This would be used to make the final proposals as useful and effective as possible.

The Chairman suggested that training should be mandatory, and commented that Portfolio Holders should be actively involved in presenting the training related to their portfolios.

Although some Members liked the i-pads issued in 2014, others commented that they had limitations, and were not fit for purpose. Officers confirmed that it was intended that in 2018 there would be a choice of equipment available – probably either an i-pad or similar device, or a 2 in 1 Microsoft device. Access to the Council's systems from Members' own IT equipment via Citrix would continue.

Councillor Simon Fawthrop declared an interest during the consideration of this report as an employee of British Telecom.

RESOLVED that the current plans for Member Induction in 2018 be noted.

283 HR KEY ISSUES PRESENTATION

The Committee received a presentation from the Director of Human Resources entitled "Managing a Dream Organisation." The presentation summarised the Committee's personnel responsibilities as the employer of Council staff responsible for setting all employment frameworks and emphasised the aim of making Bromley a great place to work.

The staff headcount was now 1,556 (1,298 full time equivalents) plus 1,217 (816 full time equivalent) schools staff. The ratio of female to male staff was roughly 70/30, with 3% disabled and 14% BME. Turnover rates were 17.4% (although higher in Children's Services) with a relatively low average of 6 days sick leave taken per person per annum. Bromley was the first and only authority to leave the national terms of employment, and now offered pay awards on time every year and higher than the national settlements.

In recent years, the Council had set up a revitalised Departmental Representatives (Dep Reps) Forum, introduced the Bromley Stars awards, automated many HR processes, responded to the Apprenticeships levy and continued to provide graduate internships. Challenges included the need to train and develop the workforce, particularly to address capacity/capability

issues such as contract monitoring and management, and recruiting and retaining key staff in hard to fill roles.

284 WORK PROGRAMME 2017/18
Report CSD17120

The Committee considered its work programme for 2017/18.

RESOLVED that the report be noted.

285 PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 16TH MAY 2017, EXCLUDING EXEMPT INFORMATION

The minutes of the Pensions Investment Sub-Committee's meeting on 16th May 2017 (excluding exempt information) were received.

286 AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 21ST JUNE 2017, EXCLUDING EXEMPT INFORMATION

The minutes of the Audit Sub-Committee's meeting held on 21 June 2017 (excluding exempt information) were received.

287 APPEALS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 10TH JULY 2017, EXCLUDING EXEMPT INFORMATION

The minutes of the Appeals Sub-Committee's meeting on 10th July (excluding exempt information) were received.

288 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**

**289 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 21ST JUNE
2017**

The exempt minutes of the Audit Sub-Committee meeting held on 21st June 2017 were received.

**290 APPEALS SUB-COMMITTEE: EXEMPT MINUTES - 10TH JULY
2017**

The exempt minutes of the Appeals Sub-Committee meeting held on 10th July 2017 were received.

The Meeting ended at 9.42 pm

Chairman

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Report No.

Decision Maker: GENERAL PURPOSES & LICENSING COMMITTEE

Date: 28th November 2017

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

Title: FORFEITURE POLICY OF PENSION SCHEME RIGHTS -
OUTCOME OF CONSULTATION

Contact Officer: Angela Huggett Head of HR Strategy and Education
Tel: 020 8313 4029 Email: angela.huggett@bromley.gov.uk
David Kellond, Pensions Manager
Tel: 020 8461 7503 E-mail: david.kellond@bromley.gov.uk

Chief Officer: Director of Human Resources

Ward: Borough Wide

1. Reason for report

- 1.1 The Local Government Pension Scheme Regulations provide that in certain circumstances the accrued pension rights of scheme members may be reduced or entirely withheld. In order for this to be considered a formal procedure is required to determine in what circumstances, and to what extent the Council would seek to reduce a scheme members pension rights.
- 1.2 At its meeting on 11 July 2017 The General Purposes and Licensing Committee agreed a Forfeiture Policy in principle subject to the outcome of consultation with staff and trade unions. This report details the outcome of consultation.

2. **RECOMMENDATION(S)**

2.1 **Members of the General Purposes and Licensing Committee are asked to:**

- (i) **Consider the comments received during the consultation period and determine whether any modifications to the draft procedure should be made.**
- (ii) **Subject to (i) above approve the implementation of the Forfeiture Policy with immediate effect.**

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Pension Fund
 4. Total current budget for this head: £38.3m expenditure (pensions, lump sums, etc); £43.8m Income (contributions, investment income, etc); £943.8m total fund market value at 31st March 2017.
 5. Source of funding: Contributions to Pension Fund
-

Staff

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

Legal

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

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 6,076 current employees; 5,070 pensioners; 5,258 deferred pensioners as at 31st March 2017.
-

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 Local Government Pension Scheme (LGPS) Regulations contain a number of regulations allowing scheme employers to seek the withholding of, or reduction to, the accrued pension rights of scheme members in certain circumstances.
- 3.2 The regulations provide for this to be done in two ways. One may be used in circumstances where the former employee has left due to grave misconduct or a criminal, negligent or fraudulent act or omission in connection with their former employment and has incurred a monetary obligation to the former employer. The other may be used where a former employee has been convicted of an offence connected to their employment and because of which they have been dismissed.
- 3.3 The Policy applies solely to employees of the London Borough of Bromley. The policy will also apply to maintained school's where the Local Authority is the employer for pension purposes. Other employers within the Fund will need to determine their own position.
- 3.4 A Draft Policy was considered by the Committee at its meeting on 11 July 2017 and although agreed in principle officers were asked to review the draft and to make the policy clearer in parts particularly around decision making powers of the respective schemes.
- 3.5 Revisions were made and a draft policy was released to staff departmental representatives and to the Trade Unions for consultation purposes. The period of consultation has now closed and only one item of feedback was received during the consultation period and this was from the Trade Union UNISON.
- 3.6 Detailed below is the feedback from the Unison Regional Organiser on behalf of the Bromley Unison Branch Membership. Management's response to each point raised is detailed in bold type italics below.

3.7 UNISON Response to LB of Bromley Consultation on Pension Forfeiture Policy

"We have consulted with member representatives on our Bromley Unison Branch Committee and have the following feedback in relation to the draft Policy circulated.

UNISON members are generally not in favour of the Employer exercising the provision within their Pensions arrangements in respect of the possibility of forfeiture of a former member of staff's pension entitlements. It was felt that in the circumstances of a 'relevant criminal offence' having been committed, a court of law would be likely to have determined the appropriate punishment and it should therefore not be necessary for the Employer to implement a further sanction in the form of loss of pension. Similarly, if a member of staff has been dismissed for gross misconduct without criminal charges having been made, it is thought that the loss of employment and reputational damage should be sufficient punishment. ***(The circumstances where the policy will be used would only be in instances where either a monetary obligation has occurred to the Council as a result of an individual's misconduct or the misconduct is so serious that it would cause a loss of public confidence.)***

Whilst we understand that the intention of the Employer in this instance is to create a policy and procedure for dealing with circumstances that arise relatively rarely, UNISON is concerned that the mere fact of having such a policy in place may lead to its being used more frequently than initially envisaged. ***(Due to the limited circumstances in which Forfeiture can be considered it is not***

envisaged that the policy will be used more frequently. The number of conduct related dismissals itself is generally low, hence the use of the Forfeiture policy is likely to be very rare.)

