

TO MEMBERS OF THE COUNCIL

Notice is hereby given that the annual meeting of the Council of the London Borough of Bromley is to be held at the Churchill Theatre, High Street, Bromley BR1 1HA on Wednesday 19 May 2021 at 6.30 pm which meeting the Members of the Council are hereby summoned to attend.

Prayers

A G E N D A

- 1 To elect the Mayor of the Borough
The Mayor to make and deliver the statutory Declaration of Office
- 2 To record the appointment of the Deputy Mayor signified to the Council in writing
- 3 Apologies for absence
- 4 Declarations of Interest
- 5 To confirm the Minutes of the meeting of the Council held on 19th April 2021 (Pages 3 - 26)
- 6 To receive an address from the Leader of the Council, if they so elect
- 7 To appoint Committees and their Chairmen and Vice-Chairmen and agree proportionality (Pages 27 - 42)

Schedule of Committee memberships attached – remaining nominations to follow.

At the end of the Council meeting, Committees will meet to appoint their Sub-Committees in line with proportionality and appoint chairmen and vice-chairmen.

- 8 To Receive the Scheme of Delegation of Executive Functions from the Leader of the Council and to approve the Scheme of Delegation of Non-Executive Functions (Pages 43 - 132)
- 9 The Mayor's announcements and communications.

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Ade Adetosoye

**Ade Adetosoye OBE
Chief Executive**

**BROMLEY CIVIC CENTRE
BROMLEY BR1 3UH
Tuesday 11 May 2021
Vol.58 No.1**

LONDON BOROUGH OF BROMLEY

MINUTES

of the proceedings of the Meeting of the
Council of the Borough
held at 7.00 pm on 19 April 2021

Present:

**The Worshipful the Mayor
Councillor Hannah Gray**

**The Deputy Mayor
Councillor Stephen Wells**

Councillors

Gareth Allatt	Peter Fortune	Tony Owen
Vanessa Allen	Kira Gabbert	Angela Page
Graham Arthur	Will Harmer	Chris Pierce
Kathy Bance MBE	Christine Harris	Neil Reddin FCCA
Yvonne Bear	Colin Hitchins	Will Rowlands
Julian Benington	Samaris Huntington-	Richard Scoates
Nicholas Bennett MA J.P.	Thresher	Suraj Sharma
Kim Botting FRSA	William Huntington-	Colin Smith
Mike Botting	Thresher	Diane Smith
Katy Boughey	Simon Jeal	Gary Stevens
Mark Brock	David Jefferys	Melanie Stevens
Kevin Brooks	Charles Joel	Harry Stranger
David Cartwright QFSM	Josh King	Kieran Terry
Mary Cooke	Kate Lymer	Michael Tickner
Aisha Cuthbert	Christopher Marlow	Pauline Tunncliffe
Ian Dunn	Robert Mcilveen	Michael Turner
Nicky Dykes	Russell Mellor	Angela Wilkins
Judi Ellis	Alexa Michael	
Robert Evans	Peter Morgan	
Simon Fawthrop	Keith Onslow	

The meeting was opened with prayers

In the Chair
The Mayor
Councillor Hannah Gray

248 Apologies for absence

Apologies for absence were received from Cllr Michael Rutherford.

249 Declarations of Interest

There were no declarations of interest.

**250 To confirm the Minutes of the meeting of the Council held on
1st March 2021**

RESOLVED that the minutes of the meeting held on 1st March 2021 be confirmed.

251 Questions

Two questions had been received from members of the public for written reply. The questions, with the answers given, are set out in Appendix A to these minutes.

Ten questions had been received from members of the Council for oral reply. The questions, with the replies given, are set out in Appendix B to these minutes.

Four questions had been received from members of the Council for written reply. The questions, with the answers given, are set out in Appendix D to these minutes.

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

Councillors Ian Dunn and Angela Wilkins had requested a statement from the Leader of the Council on the arrangements that the Council would be putting in place to hold Council and Committee meetings following the end (on 7th May 2021) of the dispensation which allowed virtual meetings.

Councillor Colin Smith stated that there was not much to make a statement about at the current stage – Members would be considering changes for the annual Council meeting later, and he did not wish to pre-empt that. There was a court case due to be heard on 21st April at which the Government's decision to restrict the use of virtual meetings was due to be challenged – following the outcome of this the Council would be aware of the options, and the Director of Corporate Services would brief all Members when that information was available. A meeting of the Urgency Committee could follow to formalise any decisions that needed to be taken.

Councillor Nicholas Bennett reported that Colonel Bob Stewart MP had asked the Government to allow Council annual meetings to take place after the end of restrictions up until the end of July, but this had been turned down. The Leader stated that there had been a large amount of correspondence on this behind the scenes and there was wide cross-party support for allowing virtual meetings to continue.

Councillor Angela Wilkins asked for clarity about whether a meeting of the Urgency Committee would be needed. The Leader stated that a meeting might be needed at short notice - he would rely on the Director's advice, but agreed that the uncertainty was not helpful.

253 Budget Monitoring 2020/21
Report CSD21046

A motion to agree a sum of £3.767m as a provision for Covid related service pressures in future years (earmarked reserve) as detailed in paragraph 3.2.1 of the report, and to agree a sum of £9.895m is set aside as a Housing Investment Fund earmarked reserve, as detailed in paragraph 3.3.12 of the report, was moved by Councillor Graham Arthur, seconded by Councillor Colin Smith and **CARRIED**.

254 Bromley Borough Community Infrastructure Levy (CIL) - Approval of CIL Charging Schedule
Report CSD21045

A motion to approve the Bromley Community Infrastructure Levy Charging Schedule at Appendix 1 to the report, with any necessary changes to indexation rates as noted in paragraph 3.13 of the report, to come into effect on 15th June 2021, was moved by Councillor Peter Morgan, seconded by Councillor Colin Smith, and **CARRIED**.

255 Basic Need Programme Update
Report CSD21053

A motion to approve the updated Basic Need Programme as set out in Appendix 3 to the report was moved by Councillor Peter Fortune, seconded by Councillor Colin Smith, and **CARRIED**.

256 Minor Constitution Changes
Report CSD21047

A motion to (i) agree the appointment of a Pensions Committee from the start of the 2021/22 Council year to replace the Pensions Investment Sub-Committee, (ii) amend the terms of reference of the General Purposes and Licensing Committee and agree the terms of reference of the new Pensions Committee as set out in Appendix A to the report, (iii) agree to modify Articles 14.4 and 14.5 of the Constitution to permit electronic execution and sealing of documents, and (iv) agree to modify Article 11 of the Constitution to clarify the separation between executive and non-executive functions, was moved by Councillor Pauline Tunncliffe, seconded by Councillor Stephen Wells and **CARRIED**.

(Councillor Russell Mellor requested that his contrary vote be recorded.)

257 Annual Scrutiny Report 2020/21
Report CSD21036

A motion to receive the Annual Scrutiny Report for 2020/21 was moved by Councillor Simon Fawthrop, seconded by Councillor Christopher Marlow and **CARRIED.**

258 SACRE Annual Report 2019-20
Report CSD21051

A motion to receive the SACRE Annual Report for the 2019/20 academic year was moved by Councillor David Jefferys, seconded by Councillor Kate Lymer and **CARRIED.**

259 To consider Motions of which notice has been given.

(1) HRH The Prince Philip

The following motion was moved by Councillor Nicholas Bennett MA JP and seconded by Councillor Colin Smith.

“This Council, on behalf of the citizens of the Borough, places on record its great sadness at the death of HRH The Prince Philip, Duke of Edinburgh and pays tribute to his distinguished record with the Royal Navy during and after the Second World War and his unstinting and loyal support for Her Majesty the Queen for more than 70 years as husband and consort. It recalls his many initiatives including the Duke of Edinburgh Awards Scheme and his early support for the protection of the world’s environment.

The Council thanks Her Worship the Mayor for her video tribute and her letter to Her Majesty the Queen and her family conveying the condolences of the Council and the people of Bromley on their sad loss.”

The motion was **CARRIED.**

(2) Permanent Exclusions

The following motion was moved by Councillor Kevin Brooks and seconded by Councillor Simon Jeal.

“Findings by the All- Party Parliamentary Youth Violence Commission, based on the most recent available Government data (2018 to 19 school year) shows that of all London boroughs, Bromley had the second highest rate of black pupils permanently excluded from secondary education.

This Council expresses concern at these findings, and recognises the damaging and long term effects that exclusion has on young people and their families. We request the Portfolio Holder for Children, Education and Families to immediately launch an inquiry into the reasons for these high rates; that inquiry is to include recommendations for action the Council can take, working

with academies and other partners, to reduce the number of black pupils being excluded.”

The motion was **LOST**.

260 Annual Council Meeting 2021
Report CSD21054

A motion to agree that the annual meeting of the Council is moved to 6.30pm on Wednesday 19th May 2021 was moved by Councillor Colin Smith, seconded by Councillor Peter Fortune and **CARRIED**.

261 The Mayor's announcements and communications.

The Mayor reported that a minute's silence had been held for HRH The Prince Philip on 10th April and again of the day of his funeral, on 17th April.

The Mayor thanked Members for attending the virtual quiz on 12th March, and thanked in particular the quiz master, Councillor Mark Brock.

The Mayor reminded Members of the following events –

- An online guided talk and walk hosted by Andy Ellis of Pudding Lane Tours from Canary Wharf to Wapping on 20th April at 7.30pm.
- The prize draw with Givergy for a Spitfire flight experience which closed on 25th April.
- The “Follow your Dreams” art competition for children up to age 11.

The Mayor's podcast series could be listened to via the following link –

<https://hannahgraymeets.podbean.com/>

She also mentioned her article in “Orpington Life” magazine.

The Meeting ended at 9.38 pm

Mayor

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COUNCIL MEETING

19th April 2021

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN REPLY

1. From Tony McPartlan to the Portfolio Holder for Resources, Commissioning and Contract Management

How much has the Council spent on commercial property outside the borough over the last 10 years and what is the current value of this portfolio?

Reply:

The Council has spent £47,690,000 on investment properties outside the Borough over the last 10 years. The Statutory Asset Valuations of 2019/2020 state the value of these investments to be £45,934,187. The 2020/21 Statutory Asset Valuations are currently being undertaken and not yet finalised.

2. From Tony McPartlan to the Portfolio Holder for Resources, Commissioning and Contract Management

What is the decision making process that drives investing in properties outside of the borough, and does the Council think that it may now be better to focus solely on investments within our own borough?

Reply:

The Council's Executive agreed in July 2017 to the following investment criteria which formed the basis of investment property purchases from this date onwards:

- Provides a net investment return of 5%;
- Provides a suitable mix of portfolio to mitigate against risks of "all eggs in one basket" i.e. variation in investment portfolio to cover void risk;
- Ability to sell the asset at a future date within a reasonable turnaround period of less than one year;
- Mitigates against problematic tenancy risks e.g. secured tenancy etc;
- Mitigates against significant repair liabilities which have a downward impact on the investment return i.e. seek full repairing leases from tenants;
- Mitigate against capital value risk – purchase in places where capital values are unlikely to fall in the longer term;

- That opportunities should be explored in economic growth areas as well as the South East. This would be the cities of Manchester and Leeds together with other areas such as Cardiff, Bristol and the Midlands;
- That the lot size should be in excess of £5m;
- That multi-let investment opportunities which provide suitable income protection and covenant should be considered, considering management costs.

However, any decision to purchase is made by the Council's Executive. The last investment purchased outside of the Borough was in 2017 and since then, we have not sought, and are not intending, to purchase any other investment properties of this nature.

COUNCIL MEETING

19th April 2021

QUESTIONS FROM MEMBERS OF THE COUNCIL FOR ORAL REPLY

1. From Cllr Angela Wilkins to the Portfolio Holder for Children, Education & Families

What information does he have concerning levels of domestic abuse since the beginning of lockdown in 2020 until now?

Reply:

We gather information on domestic abuse in the borough via a number of sources and agencies, including Bromley Children's Project, Bromley and Croydon Women's Aid, the Metropolitan Police and any referrals that we get from the MASH. Each supplies data in its own way, but it is sadly the case that levels of domestic violence abuse do appear to have increased during the lockdown. This was not unexpected, unfortunately, and officers have continued to work to support those impacted by this most heinous abuse.

2. From Cllr Kathy Bance MBE to the Portfolio Holder for Public Protection & Enforcement

There are a number of static beggars operating in the borough sitting outside cash machines or popular shops. Even with the COVID lockdown they appear free to operate in this way. Is this considered anti-social behaviour (ASB) and is there intervention to assist those in need and enforcement for the criminal beggars?

Reply:

Begging would normally be considered a Police matter which can be dealt with under the Vagrancy Act 1824, which has the power of arrest should the Police deem it appropriate. It is considered to be anti-social behaviour and Council officers do undertake targeted joint High Street patrols with the Police when begging issues are highlighted as and when required and when appropriate resources are available to do so.

LBB Public Protection Officers have a remit to deal with alleged breaches of COVID regulations by businesses, but alleged Covid breaches by people in general (which includes beggars) is a Police matter, and all reports should be made to the Police via 101 in the usual way.

Supplementary question:

I have on several occasions raised a particular incident where a beggar who is housed, so he is not a vagrant, is selling things and asking people to put money on his electric card. I have raised this with our local Police as anti-social behaviour, and they say they are working on it, but this has been several months and he is still free to do this daily.

Sometimes he walks to the location, sometimes he uses a mobility vehicle, so I just wondered if this could be raised with our Police for more stringent action, where it is clearly a criminal beggar?

Reply:

Yes, certainly, if you send me the details I will follow that up.

Additional supplementary question from Cllr Alexa Michael:

As a regular visitor and shopper in Bromley town centre, I have noticed lately that there are beggars begging around bus stops when people are waiting for buses, demanding money, sometimes quite forcibly. Could I ask the Portfolio Holder if she will raise this with the local Police so that this anti-social behaviour can be dealt with?

Reply:

Yes, of course I will.

3. From Cllr Vanessa Allen to the Leader of the Council

In the interests of public engagement and openness, will the Leader agree to continue live streaming of Council Meetings, including PDSs, sub-committees, panels etc. after we return to face to face meetings?

Reply:

It is not in my gift to set rules for Council, PDS and general Council Committees.

That decision falls to the general membership. I would anticipate this question being directed to the General Purposes & Licensing Committee to consider with a Council decision being needed if any Constitutional change were deemed necessary.

I should imagine that the answer will boil down to evidenced public demand versus the cost of providing the additional service, but that would be to second guess the Committee's thoughts and eventual recommendation.

Supplementary question:

As a member of General Purposes & Licensing Committee I would be more than happy to raise it, but that will probably be after we return to in-person meetings. We know that we have had more people watching these meetings, or some of them, at least, than we have ever had in the public gallery. It would be helpful if the Leader could support this, and could see it as a force for good in the borough.

Reply:

I am not on the General Purposes & Licensing Committee so that would be me telling them what to do. It will be a question for the General Purposes & Licensing Committee.

Additional supplementary question from Cllr Simon Fawthrop:

Is the Leader aware that the evidence on this is quite mixed, and does he agree with me that when it does go back to General Purposes & Licensing Committee they should consider all the evidence before rushing into a decision?

Reply:

I would certainly agree that all Members should consider all the evidence before they make any decision, so I do endorse that. It will be interesting to see the statistics in due course. The evidence is patchy, from what I have seen, but again, this is for General Purposes & Licensing Committee to determine not for me to instruct.

4. From Cllr Simon Jeal to the Portfolio Holder for Resources, Commissioning and Contract Management

A number of local authorities have suffered damaging cyber-attacks over the past 12 months, what action has the Council taken in response to improve the cyber security of our IT systems?

Reply:

The Council enhanced its IT security as a part of the recent IT transformation programme and we successfully dealt with recent threats and challenges without service interruption.

But, there is no room for complacency and as well as a programme of continuous improvement to our security systems we are working with government agencies to learn from both current best practice and issues which arose elsewhere to anticipate and protect against potential future vulnerabilities.

The problems faced by Cheltenham, Hackney and others have served to prompt forensic systems examination by all Councils and the detailed reports that are emerging from Hackney, shared by their Finance Director, Ian Williams, have proved to be of great value. The way in which the attack of last October was dealt with has rightly led to them being shortlisted for a national award, as indeed, so have we.

Supplementary question:

The Portfolio Holder will be aware that the Harris Federation has suffered a very sophisticated ransom-ware attack which brought down a number of its systems including email and phone lines. Can he provide assurance that the Council is engaging with academies and other public bodies across the borough to ensure that their systems are also protected against attacks, particularly where sensitive data such as our residents' medical records is concerned.

Reply:

It is difficult to give that assurance, because every organisation will be doing their own security checks, but we do liaise with all the key players across the borough and explain what we are doing, and the work being done by Mr Shukle and his team is really exceptionally good. I will have a word with him tomorrow about whether we can spin it across to academies. I will check with him and I will come back to Councillor Jeal with further details.

(Councillor Simon Fawthrop declared an interest at this point with regards to questions about IT, as he was employed by BT.)

5. From Cllr Josh King to the Portfolio Holder for Renewal, Recreation and Housing

A recent report by the BBC (<https://www.bbc.co.uk/news/uk-56510107>) indicates that in Bromley less than 20% of rough sleepers helped by the 'Everyone In' campaign are now in settled or supported accommodation. Why has Bromley performed so badly in comparison with other local authorities and what is being done to improve the Borough's performance in the future?

Reply:

The report by the BBC does not, unfortunately, provide a full picture. The key is understanding the term "Emergency Housing." The article has combined emergency accommodation placements such as hotel and hostel accommodation with genuinely decent self-contained accommodation which is spot purchased from the private sector. In Bromley, like the majority of boroughs, rough sleepers accommodated under the 'Everyone in' campaign were initially placed into hotel rooms due to the emergency situation. Since this time the vast majority have been assisted to move-on to suitable accommodation with only 7% (that is six people) currently remaining in hotel/hostel accommodation. While not all such accommodation may be "settled" in the sense meant in the article it is self-contained and suitable (flats or studios) available in the longer term for households, and thus very different from a hotel room. It is quite possible that other local authorities have reported accommodation types in different ways and indeed many have far greater numbers in hotels and hostels than is the case in Bromley. Unfortunately the BBC report did not look at that aspect and suitability of accommodation and support provided. So we now have a total of 94 identified, although we only had 12 rough sleepers before Covid. 71 are in settled accommodation that we have put them into, 26 have found their own accommodation leaving the 7% I spoke about, with one person sleeping rough by their own choice – they have been offered accommodation. Additionally, the Council has made a bid for funding under the Rough Sleepers Initiative, which, alongside funds we have already received, will assist in our efforts to source suitable long term settled accommodation.

Supplementary question from Councillor Angela Wilkins:

Do the figures you have just given include people who are camping in make-shift tents in various parks particularly in Crystal Palace Park and Betts Park.

