



THE LONDON BOROUGH
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DATE: 22 November 2021

To: Members of the
GENERAL PURPOSES AND LICENSING COMMITTEE

Councillor Pauline Tunnicliffe (Chairman)

Councillor Michael Turner (Vice-Chairman)

Councillors Gareth Allatt, Nicholas Bennett MA J.P., Mark Brock, Robert Evans, Kira Gabbert, Colin Hitchins, Josh King, Alexa Michael, Neil Reddin FCCA, Melanie Stevens, Harry Stranger, Ryan Thomson and Stephen Wells

A meeting of the General Purposes and Licensing Committee will be held at Bromley Civic Centre on **TUESDAY 30 NOVEMBER 2021 AT 7.00 PM**

PLEASE NOTE: This meeting will be held in the Council Chamber at the Civic Centre, Stockwell Close, Bromley, BR1 3UH. Members of the public can attend the meeting: you can ask questions submitted in advance (see item 3 on the agenda) or just observe the meeting. There will be limited space for members of the public to attend the meeting – if you wish to attend please contact us, before the day of the meeting if possible, using our web-form:

<https://www.bromley.gov.uk/CouncilMeetingNoticeOfAttendanceForm>

Please be prepared to follow the identified social distancing guidance at the meeting, including wearing a face covering.

TASNIM SHAWKAT

Director of Corporate Services & Governance

Copies of the documents referred to below can be obtained from
[**http://cds.bromley.gov.uk/**](http://cds.bromley.gov.uk/)

A G E N D A

1 DECLARATIONS OF INTEREST

2 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

3 QUESTIONS

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting - by 5pm on 16TH November 2021.

Questions specifically on reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically on reports on the agenda are received by the Democratic Services Team by 5pm on Wednesday 24 November 2021.

- 4 **MINUTES OF THE MEETING HELD ON 21 SEPTEMBER 2021** (Pages 3 - 8)
- 5 **EY AUDIT BRIEFING PAPER** (Pages 9 - 12)
- 6 **REVIEW OF POLLING DISTRICTS AND POLLING PLACES** (Pages 13 - 30)
- 7 **TEACHERS PAY POLICY 2021/22 - CENTRALLY BASED STAFF** (Pages 31 - 42)
- 8 **GAMBLING ACT 2005 - REVISED STATEMENT OF GAMBLING POLICY 2022 TO 2025** (Pages 43 - 100)
- 9 **REVISED AMENITY STANDARDS FOR HMOS** (Pages 101 - 122)
- 10 **MOBILE HOMES FIT AND PROPER PERSON REGISTRATION - FEES POLICY**
 (Pages 123 - 136)
- 11 **COUNCIL MOTION - HONORARY FREEDOM OF THE BOROUGH** (Pages 137- 140)
- 12 **MEMBER INDUCTION 2022** (Pages 141 - 146)
- 13 **APPOINTMENTS TO OUTSIDE BODIES** (Pages 147 - 150)
- 14 **WORK PROGRAMME AND MATTERS ARISING** (Pages 151 - 156)
- 15 **RIGHTS OF WAY SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2021** (Pages 157 - 158)
- 16 **AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 21 OCTOBER 2021, EXCLUDING EXEMPT INFORMATION** (Pages 159 - 168)
- 17 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

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

<u>Items of Business</u>	<u>Schedule 12A Description</u>
18 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 21 OCTOBER 2021 (Pages 169 - 170)	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Agenda Item 4

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.00 pm on 21 September 2021

Present:

Councillor Pauline Tunnicliffe (Chairman)
Councillor Michael Turner (Vice-Chairman)
Councillors Nicholas Bennett MA J.P., Mark Brock,
Peter Dean, Simon Fawthrop, Christine Harris,
Colin Hitchins, Josh King, Alexa Michael,
Neil Reddin FCCA, Will Rowlands and Melanie Stevens

174 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Gareth Allatt, Councillor Robert Evans (who was replaced by Councillor Christine Harris), Councillor Kira Gabbert (who was replaced by councillor Simon Fawthrop, Councillor Harry Stranger (who was replaced by Councillor Will Rowlands), Councillor Ryan Thompson and Councillor Stephen Wells (who was replaced by Councillor Peter Dean.)

175 DECLARATIONS OF INTEREST

Councillor Simon Fawthrop declared an interest as an employee of BT in relation to minute 181.

176 QUESTIONS

No questions had been submitted.

177 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 6 JULY 2021

RESOLVED that the minutes of the meeting held on 6 July 2021 be confirmed.

178 FEEDBACK ON THE 2021 POLLS AND UPDATE ON ELECTORAL ARRANGEMENTS

Report CSD21088

The Committee received a report advising Members on the key issues relating to the Greater London Authority (GLA) Elections and the Crystal Palace By Election held on Thursday 6 May 2021, and highlighting the forthcoming changes in electoral arrangements.

General Purposes and Licensing Committee
21 September 2021

A Member noted that 1,200 duplicate registration applications between the start of the election and the registration deadline. It was noted that national publicity did not always make it clear that only persons not on the Register needed to register. About two hundred postal votes were received after the close of the poll, while about 25% of postal votes were not used.

A Member commented that there was a large number of spoilt ballot papers across London. It was confirmed that the GLA was reviewing the format of the ballot paper and voting systems, but it was unclear whether any changes could be implemented for the next GLA election.