We have some issue with the seeming lack of representation allowed for, other than that the person may make 'any representations they may wish to make in writing to the panel'. This makes some assumptions about the capacity and ability of the person concerned to do this, as well as possibly excluding the right to appoint a representative, such as a family member, Trade Union rep or solicitor to assist in providing the panel with any representations. The person may be incapacitated due to ill health (mental or physical), or they may be difficult to communicate with if they have been imprisoned, and neither of these factors should be allowed to prevent them exercising their right to make representations. It has been suggested that it may be fairer, where this is possible (and ill health or imprisonment are not prohibitive), to give the individual (or their representative) the opportunity to address the panel in person? **(This is a reasonable suggestion and the policy can be adapted to incorporate this. A proposed modification has been inserted at paragraph 5.2 of the draft policy.)**

UNISON members have also expressed concerns about the apparent lack of safeguards within the policy to ensure against it ever being intentionally or unintentionally misused or inappropriately applied. Natural justice would suggest that there should, at the very least, be a means of appeal if the former staff member believes the process to have been in some way flawed or has additional, newly arisen, evidence or mitigating factors which may need to be considered. If the right of appeal is included consideration would, of course have to be given to who would have to decide the matter – the Chief Executive or a panel of elected Members perhaps, as it would need to be people not previously involved in the case? What happens if the Chief Officer panel gets it wrong? Could the Council be liable in the event of further legal proceedings for reinstatement of the loss sustained? **(The Pension Schemes themselves provide the right to make representation directly and this would be independent of the Council. However it would not be unreasonable or inconsistent with other Council employment policies/procedures to allow an appeal stage. A panel of 3 members would be advisable as this would be consistent with the number of Chief Officers on the original panel making the decision initially.)**

If the person concerned were to have been employed by one of the Local Authority's schools, how would the Chief Officer panel be constituted? Would a panel of School Governors have to be convened? **(This is a fair point and would not be unreasonable. A Panel of Governors could be convened and then make a recommendation to the Chief Officer Panel. There is a need to demonstrate consistency of approach as well as each case being considered on its merits. In effect however this means that staff in school's would be subject to an additional layer of decision making.)**

Many concerns have been raised with regard to the rights of the partner/spouse to the pension, and the impact forfeiture may have on dependent family members, who are not guilty of any wrongdoing.

The flowchart circulated suggests that the panel should also determine "where appropriate the extent of the forfeiture". This suggests that the decision may involve the forfeiture of some proportion, but not all, of the pension entitlement in some instances however this is not necessarily made clear within the draft Policy document itself. We query how a decision might be taken with regard to part-forfeiture – for example, would this be done as a straightforward proportion (such as half, or a quarter), or would it mean forfeiture of the entitlement resulting from the Employer's contributions, whilst maintaining the funds resulting from the staff members own contributions? Perhaps more is needed within the Policy in this respect. **(Each case will be considered on its own merits and the panel will make its decision on the extent of forfeiture based on all information available to it.)**

In view of the above, under 5.4 in the Policy, we suggest the following additions;

- The impact of the forfeiture on any dependent family members and the rights of any spouse or partner/s (current or former)
- Whether the forfeiture should apply to all, or only part of, the pension

(This is a reasonable suggestion and the Policy can be adapted to incorporate this.)

We would urge the Council to consider the points submitted above very carefully due to the very serious nature of any actions that may be taken following the outcome of such a process.

Thank you for your attention to our responses.”

4. FINANCIAL IMPLICATIONS

- 4.1 Where a direction for forfeiture is issued and applied, the appropriate administering authority must transfer out of the member's pension account the benefits which are forfeited and pay the relevant Scheme employer an amount determined by an actuary as representing the capital value of those benefits. Likewise where an amount is recovered or retained, the appropriate administering authority must transfer out of the member's pension account the amount recovered or retained and pay it to the relevant Scheme employer.

5. LEGAL IMPLICATIONS

- 5.1 The details provided in this report are drawn from The Local Government Pension Scheme Regulations 2013, principally regulations 91 to 95. However, a range of similar provisions are contained within both The Local Government Pension Scheme Regulations 1997 and The Local Government Pensions Scheme (Administration) Regulations 2008. The application of the regulations from earlier versions of The Local Government Pension Scheme would apply where these were extant at the time the former employee left.

6. PERSONNEL IMPLICATIONS

- 6.1 The Forfeiture of an individual’s accrued Pension rights should only be considered in serious circumstances and certain qualifying conditions must be met. The draft policy provides a transparent and fair process for decision making in such circumstances and ensures that professional pensions advice be sought for each case being considered given the complexities of the individual pension schemes.
- 6.2 Officer’s view is that the scheme does not apply to Councillors as they are no longer entitled to be members of the Local Government Pension Scheme due to a change of regulations previously. We have however sought legal confirmation to support this view and will notify the Committee if there is any change to the advice received and if any change to the draft policy is required.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	

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Pension Forfeiture Policy

1. Purpose

1.1 Staff employed by the Council are entitled to be members of a Workplace Pension Scheme. Within the Council there are three main schemes to which staff are eligible to join:

- The Local Government Pension Scheme
- The Teachers' Pension Scheme
- The NHS Pension Scheme

1.2 Pension Scheme Regulations are complex and contain a number of provisions allowing scheme employers to seek the withholding of, or reduction to, the accrued pension rights of scheme members in certain circumstances.

1.3 This Policy sets out the decision making framework which will apply in all cases where Forfeiture of Pension may be considered regardless of which Pension Scheme the individual is a member of.

2. Scope

2.1 This policy applies to all employees of the Council who are members of a Pension Scheme. Councillors are excluded from the Policy in accordance with the Local Government Pension Scheme regulations.

3. Background

3.1 This policy sets out the arrangements for dealing with all cases where Forfeiture of Pension is being considered.

3.2 Pension rights, once earned should not be forfeited except in serious circumstances. Forfeiture will therefore not be appropriate in every case where an individual has committed a criminal offence but it should always be considered where the offence is serious and where there is or might be public interest concern about the individual's abuse of his/ her position of trust i.e. that the offence committed was either gravely injurious to the interests of the State or, more likely was liable to lead to a serious loss of confidence in the public service. It should also be considered in cases where the Council has incurred a monetary obligation as a result of grave misconduct or a criminal, negligent or

fraudulent act or omission in connection with their employment and because of which they have left employment.