Reply:

No, I am not aware of the numbers of people sleeping in tents in parks, or why they are there, but having heard that question I will get my officers to have a look at that issue.

Additional supplementary question from Cllr Kathy Bance: (in writing)

More powers are being given to outreach rough sleepers to manage those who will not engage. Does our homeless team see this as a positive and will those powers assist with long term rough sleepers?

6. From Cllr Ian Dunn to the Portfolio Holder for Environment & Community Services

What action is the Council taking to ensure that it will be able to deal with all applications to register historic rights of way in a timely manner, given the deadline for doing this of 2026?

Reply:

The Council will ensure that resources are available to process applications within the required timeframe.

Supplementary question:

Can you tell me how you will ensure that these resources are available?

Reply:

Through the normal management and budgetary processes.

Additional supplementary question from Cllr Vanessa Allen:

Given that the Rights of Way Sub-Committee has not met for several years it might be appropriate for them to look at this?

Reply:

The Rights of Way Sub-Committee generally only meets consider when rights of way need to be changed. I suspect that, as we get towards the date and there is a reason to evaluate the applications for rights of way, in other words to judge whether they are rights of way or not, that is when the Rights of Way Sub-Committee will want to get involved. At the moment we are not at that position.

7. From Cllr Kevin Brooks to the Portfolio Holder for Children, Education and Families

Beckenham Harris Secondary School have made the decision to prioritise Beckenham Harris Primary School pupils for its new admissions policy. Whilst acknowledging the Portfolio Holder has limited decision making due to London Borough of Bromley academisation, will he agree that the school's decision sets a dangerous precedent and that it is worrying for the parents, pupils and staff of independent junior schools?

Reply:

I am very grateful that Cllr Brooks recognises that the Council is not the admissions authority for the Harris Academy Beckenham, or any of the other secondary schools in the borough. It has long been a challenge of mine to make Members appreciate that the Council does not run the schools, and there is every chance that this is my final meeting as Portfolio Holder for Children, Education and Families it is nice to know that the message is getting across. His question asks if a new precedent will be set: I do not believe it will. There are numerous precedents for the creation of feeder schools, both within Bromley and in neighbouring boroughs.

Supplementary question:

There does seem to have been, not only on this one but, a couple of years ago with Langley Park School for Boys, a feeling from residents of this borough not to support feeder schools. Would the Portfolio Holder, or whoever may come next if this is his last meeting, want to at least get the message across to academies that residents are not supportive of feeder schools.

Reply:

The Education Department has expressed its opposition to the creation of feeder schools because it restricts choice for parents through reducing the number of open places available, which is all determined on proximity. What the local authority will do with each of these applications that comes in is that it assesses the information, it takes a factual appreciation of the situation on the ground and then it makes its recommendation to the Schools Adjudicator. As I have said, our concern is to make sure that there is sufficient school places available and so often in the past we have written to the Adjudicator to say that we oppose those feeder schools.

It is also why we are working to make sure that we get that proper expansion so we that we have suitable places. Councillor Brooks will know that we have got early approval from the DfE to open a new school and the plan is to open that in Penge in the Kent House area and work is progressing with that. So, hopefully there will be lots more places available in that area of the borough.

8. From Cllr Kieran Terry to the Portfolio Holder for Renewal, Recreation and Housing

As non-essential shops start to open following lockdown, how is the Council supporting our High Streets during the re-opening process?

Reply:

In anticipation of the re-opening of our high streets, the Council has been working for some weeks with businesses and the borough's Business Improvement Districts to put in place a range of support measures to help our local businesses re-open safely. These have included a new website especially designed to offer guidance and support for safe opening, the opportunity for individual consultations and resources for businesses to display at point of sale, provided in collaboration with retail experts SE1Media and our own public protection officers who will be visiting premises to give advice and ensure compliance.

We have also launched a public facing campaign to let shoppers know what is in place, encourage them to 'shop local' and to ask them to play their own part in a safe return to the high street through social distancing and appropriate wearing of face coverings. New signage is being rolled out across all shopping areas, with messages around social distancing and hand washing to support this and we are managing pavement licence applications to allow traders more space to trade. We also continue on a daily basis to liaise with large retailers around queue management and this will continue for the foreseeable future.

Additionally, we are delivering Restart Grants to support businesses as they reopen, as well as a range of discretionary grants to support businesses remobilise safely.

This sits alongside the many business support grants that have been distributed during lockdown. Our high streets have also benefited from enhanced cleaning regimes delivered by colleagues in Environment in preparation for the reopening.

Supplementary question:

Would the Portfolio Holder agree with me that residents, subject to doing so in a covid-secure way, should take the opportunity over the next couple of days to get out in the sunshine and support our local shops and businesses?

Reply:

I do, and I have been to the High Street in Bromley and it is like a Christmas Saturday. What does concern me is that people continue to remember the rules about social distancing and wearing masks. This is vitally important – the last thing the economy needs whether in Bromley or nationally is another lockdown, and if we do not take care that will happen.

9. From Cllr Angela Wilkins to the Portfolio Holder for Environment & Community Services

Now that you have finally become active in LB Croydon's proposals for a Low Traffic Neighbourhood (LTN) in Crystal Palace, please provide an update on what mitigations you are considering on Bromley roads to protect residents of Cintra Park and Milestone & Patterson Roads.

Reply:

Executive members and officers of the Council have been fully involved with responding to the unwanted LTN from the first minute Bromley became aware of Croydon's plans. We have been involved and on the side of residents throughout and unlike former Councillor Ahmad and yourself, we haven't sat on the fence. We have pressed Croydon to remove the barriers that were pushing huge amounts of traffic onto these narrow residential streets. If Croydon had involved us from the beginning we like to think we would have saved residents from all the negative impacts and stress that residents experienced last year. Since Croydon removed the barriers there has been much relief for those Bromley residents.

The Council is not presuming that the LTN will ever be implemented. The consultation Croydon completed on Croydon's proposed scheme showed the majority opposed it; Bromley has also highlighted its many failings. Given its proximity to our Borough, and in the absence of our support, we expect the proposed scheme will eventually be referred to the Mayor for adjudication.

We will be making representations to the Mayor on behalf of Crystal Palace residents living on both sides of the Borough boundary in continued opposition to this ill-conceived scheme if it does.

Supplementary question:

I would like to refute the idea that Councillor Ahmad and I have sat on the fence on this – that is a long way from the truth. What we have said from the beginning is that this is a cross-borough matter and it needs a cross-borough solution. You are assuming that Croydon is not going to be proceeding with this, but we are all aware

that what Croydon is doing is based on legislation passed by this Conservative government. The impact on Milestone, Patterson and Cintra Roads was unquestionably unacceptable and I have made that crystal clear from day one. What would you do if this is what Croydon proceed to do? Consultations are difficult beasts at the best of times, the question is, if this proceeds what would you do?

Reply:

I do not think I would like to proceed on hypotheticals. I do not expect this scheme to continue in the form that I have recently seen proposed. My current understanding is that the Deputy Mayor for Cycling and Walking has previously expressed comments that would suggest that there are some aspects of the proposal that he would not like to see in the scheme because they do not deliver his objectives. So I would not expect the scheme to be delivered in its current guise. On that basis I would not expect it to be delivered at all. There are a number of hurdles for it to go through and I expect it to be modified. I do not see how it is possible to deliver an answer on hypotheticals.

Additional supplementary question from Cllr Simon Fawthrop:

Has the Portfolio Holder seen or been given sight of any correspondence between Bromley Labour Party and Croydon Labour Party asking for this scheme to be scrapped, or objecting to the scheme?

Reply:

That was correspondence that was not to me, so I do not think I would have seen it.

Additional supplementary question from Cllr Kieran Terry:

Would the Portfolio Holder agree with me that the real cause of this issue is the dreadful LTN scheme imposed by Labour-run Croydon Council, with funding approved by Labour-run TfL, with no consultation with Bromley Council or with residents, and to truly support residents affected by this Councillor Wilkins should be joining Conservative members in both Bromley and Croydon asking for this to be removed altogether?

Reply:

I would agree with that. Following our pressure, and there were also other court cases, the scheme is currently being removed and I will continue to support that.

Additional supplementary question from Cllr Tony Owen:

Does the Portfolio Holder think that there is anything to learn from Harrow Council who are thinking of scrapping four Low Traffic Neighbourhoods and three new cycle lanes after a consultation found most residents opposed them.

Reply:

I have seen a report that you forwarded to me on what Harrow is looking at. I would certainly encourage Councils to listen to residents and look at schemes before they do that. Bromley's schemes have been supported by residents.

10. From Cllr Kathy Bance MBE to the Portfolio Holder for Public Protection & Enforcement

With the police and a government task force looking to make our streets safer for all, will you re-consider installing additional CCTV in Bromley's serious crime locations?

Reply:

All requests for new CCTV must be accompanied by a Privacy Impact Assessment (PIA) with supporting data from the Police. Should the Police consider an area to require CCTV surveillance, they will submit a PIA that establishes that the surveillance activity has a proper legal basis, that is undertaken in accordance with the law, and that the activity is justified and necessary to address a pressing need.

Supplementary question:

What if any action is Bromley doing to make our parks and streets safer for everyone, apart from advising people not to use our parks after dark.

Reply:

As you know, we are currently having a CCTV review, reviewing the position of all our cameras in the borough, and whether some of them can be moved to other areas. Rob Vale has a meeting coming up very soon with the Penge BID to discuss the cameras in Penge so if you would like to feed into that process please feel free to email him.

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COUNCIL MEETING

1st March 2021

QUESTIONS FROM MEMBERS OF THE COUNCIL FOR WRITTEN REPLY

1. From Cllr Ian Dunn to the Portfolio Holder for Renewal, Recreation & Housing

What % of rough sleepers have been:-

- a) allocated long term accommodation
- b) are in Temporary Accommodation
- c) are homeless?

Reply:

Of a total of 94 rough sleepers, 64% (61) have been allocated long term accommodation, 7% (6) are in temporary accommodation and 1% (1) are homeless (accommodation has been offered and refused.) A further 28% (26) were assisted to access former accommodation or secure accommodation directly.

2. From Cllr Ian Dunn to the Portfolio Holder for Environment & Community Services

Please provide the total number of Permits for Road & Street works granted to Utility Companies for the last three years, broken down by year, with the number of Permits where the Utility Company overran the time specified on the permit.

Reply:

Total Permits

2018-2019 - 25,911

2019-2020 - 23,181

2020-2021 - 19,795

Total Overruns (Section 74)

2018-2019 - 59

2019-2020 - 74

2020-2021 - 38

3. From Cllr Angela Wilkins to the Portfolio Holder for Renewal, Recreation and Housing

Please provide details of the criteria by which all discretionary COVID grant applications are being determined, along with details of where such were scrutinised by councillors.

Reply:

There have essentially been 2 types of Covid business grants available, mandatory and discretionary grants. The mandatory grants are those grants where criteria, including thresholds are set by central government and the Council facilitate payments; the discretionary grants are those where the Council has received funds to direct to the local economy and local businesses as appropriate. Typically the discretionary grants come with government guidelines, and then have an element of discretion the Council can apply. All schemes have been subject to reports, and wherever possible and time has allowed engagement with the business community. The Council have taken the approach to 'stretch' grants as far as possible and support businesses that have missed out on other payments such as the self-employment scheme, or mandatory grants.

The first tranche of discretionary business grant funding was received in May 2020. The amount received to be used for a discretionary grant scheme was £2,402,500. Report HPR2020/011 went to Pre-Decision Scrutiny by Executive, Resources and Contracts PDS Committee on 27 May 2020 and with a recommendation for approval by the Leader and that deferred authority for "limited discretion" be given to the Director of Housing, Planning, Property and Regeneration to make minor changes to the approach once additional technical guidance had been given by the Government.

At the time of the report the Government recommended targeting the following businesses for grant assistance: small businesses in shared offices or flexible workspaces (including units in larger complexes), regular market traders with fixed property costs, bed and breakfasts that pay Council tax instead of business rates and charity properties in receipt of charitable rate relief. The report also recommended including park cafes as they had missed out on previous grants as they do not pay business rates which was used to identify eligibility.

Following approval of this report a discretionary business grant was created which was called the Local Economy Business Grant. The eligibility for this grant had 3 sections: Government Mandatory Eligibility Criteria, General Eligibility Criteria and Local Eligibility Criteria. The details of the criteria were as follows:

Government Mandatory Eligibility Criteria

1. Have been trading on 11 March 2020
2. Not be in administration, insolvent or in receipt of a striking off notice
3. Not be eligible for or in receipt of a cash grant from a central government COVID-19 related scheme, including: Small Business Grant, Retail Hospitality or Leisure Grant, Fisheries Response Fund, Domestic Seafood Supply Scheme Zoos Support Fund Dairy Hardship Fund.

General Eligibility Criteria

1. The business must be a small or micro business.
2. As a result of COVID-19, the business must have sustained a fall in income of 50% or more.

Local Eligibility Criteria

1. 25% or more of your business's employees are resident in the London Borough of Bromley.
2. Business has an annual turnover of under £2m.
3. Business has an active apprenticeship or salaried internship scheme
4. If business is a charity, your charity provides direct benefit to the residents of the borough.
5. The business's main premises is in one of the borough's Renewal Areas or a Strategic Outer London Development Centre as defined in the Local Plan.
6. State Aid. Must confirm that in receiving a grant you are in compliance with State aid rules.

Second Tranche Autumn 2020

The second tranche of discretionary business grants was received in November 2020 and was for the amount of £6,646,720, referred to as Additional Restrictions Grant, which when initially announced the Council was informed would be the only payment of discretionary grant until March 2022. Given further restrictions were then announced this sum was then 'topped up' by the Government with an additional payment in February 2020 of £2,952,158.

Following engagement with the business community, including an online questionnaire, Report no. HPR2021/55 went for Pre-Decision Scrutiny by the Executive, Resources & Contracts PDS Committee 6 January 2021 and was approved by the Executive on 13 January 2021. This report set out details for the Bromley Additional Restrictions Grant Phase 1. This comprised the following schemes: Online Enterprise Hub, Business Hardship Fund, Innovation Grants scheme, Lockdown Top-up Grant and an independent Public House and clubs grant. A third report no. HPR2021/015 for recommendations for allocating ARG grant spending was circulated For Pre-Decision Scrutiny by the Renewal, Recreation and Housing PDS Committee on 15 March 2021 and given the need to support businesses quickly, was taken for Leader's decision. The approved report recommended an additional top up £1.5m with the potential to increase this to £2m with Director approval in conjunction with the Portfolio Holder through reallocating underspends not claimed on other schemes. Other schemes approved included the following:

- Grant for One Person, Home Based businesses (self Employed or Sole Directors)
- Grants to support businesses with Special Treatment License Holders
- Grants to support businesses with Pavement Licenses, trading outside
- Community Swimming Facilities

- Grants for Cultural Recovery
- Mandatory Grants Support – to support those grants where mandatory deadlines have just been missed.

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

Please provide details of funding provided by the Mayor of London to Bromley since his election in 2016. Please also provide details of cuts to funding from central government over the same period.

Reply:

The Mayor of London has charged this Council a net £181.9m since his first budget in 2017/18.

The Government has reduced funding to this Council by £15.6m over the same period.

A table detailing the breakdown of both is appended for reference. ([Appendix 1](#))

Appendix 1 (Question 4)

	GLA Funding Per Year £'000				
	<i>Cime</i> <i>Prevention</i> <i>and Property</i> <i>Inspections.</i>	<i>Adult</i> <i>Education /</i> <i>Youth</i> <i>Offending</i>	<i>Transport</i> <i>for</i> <i>London</i>	<i>GLA</i> <i>Precept</i> <i>Paid</i>	Total
2017/18	385	0	4,429	-35,143	-30,329
2018/19	406	0	3,008	-37,352	-33,938
2019/20	397	1,029	4,717	-41,134	-34,991
2020/21	445	1,692	2,818	-42,812	-37,857
2021/22*	445	1,630	<i>Not</i> <i>known</i>	-46,884	-44,809
Total	2,078	4,351	14,972	-203,325	-181,924

	Central Gov Funding £'000		
	<i>Loss of</i> <i>Core Grant</i>	<i>Other</i> <i>Grant</i> <i>Reductions</i>	Total
	9,620	508	10,128
	5,400	2,607	8,007
	3,600	-3,033	567
	-616	-1,685	-2,301
	-448	-271	-719
	17,556	-1,874	15,682

*2021/22 - include budgeted/projected figures where available

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COUNCIL APPOINTMENTS 2021/22

(Some nominations to follow)

1. POLICY DEVELOPMENT AND SCRUTINY COMMITTEES

(A) Proportionality and Size Of Committees

RECOMMENDED that the Committee sizes and proportionality indicated below be agreed.

	Size	Conservative	Labour	Independent
Executive, Resources and Contracts*	15	12	2	1
Adult Care and Health*	9	7	2	-
Children, Education, and Families*	9	7	2	-
Environment & Community Services*	9	7	1	1
Public Protection and Enforcement*	9	7	1	1
Renewal, Recreation and Housing*	9	7	1	1

* Plus any Co-opted members appointed at the first meeting of PDS Committees as appropriate

(B) Appointment of Members to Policy Development and Scrutiny Committees

RECOMMENDED that the following Schedule of Members to serve on Policy Development and Scrutiny Committees for the Municipal Year 2021/22 be agreed.