A Member asked whether the number of schools resisting being used for elections could lead to increased costs for future elections. While schools were cheap to use as they were limited in what costs they could charge, many of the alternative venues used for the first time worked well and would be used again.

Officers confirmed that the Local Government Boundary Commission Review was now complete, and the new ward arrangements would come into effect for the local elections on 5th May 2022. The Returning Officer had no authority to make changes to the boundaries or ward names. The Council was carrying out a polling places review and the outcome would be reported to the Committee on 30th November. It was confirmed that the Council's election software would be able to cope with the changes, including the further changes to parliamentary constituency boundaries now being proposed.

The Chairman thanked the Electoral Services Manager and her Team for their very effective conduct of the election.

RESOLVED that the contents of the report be noted and the Returning Officer be requested to take the Committee's comments into account when planning for future elections.

179 ANNUAL COMPLAINTS REPORT AND LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN LETTER 2020/21
CEF21028

The Council produced an Annual Complaints Report each year setting out statistics on the complaints that it received. The Committee received the 2020/21 report, which had already been considered at the Adult Care and Health PDS Committee on 9th September 2021 and the Children, Education and Families PDS Committee on 14th September 2021. The report also included the annual Local Government & Social Care Ombudsman letter which summarised ombudsman complaints and enquiries received about the Council for the year ending 31 March 2021.

There had been a 17% reduction in complaints in 2020/21 compared to the previous year. This was probably due in part to the Covid-19 pandemic, with less activity in some service areas, but also reflected the Council's ethos of continuous improvement and using feedback from a variety of sources to

improve services. Response times to complaints had also improved, although the Chairman noted that they were still too long in a number of cases. It was also noted that Environment and Public Protection complaints were not overseen by the Corporate Complaints Team, and the statistics provided were not as detailed as for the rest of the Council.

RESOLVED that the report be noted.

**180 LICENSING ACT 2003 - AMENDMENT TO THE STATEMENT OF
LICENSING POLICY FOR 2021 TO 2026 - CUMULATIVE
IMPACT ASSESSMENT**
Report ES20119

Section 5 of the Licensing Act 2003 required a licensing authority to prepare and publish a statement of its licensing policy (SLP) at least every five years. During the five years, the policy must be kept under review and revised as necessary.

Bromley's draft SLP became effective on 7th January 2021 and expired in January 2026. The SLP contains a Cumulative Impact Policy (CIP) covering two areas – Beckenham and Bromley town centres. With the introduction of new legislation, the Police and Crime Act 2017, a Cumulative Impact assessment (CIA) had to be carried out every three years to support any CIP within the authority's SLP. At its meeting on 30th September 2020 the Committee had approved the Licensing Policy with the CIPs in place. In preparing a CIA, consultation had taken place between October 2020 and April 2021, and all responses were in favour of retaining the existing CIP without any extension.

The Committee discussed crime in Beckenham and Bromley town centres, including theft, drug offences and alcohol-related crime – this all supported the retention of the CIP. It was noted that the majority of the extra planters in high streets installed during the Covid pandemic were due to be removed in coming months. A Member asked for some figures on the number of applications submitted in the CIPs and those granted and refused, particularly over the Covid period. Officers emphasised that about 95% of applications were granted, and that the intention of the CIP was to restrict proposals that would have a negative impact.

A Member asked whether LB Lewisham was required to consult Bromley Council and residents about the recent CI Festival in Beckenham Place Park. Officers confirmed that there was no statutory duty for them to consult Bromley, but they had encouraged LB Lewisham to consult.

RESOLVED that

(1) The evidence received during the consultation be noted.

(2) The Cumulative Impact Assessment be approved and the Cumulative Impact Policy for Beckenham and Bromley Town Centres be retained within the Council's Statement of Licensing Policy 2021 to 2026 (option A in the report).

(3) Officers be authorised to update the Statement of Licensing Policy accordingly.

181 TRANSFORMING BROMLEY 2019 - 23: FIRST TWO YEARS
Report CSD21086

At its meeting on 30th June 2021 the Executive considered the attached report on the Council's Transformation Programme, and referred the report to all PDS Committees and General Purposes and Licensing Committee. The report has already been considered by Executive, Resources and Contracts PDS Committee at its meeting on 23rd June 2021.

RESOLVED that progress with the Transformation Programme be noted.

182 REVIEW OF THE SCHEME OF DELEGATION TO OFFICERS
Report CSD21099

At its last meeting on 6th July 2021, the Committee established a Working Group to conduct a review of the Scheme of Delegation to Officers. The Working Group had met and made recommendations to this Committee proposing that priority should be given to a complete re-draft of the Scheme and making a number of suggestions as to how the Scheme could be improved. The Working Group recognised that officer resources for completing this work were limited, and suggested that external consultants could be utilised.

The Committee discussed how to take forward the Working Group's recommendations. Members were not in favour of appointing consultants, but considered that it should be possible for officers to develop a new Scheme ready for the next Council year. Councillor Stephen Wells, who had chaired the Working Group, would oversee this process and liaise with the new Director of Corporate Services and Governance.

The Chairman thanked the Working Group for their conclusions.

RESOLVED that the Scheme of Delegation to Officers be amended and a revised draft version be presented to the Committee's meeting on 30th November or 9th February with a view to adopting a new Scheme for the next Council Year.

183 WORK PROGRAMME AND MATTERS ARISING
Report CSD21087

The Committee considered its work programme for 2021/22 and received updates on matters outstanding from previous meetings.