4. Stage 1 - Consideration of whether an Application for Forfeiture should be made

- 4.1 Where a Chief Officer or his/her representative makes a decision to dismiss on the Grounds of Gross Misconduct **and/or** a serious relevant* Criminal Offence has occurred that would warrant consideration for forfeiture of pension the Chief Officer hearing the case will forward details of the outcome of the Dismissal Hearing to the Director of Human Resources.
- 4.2 In the circumstances where an individual resigns before either the outcome of an investigation or hearing is known or initiated **and/or** a serious relevant* criminal offence has occurred or has previously left the Council's employment and is subsequently found to have committed an offence, then the matter should be referred by the Chief Officer of the Department where the individual was employed to the Director of Human Resources.

5. Stage 2 - Convening a Chief Officer Panel

- 5.1 Upon receipt of the referral the Director of Human Resources will arrange for a Chief Officer Panel to be convened as soon as is practicable to include 3 Chief Officers one of which will be the Director of Finance who will also Chair the Panel and the Director of Corporate Services. The Panel will exclude the Director of Human Resources and any Chief Officer who has had any previous involvement in the matter. In the event that the Director of Finance or the Director of Corporate Services has been involved in the matter previously they will delegate their attendance at the Panel to another Chief Officer or appropriate representative. The Panel will also be supported by a representative from Pensions Services who will advise on the appropriateness of any action in relation to the requirements of the specific pension scheme regulations.
- 5.2 At the same time the Panel is convened the Pensions Manager will write to the employee to advise that a forfeiture application is being considered and to seek any representations they may wish to make in writing to the Panel. The Panel may consider oral representation from the person concerned or their representative if it is right and proper to do so.
- 5.3 The role of the Panel will be to determine whether in the circumstances and in consideration of the facts and merits of the case the threshold of the relevant Pension scheme is met for an application to be made for forfeiture and to ensure that consideration is applied to the discharge of the Council's legal obligations including those under the Equality Act 2010.

5.4 In reaching its decision the Panel will have due regard to the following:

- Any relevant Pension Regulations that apply **(see below)* and the advice from the Pensions representative
- The gravity of the individual's offence
- Any mitigating circumstances
- Any written representation made by the employee
- Disability in the family
- Illness at the time of the offence
- Decisions made previously in similar cases
- Any other significant information that would impact on the decision

(a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment)*

5.5 In order to assist the Panel in reaching a decision a brief report providing information relating to the above will be provided to the Panel by the Director of Human Resources.

6. Stage 3 - Chief Officer Panel Outcome

6.1 If a decision is made by the Panel not to apply for forfeiture the Director of Human Resources will inform the Pensions Manager who will write to the individual to inform them and that will be the end of the matter.

6.2 If a decision is made by the Panel to apply to the Secretary of State for forfeiture or to recover or retain a sum from former employees' pension benefits, the Director of Human Resources will inform the Pensions Manager who will make a formal application in accordance with the regulations of the relevant Pension scheme if necessary. The application will outline a full chronology of the time line of events and contain sufficient information to enable an informed decision to be made.

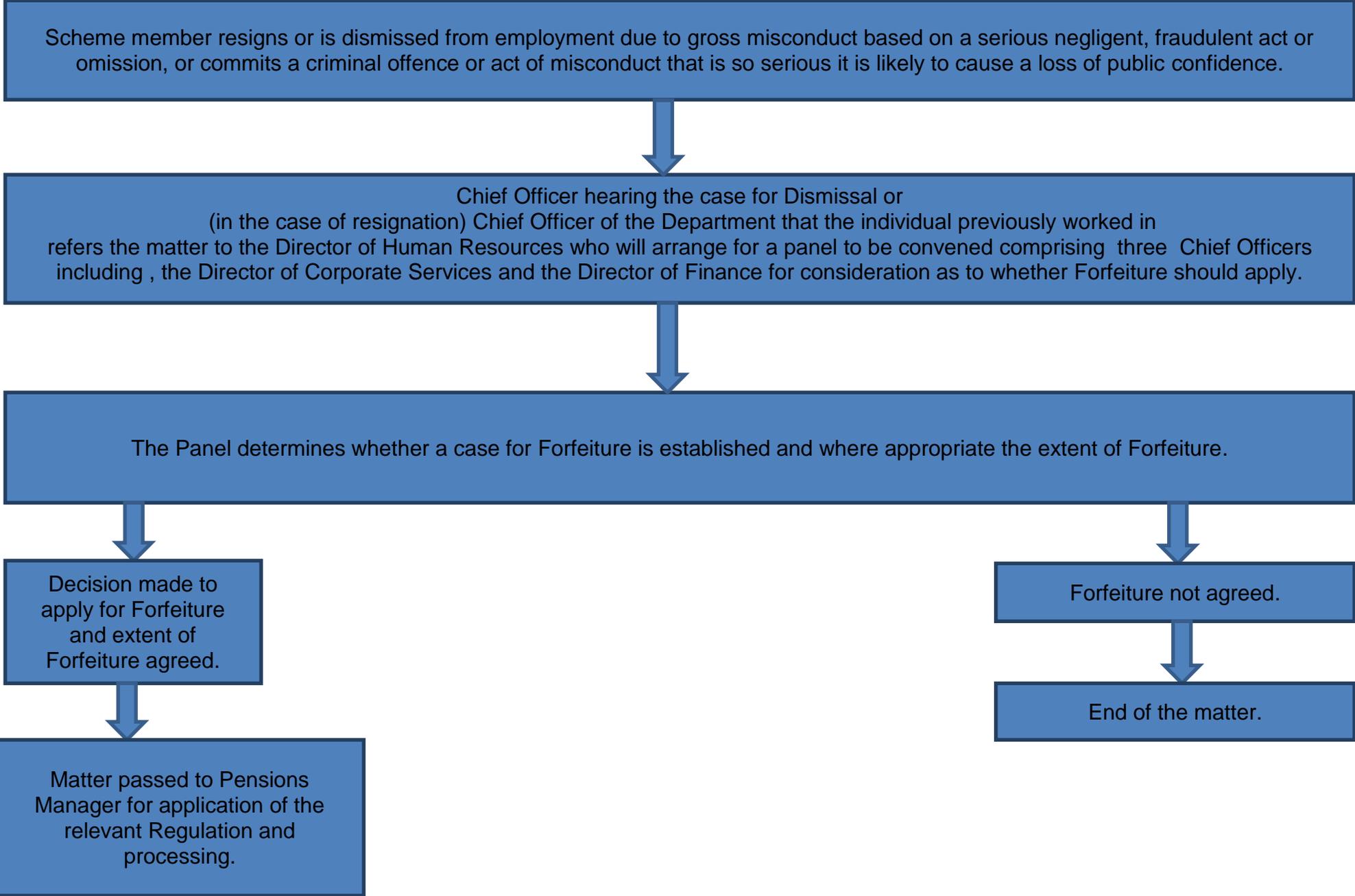
6.3 At this time the Pensions Manger will write to the individual to inform them that either an application for forfeiture is being made or that the Council has determined that a sum should be recovered or retained from the former employees pension benefits.