(i) EXECUTIVE, RESOURCES AND CONTRACTS PDS COMMITTEE
(To include the Chairmen of other PDS Committees)

	<u>Councillors</u>
1	Christopher Marlow (CH)
2	Kira Gabbert (VC)
3	Yvonne Bear
4	Nicholas Bennett
5	David Cartwright
6	Mary Cooke
7	Nicky Dykes
8	Robert Evans
9	Will Harmer
10	Colin Hitchins
11	Melanie Stevens (IND)
12	Michael Tickner
13	Pauline Tunncliffe
14	??? (LAB)
15	??? (LAB)
**	Plus Co-opted Members as appropriate

(ii) ADULT CARE AND HEALTH PDS COMMITTEE

	<u>Councillors</u>
1	Mary Cooke (CH)
2	Gareth Allatt (VC)
3	Kim Botting
4	Aisha Cuthbert
5	Judi Ellis
6	Robert Evans
7	David Jefferys
8	??? (LAB)
9	??? (LAB)
**	Plus Co-opted Members as appropriate

(iii) CHILDREN, EDUCATION & FAMILIES PDS COMMITTEE

	<u>Councillors</u>
1	Nicky Dykes (CH)
2	Judi Ellis (VC)
3	Hannah Gray
4	Christine Harris
5	Robert Mcilveen
6	Neil Reddin
7	Stephen Wells
8	??? (LAB)
9	??? (LAB)
**	Plus Co-opted Members as appropriate

(iv) ENVIRONMENT & COMMUNITY SERVICES PDS COMMITTEE

	<u>Councillors</u>
1	Will Harmer (CH)
2	Robert Mcilveen (VC)
3	Simon Fawthrop
4	Samaris Huntington-Thresher
5	Christopher Marlow
6	Melanie Stevens (IND)
7	Harry Stranger
8	Kieran Terry
9	??? (LAB)
**	Plus Co-opted Members as appropriate

(v) PUBLIC PROTECTION AND ENFORCEMENT PDS COMMITTEE

	<u>Councillors</u>
1	David Cartwright (CH)
2	Colin Hitchins (VC)
3	Julian Benington (IND)
4	Kim Botting
5	Mike Botting
6	Hannah Gray
7	Alexa Michael
8	Chris Pierce
9	??? (LAB)
**	Plus Co-opted Members as appropriate

(vi) RENEWAL, RECREATION AND HOUSING PDS COMMITTEE

	<u>Councillors</u>
1	Yvonne Bear (CH)
2	Gary Stevens (VC)
3	Julian Benington (IND)
4	Aisha Cuthbert
5	Christine Harris
6	Charles Joel
7	Will Rowlands
8	Richard Scoates
9	??? (LAB)
**	Plus Co-opted Members as appropriate

(C) Appointment of Chairman and Vice-Chairman

RECOMMENDED that the following Councillors be appointed as Chairman and Vice-Chairman of Policy Development and Scrutiny Committees for 2021/22.

	<u>Chairman</u>	<u>Vice-Chairman</u>
Executive, Resources and Contracts	Christopher Marlow	Kira Gabbert
Adult Care and Health	Mary Cooke	Gareth Allatt
Children, Education and Families	Nicky Dykes	Judi Ellis
Environment and Community Services	Will Harmer	Robert Mcilveen
Public Protection and Enforcement	David Cartwright	Colin Hitchins
Renewal, Recreation and Housing	Yvonne Bear	Gary Stevens

2. GENERAL PURPOSES AND LICENSING COMMITTEE

(A) Proportionality, Size of Committee and Terms of Reference

RECOMMENDED that the Committee size and proportionately indicated above be agreed.

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
General Purposes and Licensing Committee	15	12	2	1

(B) Membership of the General Purposes and Licensing Committee

RECOMMENDED that the following Schedule of Members to serve on the General Purposes and Licensing Committee be agreed.

GENERAL PURPOSES AND LICENSING COMMITTEE

	<u>Councillors</u>
1	Pauline Tunnicliffe (CH)
2	Michael Turner (VC)
3	Gareth Allatt
4	Nicholas Bennett
5	Mark Brock
6	Robert Evans
7	Kira Gabbert
8	Colin Hitchins
9	Alexa Michael
10	Neil Reddin
11	Harry Stranger
12	Stephen Wells
13	Melanie Stevens (IND)
14	??? (LAB)
15	??? (LAB)

(C) Appointment of Chairmen and Vice-Chairman

RECOMMENDED that the following Councillors be appointed as Chairman and Vice-Chairman of the General Purposes and Licensing Committee.

	<u>Chairman</u>	<u>Vice-Chairman</u>
GENERAL PURPOSES AND LICENSING COMMITTEE	Pauline Tunnicliffe	Michael Turner

3. DEVELOPMENT CONTROL COMMITTEE

(A) Proportionality and size of Committee

RECOMMENDED: That the Committee size and proportionately indicated below be agreed.

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Development Control Committee	17	14	2	1

(B) Membership of Development Control Committee

RECOMMENDED that the Schedule of Members to serve on Development Control Committee be agreed as follows.

DEVELOPMENT CONTROL COMMITTEE

	<u>Councillors</u>
1	Alexa Michael (CH)
2	Yvonne Bear (VC)
3	Julian Benington (IND)
4	Katy Boughey
5	Peter Dean
6	Simon Fawthrop
7	Christine Harris
8	Colin Hitchins
9	Samaris Huntington-Thresher
10	William Huntington-Thresher
11	Charles Joel
12	Tony Owen
13	Richard Scoates
14	Kieran Terry
15	Michael Turner
16	??? (LAB)
17	??? (LAB)

(C) Appointment of Chairman and Vice-Chairman

RECOMMENDED: that the following Councillors be appointed as Chairman and Vice-Chairman of the Development Control Committee.

	<u>Chairman</u>	<u>Vice-Chairman</u>
DEVELOPMENT CONTROL COMMITTEE	Alexa Michael	Yvonne Bear

4. PENSIONS COMMITTEE

(A) Proportionality, Size of Committee and Terms of Reference

RECOMMENDED that the Committee size and proportionately indicated above be agreed.

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
General Purposes and Licensing Committee	7	6	1	0

(B) Membership of the Pensions Committee

RECOMMENDED that the following Schedule of Members to serve on the Pensions Committee be agreed.

PENSIONS COMMITTEE

	<u>Councillors</u>
1	Keith Onslow (CH)
2	Gary Stevens (VC)
3	Simon Fawthrop
4	Kira Gabbert
5	Christopher Marlow
6	Tony Owen
7	??? (LAB)

(C) Appointment of Chairmen and Vice-Chairman

RECOMMENDED that the following Councillors be appointed as Chairman and Vice-Chairman of the Pensions Committee.

	<u>Chairman</u>	<u>Vice-Chairman</u>
PENSIONS COMMITTEE	Keith Onslow	Gary Stevens

5. **STANDARDS COMMITTEE** (5 Councillors)

RECOMMENDED that

(1) Councillors Nicholas Bennett, Michael Tickner and Stephen Wells (Conservative), ??? (Labour) and Melanie Stevens (Independent) be appointed to serve on the Standards Committee for the 2021/22 Municipal Year

(2) Dr Simon Davey and Mr Ken Palmer be appointed as co-opted members of the Committee for 2021/22.

6. **STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION (SACRE)** (7 Councillors)

(A) Proportionality and size of SACRE

<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
7	6	1	0

(B) Membership of SACRE

RECOMMENDED that Councillors Kim Botting, Mike Botting, Robert Evans, David Jefferys, Kate Lymer and Pauline Tunnicliffe (Conservative) and ??? (Labour), be appointed to serve on SACRE for the 2021/22 Municipal Year (one Conservative vacancy).

7. **PANELS**

(A) Proportionality and size of Appointment Panels (as and when required)

RECOMMENDED that the Panel sizes and proportionality indicated below be agreed.

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Appointment Panels	8	7	1	0
Chief Officer Diciplinary Panels	7	6	1	0
Chief Executive Annual Review Panel	9	7	1	1

(B) Membership of Panels

(i) APPOINTMENT PANELS

RECOMMENDED: that Appointment Panels to fill vacancies for Chief and Deputy Chief Officer posts should compose 8 Members as follows; the Leader of the Council, a majority Party Member of the Executive, a majority Party PDS Chairman, the Chairman or Vice-Chairman of the General Purposes and Licensing Committee, one Labour Member and up to 3 other Majority Party Members nominated by the Leader of the Council.

(ii) CHIEF OFFICER DISCIPLINARY PANEL

RECOMMENDED: that Chief Officer Disciplinary Panels for Chief and Deputy Chief Officer posts should compose 7 Members as follows; the Leader of the Council, a majority Party Member of the Executive, a majority Party PDS Chairman, one Labour Member, and 3 Members from the following 4 choices:

Either the Chairman of the General Purposes and Licensing Committee, the Vice-Chairman of the General Purposes and Licensing Committee, a second Majority Party Member of the Executive or a second Majority Party Member PDS Chairman.

(iii) CHIEF EXECUTIVE ANNUAL REVIEW PANEL

RECOMMENDED: that the Chief Executive Remuneration Panel should compose 9 Members as follows; the Leader of the Council, the Deputy Leader of the Council, the Resources, Commissioning and Contracts Portfolio Holder, the Leaders of the Minority Groups (or their nominee) and up to four other Majority Party Members.

8. URGENCY COMMITTEE

RECOMMENDED: that the Urgency Committee be composed of the Mayor, the Chairman of the General Purposes and Licensing Committee, the Chairman of the Executive, Resources and Contracts PDS Committee, the relevant Portfolio Holder or Committee Chairman and the Leaders of the three largest party groups.

9. SAFER BROMLEY PARTNERSHIP

RECOMMENDED that the Portfolio Holder for Public Protection and Enforcement, Councillor Angela Page, be appointed as the Council representative on the Safer Bromley Partnership.

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COMMITTEE APPOINTMENTS 2021/22

(To be considered after the end of the Annual Council meeting)

1. DEVELOPMENT CONTROL COMMITTEE APPOINTMENTS

(A) PROPORTIONALITY OF SUB-COMMITTEES

RECOMMENDED that the following proportionality be agreed -

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Plans Sub No. 1	9	8	1	0
Plans Sub No. 2	9	8	1	0
Plans Sub No. 3	9	8	1	0
Plans Sub No. 4	9	8	1	0

(B) MEMBERSHIP OF SUB-COMMITTEES

RECOMMENDED that the following Schedule of Members to serve on the Sub-Committees of the Development Control Committee be agreed.

(i) PLANS SUB-COMMITTEE NO. 1

	<u>Councillors</u>
1	Alexa Michael (CH)
2	Christine Harris (VC)
3	Katy Boughey
4	Kira Gabbert
5	Samaris Huntington-Thresher
6	Charles Joel
7	Tony Owen
8	Suraj Sharma
9	??? (LAB)

(ii) PLANS SUB-COMMITTEE NO. 2

	<u>Councillors</u>
1	Kieran Terry (CH)
2	Michael Turner (VC)
3	Mark Brock
4	Peter Dean
5	Nicky Dykes
6	Colin Hitchins
7	Will Rowlands
8	Richard Scoates
9	??? (LAB)

(iii) PLANS SUB-COMMITTEE NO. 3

	<u>Councillors</u>
1	Katy Boughey (CH)
2	Tony Owen (VC)
3	Christine Harris
4	Samaris Huntington-Thresher
5	William Huntington-Thresher
6	Charles Joel
7	Alexa Michael
8	Keith Onslow
9	??? (LAB)

(iv) PLANS SUB-COMMITTEE NO. 4

	<u>Councillors</u>
1	Richard Scoates (CH)
2	Colin Hitchins (VC)
3	Gareth Allatt
4	Aisha Cuthbert
5	Kate Lymer
6	Neil reddin
7	Kieran Terry
8	Michael Turner
9	??? (LAB)

(C) APPOINTMENT OF CHAIRMEN AND VICE CHAIRMEN

RECOMMENDED: that the following Councillors be appointed as Chairmen and Vice Chairmen of the Sub-Committees of the Development Control Committee.

PLANS SUB-COMMITTEE NO. 1	Alexa Michael	Christine Harris
PLANS SUB-COMMITTEE NO. 2	Kieran Terry	Michael Turner
PLANS SUB-COMMITTEE NO. 3	Katy Boughey	Tony Owen
PLANS SUB-COMMITTEE NO. 4	Richard Scoates	Colin Hitchins

2. GENERAL PURPOSES AND LICENSING COMMITTEE APPOINTMENTS

(A) PROPORTIONALITY OF SUB-COMMITTEES

RECOMMENDED that the proportionality of Sub-Committees be agreed as follows -

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Audit Sub-Committee	7	6	1	0
Industrial Relations Sub-Committee	7	6	1	0
Local Joint Consultative Cttee	9	8	1	0
Rights of Way Sub-Committee	7	6	1	0

(B) MEMBERSHIP OF SUB-COMMITTEES

RECOMMENDED that the Schedule of Members to serve on the Sub-Committees of the General Purposes and Licensing Committee be agreed as below.

(i) AUDIT SUB-COMMITTEE

	<u>Councillors</u>
1	Neil Reddin (CH)
2	Robert Evans (VC)
3	Gareth Alatt
4	Simon Fawthrop
5	Tony Owen
6	Stephen Wells
7	??? (LAB)

(ii) INDUSTRIAL RELATIONS SUB-COMMITTEE (to include Leader, Deputy Leader, Chairman and Vice-Chairman of the General Purposes and Licensing Committee.)

	<u>Councillors</u>
1	Colin Smith (CH)
2	Kate Lymer (VC)
3	David Cartwright
4	Christopher Marlow
5	Pauline Tunnicliffe
6	Michael Turner
7	??? (LAB)

(iii) LOCAL JOINT CONSULTATIVE COMMITTEE (to include Leader or named Deputy, Chairman of Executive, Resources and Contracts Policy Development and Scrutiny Committee or named Deputy and Chairman of the General Purposes and Licensing Committee or named Deputy)

	<u>Councillors</u>
1	Simon Fawthrop (CH)
2	Nicholas Bennett
3	David Cartwright
4	Christopher Marlow
5	Michael Rutherford
6	Colin Smith
7	Pauline Tunnicliffe
8	Michael Turner
9	??? (LAB)

(iv) RIGHTS OF WAY SUB-COMMITTEE

	<u>Councillors</u>
1	Mike Botting
2	Simon Fawthrop
3	Richard Scoates
4	Harry Stranger
5	Kieran Terry
6	Michael Tickner
7	??? (LAB)

(v) APPEALS SUB-COMMITTEE

RECOMMENDED:

(1) that all Members of the Council, except Executive Members, be eligible for appointment to the Appeals Sub-Committee.

(2) three Members be drawn as required, to constitute an Appeals Sub-Committee.

(vi) LICENSING SUB-COMMITTEE

RECOMMENDED:

(1) that all Members of the General Purposes and Licensing Committee be eligible for appointment to the Licensing Sub-Committee;

(2) three Members be drawn as required, to constitute a Licensing Sub-Committee.

(C) APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

RECOMMENDED that the following Councillors be appointed as Chairman and Vice-Chairman of the Sub-Committees of the General Purposes and Licensing Committee.

AUDIT SUB-COMMITTEE	Neil Reddin	Robert Evans
INDUSTRIAL RELATIONS SUB-COMMITTEE	Colin Smith	Kate Lymer
LOCAL JOINT CONSULTATIVE COMMITTEE	Simon Fawthrop	(Staff-side appointment)
RIGHTS OF WAY SUB-COMMITTEE	-	-

3. ADULT CARE AND HEALTH PDS COMMITTEE - APPOINTMENTS

(A) PROPORTIONALITY OF SUB-COMMITTEE

RECOMMENDED that the following proportionality be agreed.

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Health Scrutiny Sub-Committee	9	8	1	0

(B) MEMBERSHIP OF SUB-COMMITTEE

RECOMMENDED that the following Schedule of Members to serve on the Sub-Committee of the Adult Care and Health PDS Committee be agreed.

HEALTH SCRUTINY SUB-COMMITTEE

	<u>Councillors</u>
1	Mary Cooke (CH)
2	Gareth Allatt (VC)
3	Kim Botting
4	Aisha Cuthbert
5	Judi Ellis
6	Robert Evans
7	David Jefferys
8	
9	??? (LAB)

Plus Co-opted Members as appropriate, and as appointed to the Care Services PDS Committee.

(C) APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

RECOMMENDED: that the following Councillors be appointed as Chairman and Vice Chairman of the Sub-Committee of the Adult Care and Health PDS Committee.

HEALTH SCRUTINY SUB-COMMITTEE	Mary Cooke	Gareth Allatt
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4. CHILDREN, EDUCATION AND FAMILIES PDS COMMITTEE - APPOINTMENTS

(A) PROPORTIONALITY OF SUB-COMMITTEE

RECOMMENDED that the following proportionality be agreed.

	<u>Size</u>	<u>Conservative</u>	<u>Labour</u>	<u>Independent</u>
Children, Education and Families Budget Sub-Committee	6	5	1	0

(B) MEMBERSHIP OF SUB-COMMITTEE

RECOMMENDED that the following Schedule of Members to serve on the Sub-Committee of the Education, Children and Families PDS Committee be agreed. (Nominations to follow)

CHILDREN, EDUCATION AND FAMILIES BUDGET SUB-COMMITTEE

	<u>Councillors</u>
1	(CH)
2	(VC)
3	
4	
5	
6	(LAB)

Plus Co-opted Members as appropriate, and as appointed to the Children, Education Families PDS Committee

(C) APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

RECOMMENDED: that the following Councillors be appointed as Chairman and Vice Chairman of the Sub-Committee of the Education, Children and Families PDS Committee.

CHILDREN, EDUCATION AND FAMILIES BUDGET SUB-COMMITTEE		
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Report No.
CSD21058

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: COUNCIL

Date: Wednesday 19 May 2021

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

Title: TO RECEIVE THE SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS FROM THE LEADER OF THE COUNCIL, AND TO APPROVE THE SCHEME OF DELEGATION OF NON-EXECUTIVE FUNCTIONS

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 2.1 At the Annual Council meeting each year a Scheme of Delegation to Officers is approved by Council and by the Leader. The Scheme is an appendix to the Council's Constitution. The scheme has been updated again to correct minor errors and ensure that the wording is clear and matches current legislation, structures and terminology. No new delegations or changes of substance are proposed.

2. RECOMMENDATIONS

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

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

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: £359k
 5. Source of funding: Revenue Budget
-

Personnel

1. Number of staff (current and additional): 7 (6.67 fte)
 2. If from existing staff resources, number of staff hours: Not Applicable
-

Legal

1. Legal Requirement: Statutory Requirement: Local Government Act 1972 and subsequent legislation.
 2. Call-in: Not Applicable: Decisions by full Council are not subject to call-in.
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The Scheme of Delegation to Officers sets out formal delegation of various powers to the Council's chief officers and their staff, and forms part of the Council's Constitution (Appendix 10). The Scheme is normally updated for approval at the Council's annual meeting each year, although under the Local Government and Public Involvement in Health Act 2007 any executive powers delegated to officers have to be delegated not by the Council, but by the Leader of the Council, and it is open to the Leader to table changes to the executive scheme. The executive or non-executive origin of each delegation in the scheme is reflected in a column which indicates whether each individual delegation derives from the Leader or from Council, or both.
- 3.2 The scheme has been reviewed and a small number of minor updates have been made where minor corrections or clarifications are required. However, no new delegations or changes of substance are proposed.
- 3.3 The scheme is attached at Appendix A.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children/Policy/Financial/Personnel/legal/Procurement
Background Documents: (Access via Contact Officer)	Scheme of Delegation to Officers – report to Council on 13 May 2020

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LONDON BOROUGH OF BROMLEY
CONSTITUTION – APPENDIX 10

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

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* * *

PROPER OFFICERS

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

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

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

<u>Section</u>	<u>Purpose</u>	<u>Proper Officer</u>
115(2)	Accountability of Officers	}
146	Transfer of securities on alteration of area	} Director of Finance
151	Financial administration	} Director of Finance
	Notifiable diseases and food poisoning	} Director of Public Health
Schedule 22, Para.17	Authentication of orders and notices, etc. under the Housing Act	For such matters as he is authorised to deal with by the Council's Scheme of Delegation to Officers the Director of Housing, Planning and Regeneration, otherwise the Director of Corporate Services
Sections 28 and 29	Regulation of Investigatory Powers Act 2000	Director of Corporate Services
Section 29(b)	- ditto -	Director of Corporate Services to have general oversight of the use made of the source in respect of covert human intelligence sources.
Sections 29 (a), (c), (d) and (e)	- ditto -	Assistant Director, Planning, Director of Adult Services, Director of Children's Services, Director of Environment and Public Protection, Director of Finance and Head of Audit to have day-to-day responsibility for Sources and responsibility for the security and welfare of Sources.