The Work Programme would be updated to include a further report on the Scheme of Delegation to Officers in November or February, and an update on the 2020/21 accounts in November. A Member noted that the Constitution would need some minor updates to reflect the reduced number of Councillors from May 2022 onwards.

RESOLVED that the work programme be noted and updated.

**184 AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD
ON 8 JUNE 2021, EXCLUDING EXEMPT INFORMATION**

The minutes of the Audit Sub-Committee meeting on 8 June 2021 were received.

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

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

**The following summary
refers to matters involving exempt information**

186 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 8 JUNE 2021

The exempt minutes of the Audit Sub-Committee meeting on 8 June 2021 were received.

The Meeting ended at 8.05 pm.

Chairman

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Building a better
working world

EY Audit Briefing Paper

General Purposes and Licencing Committee meeting 30 November 2021

Background and Purpose

This paper updates the Committee on the current status of the audits of the London Borough of Bromley and London Borough of Bromley Pension Fund audits for 2019/20. We make a number of recommendations on the actions the Council needs to take to:

- Ensure that the 2019/20 audits can be completed in a timely manner, and
- Facilitate a smoother completion of the subsequent audits.

We will work with the Council to agree a plan to implement those recommendations. However, we remain concerned that the Council is struggling to support the completion of the audit and so we also set out below further actions we may take, under the Local Audit and Accountability Act 2014 (Schedule 7), to bring those matters to the attention of the full Council and to require action in response from the Council, if the recommendations below are not actioned on a timely basis. Were we to report to Council under Sch 7, a copy of our report would also be sent to the Secretary of State.

2019/20 audit

We have encountered significant delays in resolving our audit queries.

The latest agreed due date for resolving all outstanding matters not related to asset valuations and property, plant and equipment is 19 November 2021.

The key issues in relation to asset valuations and property, plant and equipment (which is the largest incomplete section of the audit) including details of where we have encountered delays and some of the reasons for those delays are:

- Property revaluations
 - We identified issues with the property valuations methodology adopted by Montague Evans, as a result of our initial audit work in late 2020.
 - All investment property valuations except one have had to be revalued by Montague Evans.
 - Car park valuations – we raised concerns about the approach adopted, for example in relation to the valuation of multi-story car parks. We have worked with the external valuers to highlight issues with their valuation approach and to agree a revised methodology. That process, and the subsequent time required to revalue the assets, have resulted in significant delays to the audit process.
 - We have identified completeness and accuracy issues in relation to the responses from Montague Evans. Each request for revaluation work and responses to queries has taken several weeks for them to turn round and respond.
 - Subsequent delays in responses from Council officers responding to follow up queries.
- Depreciation not charged on assets revalued in year and delayed resolution of the issue.

- Existence of furniture and fittings – An initial approach was agreed to qualify our opinion for this issue (May 2021) but the Council changed their approach and decided they wanted to revise the statements (July 2021). We are still waiting for some information in this area.

Pension Fund

We have encountered significant delays in resolving our audit queries. The main item outstanding at the date of this report is receiving revised financial statements. The initial agreed due date for these was 31 July 2021. The current revised due date is 30 November 2021.

There will be further procedures for us to complete once these have been received.

Recommendations

We reported in June that we expected to be reporting the conclusion and outcome of the 2019/20 audit by early September 2021. However, we are now in November with issues still outstanding. We recognise that officers are working hard but there is a significant backlog and too many demands on their time to resolve this. In order to conclude the audit and to prepare for and support the audits of the 20/21 and 21/22 accounts, we make the following recommendations:

2019/20

1. Set out a clear timeline of when queries will be responded to and meet these deadlines. Put in place escalation procedures that hold officers to account for their areas of responsibility.
2. Ensure that sufficient priority is given to responding to audit queries, and that sufficient resource is available within the finance function to provide capacity to undertake audit support and “business as usual”, such as budget preparation and management accounting and reporting.

2020/21 and beyond

1. Set out a clear timeline of how the Council plans to address the backlog of work, including a resourcing plan and task allocation plan.
2. Ensure that the Council has a clear timeline for closing down 2020/21 and preparing the draft financial statements
3. Develop a sustainable resourcing strategy, with appropriate skills and capacity, to address future reporting requirements, such as changing business (e.g. group reporting) and technical reporting requirements (e.g. changes to CIPFA codes).

Potential to issue a Schedule 7 report - Local Audit and Accountability Act of 2014

Schedule 7 report is where the auditor may make recommendations about actions that the auditor thinks the body should take in response to the findings of an audit. Statutory recommendations under Schedule 7 must be considered by the body and responded to publicly. They can direct the body to respond to specific shortcomings or failures; or assist in monitoring the body's progress on specific issues. The auditor must also copy a schedule 7 recommendation to the relevant Secretary of State.

If we were to report under schedule 7, our recommendations would highlight the investment required by the Council to support its financial reporting function to close out the 19/20 audit, prepare the 20/21 accounts and support that audit, and prepare the 21/22 accounts and support that audit, in order to address the reporting timetable backlog by the end of 2022. We would highlight the need for a clear timetable, accountability and consequences (e.g. performance management, escalation to GP&L committee, further auditor reporting etc) to complete the work. We would also include the need to ensure

that actions taken were sufficient to put the financial reporting function on a sustainable footing for the future, rather than just tackling the immediate issues.