6.4 The Pensions Manager will liaise with the relevant scheme and will take all action required to ensure any forfeiture is correctly applied and records updated, including notifying the individual. In the event that the forfeiture application is unsuccessful the Pensions Manager will notify the Panel and the individual in writing as soon as possible.

7. Monitoring and review

- 7.1 The Director of Human Resources, Director of Corporate Services and the Pensions Manager will monitor the implementation of this policy to ensure that it meets business needs, and does not impact adversely and unlawfully on any part of the Council's workforce. They will also review this policy regularly to ensure that it remains appropriate and reflects up to date statutory guidance and Pension regulations.

PENSION FORFEITURE PROCESS



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Report No.
FSD17096

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 28 November 2017

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

Title: LOCAL PENSION BOARD - APPOINTMENT OF BOARD MEMBER

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

Chief Officer: Director of Finance

Ward: (All Wards);

1. Reason for report

- 1.1 This report seeks the required approval for the appointment of a new Member Representative to the Local Pension Board following the resignation of one of the previous members.
-

2. **RECOMMENDATION(S)**

2.1 The General Purposes and Licensing Committee is requested to:

- (i) note that Mr Tony Conboy has resigned from the Local Pension Board;
- (ii) formally appoint Mr Geoffrey Wright as a replacement Member Representative to the Board, with immediate effect (paragraph 3.10);
- (iii) note that the annual meeting of the Local Pension Board has been rescheduled pending the appointment of a new Member Representative (paragraph 3.11);
- (iv) note that the Local Pension Board Annual Report has been delayed pending the rescheduled meeting of the Local Pension Board (paragraph 3.12)

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not applicable
-

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Any costs associated with the reimbursement to Board Members of directly incurred expenses are chargeable to the Pension Fund.
 4. Total current budget for this head: £38.3m expenditure (pensions, lump sums, etc); £41.9m income (contributions, investment income, etc); £987.6m total fund market value at 31st October 2017.
 5. Source of funding: Contributions to Pension Fund
-

Personnel

1. Number of staff (current and additional): The Local Pension Board comprises of 2 Employer Representatives and two Member Representatives. The Board is supported by the Pensions Manager.
 2. If from existing staff resources, number of staff hours: n/a
-

Legal

1. Legal Requirement: Statutory Requirement: The Local Government Pension Scheme Regulations 2013 (as amended)
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 6,049 current employees; 5,171 pensioners; 5,391 deferred pensioners as at 31st October 2017.
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 At its meeting on 23rd February 2015, Council approved the establishment of a Local Pension Board and agreed its composition and terms of reference.
- 3.2 At its meeting on 27th May 2015 the General Purposes and Licensing Committee formally appointed two Member Representatives to the Local Pension Board (LPB) for a period of three years from 1st July 2015. The Committee also nominated two Employer Representatives whose appointment was approved by Council on 29th June 2015.
- 3.3 One of the appointed Member Representatives subsequently left the employment of the London Borough of Bromley and resigned from the role of Member Representative on the LPB.
- 3.4 At its meeting on 14th September 2016 the General Purposes and Licensing Committee formally appointed a replacement Member Representative, Tony Conboy. Unfortunately, Mr Conboy has given his formal resignation from the LPB and, as a consequence, we are now required to appoint a new Member Representative.
- 3.5 In accordance with Regulation 107 of the Local Government Pension Scheme (LGPS) Regulations 2013, the Board must consist of an equal number of Employer and Scheme Member Representatives with a minimum number of four in total. In line with the Council's approved composition and, as set out in the Terms of Reference, Bromley's LPB is made up of two Employer and two Member representatives.
- 3.6 The process for nominations and appointments, are set out in the approved Terms of Reference. For the purpose of appointing Member Representatives to the LPB, expressions of interest are sought from the Departmental Representatives of the London Borough of Bromley and from the relevant Trade Unions (GMB, Unite and Unison). Further nominations are sought via an advert placed on the Council's website and by way of a written appeal to all scheduled and admitted bodies. Where the number of Expressions of Interest exceed the number of vacant roles on the Board, candidates are considered, shortlisted and interviewed by an appointments panel who then make recommendations to the General Purposes and Licensing Committee to formally appoint.
- 3.7 Having sought expressions of interest as set out in paragraph 3.6, the number of responses received was disappointing, albeit consistent with previous experience, with only two responses received. The expression of interest forms are included elsewhere on the agenda as a confidential appendix to this report (Appendix 1).
- 3.8 As is required by the approved appointments process, those that expressed an interest in the role were interviewed by an appointments panel consisting of the Pensions Manager, an officer from Human Resources and the Chief Accountant. During these interviews, information was provided on the role of the LPB in assisting the Administering Authority. It was emphasised that attendance at the annual meeting of the LPB is mandatory and that Board members are also invited to attend meetings of the Pensions Investment Sub-Committee as observers with a regular agenda item providing an opportunity to address the Committee.
- 3.9 Both candidates appeared to be keen on the role and, each expressed interest in public sector pensions. Both are members of the LGPS, one being a deferred member, and the other a pensioner member. Following the interviews, the panel unanimously agreed that Mr Geoffrey Wright be recommended for appointment to the Board. Mr Wright is a former employee of the Council and a retired member of the Local Government Pension Scheme. He also holds the elected role of Retired Members Secretary of the Bromley branch of Unison. As such, Mr Wright has access to a range of training courses and material that will aid him in the role of Member Representative,

- 3.10 Members of the General Purposes and Licensing Committee are therefore requested to formally appoint Mr Geoffrey Wright to the LPB to act in the capacity of Member Representative.
- 3.11 Following the resignation of Mr Conboy and, taking into account the requirement for the attendance of at least 3 Board members at its annual meeting in order for it to be quorate, it was felt that the annual meeting should be rescheduled to allow for the appointment of a new Member Representative. It is planned for this meeting to take place in January 2018, subject to the availability of Board members.
- 3.12 As a consequence of delaying its Annual Meeting the Local Pension Board will not now publish its annual report until this has been considered at the rescheduled meeting in January 2018.

4. POLICY IMPLICATIONS

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

5. FINANCIAL IMPLICATIONS

- 5.1 Although permitted under Regulations, Local Pension Board members are not paid an allowance. As set out in the terms of reference, remuneration for Board members will be limited to a refund of actual expenses incurred in attending meetings and training.
- 5.2 As the Administering Authority the Council is required to facilitate the operation of the Local Pension Board including providing suitable accommodation for Board meetings as well as administrative support, advice and guidance. This is currently done within existing in-house resources.
- 5.3 Any costs arising from the establishment and operation of the Local Pension Board are treated as appropriate administration costs of the scheme and, as such, are chargeable to the Pension Fund.

6. PERSONNEL IMPLICATIONS

- 6.1 All Local Government Pension Scheme employers and members must have an equal opportunity to be nominated to become Board members through an open and transparent process.