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

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

PART I

GENERAL CONDITIONS GOVERNING DELEGATION OF FUNCTIONS TO CHIEF OFFICERS

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

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

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

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

<p>12. For the avoidance of doubt, the Council and the Leader hereby declare that any exercise of a power by a Chief Officer, or an officer authorised by him and which, if expressly provided for by this Scheme of Delegation, could have been lawfully exercised by an officer under powers delegated to him by the Council or a Committee, shall be deemed to be authorised by this Scheme notwithstanding such express provision may not have been made in it; PROVIDED THAT, where an officer relies on this paragraph, the Monitoring Officer shall be informed by the officer of this action and the Monitoring Officer shall make a report on the matter to the next ordinary meeting of the Council.</p>	<p>Council/Leader</p>
<p>13. For the avoidance of doubt, the Scheme will be reviewed as quickly as possible to take account of any changes to operational practice, legislative requirements or officer structures, but any responsibilities delegated shall be presumed to remain in place until the Scheme is updated.</p>	<p>Council/Leader</p>

PART II

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

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

any consequential writing off of balances of book value.	
(vii) Make adjustments of stock ledgers and accounts following stocktaking, subject to the Director of Finance's prior agreement.	Leader
(viii) Authorise officers under their control to attend conferences, courses and similar events appropriate to their personal, official responsibilities and to the work of the particular Department, in accordance with an approved list or agreed code of practice.	Council/Leader
(ix) Vary annually fees and charges (except car parking) within policy established by an Executive body or Committee.	Council/Leader
(x) Deal with applications for re-grading in accordance with the Council's agreed procedures.	Council
(xi) Sign authorisation documents, with the exception of the Chief Officer's own personal authorisation, which shall be signed by the Director of Corporate Services.	Council
(xii) Where a complaint has been made through the Council's complaints system, decide whether there is a justifiable case for which the Council should apologise and pay compensation, up to a limit of £5,000 in any one case (or, in the case of the Chief Executive, £10,000).	Council/Leader
(xiii) Approve trips abroad made on Council business subject; in each case, to a subsequent report to the appropriate Executive body or Committee on the action taken.	Leader
(xiv) Enter into contracts up to a value of £100,000 with any voluntary sector organisation (VSO) for the provision of services by way of a service level agreement (SLA) without the necessity of competition, provided that:	Council/Leader
(1) the Chief Officer is satisfied that the VSO is able to provide a satisfactory quality of service and that the sums payable under the SLA represent best value;	
(2) the relevant Portfolio Holder is notified of any new SLAs being entered into;	
(3) any approval, extensions or renewals of such SLAs comply with the Contract Procedure Rules, including rule 13.1;	
(xv) Authorise expenditure of money received through Section 106 agreements, subject to any restrictions set out in the Council's Financial Regulations.	Council/Leader

<p>2. To the Chief Executive, authority to:-</p> <p>(i) undertake all duties and responsibilities of the Council's Head of Paid Service as defined in the Local Government and Housing Act 1989;</p> <p>(ii) take all action necessary for the efficient management and execution of the Council's policies, services and functions;</p> <p>(iii) in the event that any chief officer post is vacant, exercise or delegate the functions of that post, as necessary.</p> <p>(iv) determine, in conjunction with the Director of Human Resources and Customer Services, starting salaries of staff on Management Grades 1 and 2;</p> <p>(v) authority to make detailed arrangements, in consultation with the Leader of the Council, for consultation with residents on service priorities and Council Tax implications.</p> <p>In exercising such authority the Chief Executive shall have full regard to the position where:-</p> <p>(a) Chief Officers are exercising responsibilities directly imposed on them by statute; or</p> <p>(b) the professional discretion or judgement of Chief Officers is involved subject to any difference of opinion between the Chief Executive and the Chief Officer being referred to the next available appropriate meeting of the Executive Portfolio Holder, Executive or committee for determination;</p> <p>(vi) settle any points requiring interpretation or clarification in the practical application of this code of delegated authorities to Chief Officers.</p> <p>(vii) Parliamentary Matters - Take urgent action to protect the Council's interest (through Members of Parliament and/or by petition or otherwise) in consultation with the Leader of the Council.</p>	<p>Council</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Council</p> <p>Leader</p> <p>Council/Leader</p> <p>Council/Leader</p> <p>Council/Leader</p>
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3. To the Director of Corporate Services, authority to:-	
(i) authorise proceedings before any Court of Summary jurisdiction in respect of any offence for which the Council by virtue of any Act of Parliament; , regulation, order or bye-law, is now or may hereafter be empowered to prosecute or to authorise the institution of such proceedings; except in cases where some other officer is specifically authorised to act;	Council/Leader
(ii) authorise proceedings for the recovery of debts of all kinds due to the Council (other than rates) and for the recovery of possession of premises;	Council/Leader
(iii) authorise the institution or defence of proceedings in the Courts to safeguard the Council's interest;	Council/Leader
(iv) obtain Counsel's Opinion to ensure adequate advice to the Council or Committees;	Council/Leader
(v) in accordance with instructions given, institute or defend any legal proceedings authorised to be taken or defended on behalf of the Council, or serve notices, including directions under section 77 of the Criminal Justice and Public Order Act 1994;	Council/Leader
(vi) take any action urgently required to settle legal proceedings during the course of a trial or other hearing;	Council/Leader
(vii) authorise permanent or temporary members of staff to represent the Council under Section 223 of the Local Government Act 1972 in proceedings before a Magistrates' Court or a Juvenile Court or Family Proceedings Court and under Section 60(2) of the County Courts Act 1984 to represent the Council in the County Court;	Council
(viii) issue written authorities to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties (as evidence of their bona fides); provided that any written authority to enter upon land or premises is in pursuance of a statutory power of entry or inspection;	Council/Leader
(ix) sign and serve on behalf of the Council notices authorised by statute to ascertain ownership and other interest in land;	Council
(x) sign and approve service of Notices to Treat in pursuance of confirmed compulsory purchase orders and, where possession is required without waiting for settlement of terms of acquisition, sign and approve the service of Notices of Entry;	Leader
(xi) approve the assignment of contracts;	Council/Leader

<p>(xii) take appropriate action in individual cases to enable him to effect registration as a registered charge of any local land charge arising by virtue of the statutory provisions set out below, or as amended in subsequent legislation:</p>	
<p>(1) the Housing Act 2004; (2) Public Health Act 1936, Section 291; (3) Building Act 1984, Section 107; (4) Greater London Council (General Powers) Act 1972, Section 19; and (5) Highways Act 1980, Section 212;</p>	<p>Leader</p>
<p>(xiii) deal with applications for the use of the Borough Arms in accordance with arrangements as approved by the Committee;</p>	<p>Council</p>
<p>(xiv) to act as Monitoring Officer;</p>	<p>Council</p>
<p>(xv) to maintain a Register of Members' Interests under Section 81 of the Local Government Act 2000;</p>	<p>Council</p>
<p>(xvi) to sign Chief Officer's authorisation documents;</p>	<p>Council</p>
<p>(xvii) determine, in consultation with the relevant Chief Officer, where a complaint has been made to the Ombudsman whether there is a justifiable case for which the Council should apologise and pay compensation as part of a local settlement – up to a limit of £5,000 in consultation with the Director or £10,000 in consultation with the Director and Chief Executive;</p>	<p>Council</p>
<p>(xviii) take any action urgently required to settle legal proceedings prior to a court hearing or to enter into a Compromise Agreement in potential Employment Tribunal cases where it is considered appropriate so to do;</p>	<p>Council/Leader</p>
<p>(xix) to be the proper officer for, and issue any notice, permission, authorisation or other document under, the Data Protection Act 2018, the Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2000;</p>	<p>Leader</p>
<p>(xx) to maintain a list of politically restricted posts under Section 2 of the Local Government & Housing Act 1989 and consider and grant exemptions under Section 3 of the Act;</p>	<p>Council</p>
<p>(xxi) to authorise payments in respect of maladministration under Section 92 of the Local Government Act 2000.</p>	<p>Council/Leader</p>
<p>(xxii) where written applications are received from Members of the Council, to grant dispensations to Members to take part in the business of the Authority if the Member has a disclosable pecuniary interest in that business, subject to consultation with Members of the Urgency Committee.</p>	<p>Council</p>

<p>(xxiii) Electoral Fees - To approve the annual revision of the scale of fees within the approved estimate provision, payable to canvassers, checkers and coders.</p>	<p>Council</p>
<p>(xxiv) make routine updates to the Constitution (including the Scheme of Delegation to Officers) where officer titles change, in consultation with the Mayor and the Chairman of General Purposes and Licensing Committee.</p>	<p>Council/Leader</p>
<p>4. To the Director of Adult Services, authority to:-</p> <p>Spot purchase individual placements for care and nursing, and negotiate schedules of rates and other contractual provisions with registered residential and nursing home providers and/or care service providers to facilitate client choice within community care legislation. Clients should be directed to providers on such Approved Lists although the Director may agree to placement with a non-approved provider provided that</p> <p>(i) the clients' choice is appropriate to their needs and</p> <p>(ii) the client meets the relevant eligibility criteria</p> <p>(iii) the costs fall within the rates accepted by the Council for accommodation and/or care for clients with their specific eligibility or a third party has entered into a binding contract with the provider and Council to meet any difference</p> <p>(iv) as far as possible inflationary increases in such rates should be negotiated at the outset.</p>	<p>Leader</p>
<p>5. To the Director of Public Health, authority to:-</p> <p>Undertake functions relating to Public Health, save where these are delegated to any other body or person.</p>	<p>Leader</p>
<p>6. To the Director of Environment and Public Protection, authority to:-</p> <p>(i) allocate the use of the Committee Suite subject to new applications for use by outside bodies being decided in consultation with the Leader of the Council.</p> <p>(ii) allocate and re-allocate existing offices, subject to reference to the Leader of the Council or the Committee in cases of significant changes involving transfer of a department or service from one part of the Council to another.</p> <p>(iii) authorise expenditure from the office improvements budget.</p>	<p>Leader</p>

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

KEY REFERENCES TO OFFICERS

All	-	Chief Officers
CE	-	Chief Executive
DA	-	Director of Adult Services
DC	-	Director of Children's Services
DPH	-	Director of Public Health
DCS	-	Director of Corporate Services
DF	-	Director of Finance
DHR	-	Director of Human Resources and Customer Services
DEPP	-	Director of Environment and Public Protection
DHPR	-	Director of Housing, Planning and Regeneration
ADP	-	Assistant Director, Planning and Building Control

DEVELOPMENT CONTROL COMMITTEE

Officer(s) Authorised	Authority to:	Responsibility Delegated from
Building Control		
ADP (1)	Give consents where applications conform with Regulations.	Leader
ADP (2)	Refuse applications which do not conform with Regulations.	Leader
ADP (3)	Decide applications for relaxation where the Council have the power of decision.	Leader
ADP (4)	Decide upon the observations to be made to the appropriate Minister with applications for relaxation of the Regulations.	Leader
DCS/ADP (5)	Authorise and serve notices under Section 36 of the Building Act 1984 and the current Building Regulations.	Leader
ADP (6)	To be designated as "Appointing Officer" under Section 10 (8) of the Party Wall etc. Act 1996 and have delegated power to act in that capacity.	Leader
ADP (7)	Decide what means of escape in the case of fire are necessary at premises to which the Housing Acts 1985 and 2004 and Sections 24 and 71 of the Building Act 1984 apply: and serve a notice under those sections where these means are not provided.	Leader
ADP (8)	Take appropriate action in respect of dangerous structures as set out in sections 60-70, 125, 126, and 142 of the London Building Acts (Amendments) Act 1939 Part VII including the removal of any danger where immediate action is required.	Leader
ADP (9)	To make appropriate charges regulations for dangerous structures as provided for within the relevant sections of the following Acts –	Leader

London Building Acts (Amendment) Act 1939: Part VII.
 London County Council (General Powers) Act, 1955: Part II (including section 9 (power of entry with respect to dangerous and neglected structures).
 London County Council (General Powers) Act, 1958: Part III.
 London Local Authorities Act 1994.

ADP	(10)	To operate the new scale of fees for dangerous structure activities and to waive the fees in case of extreme hardship.	Leader
ADP	(11)	Authorise and serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 to obtain particulars of persons interest in land and where there is default in compliance with any such notice refer the matter to the Director of Corporate Services to consider taking legal proceedings.	Council

Tree and Wildlife Matters

ADP	(12)	Consent with or without conditions, or refusal of consent to the pruning, cutting down, topping, lopping or destruction of trees which are the subject of Tree Preservation Orders in accordance with the provisions of such orders.	Council
ADP	(13)	Consent with or without conditions, or refusal of consent to the pruning, cutting down, topping, lopping or destruction of trees within designated Conservation Areas.	Council
ADP	(14)	The making of Tree Preservation Orders (TPO) and provisional TPOs pursuant to Sections 198 and 201 of the Town & Country Planning Act 1990, including the making of TPOs in Conservation Areas.	Council
ADP	(15)	Confirm opposed or unopposed TPOs.	Council
ADP	(16)	Agree to the revocation of TPOs.	Council

ADP	(17)	Issue tree planting notices.	Council
ADP	(18)	Enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981.	Council
ADP/DHPR	(19)	Authorise legal proceedings to be taken in respect of breaches of TPOs and the legislation relating to trees in Conservation Areas, subject to the Director of Corporate Services being satisfied as to the evidence.	Council

Development Management

ADP	(20)	<p>Determine or respond to applications (except in the circumstances set out in (21) below including:</p> <ul style="list-style-type: none"> (i) planning applications (ii) requests for approval (including prior approval) under any part of the Town and Country Planning (General Permitted Development) Order 2015 (including whether prior approval is required, the matters to be considered and granting or refusing approval. (iii) certificates of lawful development (existing or proposed) (iv) reserved matters (v) details pursuant to conditions (vi) hazardous substances consent (including revocation) (vii) listed building consent (viii) advertisement consent (ix) non-material and minor material amendments (x) adjoining authority consultations (xi) consultations to the Planning Authority from other bodies including council departments (xii) Environmental Impact assessment 	Council
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(EIA) screening or scoping

(xiii) requests for extension of time to determine applications

(xiv) Crown Development applications

(xv) removal or variation of conditions

ADP (21) Circumstances where the powers set out in (20) do not apply. Council

(i) Applications submitted by or on behalf of the Council or on land substantially owned by the Council where the Council has a financial interest (but not details pursuant, reserved matters or amended proposals.)

(ii) Permission for full or outline applications involving twenty one or more purpose built new dwellings (but not other associated buildings, conversions, extensions and changes of use, reserved matters, details pursuant or amended proposals.

(iii) Permission for applications for new major commercial development such as industry, offices and shops (but not non-major development, other associated buildings, conversions, extensions and change of use, reserved matters, details pursuant, revised plans or amended proposals).

(iv) Applications submitted by any member of staff within the Assistant Director of Planning's entire team, or other Directors or Assistant Directors, or submitted by or on behalf of Bromley Councillors or Members of Parliament.

(v) Any application listed in (20) above which one or more Bromley Councillor formally requests in writing ("calls in") with a reason (s) be determined by Committee.

(vi) Permission for applications for development that is subject to a

current formal planning enforcement notice or breach of condition notice.

(vii) Applications for residential development or extensions within a Conservation Area or Area of Special Residential Character which do not provide a minimum one metre space between the flank wall of the new development and the site boundary.

(viii) Where less than 21 days has passed since the application appeared on a "Weekly List" of applications circulated to members other than where all ward Members have agreed otherwise in writing.

ADP	(22)	Authority to decline to determine repeat, overlapping or retrospective applications in accordance with the provisions of Sections 70A, 70B and 70C of the Town and Country Planning Act 1990.	Council
ADP	(23)	Make determinations as to whether planning applications are departures from the development plan.	Council
ADP	(24)	Make determinations as to whether development would affect the character or appearance of a conservation area or the setting of a listed building to enable such applications to be advertised.	Council
ADP	(25)	Make determinations under Section 73 of the Planning (Listed Building and Conservation Areas) Act 1990 as to whether a proposal should be advertised as affecting the character or appearance of the Listed Building or Conservation Area.	Council
ADP	(26)	Authorise expenditure of money received through Section 106 agreements, subject to any restrictions set out in the Council's Financial Regulations.	Council/ Executive
Appeals			
ADP	(27)	Decide whether to contest all types of appeal including the grounds to contest and including appeals against non-	Council

determination except where the original decision was made by Committee.

Enforcement

ADP/DCS	(28)	Power to authorise the issue of the following and to give reasons in the Notice or Order for taking such action; (the signing and actual issue of the notices to be dealt with by the Director of Corporate Services):	
		(i) Enforcement Notices under Section 172 of the Town & Country Planning Act 1990.	Council
		(ii) Stop Notices under Section 183 of the Town & Country Planning Act 1990.	Council
		(iii) Completion Notices under Section 94 of the Town & Country Planning Act 1990.	Council
		(iv) Unopposed revocations under Section 97 of the Town & Country Planning Act 1990, and Section 239 of Planning (Listed Building & Conservation Areas) Act 1990.	Council
		(v) Orders under Section 102 Town & Country Planning Act 1990 requiring discontinuance of use, or alteration, or removal of buildings and works.	Council
		(vi) Unopposed revocations of Listed Buildings Consent under Section 23 of Planning (Listed Building & Conservation Areas) Act 1990.	Council
		(vii) Notices under Section 54 and 55 of the Planning (Listed Building & Conservation Areas) Act 1990 concerning urgent works and recovery of expenses.	Council
		(viii) Making and recovery of grants under Section 57 and 58 of Planning (Listed Building & Conservation Areas) Act 1990.	Council
		(ix) Listed Building Enforcement Notices under Section 38 of the Planning	Council

(Listed Building & Conservation Areas)
Act 1990.