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Agenda Item 6

Report No. CSD21117

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: General Purposes & Licensing Committee

Date: 30 November 2021

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

**Title: REVIEW OF POLLING DISTRICTS AND POLLING PLACES
2021**

Contact Officer: Carol Ling, Electoral Services Manager
Tel: 020 8313 4367 E-mail: carol.ling@bromley.gov.uk

Chief Officer: Ade Adetosoye OBE, Chief Executive/Acting Returning Officer
Tel: 020 8313 4197 E-mail: Not ade.adetosoye@bromley.gov.uk

Ward: Not Applicable

1. Reason for report

To advise Members on the results and recommendations of the Acting Returning Officer following a review of all polling districts and polling places in the borough.

2. RECOMMENDATION(S)

- 2.1 To note the outcome of the review and the consultation undertaken
 - 2.2 To approve the proposals and recommendations of the Acting Returning Officer set out in this report and the Appendices with effect from the proposed re-publication of the revised Register of Electors on 1 February 2022
 - 2.3 To note that polling districts and polling places will be kept under on-going review

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

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

Financial

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

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Attached

3. COMMENTARY

Background

- 3.1 The Bromley (Electoral Changes) Order 2021 implemented final recommendations made by the Local Government Boundary Commission for England (LGBCE) for new electoral arrangements in London Borough of Bromley. This Order was made on 1 April 2021. New ward arrangements for Bromley successfully completed a 40-day period of Parliamentary scrutiny and will come into force at the local elections on 5 May 2022. Full details of the new wards are available at: <https://www.lgbce.org.uk/current-reviews/greater-london/bromley>
- 3.2 As a result of the above ward changes, under the Representation of the People Act 1983, the Council is required to divide its new wards into polling districts and review all polling places. Therefore, the review process of redrawing new polling district boundaries within wards and redesignating new polling places commenced shortly after the GLA elections, held on 6 May 2021.
- 3.3 The differences between a polling district, place and station are as follows:
- A **polling district** is a geographical area created by the sub-division of an electoral area
 - A **polling place** is the building or area in which polling stations are located
 - A **polling station** is the room or area in the polling place where voting takes place
- 3.4 The Council must seek to ensure that all electors have reasonable facilities for voting as are practicable in the circumstances and have regard to the needs of electors who are disabled.
- 3.5 The new wards, polling districts and polling places arrangements will be implemented for the first time, for voting purposes at the local elections on the 5 May 2022.

The Review and Consultation

- 3.6 The Acting Returning Officer (ARO) formulated initial proposals for the future polling arrangements, and these formed the basis for consultation.
- 3.7 Notice of the review was published on the Council's website and the formal consultation period ran between 27 September 2021 and 29 October 2021. Documents relating to the review were made available on the Council's website. Representations were invited in writing via email or post. Full details of the review (including the ARO's initial proposals) are available at: https://www.bromley.gov.uk/info/200033/elections_and_voting/665/review_of_polling_districts_and_polling_places_and_polling_stations_2021
- 3.8 In addition, details of the review were sent by email and representations sought from the following:
- London Borough of Bromley Councillors
 - Members of Parliament for the constituencies of Beckenham, Bromley & Chislehurst, Orpington and Lewisham West & Penge
 - GLA Member for Bexley & Bromley
 - Agents for candidates who have stood in elections in London Borough of Bromley in recent years
 - Local constituency parties
 - The Acting Returning Officer of the London Borough of Lewisham
 - Disability and Community groups including Community Links Bromley, Age Concern, Bromley Mencap, Kent Association for the Blind, Disability Voice Bromley

- All private premises used as polling places at elections held in Bromley in recent years
 - All public funded premises used as polling places (including schools) at elections held in Bromley in recent years
 - All (new) polling places identified as possible alternative venues to schools for use at next year's local elections
- 3.9 All comments/representations received during the consultation period are detailed in Appendix 1. The ARO has a statutory obligation to respond to the consultation and his comments are incorporated in the Appendix. As can be seen, there were a relatively low number of responses (25), supporting the view that the current polling places used are predominantly satisfactory.

The Acting Returning Officer's Proposals

- 3.10 The ARO took into account the following considerations when drawing up his final recommendations/proposals:
- To seek to ensure that all electors in the borough have such reasonable facilities for voting as are practicable in the circumstances
 - To ensure that so far as reasonable and practicable every polling place is accessible to electors with disabilities
 - That the polling place should be in its own polling district (unless "special circumstances" apply, such as no suitable venue within the polling district boundary)
 - To retain, as far as possible, the current network of polling districts and polling places for the majority of residents/electors to minimise disruption and confusion to voters
 - To comply with the Electoral Commission guidance that no more than 2,500 electors are allocated to a polling station
 - To make into separate polling districts the 'anomalies', for example where any parts of existing electoral areas may be split (i.e. no longer co-terminous) when the new (ward and/or parliamentary) boundaries come into effect
 - To avoid the use of schools where suitable alternative premises are identified, available and suitable.