7. LEGAL IMPLICATIONS

- 7.1 The Public Service Pensions Act 2013 provides primary legislation for all public service pension schemes including the Local Government Pension Scheme. A requirement is the establishment of Local Pension Board. Details on the prescribed membership requirements (as set out in secondary legislation) can be found at paragraph 3.5
- 7.2 The LGPS (Amendment) (Governance) Regulations 2015 – were laid before Parliament on 28th January 2015 and came into force on 1st April 2015.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children Procurement Implications
Background Documents: (Access via Contact Officer)	<p>Public Service Pensions Act 2013; Local Government Pension Scheme (Amendment) (Governance) Regulations 2015; Local Government Pension Scheme Regulations 2013; Local Pension Board – Pensions Investment Sub-Committee, General Purposes and Licensing Committee and Council 3rd February, 10th February and 23rd February 2015.</p> <p>Local Pension Board – Appointment of Board Members, General Purposes and Licensing Committee and Council 27th May and 29th June 2015.</p> <p>Local Pension Board – Appointment of Board Members, General Purposes and Licensing Committee 14th September 2016.</p>

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Report No.
ES17092

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 28 November 2017

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

Title: LICENSING UPDATE - NOVEMBER 2017

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

Chief Officer: Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

To update Members on

1. Decisions made by the Licensing Subcommittee between 11 August and 13 November 2017.
2. Changes to the standard report format for Licensing sub committees.
3. The appeal against the council's decision to vary the licence for 210 High St. Beckenham

2. **RECOMMENDATION(S)**

Members are asked to note this report and provide feedback on the revised format for reports to Licensing subcommittee in due course

Impact on Vulnerable Adults and Children

1. Summary of Impact: Licensing of premises under the Licensing Act 2003 provides for the protection of children from harm, and the Gambling act 2005 aims to protect children and vulnerable adults from harm and exploitation.
-

Corporate Policy

1. Policy Status: Existing Policy: The Council adopted a Statement of Licensing Policy under the Licensing Act 2003 for the period 2016-2021. We also adopted a policy in relation to the Gambling act 2005 covering the period 2016-2019. Members of Licensing sub committees use these policies as a framework when making decisions on individual applications
 2. BBB Priority: Children and Young People Excellent Council Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration:
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Public Protection and Safety Portfolio budget
 4. Total current budget for this head: £2.122m
 5. Source of funding: Existing Revenue budget 2017 / 2018
-

Personnel

1. Number of staff (current and additional): Licensing Team. Two Licensing Officers and 3.5 fte admin
 2. If from existing staff resources, number of staff hours: Not applicable
-

Legal

1. Legal Requirement: Statutory Requirement: The Council is the 'Licensing Authority' under the Licensing Act 2003 and Gambling Act 2005, and is responsible for the grant, renewal, variations and refusal of licences and their enforcement.
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The Council licences approximately 900 premises for the sale of alcohol, issues about 1000 TENS, over 3000 personal licence holders and 50 premises for gambling.
-

Ward Councillor Views

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

3. COMMENTARY

Sub Committee Hearings since 24 august 2017

- 3.1 Unusually no applications required a hearing by the Licensing Subcommittee since the last report.
- 3.2 Format of the report used for Subcommittee hearings
- 3.3 At the last meeting Member's requested that the standard format for reports to licensing subcommittee be revised and updated. This has been completed and the first hearing to use this new report format is expected on 14 November.

The new format seeks to improve the level of detail reported and now includes among other things

- Ward Cllrs responses are given greater prominence
- A table summarising any responses from the Responsible Authorities
- A more detailed summary of any licensing history of premises
- Places greater emphasis on the licensing policies

It would be helpful if Members could give feedback on the new report format so it can be further improved if necessary

3.4 Appeal against the decision to vary the licence at 210 High Street Beckenham

Following the decision of the Subcommittee to grant a variation of the licence at 210 High St Beckenham, one of the local residents has lodged an appeal.

With the agreement of all parties the first hearing date has been adjourned to allow officers time to mediate between the business and the residents. Noise monitoring has been undertaken with the view to resetting the noise limiting device. The aim being to set appropriate levels on amplified music before assessing the impact from customers using the outside area at the rear.

Although not directly relevant to the appeal a number of planning applications are due to be determined by the Planning committee shortly.

The appellant and the business are working closely with Officers. However if the issues cannot be resolved through mediation the appellant will have to proceed with the appeal to the Magistrates court. If this position is reached Member's will be informed.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

Under the Licensing Act 2003 there are four licensing objectives, one of which is the 'protection of children from harm'. Vulnerable adults and children are given protection under the Gambling Act 2005 through the licensing objective of 'protecting children and other vulnerable adults from being harmed or exploited by gambling. In making decisions Member's must promote these objectives.

5. POLICY IMPLICATIONS

The council is required to prepare statements of licensing policy under both the Licensing Act 2003 for alcohol, regulated entertainment and late night refreshment, and under the Gambling Act 2005.

6. FINANCIAL IMPLICATIONS

Decisions by Member's sitting on a Licensing Subcommittee can be challenged by way of an appeal to the Magistrates Court, or exceptionally to the High Court. This carries a potential risk of legal costs however these cannot be quantified.

7. LEGAL IMPLICATIONS

Members are exercising quasi-judicial administrative functions when determining applications as a Licensing Subcommittee. Hearings are open to the public and must be fair. In making decisions Member's need to be mindful of the legal requirements relating to the particular licensing regime, official guidance and the councils own policies, as decisions can be formally challenged .

Non-Applicable Sections:	PERSONNEL PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	[Title of document and date]

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Report No.
CSD17150

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 28th November 2017

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: Bromley Common & Keston

1. Reason for report

- 1.1 At its first ordinary meeting of the Council year on 23rd May 2017 the Committee made appointments to various outside bodies. This report deals with casual vacancies and appointments falling outside the normal annual renewal cycle. Further details are set out in section 3 of this report.

2. **RECOMMENDATIONS**

That the Committee considers the following appointments to outside bodies -

- (1) **Keston Village Hall Trust: two representatives to be appointed either (i) for the remainder of the four year term of office ending on 20th December 2020, or (ii) until May 2018 with a view to aligning appointments to the Council's electoral cycle.**
- (2) **Diocese of Rochester Board of Education: one representative for the three year term of office from 10th December 2017 to 10th December 2020.**
- (3) **London Councils: to note the following changes for 2017/18 –**

Leaders Committee - Councillor Colin Smith and Councillor Peter Fortune (deputy)
Grants Committee - (one representative and up to two reserves)
Transport and Environment Committee - (one representative and up to four reserves)

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

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

Financial

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

Personnel

1. Number of staff (current and additional): 8 posts (6.87 fte)
 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 impact: 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? Yes
2. Summary of Ward Councillors comments: Councillors Carr and Michael are content with the recommendations regarding Keston Village Hall Trust.