- | | | |
|---------|---|---------|
| (x) | Action relating to the enforcement of the Advertisement Regulations 2007 | Council |
| (xi) | The authorisation of Rights of Entry to premises and any land for all the purposes of the Town & Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Building Act 1984 (all these Acts as amended) and any Orders or Regulations made there under. | Council |
| (xii) | The power to require information as to interests in land under Section 330 of the Town & Country Planning Act 1990. | Council |
| (xiii) | Planning Contravention Notices under Section 171C of the Town & Country Planning Act 1990 | Council |
| (xiv) | Breach of Condition Notices under Section 187A of the Town & Country Planning Act 1990 | Council |
| (xvi) | Untidy Site Notices under Section 215 of the Town and Country Planning Act 1990. | Council |
| (xvii) | Approach Historic England to spot list properties on the list of buildings of special architectural interest if they are threatened. | Council |
| (xviii) | Authority to take action under Sections 10-12 of the London Local authorities Act 1995 relating to the control of unauthorised advertisements. | Council |

Section 106 Agreements

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| ADP
(with DHPR) | 29 | Approval of Section 106 Agreements (Town and Country Planning Act 1990) and similar agreements concerning related legislation including modification and discharge. | Council |
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ADP	(30)	The authority to authorise spending (including by third parties) pursuant to and in accordance with s.106 agreements.	Council
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Fees and Charges

ADP	(31)	Agree fee levels and charges for services for all areas within the Planning and Building Control team areas (in accordance with relevant legislation.)	Council
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ADP	(32)	Issue all types of CIL notice and authorise action to recover funds where appropriate including responding to CIL appeals and decisions as to whether to proceed with court action.	Council
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**CHILDREN, EDUCATION & FAMILIES PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

DC	(1)	Direct the Authority’s functions in its capacity as a local education authority, including all education duties as defined in s. 18 (2) of the Children’s Act 2004 and all relevant Education Acts and supporting guidance and regulations, as updated from time to time, with specific reference to the School Staffing (England) Regulations 2009, the Academies Act 2010, the Education Act 2002, the Education Act 1996, the Education and Inspections Act 2006 and the Children and Families Act 2014.	Leader
DC	(2)	Exercise all of the statutory functions of the LEA as regards staffing matters in LEA maintained schools as provided for under the Education Act 2002 and any Regulations made there under with the exception of any exercise of discretion concerning the funding of discretionary early retirement with added years or redundancy costs which fall to be determined by the Executive Portfolio Holder.	Council
DC	(3)	Manage the provision of training and support to the Education Service. (The element of training relating to an individual’s terms and conditions is a non-executive matter. However, the Executive may recommend appropriate training within this framework.)	Council/Leader
DC	(4)	Approve requests from employees in all maintained educational institutions for special leave in accordance with the Council’s policy.	Council
DC	(5)	Approve the payment of relocation and removal expenses to employees in all maintained educational institutions in accordance with the scheme agreed by the Executive Portfolio Holder.	Council

DC	(6)	Agree annually increases in charges for service within the remit of the Executive Portfolio Holder.	Leader
DC	(7)	Manage the admissions procedure in accordance with the Executive's policy.	Leader
DC	(8)	Approve the making of provision for children with special educational needs in suitable schools as specified in an Education, Health and Care Plan.	Leader
DC	(9)	Arrange for home or hospital tuition in appropriate cases.	Leader
DC	(10)	Fix school terms and holiday dates in consultation with teachers' organisations.	Leader
DC	(11)	Make arrangements for transport of pupils.	Leader
DC	(12)	Provide support services as requested by establishments.	Leader
DC	(13)	Approve applications for children to be employed in work or in entertainment, in conformity with relevant bye-laws and statutory obligations.	Leader
DC	(14)	Take all action including services of notices, consultation, making and service of school attendance orders and to authorised institute and conduct legal proceedings under Sections 437, 438, 439, 440, 441, 443 and 444 of the Education Act 1996 and to make decisions relating to applications for Education Supervision Orders under Section 447 of the Education Act 1996	Leader
DC	(15)	Approve the making of parenting contracts, parenting orders and the issue of penalty notices under Sections 18 and 23 of the Anti-Social Behaviour Act 2003.	Leader
DC	(16)	Approve the issue of mini bus passes under Section 19 of the Transport Act 1985.	Leader

DC	(17)	Undertake the duty of the local education authority with regard to exclusions as specified by Section 51A of the Education Act 2002.	Leader
DC	(18)	Initiate renewals of temporary planning permissions.	Leader
DC	(19)	Authorise work by the School Standards Team on behalf of other Local Authorities, foundation schools (both within and outside the Borough), academies and independent schools in accordance with the principles and procedures set out by the Council.	Leader
DC	(20)	In cases of urgency seek planning permission for mobile accommodation at primary and secondary schools in accordance with Regulation 3 of the Town & Country Planning General Regulations Act 1992 on the understanding that a full explanation for the need will accompany each application.	Leader
DC	(21)	To act in support of the Borough's Major Incident Controller in respect of emergency accommodation, provisions and staffing.	Leader
DC	(22)	Approve, after consultation with the Director of Corporate Services and the Head of Strategic Property, leasing arrangements in respect of educational premises where the terms of the lease or agreement do not exceed five years without a break clause.	Leader
DC	(23)	In consultation with the Director of Corporate Services and Director of Human Resources and Customer Services, interpret and apply the provisions of the Teachers' Pension Scheme Regulation in respect of current and ex-employees where the LEA is deemed to be the employer for pension purposes.	Council

DC	(24)	Agree teachers' applications for early retirement without enhancement by way of added years.	Council
DC	(25)	Approve the appropriate use of the Priority Schools Budget, Schools Budget Central Contingency as approved by the School's Forum subject to their use being monitored by the budget review process and the relevant consultation with the School's Forum.	Leader
DC	(26)	Approve the arrangements for teachers who are to be awarded qualified teacher status after 7 th May 1999 to undertake an induction period in accordance with the provision of any regulations laid down by the Secretary of State and subsequent amendments; to grant extensions of the induction period as specified in the regulations and determine whether or not an induction period has been completed satisfactorily.	Council
DC	(27)	Decide on action in response to individual OFSTED reports and, when the circumstances of the report are exceptional, submit the report to the Portfolio Holder for detailed consideration.	Leader
DC	(28)	To ensure the provision of Adult Education Services under Section 85 of the Further and Higher Education Act 1992 in accordance with Council policy.	Leader
DC	(29)	Authority to approve AMHP warrants.	Leader
		Ensure that the powers and duties to provide for the welfare and protection of children and young people are carried out in accordance with statutory requirements and Council policy.	Leader
DC	(30)	Provide preventative services and support for the care of mothers and young children.	Leader
DC	(31)	Adoption: As Head of the Adoption Agency set up by the Local authority, we have delegated the function of the adoption services to the RAA (Ambitious	Leader

for Adoption July 2019), including the function of the Adoption Panel which continues to run in accordance with statutory requirements, and is accountable to the Head of Permanency and AD /DCS. Bromley's Permanency panel runs in accordance with the fostering statutory requirements, this does not include a power to increase fostering allowances which exceed inflation.

DC	(32)	Direct the Authority's social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children and the Local Authority's functions for children and young people leaving care.	Leader
DC	(33)	Direct any health-related functions exercised on behalf of an NHS body under Section 31 of the Health Act 1999, insofar as they relate to children.	Leader
DC	(34)	Direct the new functions of the Children's Services Authority set out in the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation.	Council/Leader
DC	(35)	Make and sustain arrangements to promote co-operation between the Authority and its partner organisations to improve the well-being of children in the Authority's area.	Leader
DC	(36)	Maintain the database of basic information on all children in the Authority	Leader
DC	(37)	Maintain the Bromley Safeguarding Children Partnership (BSCP) to co-ordinate and ensure the effectiveness of board members' activities for the purpose of safeguarding and promoting the welfare of children in the Authority's area.	Leader
DC	(38)	Prepare and publish a Children and Young People's Plan (CYPP) to set out the Authority's strategy for discharging their functions in relation to children and young people,	Leader

DC	(39)	Second at least one children's social worker and at least one education professional to the Youth Offending Team.	Leader
DC	(40)	Promote the educational achievement of looked after children.	Leader
DC	(41)	Provide the Secretary of State, if he or she so directs the authority, with information on individual children.	Leader

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

Officer(s) Authorised	Authority to:	Responsibility delegated from
DCS	(1) In consultation with the Director of Children's Services, prosecution of offences for the selling of spray paint and graffiti implements to children under 16 under the Anti-Social Behaviour Act 2003 Section 54 and Environmental Protection Act 1990 Section 59.	Leader
DEPP	(2) The issue of fixed penalty notices to abate noise under the London Local Authorities' Act 2004 Sections 15-17 and Schedule 2.	Council
DEPP	(3) Enforcement of by-law breaches under the London Local Authorities' Act 2004.	Council
DCS	(4) In consultation with the Director of Environment and Public Protection, 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 (as amended).	Leader
Fireworks		
DEPP	(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		
DEPP	(6) Carry out the Council's functions with regard to weights and measures and other relevant trading standards and consumer protection legislation.	Leader
DEPP	(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, (as updated at appendix A to this scheme) with the exception of any provision delegated exclusively by statute to another person or body, or any provisions the administration of which have already been delegated within this Authority.	Council/Leader

DEPP	(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
DEPP	(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
DEPP	(10)	Authorise employees and, where appropriate, inspectors to carry out functions in relation to (6), (7) and (8) above.	Council/Leader
DEPP	(11)	Authorise employees to sign statutory notices in respect of functions relating to (6), (7) and (8) above.	
DEPP	(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
DEPP	(13)	Grant, renew, transfer, vary, suspend, withdraw, or revoke licenses, registrations, permits, authorisations and approvals relating to food safety, animal welfare, special treatments, supply and retail of alcohol, public entertainment, late night refreshment, gaming, and gambling, sports grounds, sex establishments, caravan sites, hypnotism, environmental protection and houses in multiple occupation except where such powers and duties are governed by more specific schemes of delegation laid down in Council policies (e.g. the Council's statement on licensing policy) in which case the more specific schemes of delegation shall apply.	Council
DEPP	(14)	Manage caravan sites owned by the Council.	Leader
DEPP	(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
DEPP	(16)	Discharge functions relating to the detainment, examination and seizure of food under the Food	Council/Leader

Safety Act 1990 and regulations made under the European Communities Act 1972 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.)

DEPP	(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
DEPP	(18)	Employ veterinary surgeons in conjunction with the Council's functions under diseases of animals, animal welfare and other related legislation.	Leader
DEPP	(19)	Authorise persons as competent engineers under Section 31 of the GLC (General Powers) Act 1973.	Council
DEPP	(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
DEPP	(21)	Approve payment of compensation under the Public Health (Control of Diseases) Act 1984 as amended by the Health and Social Care Act 2008.	
DEPP	(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
DEPP	(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, Public Health England (formerly the 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			
DEPP	(24)	Authorise action under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.	Leader
DEPP	(25)	Exercise functions and powers under the Scrap	Leader

- 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(5) 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.

CEX, (26)
DEPP and
DCS

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 26th November 2014.

Leader

**ENVIRONMENT & COMMUNITY SERVICES PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

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

Street Naming and Numbering

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

Private Direction Signs

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

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

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| DEPP | (15) | Operate the provision of Sections 169, 171 and 172 of the Highways Act 1980. | Council |
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Grass Verges

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

Overhanging Trees and Hedges

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

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| DEPP | (19) | Authorise and serve notices under Section 154 of the Highways Act 1980 requiring owners or occupiers to cut or fell trees that are dead, diseased or insecure and are likely to cause damage by falling on a highway or footpath. On default to carry out the work and recover the cost from the owner or occupier. | Leader |
|------|------|---|--------|

DEPP	(20)	Take appropriate action in respect of dangerous trees under section 23 and section 24 of the Local Government (Miscellaneous Provisions) Act 1976, including such steps as necessary to recover the costs incurred from the occupier.	Leader
Refuse Disposal (Amenity) Act 1978 (Removal of abandoned motor cars and removal and disposal of other refuse abandoned in open air or on land forming part of highway)			
DEPP	(21)	Authorise and serve notices, and take action under Sections 3 and 6 of the Refuse Disposal (Amenity) Act 1978.	Leader
DEPP	(22)	Remove forthwith from the highway and dispose of any vehicle obviously abandoned and ownership unidentifiable.	Leader
Car Parks			
DEPP	(23)	Allow refunds on car park season tickets.	Leader
DCS	(24)	Make supplementary orders to apply the Off-Street Parking Places Order to further parking places provided by the Council.	Leader
DEPP	(25)	Accept commuted payments in lieu of car parking within a scheme approved by the Council.	Leader
DEPP	(26)	Approve and provide means of access to any premises under Section 340, Highways Act 1980.	Leader
DCS	(27)	On the recommendation of the Director of Environment and Public Protection and on terms negotiated, complete agreements with owners and occupiers concerned.	Leader
Off-Street Car Parking			
DEPP	(28)	Authority to institute proceedings for contraventions of parking orders relating to the use of off-street car parks.	Leader
Parking Enforcement			
DEPP	(29)	Sign, on behalf of the Council, requests for information as to the identity of the driver of a vehicle alleged to be guilty of an offence to which Section 85 of the	Leader

Road Traffic Regulations Act 1967 applies, and sign notices under Sections 2 and 3 of the Road Traffic Act 1974 relating to excess parking charges.

DEPP (30) Authority to determine applications for exemption from the footway parking ban. Leader

Special Parking Areas

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

Private Sewers and Drains – Overflow Prevention

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

Temporary Direction Signs, Street Banners etc.

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

Sight-Lines

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

Temporary Closure of Highways

DCS (35) Make orders for temporary closures recommended by the Director of Environment and Public Protection. Leader

Minor Improvements of Highways and Sewers

DEPP (36) Approve and execute minor schemes of improvement of all categories of highways and sewers maintainable at public expense, subject to all necessary consents, etc, being obtained and statutory action taken. Leader

Prescription of Building Lines

DCS	(37)	Prescribe building lines under Highways Act 1980, Section 74 recommended by the Director of Environment and Public Protection.	Leader
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Highway Adoptions

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

DEPP	(39)	Approve the making of orders for the diversion of public footpaths where no objections are made following prior consultations with relevant owners and occupiers of land and with local and other interested organisations or statutory undertakers.	Council
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DCS	(40)	Make orders for diversion of public footpaths approved by the Director of Environment and Public Protection and confirm such orders where no statutory objections are made.	Council
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DCS	(41)	The Director of Corporate Services, in consultation with the Director of Environment and Public Protection, to confirm:	Council
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	(a)	all unopposed Orders for the creation, extinguishment, stopping-up or diversion of any footpaths, bridleways and byways; and	Council
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	(b)	all unopposed modification Orders made under the Wildlife and Countryside Act 1981 relating to footpaths, bridleways and byways.	Council
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DEPP	(42)	Make comments, on behalf of the Highway Authority, on the diversion of footpaths or bridleways necessitated to enable development for which planning consent has been given, to take place	Leader
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DEPP/DCS	(43)	Make Definitive Map Modification Orders and amendments to the Definitive Map and Statement of Public Rights of Way	Council
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Markets

DEPP	(43)	Deal with the day-to-day supervision and management of markets.	Council
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Walkways in Buildings

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

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

DEPP	(46)	Operate the provisions of Section 139 and 140, Highways Act 1980 in respect of skips deposited on highways.	Council
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Retaining Walls near Streets

DEPP	(47)	Operate the provisions of Section 167 of the Highways Act 1980 in respect of the erection and condition of retaining walls.	Leader
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Construction of Buildings over Highways

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

DEPP	(49)	Operate the provisions of Section 184 of the Highways Act 1980 relating to the construction of vehicle crossings over footways and verges.	Leader
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DEPP	(50)	Authorise, the waiver of charges in respect of the provision of crossovers in association with other adaptations to disabled persons' properties, and in accordance with the recommendations of the Director of Adult Services (Occupational Therapy Service).	Leader
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Trees and Shrubs in a Highway

DEPP	(51)	Grant licences for the planting and maintenance of trees and shrubs under the provisions of Section 142 Highways Act 1980.	Council
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Powers of entry for Survey

DEPP	(52)	Authorise entry on to land for surveys in connection with highway functions under the provisions of Sections 289 and 290, Highways Act 1980.	Council
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Powers of Entry to Maintain Structures and Works

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

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

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

DEPP	(56)	Authorise and serve notices under Section 17 of the Greater London Council (General Powers) Act 1972 relating to an offence involving the use of a vehicle on a highway or parking area requiring information as to the identity to the driver or person in charge.	Council
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Dangerous Land Adjoining Streets

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

DEPP	(58)	Grant licences for the construction of footbridges over highways under provisions of Section 176 of the Highways Act 1980.	Leader
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Restriction on placing rails, beams, etc over highways

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

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

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

DEPP	(62)	Approve expenditure on schemes from within the minor improvement budget.	Leader
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Traffic Management Schemes – Civil Engineering Costs

DEPP	(63)	Following agreement in principle to traffic management schemes by the Council, approve the detailed civil engineering element costs.	Leader
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Land Drainage and Watercourses

DEPP	(64)	(i)	Issue approvals under Section 11 (Restrictions as to buildings etc, in or over streams) and Section 13 (Restrictions on new connections with streams) of the River Ravensbourne etc (Improvements and Flood Prevention Act 1961.	Council
		(ii)	In accordance with the Land Drainage Acts 1991 and 1992 implement the Council's National Rivers Authority policies on:	Leader
		(a)	building over, adjacent to or in the flood plain of any watercourse;	Leader
		(b)	the use and maintenance of any watercourse;	
		(c)	the prevention of pollution to, and protection of the water environment;	
		(d)	in accordance with the Land Drainage Act 1991 Section 25, to serve notices on riparian owners for maintenance of watercourses and, if in default, carry out works and recharge the owner all reasonable costs.	

Bromley Town Centre – Closure of White Hart Slip

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

DEPP	(66)	Determine applications for exemptions for parades and other similar events in the pedestrianised area of the High Street.	Council
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Disposal of small surplus highway sites

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

DCS	(68)	On the recommendation of the Director of Environment and Public Protection, prepare licences under the provisions of the Highways Act 1980 to enable the owners of properties fronting public highways to use adjoining highway land as part of their gardens.	Leader
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Neighbourhood Watch Signs

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

DEPP	(70)	To recommend legal proceedings subject to the Director of Corporate Services being satisfied as to the sufficiency of evidence.	Council
DEPP	(71)	To grant unopposed applications for full and temporary licences and applications for renewals of such licences where the terms and conditions are unchanged.	Council
DEPP	(72)	To refuse applications for street trading licences in circumstances where Section 25(4)(a) and (b) apply.	Council
DEPP	(73)	To grant unopposed applications by licence holders for variation of conditions attached to their licence.	Council
DEPP	(74)	To waive fees for temporary licences in	Council

respect of national charity events.