The Use of Schools as Polling Places

- 3.11 It is acknowledged that the use of schools as polling places can cause disruption to pupils, parents and teachers. However, schools are often the most suitable, and sometimes the only, appropriate building within a polling district. It should also be noted that the ARO has the legal right to use school buildings for polling (there is no such right with private premises) and schools are free of charge save for a reasonable amount for heating, lighting and additional caretaking (private premises can charge commercial hire rates i.e. can be significantly more expensive than schools).
- 3.12 At the recent GLA elections on 6 May 2021, we reduced the number of schools used as polling places from 34 to 15. A variety of new premises were used as alternatives including bowling clubs, public houses, restaurants, social clubs, a cinema and golf club. However, following feedback we received, a number of these alternative venues were not ideal and/or suitable and/or accessible and will not be used at future elections. This included:

- Geffreys Hall Community Centre (for Mottingham Primary School)

- Miller & Carter (for Pickhurst Infant & Junior Academies)
- Orpington Bowling Club (for Bromley Beacon Academy)
- The Gordon Arms (for Edgebury Primary School)
- The Graces Bar & Grill (for Steward Fleming Primary School)
- The Sundridge Park Club (Tennis & Squash) (for Parish CE Primary School)
- The Vue Cinema (for St Mark's Primary School)

3.13 This review has given us further opportunity to look at the use of schools and identify alternative venues, where appropriate. In some cases, where the ward/polling district boundaries have been re-drawn, some schools no longer have to be used e.g. Bullers Wood. In other cases, we have identified suitable alternative venues and no longer need to use the school e.g. St Nicholas Primary School. Unfortunately, there are a few instances where no suitable alternative venues have been identified and the schools remain the only suitable buildings in the polling districts e.g. St Mark's CE Primary School, Stewart Fleming Primary School and Pickhurst Junior School.

3.14 The proposed polling scheme uses the following 18 schools:

Scotts Park Primary School	St George's Primary School
Oaklands Primary School	Warren Road Primary School
Red Hill Primary School	St Peter & St Paul Catholic Primary School
Tubbenden Primary School	Marian Vian Primary School
Harris Girls Academy	St Johns CE Primary School
St Mark's CE Primary Academy	Valley Primary School
Manor Oak Primary School	Harris Primary Academy Orpington
St Paul's Cray CE Primary School	Stewart Fleming Primary School
Riverside West Wickham SEN School	Pickhurst Junior School

3.15 We will work closely with those schools identified as polling places to support them (if requested) to keep the majority of their building open on polling day, wherever possible - although it should be noted that many of the schools listed above already remain open.

Suitability of Polling Places

3.16 There are a number of factors that need to be considered when assessing the suitability of a polling place for use, including:

- Availability – is the building readily available for hire in the event of any unscheduled elections
- Geographically central and reasonably accessible for the majority of the electorate
- Avoid barriers for the electors such as steep hills, major roads and rivers
- Sufficient space for the layout of the polling station (single or multiple) – even where turnout is expected to be low
- General staff welfare facilities (toilets, kitchen, heating and lighting)
- Availability of parking
- Within reasonable walking distance of electors
- Suitable access from road
- Accessible doorways
- Drop kerbs, steps, pathways in reasonable repair, level access etc
- Reasonable lighting

3.17 Ideally, there would be the choice of a range of fully accessible buildings, conveniently located for electors in the area within which to establish polling stations. In practice, however, the

choice of polling places will often be a balance between the quality of the building (access, facilities etc) and the proximity of the building to the electors.

3.18 Where there are no appropriate alternative polling places, temporary/portable buildings (known as portacabins) have been used by the ARO as polling places (one sited at Queensmead Recreation Ground and one sited at Leaves Green Common). It is now acknowledged that these portacabins are not Covid secure, provide inferior accessibility to voters (especially those with disabilities), offer substandard accommodation for staff and are significantly more expensive than permanent premises.

3.19 The proposed polling scheme does not use any portacabins.

Recommendations

3.20 The ARO's final recommendations for polling districts and polling places in respect of this review are set out in [Appendix 2](#)

3.21 Subject to the approval by this Committee, the ARO's proposals/recommendations will be adopted, and the revised electoral register will be re-published on the new polling district boundaries on 1 February 2022. Candidates will be entitled to a copy of this new register on the publication of the notice of election (by 28 March 2022). Constituency parties will be entitled to a copy on publication of the revised register on 1 February 2022 (subject to the appropriate authorisation). Councillors can only receive their ward register on the current boundaries.

Risks that may arise

3.22 There is a reputational risk for the Council and the ARO if the review is not completed prior to:

- 1 February 2022 – the date we propose to re-publish the electoral register on the new boundaries, and/or
- 5 May 2022 – the date of the Local elections

3.23 There is a risk that electors whose polling place has changed may be unsure where they should go to vote on 5 May 2022. To minimise the risk, we will run an additional information campaign prior to the May elections to remind electors that their polling place may have changed through the following channels:

- Poll cards
- Bromley Council website
- Social media campaign

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

None arising from this report

5. POLICY IMPLICATIONS

None arising from this report

6. FINANCIAL IMPLICATIONS

Changes that are agreed which will result in residents being allocated a new/different building as a polling station will be publicised to the voters concerned when polling cards are sent at the 2022 Local elections. The cost of this election (including the poll cards) will be met by the Council.

7. PERSONNEL IMPLICATIONS

None arising from this report

8. LEGAL IMPLICATIONS

The review of polling districts and polling places has been undertaken in accordance with the Representation of the People Act 1983, the Electoral Administration Act 2006, the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, the Electoral Registration and Administration Ac 2013 and the Bromley (Electoral Changes) Order 2021.