3. COMMENTARY

Keston Village Hall Trust

- 3.1 The Council appoints three Nominative Trustees to the Keston Village Hall Trust. The term of office is four years, with all terms due to expire on 20th December 2020. At its meeting on 14th September 2016 the Committee appointed Martyn Baker, Peter Luckens and Peter Zieminski to the Trust for the period December 2016 to December 2020. Mr Baker, who is also the Secretary of the Trust, has recently reported that both Mr Luckens and Mr Zieminski have resigned from the Trust, so there are now two vacancies. Mr Baker, on behalf of the Trust, has recommended that Mrs Pam Broughton and Mrs Maureen Marshall be appointed to replace them. Both Mrs Broughton and Mrs Marshall are currently active Co-opted Members of the Trust, and Mrs Broughton is Chair of Keston WI, who use the Hall regularly.
- 3.2 The Committee could decide to take the opportunity to bring these appointments into line with the Council's electoral cycle by making appointments at this stage just until May 2018. Four year appointments could then be made from that point that would coincide with the Council's annual and electoral cycles. This approach has been checked with the Trust, who have no objections.
- 3.3 Ward members have been advised of the situation – any comments received will be reported to the Committee.

Diocese of Rochester Board of Education

- 3.4 The Council appoints one Member to the Diocese of Rochester Board of Education. The current representative is Councillor Kate Lymer, but her three year term of office expires on 10th December 2017. The Committee is requested to nominate the Council's representative for 2017-20.

London Councils

- 3.5 Following the recent change in the Council's Leadership, the Committee is requested to confirm the Council's representatives on the London Councils Leaders Committee, Transport and Environment (TECH) Committee and Grants Committee. In May 2017, the Committee confirmed the following representatives –

Leaders Committee: Councillor Stephen Carr (reserve - Councillor Colin Smith)

Transport and Environment (TECH) Committee: Councillor Colin Smith (reserves – Councillors William Huntington-Thresher, Tim Stevens, Angela Page and Ian Dunn)

Grants Committee: Councillor Stephen Carr (reserves – Councillors Diane Smith and Colin Smith)

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

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Report No.
CSD16173

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE
COUNCIL

Date: 28th November 2017/11th December 2017

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

Title: **UPDATES TO THE SCHEME OF DELEGATION TO OFFICERS –
PUBLIC PROTECTION AND SAFETY PORTFOLIO**

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

1.1 At the annual Council meeting in May each year a Scheme of Delegation to Officers is approved by Council in respect of non-executive functions, and by the Leader in respect of executive functions. Some minor additional changes are proposed to update the delegations relating to the Public Protection and Safety Portfolio. The changes are relatively minor, and are shown in Appendix 1.

2. RECOMMENDATIONS

- (1) That Council approves the updated Public Protection and Safety Delegations to Officers in respect of non-executive functions.
- (2) That Council notes the updated Public Protection and Safety Delegations to Officers in respect of executive functions received from the Leader of the Council.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

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
-

Personnel

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

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? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. BACKGROUND

- 3.1 At the annual Council meeting in May each year a Scheme of Delegation to Officers is approved by Council in respect of non-executive functions, and by the Leader in respect of executive functions. This reflects the requirement under the Local Government and Public Involvement in Health Act 2007 that any executive powers delegated to officers have to be delegated not by Council, but by the Leader of the Council. The executive or non-executive origin of each delegation is reflected in the Scheme in a column which indicates whether the delegation is executive, non-executive, or both.
- 3.2 Some minor changes are required to the Public Protection and Safety Portfolio delegations to ensure that they remain up to date and in line with current legislation, with out of date references removed. The changes are relatively minor, and the amended wording is shown in Appendix 1.

Non-Applicable Sections:	Impact on vulnerable adults and children/Policy/Financial/Personnel/Legal/Procurement
Background Documents: (Access via Contact Officer)	Scheme of Delegation approved May 2017

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

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

or body, or any provisions the administration of which have already been delegated within this Authority.

DECS	(8)	Carry out the Council's functions with regard to public health, environmental protection control of pollution, food safety and quality, health and safety at work, pest control, communicable disease control, animal welfare, water supply and water quality, young persons and tobacco and other relevant environmental health legislation.	Council/Leader
DECS	(9)	Institute enforcement action and, subject to the Director of Corporate Services being satisfied with the evidence in each case, legal proceedings, in respect of (6), (7) and (8) above.	Council/Leader
DECS	(10)	Authorise employees and, where appropriate, inspectors to carry out functions in relation to (6), (7) and (8) above.	Council/Leader
DECS	(11)	Authorise employees to sign statutory notices in respect of functions relating to (6), (7) and (8) above.	
DECS	(12)	Authorise persons other than employees of the Council for the purposes of providing specialist advice and support in relation to (6), (7) and (8) above.	Council/Leader
DECS	(13)	Grant, renew or transfer (but not refuse or revoke) licences, registrations and authorisations relating to food safety, animal welfare, special treatments, supply and retail of alcohol, public entertainment, late night refreshment, gaming and gambling, sports grounds, scrap metal, sex establishments, caravan sites, hypnotism, environmental protection and Houses in Multiple Occupation.	Council
DECS	(14)	Manage caravan sites owned by the Council.	Leader
DECS	(15)	Carry out the Council's functions under S.16 of the Local Government (Miscellaneous Provisions) Act 1976 and authorise officers to serve notices under S.16 of the Act.	Council
DECS	(16)	Discharge functions relating to the detainment, examination and seizure of food under the Food	Council/Leader

Safety Act 1990 both within the Borough and in all local authorities in England and Wales where reciprocal arrangements exist. (In addition all local authorities in England and Wales are authorised to discharge the above functions within Bromley Borough.)

DECS	(17)	Take action under the Fire Safety and Safety at Places of Sport Act 1987 to approve but not refuse applications for certificates or licences under the Act.	Council
DECS	(18)	Employ veterinary surgeons in conjunction with the Council's functions under diseases of animals, animal welfare and other related legislation.	Leader
DECS	(19)	Authorise persons as competent engineers under Section 31 of the GLC (General Powers) Act 1973.	Council
DECS	(20)	Carry out the Council's functions under Sections 27 and 29 to 32 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of blocked and defective drains and securing of buildings.	Leader
DECS	(21)	Approve payment of compensation under the Public Health (Control of Diseases) Act 1984.	
DECS	(22)	Authorise competent Council officers to act under the provisions of the Health Act 2006, Schedule 2 (powers of entry) and Section 9 (fixed penalty notices).	Leader
DECS	(23)	Act as the "Proper Officer" under the Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008 and appoint officers from the Council, Health Protection Agency or other organisations as necessary to exercise specific functions and powers as given to them (as set out in Appendix B to this scheme.)	Leader