DEPP	(75)	To remit or refund fees or charges associated with street trading licences on production of a medical certificate or where because of road works etc a trader is unable to trade or for any other approved reason.	Council
DEPP	(76)	To accept applications for renewal of licences later than two months before expiry date (submitted before the expiry date).	Council
DEPP	(77)	To accept the surrender of a street trading licence.	Council
DEPP	(78)	To refuse the granting of a temporary licence for a street trader.	Council
DEPP	(79)	Confirm all experimental traffic regulation orders after an operational period of 12 months subject to: (i) the Ward Members concerned, the police and the public where appropriate being consulted; (ii) no objections being forthcoming; (iii) a report being made to the Executive Portfolio Holder in respect of those locations where objections have been received.	Leader
DEPP	(80)	Powers to control unlicensed street trading under the London Local Authorities' Act 2004 Section 20 and Schedule 4.	Council

School Keep Clear Markings

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

DEPP	(82)	Approve the installation and removal of central islands/refuges subject to consultation with ward members.	Leader
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Environment Bromley – Grant

DEPP	(83)	Approve annual requests from Environment Bromley for grant funding.	Leader
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Graffiti Removal

DEPP	(84)	The power to require the removal of graffiti from shops, commercial properties, apparatus and plant under the London Local Authorities' Act 2004.	Council
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DEPP	(85)	Approve action to secure the removal of graffiti in consultation with the Director of Corporate Services.	Council/Leader
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Waiting and Loading Restrictions

DEPP	(86)	Authority to:	
	(i)	suggest the sites for the introduction or amendment of waiting and loading restrictions.	Leader
	(ii)	consult the Executive Portfolio Holder, Ward Members concerned, the Police and the public on the proposals.	Leader
	(iii)	subject to no objections being forthcoming, or where the scheme is less than £7,000 to introduce the restrictions; and	Leader
	(iv)	report to the Executive Portfolio Holder in respect of schemes costing over £7,000 where objections have been received but it is still considered that the restrictions should be implemented.	Leader

Disabled Persons Parking Bays

DEPP	(87)	Approve applications which meet all the following criteria and where no objections are received during consultation with the Ward Members, Police and local residents.	Leader
	(i)	only disabled drivers will be considered, except in exceptional circumstances;	Leader

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

Street Works etc

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

Unauthorised Signs on the Highways

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| DEPP | (90) | Operate the provisions of Section 132 of the Highways Act 1980 to remove unauthorised signs placed on the highway in roads which are on the Council's statutory list of maintained highways and rights of way in | Leader |
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the Definitive Map.

Wilful Obstruction of the Highway

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

DEPP	(92)	Serve notice under Section 152 of the Highways Act 1980 in respect of any projection from a building which may endanger the public.	Leader
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White Bar Carriageway Markings

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

DEPP	(94)	Consider and submit comments in respect of consultation documents received seeking the Council's views on all matters within the	Leader
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portfolio's purview subject to there being no policy issues or substantial expenditure, involved. In those instances, where the Executive Director of Environment and Community Services considers it appropriate prior consultation should be undertaken with the Executive Portfolio Holder before observations are submitted.

Signing to Places of Worship

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

ADP	(96)	Select environmental improvement schemes for implementation, following consultation with the Ward Members concerned (the ADP also to report annually on the action taken).	Leader
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Blue Badge Scheme

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

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

Allotments

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

Parks, recreation grounds, open spaces

DEPP	(108)	Approve occasional, general or individual variations of dates and opening hours.	Leader
DEPP	(109)	Allocate seasonal reservations in accordance with priorities approved.	Leader
DEPP	(110)	Restrict public use to accommodate lettings, reservations and other special occasions.	Leader
DEPP	(111)	Let all premises in accordance with policy and permitted uses approved by the Executive or Executive Portfolio Holder.	Leader

DEPP	(112)	Let catering rights in all premises, on the best available terms, in respect of arrangements of up to one year's duration only and where arrangements for a longer period have not previously been made, subject to consultation where necessary with the Director of Corporate Services and the signing by the Chief Executive of any consequent licence.	Leader
DEPP	(113)	Deal with applications for commercial purposes at a charge to be negotiated in each case.	Leader
DEPP	(114)	Let sports pitches and facilities.	Leader
DEPP	(115)	Set the dates of commencement and completion of sports seasons, including occasional, general or individual extension or contraction.	Leader
DEPP	(116)	Grant temporary use and letting of parks, open spaces and premises to outside organisations including temporary closure to the public so that admission charges may be levied.	Leader
DEPP	(117)	Accept gifts of memorial and other seats.	Leader
DEPP	(118)	(a) Decide conditions for suitable applicants to be allowed to use the Council's parks and open spaces for filming and commercial photography on payment of prescribed fees, but with power to waive the fee for filming or photography by an education authority, or in such a case, to charge a nominal fee of £1, at his discretion.	Leader
		(b) Refuse an application where the films or photographs are likely to be detrimental to the Council's interests.	Leader
DEPP	(119)	Deal with applications for use by circuses and small family fun fairs of areas within the Council's control which have been approved as suitable for such use.	Leader (Licensing decision Council)
DCS	(120)	Approve the use of the forecourt at the Churchill Theatre/Central Library for events.	Leader (Licensing decision Council)

Commons

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

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

DEPP	(123)	In consultation with the Director of Corporate Services issue of fixed penalty notices in respect of graffiti and fly posting under the Anti-Social Behaviour Act 2003 Section 43.	Leader
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DEPP	(124)	Issue of graffiti removal notices under the Anti-Social Behaviour Act 2003 Section 48.	Leader
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DEPP	(125)	Powers to deal with the clearance of works and litter under the Anti-Social Behaviour Act 2003 Sections 55 and 56.	Leader
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ADP	(126)	Control of high hedges under the Anti-Social Behaviour Act 2003 Sections 68, 69 and 70.	Council
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DEPP	(127)	Propose the making of a Gating Order under the Clean Neighbourhoods and Environment Act 2005.	Leader
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Miscellaneous

DEPP	(128)	Deal with dangerous trees pursuant to Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976.	Leader
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DEPP	(129)	Approve the purchase of selected horticultural stock, without recourse to competitive quotations.	Leader
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DEPP	(130)	Refer to the Director of Corporate Services for consideration with a view to prosecutions, cases under the Council's byelaws or other statutes.	Council
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DEPP	(131)	Manage the staff canteens and catering service without prejudice to the Director of	Council/Leader
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Finance's financial responsibilities referred to in Minute 1/356 (General Purposes Committee – 8.6.65) and subject to consultation as appropriate with and by the Director of Human Resources and Customer Services on staff welfare aspects.

DEPP	(132)	Issue of fixed penalty notices for fly posting under the London Local Authorities' Act 2004 Sections 15-17 and Schedule 2	Council
DEPP	(133)	Destruction of vehicles which are unlicensed, without a valid registration plate, or which have no registered keeper and associated powers under the London Local Authorities' Act 2004 Sections 3, 4, 6 and 7.	Council
DEPP	(134)	The control of car repairs on the street under the London Local Authorities' Act 2004 Section 11.	Council
DEPP	(135)	Pigeon proofing of bridges under the London Local Authorities' Act 2004 Section 9.	Council

RESOURCES, COMMISSIONING & CONTRACT MANAGEMENT PORTFOLIO/ RELEVANT REGULATORY COMMITTEE(S)

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

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

Conditions of Service

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

pensioners, dependants and transfer values.

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

Implementation of Awards etc

DF	(17)	Implement payment of salary and wage awards by the Council.	Council
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Ex Gratia Payments

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

DHR	(19)	Determine, in consultation with the Director of Children’s Services so far as teachers are concerned, all applications under Paragraph 8 of the Greater London Whitley Council Industrial Injuries Scheme as at 31 March 2013.	Council
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Honoraria

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

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

Essential Car users – Car Loan Council

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

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

Benchmark Lease Cars

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

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

Mortgages

DCS (26) Seal: Council

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

CE/DCS (27) Sign receipt on mortgages and discharges of registered charges where the Council's seal is not required. Council

DCS	(28)	Approve advances for the connection of houses to public sewers.	
DCS	(29)	Approve applications for the consent of the Council as mortgagee to: (i) the grant of rights of way and other easements, and licences; (ii) the carrying out of alterations and/or improvements to the mortgaged properties; subject in each case to being satisfied that the Council's security will not be adversely affected.	Leader
DCS	(30)	Authorise and institute proceedings for the recovery of arrears and/or possession of the property where mortgagors under the Council's Housing Act Advance Scheme have made default in payment of sums secured by the mortgage.	Leader
DCS	(31)	Authorise and give permission for short-term lettings of mortgaged property by mortgagors.	Leader
DHPR	(32)	Approve Housing Act advances in accordance with the scheme and criteria approved by the Executive.	Leader
DF	(33)	Approve increases or reductions in mortgage periods.	Leader
DCS/DF	(34)	Approve applications for the transfer of mortgages from the husband and/or wife to husband and/or wife subject to normal income limits.	Leader
DCS	(35)	Endorse extensions of mortgages executed by the Council in connection with external loans.	Leader
Private Street Works Charges, etc.			
DCS/DF	(36)	Approve the suspension of repayment of the principal element of private street works charges and loans for house connections to sewers for such period as the applicant is in receipt of Social Security income support	Leader
Loans			
DF	(37)	To make all necessary arrangements for efficient debt and cash management in accordance with any statutory requirements and the Treasury Policy Statement approved by the Council. In particular to:	Council/Leader

		(i) arrange loans, as required, on terms appropriate to market conditions in order to finance new capital expenditure or refinance maturing loans;	
		(ii) raise temporary loans and invest surplus cash:	
		(iii) arrange leasing finance as appropriate.	
DAS	(38)	Authority to approve maturity loans applications.	Leader
Rates of Interest			
DCS	(39)	Determine rates of interest of (a) local bonds and mortgages and (b) Housing Act mortgage advances, subject to referral to Committee of any proposal to vary existing practice in the relative treatment of pre- and post-1980 Act mortgages.	Council/Leader
Local Taxes			
DF	(40)	Authority to act on behalf of the Council in all matters concerning the administration, collection, recovery or community charges, Council Tax and non-domestic rates (including authority to authorise bailiffs to levy distress on behalf of the Council) and the administration of community charge and Council Tax benefits (including, for the avoidance of doubt, the consideration of any complaint or appeal by a Council tax payer).	Council/Leader
Value Added Tax			
DF	(41)	To take any necessary action to "opt to tax" exempt supplies where the third party is VAT registered.	Leader
Contractors Bonds			
All	(42)	Allow contractors to obtain their own bonds for due performance of any proposed contract, subject to the nominated bondsman being acceptable to the Director of Finance and to any additional cost being met by the contractor.	Leader
Carry Forward of Budgets			
DF	(43)	Authorise spending officers to carry forward from one financial year to the next any unspent General Fund or Housing Revenue Account budget provision, provided that the goods were ordered or the work was started in the expectation that the order would be completed by 31 st March.	Council/Leader

DF	(44)	The Director of Finance shall be the Chief Finance Officer for the purposes of Section 114 of the Local Government Finance Act 1988.	Council
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DF	(45)	In respect of benefit fraud, impose or request administration penalties as appropriate.	Leader
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Management of The Glades

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

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|----------|------|---|--------|
| DCS/DEPP | (47) | Authority to:- | |
| | | (i) approve purchases of properties in pursuance of confirmed compulsory purchase orders, on terms recommended and endorsed, when necessary, by the District Valuer; | Leader |
| | | (ii) To approve the terms of any property transaction where there has been a decision of the Council, Executive, Executive Portfolio Holder, Committee or Sub-Committee, to acquire or dispose subject to a capital value less than £500,000 or rental value less than £50,000; | Leader |
| | | (iii) To sell land not required for operational purposes with an area less than 500 sq. meters and value less than £10,000; | Leader |
| | | (iv) To sell property or purchase it by private treaty when such action was included in the Asset Management Plan, subject to the financial limits set out in (ii) above; | Leader |
| | | (v) Carry out all functions relating to the leasing and management of property, including landlords' consent, unless they fall outside the financial limits detailed in (ii) above, or the matter is particularly referred by Members to the Executive or Portfolio Holder; | Leader |
| | | (vi) To take action on all London Residuary Body matters, subject to the financial limits set out in (ii) above. | Leader |
| | | | Leader |

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

that body; and

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

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| (xvi) | Agree terms, in consultation with the Leader of the Council, for the disposal of the Council's reversionary interest in small areas of non-housing land and buildings on the former GLC Seaside and Country Home estates, subject to an upper price limit of £200,000. | Leader |
| (xvii) | Decisions on former London Residuary Board matters which do not involve expenditure by the Council and are not of a controversial or sensitive nature. | Leader |
| (xviii) | Approve transactions when the name of the purchaser or transferee changes, or the purchaser wishes the transfer to proceed in the name of another company within the same group but all other terms and conditions remain as originally approved; | Leader |
| (xix) | Dispose of small areas of former highway land not exceeding 500 square metres which have been declared surplus to the requirements of the Council and upon which highway rights have been extinguished subject to consultation with Ward Members. | Leader |

Utilities Contracts

DF and DCS (48)	To make necessary contractual arrangements for utilities (electricity, gas, water, internet etc.) for Council offices and Council-owned sites.	Leader
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Registration Service

DHR	(49)	Be "Proper Officer" in respect of the Births Deaths and Marriages Registration Service.	Council
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**ADULT CARE & HEALTH PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) Authorised		Authority to:-	Responsibility delegated from
DA	(1)	Ensure that the powers and duties to provide for the social care of elderly people, people with a disability and/or chronic sicknesses are met in accordance with statutory Care Act requirements and Council policy.	Council/Leader
DA	(2)	Exercise the statutory functions (including under the Mental Health Acts and Mental Capacity Act 2005) to safeguard the welfare of people suffering from a mental illness.	Leader
DA	(3)	Arrange burials and cremations in cases where no other suitable arrangements have been made.	Leader
DA	(4)	Undertake the general supervision and management of social work support services provided under the Local Authority Social Services Act 1970 (and any other enactment) not generally covered elsewhere in this scheme of delegation.	Leader
DA	(5)	Ensure that reasonable costs are recovered for certain services in line with statutory regulations and Council policy.	Leader
DA	(6)	Discharge the Council's transport functions in accordance with statutory requirements.	Council/Leader
DA	(7)	Waive or abate charges and to take further action in relation to recovery of charges.	Leader
DHPR	(8)	Approve applications for joint financing of less than £50,000.	Leader
DA	(9)	In consultation with the Portfolio Holder and the Director of Corporate Services, approve Section 106 funding under formal grant arrangements for individual health proposals up to £250,000.	Leader

**RENEWAL, RECREATION & HOUSING PORTFOLIO/
RELEVANT REGULATORY COMMITTEE(S)**

Officer(s) Authorised	Authority to:	Responsibility delegated from
Libraries		
DECS	(1) Select and purchase books and other library and museum materials and arrange loan exhibitions.	Leader
DECS	(2) Amend list of purchased periodicals, such amendments to be reported to the Portfolio Holder annually.	Leader
DECS	(3) Publish book lists.	Leader
DECS	(4) Decide on the closure of libraries at Christmas, Easter and public holidays.	Leader
DECS	(5) Decide on occasional variation of library opening hours.	Leader
DECS	(6) Deal with the letting of library halls.	Leader
DECS	(7) Carry out the Council's functions and duties under the Public Libraries and Museums Act 1964 and any amendments.	Leader
DECS	(8) Approve the secondment of trainee librarians for training, subject to the following: (a) such trainees to sign the usual undertaking in respect of staying in the Council's service for two years after completion of their studies; and (b) financial provision being agreed in the revenue budget annually.	Council
Local Land Charge Searches		
DECS	(9) Deal with local land charge searches.	Leader
Housing		
DHPR	(10) Consider the conditions and housing needs of the Borough.	Leader
DHPR	(11) Assess and arrange rehousing for homeless applicants in accordance with statutory requirements and Council policy.	Leader

DHPR	(12)	Nominate applicants to Housing Associations.	Leader
DHPR	(13)	Monitor the performance of Housing Associations and arrange for collection and production of statistical information.	Leader
DHPR	(14)	Consult with and provide advice to Housing Associations and other housing organisations on the housing needs of the Borough.	Leader
DHPR	(15)	Manage and provide temporary accommodation for homeless people and in cases of emergencies.	Leader
DHPR	(16)	Agree the terms and conditions for block booking arrangements for temporary accommodation.	Leader
DHPR	(17)	Manage the Council funded development programme in line with Council policy.	Leader
DHPR	(18)	Dispose of small plots of land which are surplus to requirements and which do not exceed 200 square metres in area, subject to consultation with local Ward Members.	Leader
DHPR	(19)	Authority to allocate Housing Association Programme funds in accordance with the criteria contained in Social Services and Housing Committee Minute 232(g) (21 st July 1997).	Leader
DHPR	(20)	Determine and pay claims for "well maintained" payments following directions given by the Secretary of State for the Environment.	Leader
DHPR	(21)	Negotiate with owners and accept tenancies of properties in compulsory purchase orders awaiting confirmation by the Secretary of State and from which immediate rehousing is considered necessary.	Leader
DEPP	(22)	Deal with the day-to-day management of all maisonettes associated with shop premises.	Leader
DF	(23)	Authorise payment of disturbance claims.	
DHPR	(24)	Approve all renovation, disabled facilities and other housing grants and loans in accordance with the schemes approved by the Executive Portfolio Holder.	Leader
DHPR	(25)	Require, register and enforce repayment of	Leader

charges relevant to housing and disabled facilities grants in accordance with the practice of the Executive. Approve the waiving of repayments where financial hardship to the owner would arise.