9. PROCUREMENT IMPLICATIONS

None arising from this report

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Representation of the People Act 1983 Electoral Administration Act 2006 The Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 Electoral Registration and Administration 2013 Bromley (Electoral Changes) Order 2021 Acting Returning Officer's comments and recommendations Consultation responses

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APPENDIX 1
Summary of Representations received in the 2021 Polling District and Polling Place Review Consultation

	New ward	Proposed Polling District	Respondent type/Representation	Acting Returning Officer's Comments
R1	Beckenham Town & Copers Cope	General Comments	Beckenham Conservative Association - Happy with these arrangements	Positive feedback noted. Thank you.
R1 & R2	Beckenham Town & Copers Cope	BEC1	<p>Beckenham Conservative Association - would ask you to push for use of St Paul's which is far preferable to the school or if can't be resolved Kent Cricket Ground may be preferable to returning to Worsley Bridge.</p> <p>Ward Councillor - As a Member for Beckenham Town and Copers Cope as well as former Portfolio holder for Education, can I echo Mr Cooke's comments re Worsley Bridge School and the desirability of moving away from closing schools for use a Polling Stations. While I realise there is a cost implication, I would suggest given so much disruption to children's education recently there is a strong case for keeping schools open. There is as well of course a childcare implication in any closure of a school, even for a day.</p>	We have contacted St Paul's Beckenham Church again and have now received verbal confirmation of their availability as a polling place but still waiting for confirmation in writing. No issues are expected.
R3	Beckenham Town & Copers Cope	BEC3 & BEC3X	<p>Beckenham URC - It is clearly appropriate to tell you that Beckenham United Reformed Church in Oakhill Road will be closing in July 2022. The buildings are being sold and at this stage we have no idea what will happen to them. We are hopeful that it will be sold to another church but only time will tell. If you require any further information please contact me.</p> <p>Bromley Liberal Democrats - Does Burnhill Road have to sit in BEC3X? Could it be moved to BEC2 to avoid an unusual boundary?</p>	<p>Thank you for advising us that the Church will be closing in July 2022. To avoid/reduce any voter confusion I am proposing to use the Beckenham United Reformed Church at the Local elections in May 2022, especially as at this stage we are not aware of any alternative venue in the polling district.</p> <p>However, in the meantime we are contacting possible alternative venues outside the polling district at St Barnabas Beckenham, Beckenham Running Club and Beckenham Sports Club to ascertain their availability/suitability. The situation will be kept under review.</p> <p>It may be possible to move Burnhill Road as requested, when the final result of the Parliamentary Boundary Review is known. However, in the meantime we are trying to minimise the number of anomalies. The situation will be kept under review.</p>
R4	Bickley & Sundridge	BIC3	St George's Primary School - Just to confirm that we are happy to carry on being a polling station.	Positive feedback noted. Thank you.
R5	Bickley & Sundridge	BIC6X	Trinity United Reformed Church telephone call - We will be closing in July 2022. in talks with potential new owners of the church who will hopefully want to retain the current hall users, but this is not certain	It is noted that the Church will be closing in July 2022. To avoid/reduce any voter confusion I am proposing to use the Church at the May 2022 Local elections. However in the meantime we are contacting possible alternative venues in the polling district including Bromley Bowling Club, St John's Church Hall and St Joseph's Church to ascertain their availability/suitability. The situation will be kept under review.
R6	Biggin Hill	BIG1	Head Teacher (Oaklands Primary School) - We have no problem being a polling station.	Positive feedback noted. Thank you.
R1	Bromley Common & Holwood	General Comments	Beckenham Conservative Association - Satisfactory proposals	Positive feedback noted. Thank you.
R7	Chelsfield	CHE4	St Mary's Green Street Green Church - Just to confirm that we are very happy to continue being the official polling station for our polling district going forward with the new boundaries. I am sure you will be in touch with the appropriate forms etc nearer the date of the next election.	Positive feedback noted. Thank you.
R8	Chislehurst	CHS3	Head teacher (St Nicholas Primary School) - Ideally, we would not like to be used as a polling station as the use of the school affects the number of days our pupils are in school	We have now undertaken a visit to Chislehurst Methodist Church Hall and I can confirm that it is available and suitable for use as a double polling station as an alternative to St Nicholas Primary School
R8	Chislehurst	CHS4	Head teacher (St Nicholas Primary School) - Ideally, we would not like to be used as a polling station as the use of the school affects the number of days our pupils are in school.	We have now undertaken a visit to The Sydney Arms and I can confirm that it is available and suitable for use as a polling station as an alternative to St Nicholas Primary School