Regulation of Investigatory Powers

DECS	(24)	Authorise action under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.	Leader
DECS	(25)	Exercise functions and powers under the Scrap Metal Dealers Act 2013 including – (i) determining applications where refusal is being considered; 2. granting licences where there is no prospect of refusal; 3. imposing conditions as set out in section 4(9) where the site manager has relevant convictions; 4. revoking licences under specific conditions; 5. exercising the rights of entry and inspection; 6. applying to a Magistrates Court for warrants of entry; and 7. closing unlicensed sites.	Leader
CEX, DECS and DCS	(26)	Exercise functions related to the Anti-social Behaviour, Crime and Policing Act 2014 as set out in appendix 2 to the report of the Executive Director of Environment and Community Services to the Executive on 26 th November 2014.	Leader

Report No.
CSD17147

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 28 November 2017

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

Title: AUDIT SUB-COMMITTEE: MEMBERSHIP

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 Following the appointment of a new Leader of the Council at a special meeting of the Council on 25th September 2017, the majority group announced proposed changes to Committee memberships at the ordinary meeting of the Council on the same evening. Changes to various Sub-Committees were also announced by the majority group – these need to be confirmed by the relevant Committee.
- 1.2 The membership of the Audit Sub-Committee as appointed by this Committee in May 2017 was Councillors Alan Collins, Ian Dunn, Peter Fortune, Will Harmer, William Huntington-Thresher, Tony Owen and Neil Reddin. With Councillor Huntington-Thresher joining the Executive, this resulted in two executive members from the same party on the Sub-Committee which is not allowed under the Council's Constitution. Therefore, Councillor Fortune has stepped down and the Conservative Group has nominated Councillor Stephen Carr to fill the resulting vacancy.
-

2. **RECOMMENDATION**

That Councillor Stephen Carr be appointed to the Audit Sub-Committee.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

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

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Representation
 4. Total current budget for this head: £1,068,450
 5. Source of funding: 2017/18 Revenue Budget
-

Personnel

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.
-

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? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

Non-Applicable Sections:	Impact on Vulnerable Adults and Children/Policy/Finance/Personnel/Legal/Procurement
Background Documents: (Access via Contact Officer)	Minutes of Council meeting on 25 th September 2017

Report No.
CSD17155

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 28 November 2017

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

Title: WORK PROGRAMME 2017/18

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 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 (6.87fte)
 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, including licensing.
- 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, complaints, 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

Outside Bodies
Work Programme

11th July 2017

Review of Outside Bodies
Pensions Forfeiture Scheme
Licensing Update
Work Programme

12th September 2017

HR Key Issues Presentation
Audit of Financial Statements
Procurement Strategy for Appointment of an Actuary
2017 General Election
2018 Local Election
Complaints – Annual Ombudsman Letter
Teachers Pay Policy - Centrally Based Staff
Induction/Training for New Members in 2018
Licensing Update
Licensing Act 2003 Licensable Activities
Work Programme

28th November 2017

Licensing Update
Pensions Forfeiture Scheme – Consultation Feedback
Local Pension Board Membership
Scheme of Delegation – PP&S Updates
Audit Sub-Committee Membership
Outside Bodies
Work Programme

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
Licensing Update
Crime Prevention Strategy and Licensing
Council Staffing Update
2018 Elections – Pilot Voter ID Scheme
Work Programme

20th March 2018

Licensing Update
Work Programme

LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 25 October 2017

Present:

Employer's Side

Councillor Russell Mellor (Chairman)
Councillor Stephen Carr
Councillor David Cartwright QFSM
Councillor Simon Fawthrop
Councillor Keith Onslow
Councillor Angela Wilkins

Staff Side and Departmental Representatives

Duncan Bridgewater, Chief Executives
Jill Crawley, Unite
Jackie Goad, Chief Executives
Nicola Musto, Environment and Community Services
Gill Slater, Unite Representative

62 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillors Kate Lymer, Nicholas Bennett and Michael Turner. Councillor Keith Onslow attended as substitute for Councillor Bennett.

Apologies were received from Kirsty Wilkinson, Claire Harris, Kathy Smith and Mandy Henry.

63 DECLARATIONS OF INTEREST

There were no declarations of interest.

64 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 20th JUNE 2017

Gill Slater referred to section 57 of the minutes relating to 20th June 2017.

The minute read as follows:

'Ms Slater expressed the view that another fundamental issue existed that had delayed the signing of the contract, aside from the pension agreement'.

It was agreed that this should be amended to read:

'Ms Slater expressed the view that the second point, or another fundamental issue existed, that had delayed the signing of the contract, not dependent upon the pension agreement'.

Subject to the implementation of this change, the minutes were agreed and signed by the Chairman as a correct record.

Post meeting note:

The June minutes were re-published with this amendment on 26th October 2017.

65 UPDATE FROM THE DEPARTMENTAL REPRESENTATIVES

The Departmental Representatives presented a document for consideration and information. The document outlined various actions that had been suggested by staff to improve the organisation, and the progress that had been made in implementing the actions.

Jackie Goad stated that there had been a good improvement in general cleaning, and that a cleaning schedule had been established. Councillor Fawthrop noted that the lighting that was previously not working in committee room 1 was now working. He suggested that this was related to the fact that he had raised this issue with Amey at the Executive and Resources PDS Committee on 11th October 2017. He felt that it was important that LBB keep on top of the Amey contract, and that Amey should be pro-active as well as re-active.

Councillor Angela Wilkins raised the issue of the recent thefts of laptops and mobile phones. Evidence seemed to suggest that the thefts had been carried out by a contractor working for Amey. The matter had been referred to the Police. She wondered if Amey had been undertaking DBS checks, and that it would be a cause of concern if this was not the case.

The Director of Human Resources assured that theft was not normally a problem in LBB, and that even in this case, it was one person who was an employee of a contractor. The Director explained that it was not always lawful to undertake DBS checks, and it would depend on the nature of the post applied for. It was unlikely that a DBS check would be required for a cleaning post in the Council, and to carry out a DBS check when not required could constitute a breach of the individual's human rights. Amey could be asked to provide clarity on the process adopted in terms of asking for references.

Councillor Keith Onslow enquired if staff had secure spaces and if there was a clear desk policy. He expressed concern that confidential papers could also be at risk. The Director of Human Resources replied that managers and staff should make a risk assessment, and that staff did not have secure lockers. He mentioned that eventually staff would be moving into new Civic Centre accommodation and that the nature of the new accommodation would need to be taken into account.

The Committee heard that the card payment machine in the canteen was now working--a minimum spend of £5.00 was required.

Duncan Bridgewater informed that smoking shelters had now been installed. Dedicated shelters had been set up in St Blaise car park and by the Council Chamber. A communications update would follow. A minimum number of 'no smoking' signs were required.

Idverde had been asked to quote for replanting the flower bed in the courtyard of the Stockwell Building.

Nicola Musto informed that she had been continuing her work relating to well-being and mental health at work. She had presented to the heads of Human Resources and would be presenting in due course to the Departmental Representatives and the Departmental Management Team. Her aim was to raise awareness of mental health issues and to de-stigmatise.