DHPR	(26)	Carry out the Council's functions relating to private sector housing in connection with hazard rating, disrepair, provision of amenity, means of escape in the case of fire, acquisition of property, overcrowding, energy efficiency, empty property including Compulsory purchase, securing unauthorised entry and Management Orders. Require information from owners and others, enforced entry, statutory nuisance, pest control, satisfactory drainage, requests for warrants for entry and undertaking work in default of an owner for non-compliance of a statutory notice or in the event of significant risk.	Leader
DHPR	(27)	Institute enforcement action to seek applications to Tribunals, and for prosecutions, the Director of Corporate Services being satisfied with the evidence in each case, legal proceedings, and hearings in respect of (25) above.	Leader
DHPR/ADP	(28)	Arrange for the demolition of properties for redevelopment purposes.	Leader
DF	(29)	Determine the amounts of rent rebates to be allowed under approved scheme.	Leader
DA	(30)	Authorise the approval of discretionary disabled facilities grants in exceptional circumstances.	Leader

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

PRIMARY LEGISLATION

ACT/REGULATION	DESCRIPTION OF DELEGATION
Accommodation Agencies Act 1953	To perform functions and investigate offences related to the practices of accommodation agencies
Administration of Justice Act 1970	To perform functions and investigate offences related to the harassment of debtors
Agriculture Act 1970 Refer to Schedule of secondary legislation (Regulations)	67(1) Duty Of local authority to enforce part IV of the Act in respect of fertilisers and animal feeding stuffs.67(4) Power to grant consent for inspectors of another enforcement authority to exercise powers within the London Borough of Bromley;67(3) Power to appoint agricultural analyst and deputies; to perform functions and investigate offences related to fertilisers and animal feeding stuffs;75(2) Power to require information and documentation; 76 – Power to enter premises and take samples
Animal Boarding Establishments Act 1963	Provisions relating to the commercial boarding of animals
Animal Health Act 1981	Provisions for welfare of farm animals in transit, on the farm and at market
Animal Welfare Act 2006	Powers relating to the control of animal welfare
Anti-Social Behaviour Act 2003	To perform functions and investigate offences related to the sale of aerosol paint to persons under age.
Anti-social Behaviour, Crime and Policing Act 2014	Provisions which introduce simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities. It includes powers in relation to civil injunctions, criminal behaviour orders, public space protection orders and community protection notices and orders.
Architects Act 1997	To perform functions and investigate offences related to unregistered architects
Breeding and sale of dogs (welfare) Act 1999	Provisions to control the activities of commercial dog breeders
Breeding of dogs Act 1973 & 1991	Provisions to control the activities of commercial dog breeders
Building Act 1984	Provisions relating to adequate water supply, drainage and sanitary ware repair/improvement, in dwellings and emergency abatement of certain statutory nuisances.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Cancer Act 1939	To perform functions and investigate offences connected to advertisements relating to the treatment of cancer
Caravan Sites and Control of Development Act 1960	Provisions for granting licences to caravan sites, attachment of conditions and the provision of caravan sites.
Charities Act 1992	To perform functions and investigate offences connected with information to be provided, and false statements made by, professional fund raisers.
Charities Act 2006	To perform functions and investigate offences connected with unauthorised use of badges certificates and articles and of false statements made, in respect of charitable appeals.
Children and Families Act 2014 Refer to schedule of secondary legislation (Regulations)	Duty of weights and measures authority to enforce the Regulations made under this Act around the prohibition of sale of nicotine products to persons under 18, proxy sales and tobacco packaging.
Children & Young Persons Act 1933	To perform functions and investigate offences connected with the sale of tobacco and cigarette papers to persons under age and in respect of tobacco vending machines.
Children and Young Persons (Harmful Publications) Act 1955	Act prohibits sale or hire of harmful publications to children and young persons
Children & Young Persons (Protection Tobacco) Act 1991	Duty of local authority to consider a programme of enforcement action in respect of the sale of tobacco to persons under age, and to perform functions and investigate offences connected with the sale of single cigarettes [3(1)] and in respect of tobacco warning notices [4(1) & 4(2)].
Christmas Day (Trading) Act 2004	Act restricting store opening times on christmas day
Civil Contingencies Act 2004	Provisions relating to Civil Protection (more commonly known as Emergency Planning) including planning for and responding to emergencies and the discharge of duties and use of emergency powers as appropriate
Clean Air Act 1993	Provisions relating to control of smoke from chimneys and the chimney height; smoke grit and fumes from furnaces and the height of the furnace; the control of appliances and fuels in smoke control areas; controls over cable burning and the power to publish information thereof. Duty to enforce regulations concerning the composition and content of motor fuel [30(4)] and the sulphur content of oil fuel [31(4)] To perform functions and investigate offences connected to regulations made under section 30 & 31 related to the composition and content of motor fuel and fuel oil. To exercise powers of entry, inspection, seizure and test purchase in respect of motor fuel and fuel oil

ACT/REGULATION	DESCRIPTION OF DELEGATION
Companies Act 2006	Where relevant to other authorised functions, to perform functions and investigate offences related to the display and disclosure of company names [Part 5], fraudulent trading [part 29], display and disclosure of business names [part 41].
Consumer Credit Act 1974 as amended	Duty of enforcement by local weights and measures authority Powers of authorised officers related to entry[including making application for warrants], inspection, seizure etc [162] and test purchase [164]
Consumer Protection Act 1987	Duty of enforcement by local weights and measures authority of safety provisions [part II of Act] Power of authorised officers to issue suspension notices in respect of goods suspected of contravening safety provisions and to give consents in respect of notices issued. Power of authorised officers to apply for forfeiture of goods contravening safety provisions. Powers of authorised officers to make test purchases [28(1)], of entry inspection & seizure etc [29], to apply for warrants of entry [30(2)], to request information & assistance [32(1)], to request information & assistance from Commissioners of Customs & Excise [37(1)].
Consumer Rights Act 2015	Power of officers to purchase products, observe carrying on of business, enter a premises with or without a warrant, inspect products, test equipment, require production of documents, seize and detail goods and documents, decommission or switch off fixed installations, break open containers and require assistance from persons on premises.
Control of Pollution Act 1974	Provisions relating to the control of certain paints and treatments; noise and vibration from building sites; noise in the streets; noise abatement zones and the carrying out of certain works by the Council.
Control of Pollution (Amendment) Act 1989	Powers relating to control of waste carriers and power to seize vehicles.
Copyright, Designs & Patents Act 1988	To perform functions and investigate offences related to making or dealing with infringing articles etc Duty of enforcement by local weights and measures authority and powers of authorised officers related to entry, inspection, seizure and test purchase etc To perform functions and investigate offences related to making dealing with or using illicit recordings etc Duty of enforcement by local weights and measures authority and powers of authorised officers related to entry, inspection, seizure and test purchase etc
Criminal Attempts Act 1981	To perform functions and investigate offences connected to attempts to commit an indictable offence, where relevant to other authorised functions.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Criminal Justice Act 1988	To perform functions and investigate offences connected to the supply of offensive weapons [141] and the sale of knives etc. to underage persons [141A]
Criminal Justice and Police Act 2001	Closure of certain classifications of premises
Criminal Justice and Public Order Act 1994	Power to remove unauthorised traveler encampments
Criminal Law Act 1977	To perform functions and investigate matters connected to conspiracy to commit offences where relevant to other authorised functions.
Crossbows Act 1987	To perform functions and investigate matters connected to– the supply of crossbows to persons underage.
Dangerous Wild Animals Act 1976	Provisions relating to control of dangerous wild animals and power to seize dangerous wild animals.
Dangerous Dogs Act 1991	Provisions relating to breeding, supply, control and abandonment of dangerous dogs.
Development of Tourism Act 1969 See also schedule of secondary legislation [orders & regulations]	To perform functions and investigate matters connected to the notification of pricing of accommodation.
Deer Act 1991	The provisions relating to control of the sale of deer and associated record keeping
Education Reform Act 1988	To perform functions and investigate offences connected to unrecognised degrees Duty of local weights and measures authority to enforce provisions of section 214 Trading Standards List 2 Powers of authorised officers in respect of premise entry, inspection search & seizure etc [215(2), 215(6)], to apply for warrants of entry [215(4).
Energy Act 1976 See also schedule of secondary legislation [orders & regulations]	Enforcement of orders relating to passenger car fuel consumption
Energy Conservation Act 1981	Power of local weights and measures authority to enforce provisions concerning the design, construction and operation of energy consuming appliances. Powers of authorised officers in respect of entry, inspection, seizure & detention etc [20(2),20(3),20(7) and warrants of entry [20(5)
Enterprise Act 2002	Designation and power of local weights and measures authority to act as a general enforcer in respect of certain consumer legislation. Power of authorised officers to seek undertakings in respect of domestic and community infringements. Power of authorised officers to give notice requiring that information be provided Duty of local weights and measures authority to give notice of intended proceedings under specified enactments or legislation.

ACT/REGULATION	DESCRIPTION OF DELEGATION
	Power to disclose specified information To investigate offences in respect of disclosure of specified information
Environment Act 1995	Provisions covering a wide range of pollution control arrangements and requirements both centrally and locally, including the power under s.108 of the Act to authorise persons with powers of entry, inspection, and investigation to determine the application of and compliance with pollution control requirements within the local authority's area. Part IV of the Act relates to Air Quality.
Environmental Protection Act 1990	This Act makes various provisions, powers, and duties for different aspects of Environmental Protection, including controlled waste, contaminated land, and litter. The Act also consolidates and expands on previous provisions relating to statutory nuisances, including the duty of Local authority to inspect its area for statutory nuisances and to investigate all complaints of statutory nuisance. Includes provisions for power of entry, power to require works, power to carry out works and powers to recover costs in relation to said statutory nuisance.
Estate Agents Act 1979	Duty of local weights and measures authority to enforce the provisions of the Act Powers of authorised officers in respect of entry, inspection, seizure & detention etc and warrants of entry.
European Communities Act 1972 Refer to schedule of secondary legislation [orders and regulations].	Enforcement of <i>any</i> orders, regulations or other instruments made there under or relating thereto, or having effect by virtue of the Act, in as far as they relate to environmental protection, consumer protection, fair trading, weights and measures and any other matters considered to be trading standards functions.
Explosives Act 1875 to 1976	To perform functions and investigate offences connected to the sale of gunpowder [30, 32] and the sale of gunpowder to persons under age [31].
Fair Trading Act 1973	Duty of local weights and measures authority to enforce orders made under section 22 of the Act Power to make test purchases [28]. Powers of entry, inspection, seizure & detention etc 7 warrants of entry [29]
Farm & Garden Chemicals Act 1967	To perform functions and investigate offences connected to transactions in unlabelled products
Financial Services Act 2012	Designation of powers to weights and measures authorities
Financial Services & Markets Act 2000 Refer to schedule of secondary legislation [orders and regulations].	To exercise the functions of a 'relevant officer' under the Money Laundering Regulations 2007
Firearms Act 1968	To perform functions and investigate offences connected to the supply of air weapons to persons under age.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Fire Safety & Safety of Places of Sport Act 1987	Provisions relating to the safety of sports grounds
Fireworks Act 2003	Duty of local weights and measures authority to enforce provisions in respect of firework regulations Powers of entry and inspection etc [by reference to the Consumer Protection Act 1987]
Food Act 1984	Provisions relating to food safety.
Food & Environment Protection Act 1985	Duty of local weights and measures authority to enforce regulations relating to the sale, labelling and advertising of pesticides Exercise of enforcement powers by authorised officers
Food Safety Act 1990 and Food Safety and Hygiene (England) Regulations 2013	To perform functions in relation to food safety
Forgery & Counterfeiting Act 1981	To perform functions and investigate offences connected to forgery and false instruments where relevant to other authorised functions.
Fraud Act 2006	To perform functions and investigate offences where relevant to other authorised functions.
Gambling Act 2005	Provisions for controls over gambling activities
Greater London (General Powers) Act 1966	Licensing of places concerned with exhibitions
Greater London (General Powers) Act 1967	Licensing of places concerned with hairdressers and barbers
Greater London (General Powers) Act 1984	To exercise powers in respect of the registration of premises used for sales by way of competitive bidding Powers of entry and inspection in connection with sales by way of competitive bidding
Guard Dogs Act 1975	Provisions for control of the use of guard dogs on premises.
Hallmarking Act 1973	Duty of local weights and measures authority to enforce the provisions of the Act. Powers of authorised officers in respect of test purchasing, entry and inspection etc
Health Act 2006	The Act introduced the requirement for certain premises, places, and vehicles to be smoke free, and makes requirements for the management and signage of smoke free areas and provisions for enforcement
Health and Safety at Work etc Act 1974	Section 18(4) of Act – duty of local authority to enforce relevant provisions. Appointment of inspectors Authority to exercise power of inspector

ACT/REGULATION	DESCRIPTION OF DELEGATION
Health and Social Care Act 2008	The obligations placed upon, and provisions empowering local authorities with regard to the control of disease
Housing Act 1985	Section 17 in relation to compulsory purchase
Housing Act 2004	Duty of local weights and measures authority to enforce sections 155 to 159 inclusive and 167(4) [provisions related to home information packs]. Powers of authorised officers to require production of home information packs Powers of authorised officers to issue penalty charge notices in connection with breaches of 155 to 159 inclusive, 167(4), 172(1) Powers to confirm or withdraw a penalty charge notice. Powers to extend the period for complying with a penalty charge notice requirement. Duty to investigate, obtain information, inspect and take action in relation to housing conditions, houses in multiple occupation and empty property as set out in parts 1-1V and all associated schedules.
Housing Grants, Construction and Renovation Act 1996	Whole Act
Home Energy Conservation Act 1974	The provisions requiring local authorities to adopt a strategy for improving energy efficiency
Insurance Brokers (Registration) Act 1977	To perform functions and investigate offences connected to false registration
Intoxicating Substances (Supply) Act 1985	To perform functions and investigate offences connected to the sale of solvent based products to persons under age.
Knives Act 1997	To perform functions and investigate offences connected to the unlawful marketing of knives and the publication of associated material.
Legal Services Act 2007	To perform functions and investigate offences connected to carrying on restricted legal activities when not entitled [14] or carrying on those activities through persons not entitled [16] Powers of authorised officers to enter premises, powers to require production or take copies of documents, to request information. Power to apply for warrants of entry [198(6)]. To perform functions and investigate offences connected to obstruction and failing to provide information etc
Licensing Act 2003 and associated regulations	A consolidation of previous legislation relating to the sale and supply of alcohol and the provision of regulated entertainment and late night refreshment. Creates wide ranging duties in relation to the receipt, advertising, processing, and determination of applications and notices for licensable activities and the holding and conduct of hearings. In addition to Local Authority licensing functions the Act includes the duty of local weights and measures

ACT/REGULATION	DESCRIPTION OF DELEGATION
	authority to enforce the provisions of section 146, 147, 147A in respect of the sale of alcohol to persons under age; to issue a closure notice in respect of persistently selling alcohol to persons under age; to request a person under age to buy or attempt to buy alcohol, and to perform functions and investigate offences connected to the sale of liqueur confectionery to persons under age
Local Government (Miscellaneous Provisions) Act 1976	Power to require information, the provision of sanitary appliances, and the removal of obstructions from private sewers
Local Government (Miscellaneous Provisions) Act 1982	Powers relating to the protection of unoccupied buildings
London Local Authorities Act 1990	To enforce provisions in respect of street trading licences including the power to require production of a licence by a licence holder Powers in respect of the removal of receptacles. Enforcement of provisions in respect of unlicensed street trading including seizure of relevant articles and things. Powers of entry and inspection of authorised officers in connection with occasional sales Power to institute legal proceedings if a relevant person fails to furnish an authorised Officer with a name, or provides a false name or false address. The issuing of fixed penalty notices is authorised under the London Local Authorities Act 2004.
London Local Authorities Act 1991	The provisions relating to licensing premises where special treatments are carried out and provision for the control of burglar alarms
London Local Authorities Act 2004 Part 4	Administration of accounts for Fixed Penalty Notices, use of surplus, report to Secretary of State Power to enforce provisions including the Issuing of Fixed Penalty Notices in respect of contraventions of section 34(1 – 4) and 38(1) of Local Authorities Act 1990
Magistrates Courts Act 1980	Where relevant to other authorised functions, to perform functions and investigate offences related to the aiding, abetting, counselling or procuring the commission of offences.
Malicious Communications Act 1988	Where relevant to other authorised functions, to perform functions and investigate offences related to sending letters etc. with intent to cause distress or anxiety
Medicines Act 1968	Powers of authorised officers related to inspection, premise entry, taking of samples, seizure & detention etc related to medicated animal feed stuffs.
Motor Cycle Noise Act 1987	To perform functions and investigate offences related to the supply of motorcycle silencers and exhaust systems.
National Assistance Act 1948	Power of entry to inspect property

ACT/REGULATION	DESCRIPTION OF DELEGATION
National Lottery Act 1993	To perform functions and investigate offences related to the supply of lottery tickets etc to persons under age
Noise Act 1996	Power to issue warning notices and fixed penalty notices for noise and the power to enter premises and seize equipment
Noise & Statutory Nuisance Act 1993	Provisions for powers in relation to noise and nuisance in the street, control of alarms and recovery of costs
Offensive Weapons Act 1996	Prohibits sale of axes, knives and bladed articles to under 18s
Olympic Symbol etc (Protection) Act 1995	Power of local weights and measures authority to enforce provisions relating to relevant goods
Olympic Symbol etc (Protection) Act 1995	Powers of test purchase, entry, inspection & seizure of authorised officers
Pet Animals Act 1951 & 1983	Provisions for the control of sale of pet animals
Performing Animals (Regulation) Act 1925	Provisions for the control of the training or exhibition of performing animals
Pollution Prevention and Control Act 1999	Proscribes the regulation and control of polluting emissions into the environment by way of environmental permits covering a broad range of trade and industrial installations and processes.
Prevention of Damage by Pests Act 1949	Provides duties and powers relating to the control of rats and mice including powers to enter premises for the control of rodents, to require treatments or the provision of information, and to carry out works.
Prices Acts 1974 & 1975	Duty of local weights and measures authority to enforce orders made under sections 2, 4 & 5 in respect of the prices of goods. Powers of entry, inspection, seizure etc of authorised officers
Proceeds of Crime Act 2002	Matters in relation to the investigation and charging of money laundering offences
Protection From Harassment Act 1997	Where relevant to other authorised functions, to perform functions and investigate offences related to harassment and putting people in fear of violence
Protection of Animals Act 1911	Provisions relating to animal welfare
Public Health Act 1936	The obligations placed upon, and provisions empowering local authorities with regard to the control of public health
Public Health Act 1961	The obligations placed upon, and provisions empowering local authorities with regard to the control of public health

ACT/REGULATION	DESCRIPTION OF DELEGATION
Public Health (Control of Diseases) Act 1984	The obligations placed upon, and provisions empowering local authorities with regard to the control of disease
Registered Designs Act 1949 as amended	Provisions relating to the protection of registered designs
Restriction of Offensive Weapons Act 1959	Where relevant to other authorised functions, to perform functions and investigate offences related to the sale and supply of knives and other dangerous weapons.
Riding Establishments Act 1964 - 1970	Provisions relating to licensing of horse riding establishments
Road Traffic Act 1988	To perform functions and investigate offences related to the sale of motorcycle helmets To perform functions and investigate offences related to the supply of unroadworthy vehicles [75] and the fitting or supply of defective or unsuitable vehicle parts [76].
Road Traffic (Foreign vehicles) Act 1972	Provisions relating to the powers of authorised persons to prohibit overloaded vehicles
Safety of Sports Grounds Act 1975	The provisions relating to the safety of sports grounds
Scotch Whiskey Act 1988	Provisions relating to the supply and sale of products described as scotch whiskey.
Scrap Metal Dealers Act 2013	The provisions relating to the registration of scrap metal dealers
Solicitors Act 1974	To perform functions and investigate offences related to pretending to be a solicitor and engaging in various practices when unqualified. Powers of inspection, entry, seizure & detention, application for a warrant of entry of authorised officers
Sunbeds (Regulation) Act 2010	An Act to make provision about the use or supply of tanning devices that use artificial ultra-violet radiation, includes restriction on sales to under 18's
Sunday Trading Act 1994	Controls over hours of opening on Sundays and Easter for large shops.
Tattooing of Minors act 1969	The provisions relating to the tattooing of young persons
Telecommunications Act 1984	To perform functions and investigate offences related to the marking and labelling of telecommunications apparatus and information contained in advertisements for telecommunications apparatus.
Tenant Fees Act 2019	Duty of local weights and measures authority to enforce the provisions of the Regulations, which include provisions to prohibit landlords and letting agents from requiring certain payments to be made.
Theft Act 1968	Where relevant to other authorised functions, to perform functions and investigate offences related to false