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R25	Chislehurst	CH3 & CHS4	<p>(RECEIVED after CONSULTATION period ended) Councillor/Resident - I appreciate that I am writing to you after the deadline, but I would like to make a comment regarding the proposed Chislehurst ward polling district boundaries, as a long-term resident of the ward. The old CH4 polling district was too large – it takes over 20 minutes to walk to the polling station and up a significant incline from the lower parts. This is not supportive of voter participation, considering that Chislehurst has one of the oldest populations in the borough and not all residents have cars. I note that the proposed Chislehurst polling district CHS3 is effectively the successor to CH4, and retains its oversized nature. I propose that CHS3 be subdivided into two polling districts, using the change in elevation as the divide where possible. Please find attached a map showing how I propose that the polling district be subdivided. I have suggested two variants (1 and 2) as I am not sure how the populations would stack up in either scenario – the solid red line works for either. As Chislehurst is one of the larger 3-member wards I think 6 polling districts is justified. In terms of polling places, I propose St Nicholas' Church, Church Row for the eastern polling district, and Christ Church, Lubbock Road for the western polling district. As both are churches their use would not disrupt any local schools, and both have sufficient parking nearby. Both are central to their respective proposed polling districts.</p>	<p>I agree that the (old) polling district of CH4 was large and, following previous feedback and as part of this review, I have split the (old) CH4 into 2 polling districts (CHS3 and CHS4), making each roughly half the size (in area). In addition, in order to avoid using St Nicholas Primary School as a polling place, alternative venues have been identified, contacted and site visits made to assess suitability (see above).</p> <p>I note your suggested proposal and enquiries are being made to see if St Nicholas Church (contacted some while ago but unavailable due to a nursery school operating at that time) and Christ Church are available/suitable as possible polling places. I would also mention that the (new) Chislehurst ward has the lowest electorate of the 15 three member wards.</p> <p>At this stage I am reluctant to change my initial proposals recommending the split of the polling district and the use of the Chislehurst Methodist Church Hall and the Sydney Arms, but this will be kept under review.</p>
R9 & R10	Clock House	CLH1	<p>Ward Councillor - In general I believe it is preferable if schools are avoided for polling stations but I understand why these are used as alternative have a significant cost implication. In terms of Clock House, the CL1 polling district is the most problematic. Following the building works at Stewart Fleming School the possibility of having the polling station at the school while it remains open should be explored. The alleyway for access to Suffield Road is now tarmacked so using this entrance could be possible. Otherwise The Graces pub could be an alternative if this is possible whilst open for normal business via the accessible side-door.</p> <p>Head Teacher (Stewart Fleming Primary School) - Further to your email sent today, I can confirm the school will be happy to be used as a polling station in the future.</p>	<p>The Graces Bar and Grill is no longer available for use as a polling place - it was only used at the May 2021 elections because the business/ premises were closed due to the Covid pandemic. Unfortunately there are no other suitable alternative venues to the school in the polling district. However, we will continue to work with the Head Teacher to see if the school can be kept open on polling day.</p>
R11	Crystal Palace & Anerley	CPA2	<p>Ward Councillor - In the context of this review, we wish to request consideration of a new polling station for what is currently the CP4 polling district (recognising this description will change with the new boundaries). Currently, Anerley Town Hall is used for both CP3 and CP4, but is a considerable distance away from the bulk of properties in the polling district. Given the density of electors in South Penge Estate, we wish to request that provision be made nearer to these properties, such as use of the day nursery (owned I believe by LBB) in Betts Park or a mobile facility sited in or close to the estate.</p>	<p>I thank the Councillor for suggesting alternative venues to the Town Hall. We have contacted Betts Park Pre-school but unfortunately they are not available and have advised that "the nursery school is open everyday for working parents and we don't have the space to pack away the resources and equipment as it is a purpose built pre-school and not used for any other purpose...".</p> <p>I am reluctant to use a mobile facility as it is not considered Covid secure, does not provide suitable facilities for staff, is not easily accessible and is significantly more expensive. I am not aware of any suitable alternative venue to the Town Hall but will keep the situation under review.</p> <p>Most of the electors in this area have traditionally voted at the Town Hall and no negative feedback has been received.</p>
R12	Farnborough & Crofton	FAC6X	St Nicholas Orpington Church - We are happy to accommodate you at any time you require.	Positive feedback noted. Thank you.
R1	Hayes & Coney Hall	General Comments	Beckenham Conservative Association - Considered very satisfactory	Positive feedback noted. Thank you.
R1	Kelsey & Eden Park	General Comments	Beckenham Conservative Association - Satisfactory despite anomaly of Azalia Hall outside ward but agree no obvious alternative. Pleased use of Marion Vian does not involve school closure.	Your comments are noted. Thank you.