Ms Slater approved of the work being undertaken around mental health issues, and was glad that this had been presented to Human Resources. She expressed the view that it was important to acknowledge the impact of mental health issues on people that were going through the ill-health procedures.

66 QUESTIONS ARISING FROM REPORT DHR15005--REVIEW OF EMPLOYEE REPRESENTATION ARRANGEMENTS

The Staff Side asked two questions that were based on report number DHR 15005.

This was a report that was looked at by the General Purposes and Licensing Committee on 26th March 2016. The report was entitled 'Review of Employee Representation Arrangements', written by the HR Consultancy Manager, Tammy Eglinton.

The report outlined proposals for restructuring the employee representation arrangements within Bromley Council. The report proposed to end the current secondment arrangement of staff into staff representation roles (i.e. the trade union and the staff side secretary roles) and to review the role and structure of the Departmental Representatives' Forum.

The first question was based on section 3.10 of the report:

Question 1:

Section 3.10 of the report notes:

'It is therefore proposed that a separate consultative/engagement forum for departmental representatives and a separate consultative/negotiation meeting with the trade unions are created.'

Unite would like to request an explanation of why a commitment to the GP&LC and to staff has not been organised?

The Director of Human Resources responded that meetings were taking place with the unions to fulfill all statutory obligations. These included meetings related to pay, TUPE, and any other meetings where a legal obligation to hold the meeting was required. Additionally, the Director had now set up a schedule of regular meetings which stood outside of the required statutory ones. The meetings could be about anything that the Union would like to discuss. There had been a meeting recently that had discussed pensions. Separate meetings were taking place with the Departmental Representatives.

The second question was based on section 5.3 of the report:

Question 2:

Section 5.3 of the report states:

'Ceasing of the existing arrangements will require some funding to be set aside for staff side/trade union work, so it is proposed that the £46,060 is held centrally within the Chief Executive's budget until officers know how much of this is required, and then the balance will be offered up as a future budget saving'.

Unite would like to ask how much of this money has been spent compensating departments for staff absences while carrying out Trade Union Duties--especially the Library Service that has had the vast majority of absences.

There appeared to be some confusion from the Staff Side as to the purpose of the £46k that had been set aside. The Director clarified that this sum was related to the former post occupied by Glenn Kelly as Staff Side Secretary. The sum had been set aside while the transition process to the new representative system was developing. The sum was retained for year 1, and then recouped in central funding as a saving.

Councillor Wilkins asked if the amount of time taken by staff for trade union activities could be quantified, and it was confirmed that this was the case. The Director advised that there would be a pay policy report that would be going to the GP&L Committee in March 2018. Trade Union activities undertaken by staff would be calculated in the document.

67 QUESTION ARISING FROM THE MATTER OF REPRESENTATIONS DISCUSSED AT THE MEETING ON 20th JUNE 2017

Minute 60 of the meeting held on June 20th 2017 discussed the matter of 'Representations'.

In the minutes it was noted that the Staff Side had asked if a review could take place to look at the way in which the Staff Side and Departmental

Representative meetings were taking place, and if there was a possibility of a joint meeting.

Whilst not passed as a formal resolution, Councillor Carr stated that the matter of a review should be given serious consideration, and that the Council should be seen to be acting in a reasonable manner.

Unite asked if there has been any progress made, or time-table set for this consideration.

The Director clarified that the Council had previously agreed to have two separate arrangements for meeting with the Trade Unions and with the Departmental Representatives. This had in effect only been in place for less than two years, taking an inception date of November 2015. The Director expressed the view that the current arrangements had been working well, and would be reviewed in about a year. The Director stated that the new arrangements had been set up as the old arrangements had not worked.

Ms Slater disagreed with the Director and expressed the view that the previous arrangements had worked. She felt that certain recent issues like the problem of car parking space for staff, had not been dealt with in the correct manner, and could have been dealt with by a joint forum of the Unions and the Departmental Representatives.

The Director stated that the reasons for setting up separate consultative forums had been outlined clearly in sections 3.10 and 3.12 of the report.

Ms Slater expressed the view that the Council was in a weaker position for not taking advantage of the opportunities provided by a joint discussion forum—she regarded it as a missed opportunity. She stated that the matter had not been given serious consideration as had been promised, and that the current system had been in operation for more than two years.

Councillor Carr commented that the current system had been operative for about two years and that next year would be the best time for a review. He pointed out that the Departmental Representative system had not been set up to be top down, but had been set up to provide a helpful staff forum, not a Trade Union like forum. Serious issues like the matter raised concerning staff parking would need to be dealt with daily, and could not wait for forums. This was not a trade union issue. Councillor Carr was keen to see a good working environment, and felt that it was always important to be thinking how we could make things better. Many of the day to day issues had to be dealt with by office managers.

Councillor Fawthrop declared that LBB should avoid restrictive practices and that the convening of meetings for the sake of having meetings should be avoided.

Councillor Onslow asked if the Departmental Representatives had been consulted on the matter, and would they be for or against joint forum meetings.

Ms Slater responded that the Union did not want meetings for the sake of having them, but rather they were asking not to be excluded. They could bring a different voice to the table.

The Director advised that the Departmental Representatives communicated with all staff, and that staff had an email address that could be used to communicate issues and concerns to the Departmental Representatives.

Councillor Cartwright voiced the view that line managers should manage, and that there was a danger that too many forums could undermine line management.

Ms Slater opined that there was a fundamental difference between the Trade Union representatives, and the Departmental Representatives. She stated that the Trade Union was representative of members and that the Union representatives were elected by a democratic process. This was in contrast to the Departmental Representatives who were appointed by colleagues and managers.

Councillor Fawthrop responded that the point made by Ms Salter was superfluous as not all Council employees were members of the union. He expressed the view that Trade Union branch meetings were not always democratic and that in some cases a 'closed shop' environment existed.

Ms Slater replied that this was not the case and that anyone could be elected.

68 DATE OF NEXT MEETING

The next meeting has been scheduled for 5th December 2017.

The Meeting ended at 7.24 pm

Chairman

APPEALS SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 30 August 2017 and

Present:

Councillors Councillor Charles Rideout CVO, QPM,
Councillor Melanie Stevens and Councillor Michael Turner

6 APPOINTMENT OF CHAIRMAN

RESOLVED: That Councillor Michael Turner be elected Chairman for the duration of the appeal.

7 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence.

8 DECLARATIONS OF INTEREST

Councillors Charles Rideout, Melanie Stevens, and Michael Turner all declared that they had received the email sent by the appellant on 14 October 2016. The Councillors declared they had not acted on receipt of the email and did not know the appellant in a personal capacity.

9 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 item 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.

10 GRIEVANCE APPEAL MRS V.F

In accordance with the Council's established Grievance Procedures, the Sub-Committee considered an appeal in relation to a formal grievance submitted by an employee.

Appeals Sub-Committee
30 August 2017

The Meeting ended at 12.00 pm

Chairman

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

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