ACT/REGULATION	DESCRIPTION OF DELEGATION
	accounting [17] and going equipped to cheat [25].
Timeshare Act 1992	Duty of local weights and measures authority to enforce the provisions of the Act. Power of authorised officers to request information and seize documents
Tobacco Advertising and Promotion Act 2002 Refer to schedule of secondary legislation (Regulations)	Duty of local weights and measures authority to enforce the provisions of the Act. Powers of authorised officers to enter premises, perform inspections, seize items, apply for warrants of entry etc.
Trade Descriptions Act 1968	Duty of local weights and measures authority to enforce the provisions of the Act Offence provisions substantially replaced by CPUT 2008.
Trade Marks Act 1994	Duty of local weights and measures authority to enforce provisions of section 92 (unauthorised use of trade mark, etc. in relation to goods). Powers of authorised officers to inspect goods and enter premises etc, of seizure and detention, to apply for warrants of entry etc. Power to apply for forfeiture of goods To perform functions and investigate offences related to the falsification of the trademarks register etc [94] and falsely representing a trade mark as registered [95].
Trading Representations (Disabled Persons) Acts 1958 and 1972	To perform functions and investigate offences related to registration of sellers of goods made by persons with disabilities
Unsolicited Goods and Services Act 1971 & 1975	To perform functions and investigate offences related to unsolicited demand for payment etc
Veterinary Surgeons Act 1966	To perform functions and investigate offences related to the carrying out of veterinary practices by unqualified persons and the use of practitioners titles when unqualified.
Video Recordings Act 1984	Duty of local weights and measures authority to enforce the provisions of the Act Powers of authorised officers to make test purchases, to enter premises, carry out inspections, powers of seizure & detention and to apply for warrants of entry etc To investigate outside of Bromley, offences suspected of being linked to or suspected to have been committed within the borough. To give consent to officers from other local authorities to investigate within Bromley, offences suspected of being linked to that other authority or suspected to have been committed within it.
Water Industry Act 1991	The provisions relating to the control of water to premises, including sufficiency, wholesomeness, and contamination; the control of waste water and duties placed upon the local authority.
Weights and Measures Act 1985	Designation of the London Borough of Bromley as a local weights and measures authority. <i>Power to provide consumer advice</i> Delegation of Chief Inspector of weights and measures To authorise an inspector to act as Deputy

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

SECONDARY LEGISLATION

The secondary legislation detailed below is predominantly that enforced by the Weights and Measures authority and referred to in the list of primary legislation above. It is not an exhaustive list of all secondary legislation enforced by the Public Protection service.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Secondary legislation made under the European Communities Act 1972	
Advanced Television Services Regulations 1996	Provisions relating to supply & construction of television equipment.
Aerosol Dispensers(EEC Requirements) Regulations 2009	Powers of authorised officers related to entry (including making application for warrants), inspection, 'testing' etc... To perform functions and investigate offences/breaches under the Regulations
Animal Feed (England) Regulations 2010	Regulations on marketing and use of feed
Animal Feed (Composition, Marketing and Use)(England) Regulations 2015	Enforcement / implementation of EU Regulations and Directives on feed safety

ACT/REGULATION	DESCRIPTION OF DELEGATION
Animal Feed (Hygiene, Sampling etc and Enforcement)(England) Regulations 2015	Duty of feed authority to enforce the Regulations. Power to enter premises, inspect, seize and detain suspect feed and serve notices
Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013	Regulations on Biocidal Products and Chemicals, appointing authorities and enforcement
Biofuel (Labelling) Regulations 2004	Regulations on labelling of biofuels
Boiler (Efficiency) Regulations 1993	Duty of local weights and measures authority to enforce the provisions of the Regulations.
Business Protection from Misleading Marketing Regulations 2007	Duty of local weights and measures authority to enforce the provisions of the Regulations Power to request information by notice in writing. Power to make test purchases and enter into an agreement to secure the provision of a service. Power to enter premises, inspect goods require production and seize or take copies documents and seize goods. Power to enter premises with a warrant.
Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008	Regulations on import and export of cat and dog fur (enforcing EU Regulation 1523/2007)
Chemical (Hazard Information & Packaging for Supply) Regulations 2009	Duty of the local weights and measures authority to enforce where the supply is from any form of retail outlet and to enforce the provisions relating to the control of advertising (Reg 6) and child resistant packaging (Reg 11) Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Cigarette Lighter Refill (Safety) Regulations 1999/1844	Regulations on prohibition of sale of cigarette lighter refill canisters to under 18's
Client Money Protection Schemes for Property Agents (Requirement to belong to a Scheme etc) Regulations 2019	Duty to enforce the provisions, which includes the requirement of property agents that hold money on behalf of a client to belong to an approved or designated client money protection scheme.
Companies (Trading Disclosures) Regulations 2008	Regulations on requirements for a company and business display of name and on business paper
Construction Products Regulations 1991	Duty of the local weights and measures authority to enforce the provisions of Part II of the Regulations (requirements relating to construction products). Power of authorised officers to issue suspension notices in respect of products suspected of contravening the regulations and to give consents in respect of notices issued. Power of authorised officers to apply for forfeiture of products contravening the Regulations Powers of authorised officers to make test purchases, of entry inspection &

ACT/REGULATION	DESCRIPTION OF DELEGATION
	seizure etc, to apply for warrants of entry, to request information & assistance.
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013	Regulations on Consumer Contracts
Consumer Protection (Cancellation of Contracts made in a consumers home or place of work etc) Regulations 2008	Duty of local weights and measures authority to enforce the provisions of regulations (offence relating to the failure to provide cancellation rights). Power of authorised officers to request production of documents and to seize documents.
Consumer Protection (Cancellation of Contracts made in a consumers home or place of work etc) Regulations 2013	Duty of weights and measures authority to enforce.
Consumer Protection (Distance Selling) Regulations 2000	Duty of local weights and measures authority to consider complaints made to it about a breach. To perform functions and investigate offences/breaches under the Regulations
Consumer Protection from Unfair Trading Regulations 2008	Duty of local weights and measures authority to enforce the Regulations. Power to carry out test purchases or enter into arrangements to purchase products. Power to enter premises, inspect goods require production and seize or take copies documents and seize goods. Power to enter premises with a warrant.
Control of Misleading Advertisements Regulations 1988	To perform functions and investigate breaches under the Regulations
Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991	Power to require information in relation to waste carriers.
Cosmetic Products Enforcement Regulations 2013	Regulations on safety of cosmetic products
Cosmetic Products (Safety) Regulations 2004	To perform functions and investigate offences under the Regulations
Consumer Rights (Payment Surcharges) Regulations 2012	Regulations on the application of excessive surcharges
Crystal Glass (Descriptions) Regulations 1973	Duty of local weights and measures authority to enforce Regulations. Powers of authorised officers to make test purchases, of entry inspection & seizure etc , to apply for warrants of entry
Detergents Regulations 2010	Regulations restricting placing on market of detergent products, enforcing EU Regulation 648/2004
EC Fertilisers (England and Wales) Regulations 2006	Regulations implementing EU rules on Fertilisers

ACT/REGULATION	DESCRIPTION OF DELEGATION
Eggs (Marketing Standards) Regs 1995	Control provisions for quality, marking and grading of eggs
Electrical Equipment (Safety) Regulations 1994	Safety provisions regarding electrical equipment
Electromagnetic Compatibility Regulations 2006	Duty of local weights and measures authority to enforce the Regulations (except the provisions relating to electricity water meters). Powers of authorised officers to make test purchases, of entry inspection & seizure etc), to apply for warrants of entry, to issue compliance and suspension notices and to request information & assistance.
Electro-medical Equipment (EEC Requirements) Regulations 1988	Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry Power to make test purchases, enter premises and inspect and seize goods and entry by warrant.
Electronic Commerce (EC Directive) 2002	The regulations stipulate information that must be provided by businesses providing information society services to consumers
Energy Efficiency (Ballasts for Fluorescent Lighting) Regulations 2001	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information Regulations 2011	Regulations on Energy Information
Energy Information (Combined washer driers) Regs 1997	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Dishwashers) Regs 1999	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Household Air Conditioners) Regs 2005	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
Energy Information (Household electric ovens) Regs 2003	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant
Energy Information (Household refrigerators and freezers) Regs 2004	Power to request technical documentation; carry out test purchases, entry, seizure and entry by warrant.
Energy Information (lamps) Regs 1999	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.

ACT/REGULATION	DESCRIPTION OF DELEGATION
Energy Information (tumble dryers) Regs 1996	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant
Energy Information (Washing Machines) Regs 1996	Duty of local weights and measures authority to enforce the Regulations Power to request technical documentation, carry out test purchases, entry, seizure and entry by warrant.
The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007	Duty of local weights and measures authority to enforce regulations 5(2), 5(5), 6(2), 9(2), 10, 16(2), 21(1), 23, 24 and 39(4). Powers to request copies of documents to issue a penalty charge notice.
Energy Performance of Buildings (England and Wales) Regulations 2012	Regulations on Energy Performance of Buildings
Explosives Regulations 2014	Duty to grant licences in relation to the storage of explosives.
Fertilisers Regulations 1991	Provisions for labelling and sampling controls of fertilisers
Filament Lamps For Vehicles (Safety) Regulations 1982	Regulation on filament lamps in vehicles
Financial Services (Distance Marketing) Regulations 2004	Duty of local weights and measures authority to consider complaints about a breach of the Regulations To perform functions and investigate breaches/offences under the Regulations
Financial Services Act 2012 (Consumer Credit) Order 2013	Provides power for weights and measures authorities to prosecute consumer credit offences
Fireworks Regulations 2004	Regulations made under the Fireworks Act 2003, creating offences on supply of fireworks
Food Imitations (Safety) Regulations 1989	Regulations on Imitation Foods
Footwear (Indication of Composition) Labelling Regulations 1995	Duty of local weights and measures authority to enforce the Regulations. Powers of authorised officers to make test purchases, of entry inspection & seizure etc, to apply for warrants of entry.
Furniture and Furnishings (Fire) (Safety) Regulations 1988	Safety regulations on Furniture and Furnishings for Fire Safety
Gas Appliance (Safety) Regulations 1995	Regulation on safety of Gas Appliances
General Product Safety Regulations 2005	Duty of local authority to enforce the provisions of the Regulations. Power to issue suspension notices, require to 'mark,' require to warn, issue a withdrawal notice, issue a recall notice, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants

ACT/REGULATION	DESCRIPTION OF DELEGATION
Household Appliances (Noise Emission) Regulations 1990/161	Regulations on Noise Emissions From Household Appliances
Materials & Articles in Contact with Food Regulations 2012	The provisions relating to materials that are to be in contact with food
Measuring Container Bottles (EEC Requirements) Regulations 1977	To perform functions and investigate offences related to the Regulations. Power of inspection, entry and testing.
Measuring Instruments (Automatic Catchweighers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Automatic Discontinuous Totalisers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Automatic Rail-weighbridges) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Beltweighers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Capacity Serving Measures) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Cold-water Meters) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (EEC Requirements) Regulations 1988	To perform functions and investigate offences related to the Regulations. Power to entry, inspection testing and search by warrant.
Measuring Instruments (Gravimetric Filling Instruments) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations
Measuring Instruments (Liquid Fuel and Lubricants) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Liquid Fuel Delivered from Road Tankers) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry, inspection testing and search by warrant
Measuring Instruments (Material Measures of Length) Regs 2006	Duty of the local weights and measures authority to enforce the Regulations Power to serve compliance notice, serve an enforcement notice and powers of entry,

ACT/REGULATION	DESCRIPTION OF DELEGATION
	inspection testing and search by warrant
Medical Devices Regulations 2002	Powers of forfeiture, issue suspension notices, enter premises and seize goods and entry by warrant. Duty of local weights and measures authority to enforce these regulations in relation to devices that are consumer goods.
Medicines (Advertising) Regulations 1994	To perform functions and investigate breaches under the Regulations
Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations 1988/1275	Regulations on weighing of goods vehicles and cargo with merchant shipping
Money Laundering Regulations 2007	In specified circumstances: Power to request information, records and attendance of persons to answer questions; powers of entry, inspection, to take copies of documents and entry by warrant; power to make an application to the courts requesting person to take certain action, and power to prosecute for offences.
Motor Fuel (Composition and Content) Regulations 1999	Duty to enforce Regs 5B (3), (5), (6) where it relates to fuel not intended for use in motor vehicles
Motor Vehicles Tyres (Safety) Regulations 1994	Regulations on Tyre Safety
National Lottery Regulations 1994	Regulations for the National Lottery
Natural Mineral Water, spring water and bottled drinking water Regs 1999	Provisions for the control of the bottling, supply and quality for natural mineral water
Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015	Duty of weights and measures authority to enforce Regulations
Nightwear (Safety) Regulations 1985	Regulations on safety of nightwear
N-nitrosamines and N-nitrosatable Substances in Elastomer or Rubber Teats and Dummies (Safety) Regulations 1995	Regulations on children's dummies
Non-Automatic Weighing Instruments (EEC Requirements) Regulations 2000	To perform functions and investigate offences related to the Regulations. Only local weights and measures authority can institute proceedings. Powers of entry, inspection, testing and entry by warrant.
Oil Heaters (Safety) Regulations 1977	Regulations on safety of oil heaters

ACT/REGULATION	DESCRIPTION OF DELEGATION
Olive Oil (Marketing Standards) Regulations 2003	Provisions for the control of the bottling, supply and quality for olive oils
Organic Products Regulations 2009/842	Regulations on Organic Products
Packaged Goods Regulations 2006	Duty of local weights and measures authority to enforce the Regulations. Powers of entry, inspection, testing and search by warrant.
Package Travel, Package Holidays and Package Tours Regulations 1992	Duty of local weights and measures authority to enforce the Regulations for the purposes of regs 5, 7, 8, 16 & 22. Powers of entry, seizure, production of documents and entry by warrant.
Packaging (Essential Requirements) Regulations 2003	Duty of local weights and measures authority to enforce the Regulations. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Passenger Car (Fuel Consumption & CO2 Emissions Information) Regulations 2001 and The Passenger Car (Fuel Consumption) Order 1983.	Duty of local weights and measures authority to enforce the Regulations. Power to enter premises to request production to seize a certificate of conformity. Power to search by warrant.
Personal Protective Equipment (EC Directive) Regulations 2002	Duty of local weights and measures authority to enforce the Regulations Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Pedal Bicycles (Safety) Regulations 2010	Safety regulations on Pedal Cycles
Petroleum (Consolidation) Act 1928	Act to Regulate Petroleum Storage
Plastic materials & Articles in Contact with Food Regulations 1992	The provisions relating to plastic materials that are to be in contact with food
Plugs and Sockets etc (Safety) Regulations 1994	Regulations on Plugs and Sockets
Pressure Equipment Regulations 1999	Duty of local weights and measures authority to enforce the Regulations in relation to pressure equipment or assemblies for private use or consumption. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Price Indications (Bureaux de Change) (No 2) Regulations 1992	Regulations on Price Indications at Bureau de Change
Price Marking Order 2004	Regulations on Pricing

ACT/REGULATION	DESCRIPTION OF DELEGATION
Pyrotechnic Articles (Safety) Regulations 2015	Duty of local weights and measures authority to enforce the Regulations. Power to enter premises, inspect and seize goods etc, carry out test purchases
REACH Enforcement Regulations 2008	Regulations on restrictions on chemicals, enforcing EU REACH regulation
Radio Equipment & Telecommunications Terminal Equipment Regulations 2000	Duty of local authority to enforce the Regulations. Power to serve enforcement notice. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Recreational Craft Regs 1996	The obligations placed upon, and provisions empowering local authorities with regard to the supply of recreational craft
Recreational Craft Regulations 2004	Duty of local weights and measures authority to enforce the Regulations. Power to service compliance notice. Power to issue suspension notices, apply for forfeiture and obtain information.
Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014	Requirement to join redress schemes. Made under Enterprise and Regulatory Reform Act 2013
Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013	Regulations on Rights of Passengers in Bus and Coach Transport, enforcing EU Regulations. Reg 8 designates a local weights and measures authority (and others) as the enforcement authority for EU Reg 181/2011
Sale and Supply of Goods to Consumers Regulations 2002/3045	Regulations on sale and supply of good to consumers. Reg 2 designates WMA as enforcement authority which under Reg 15 are able to apply for injunctions regarding consumer guarantees
Simple Pressure Vessels (Safety) Regulations 1991	Duty of local weights and measures authority to enforce the Regulations where they relate to vessels and relevant assemblies as consumer goods. Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Standardised Packaging of Tobacco Products Regulations 2015	To perform functions and investigate breaches under the Regulations from commencement date
Supply of Machinery (Safety) Regulations 1992	Duty of local weights and measures authority to enforce where it relates to relevant machinery as goods for private use or consumption Power to issue suspension notices, apply for forfeiture, carry out test purchases, enter premises, inspect and seize goods etc... and obtain search warrants
Textile Products (Labelling and Fibre Composition) Regulations 2012	Regulations On Labelling and Fibre composition of Textile Products, enforcing EU regulations

ACT/REGULATION	DESCRIPTION OF DELEGATION
Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010	Regulations on Timeshare Products and Contracts
Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010	To perform functions and investigate breaches under the Regulations
Tobacco Advertising and Promotion (Display) (England) Regulations 2010	To perform functions and investigate breaches under the Regulations
The Tobacco and Related Products Regulations 2016	To perform functions and investigate breaches under the Regulations relating to the manufacture, presentation and sale of tobacco and related products, including herbal products for smoking and electronic cigarettes and refills
Tobacco for Oral Use (Safety) Regulations 1992	Regulations prohibiting sale of tobacco for oral use
Tobacco Products (Manufacture, Presentation and Sale) Regulations 2002	Regulations regarding tobacco products manufacture presentation and sale
Tourism (Sleeping Accommodation Price Display) Order 1977	Power of entry and inspection.
Toys (Safety) Regulations 2011	Regulations regarding safety of toys
Unfair terms in consumer contracts Regs 1999	Enforcement of unfair terms in consumer contracts

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

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

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

The Health Protection (Local Authority Powers) Regulations 2010

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

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

Health Protection (Notification) Regulations 2010

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

Health Protection (Part 2A Order) Regulations 2010

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