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R13	Kelsey & Eden Park	KEP3	<p>Marian Vian School - The building that is usually used for polling day is being converted into a nursery, the school therefore wouldn't be able to host in that building. Ideally the school would prefer not to shut for the day to accommodate the polling station.</p>	<p>I quite understand the concerns of the school and we are exploring the possibility of using the Beckenham Rugby Club as an alternative venue to the school. However as no response has been received. We will continue to work with the Head Teacher to see if the school can be kept open on polling day.</p> <p>This polling station cannot be combined with Azelia Hall (already a double polling station), as the Hall does not have sufficient space to accomodate a further 2 polling stations.</p>
R14	Petts Wood & Knoll	General Comments	<p>Ward Councillor - I also see that bureaucracy is in full flow previously polling districts were 2 letters and a number, some appear to be 66% bigger. Might I be bold and suggest a shorter nomenclature, e.g. PK1 if these have to change. I fully support the letter extension for the other Parliamentary Constituencies, e.g. PK1X. It is also a moot point, but this seems to preempt the Boundary Commission's parliamentary review. I would suggest that it makes more sense to go on what we know now as fact and that all of PK3 should be one polling district without splitting between what was FC1/2 and the old PW2. These are bound to change, look at the LGBCE review and the iterations of that, If needs be these can be revisited post a Boundary review, which will have to happen in any event.</p>	<p>I thank the Councillor for his comments regarding the labelling of the polling districts. The coding we have adopted clearly differentiates between the 'old' & 'new' polling districts. This is important as for a period of time, it will be necessary to produce information (including electoral registers) on both "old" and "new" polling district schemes. The coding has also been devised so that the names of the wards are in the same alphabetical order as the codes, making it easier for administrative purposes (this is not the case with the "old" polling district codes).</p> <p>In terms of the Parliamentary Boundary review, whilst an initial proposal has been suggested by the Parliamentary Boundary Commission, it is by no means certain that this will be the final proposal. As we do not know where the (final) parliamentary boundaries may be drawn, we need to be able to identify any anomalies (as recommended by the Electoral Commission). Once the Parliamentary Boundary review is complete there may not be sufficient time to conduct another Polling District review as, for example, a 'snap' General Election could be called at any time. However once we are able to, any anomalies not required can be amalgamated . For example, areas where there are corresponding numbers with/without X (for example PEK3 and PEK3X) can be amalgamated. Where the X is singular (for example PEK5X) this can be removed.</p>
R15	Petts Wood & Knoll	PEK3X	<p>Crofton Infant School - Thank you for forwarding the information on the proposal to remove Crofton Infant School as a polling station. This is a decision that the school welcomes as we continue to work with our students to make up for all the teaching lost during the Covid lockdowns and school closures. As you know the children have lost so much time these last 18 months due to Covid restrictions and lockdowns, and our term dates for 2021-2022 have been published for over a year and did not accommodate the May 5 local elections, so if we were to have to use the school as a polling station then we would have to add this as an unavoidable additional school closure, as we are unable to have the children on site when in use as a polling station. We remain hopeful that the amalgamation of polling districts means that it will be possible to remove the school as a polling station as a permanent decision going forwards, and will await your final clarification after the consultations and discussions.</p>	<p>I am grateful to the school for their feedback and understand their concerns. I am pleased to confirm that a site visit of Crofton Baptist Church has now been undertaken and the venue has been assessed as suitable for use as a double polling station, as an alternative to Crofton Infant School.</p>
R16 & R14	Petts Wood & Knoll	PEK5X	<p>Ward Councillor - The Petts Wood & Knoll councillors are delighted with the new arrangements especially being able to avoid disrupting schools. It's a pity the Baptist Church in Tower Road wouldn't play ball as that would have been perfect. Against that the Methodist Church is familiar to voters. I note that the Methodist Church will share wards but Crofton Baptist never could!</p> <p>Ward Councillor - Firstly Vinson Close, Knoll Rise, Augustus Lane, Orchard Grove, Station Approach etc, would be more appropriate to vote at St John's Church as it avoids crossing the main roads and is closer in proximity and easier for the electorate to get to the polling station. These roads could be added to the old PW4 polling district. You may even wish to consider moving all the additional area from OR4 to St John's Church if there is capacity. I may have missed the detail, but I'm not aware of any OR1 addresses coming in to Petts Wood & Knoll. Can you very kindly identify the roads that this applies to please?</p>	<p>As we are unable to use the Baptist Church, there appears to be no suitable alternative building to use as a polling place in this polling district. As a result and in accordance with the law "special circumstances" apply allowing the polling place to be outside the polling district. In the case mentioned by the Councillor - there was a suitable polling place (Crofton Infant School) available in the polling district, so "special circumstances" did not apply.</p> <p>It may be possible to move these roads when the final results of the Parliamentary Review are known. However, in the meantime we are trying to minimise the number of anomalies. Also, whilst I agree in principle to the suggested proposal, St John's Church is already a double polling station and there is not sufficient space for it to accommodate another polling station. Furthermore, most of the voters in these roads have voted at the Methodist Chuch for many years. This anomaly may be resolved and incorporated once the Parliamentary Boundary Review is complete.</p> <p>I can confirm that there are <u>no</u> OR1 addresses coming into Petts Wood & Knoll. This was an error on our part and I apologise for any confusion this may have caused.</p>

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R17	Plaistow	PLA2	St Andrew's Church - Please add us to the ok to use list	Positive feedback noted. Thank you. Please note that the boundary of this polling district has been amended by moving Gladwell Road, Hilldrop Road and part of Burnt Ash Lane into PLA3 (see below)
		PLA3	Sundridge Working Mens Club	Sundridge Working Mens Club has been identified as a suitable alternative venue to Parish CE Primary School. A visit has been undertaken and the Club is considered as suitable for use as a double polling station in place of the school. The polling district boundary has been amended by moving Gladwell Road, Hilldrop Road and part of Burnt Ash Lane from PLA2 into this polling district, as this polling place is more conveniently located for the voters in these roads and at a shorter distance
R2 & R1	Shortlands & Park Langley	General Comments	<p>Ward Councillor - As a general comment it seems a shame that the opportunity for a full review of PD boundaries has not been undertaken. I give, purely as an example and there are many like this, Romanhurst Gardens is much nearer both South Hill Woods and St Peters polling stations than St Mary's. No account seems to have been taken of geography to where PS's are now. I could list loads of anomalies like this and with a very major change to ward boundaries I think this is a huge opportunity missed.</p> <p>Beckenham Conservative Association - Let me say at the outset that we are saddened and disappointed that the Returning Officer has not taken the opportunity of a complete review of polling districts but simply to make changes forced by the boundary review. This has made even more size anomalies in polling districts than previously and we have a real fear that some polling stations may have problems dealing with the enlarged volume particularly if social distancing is still needed. In addition the failure to have a full review has created lots of extra anomalies over the distance that electors need to travel to polling stations. There are many cases where electors live much nearer to other polling stations than the one allocated and in some cases actually have to drive or walk past a polling station to get to their station some distance further away. While these issues can probably be addressed in a future review we know that frequent changes to polling station locations causes confusion which in turn effects turnout and we had hoped that an attempt would be made to address these issues in time for May 2022. That said we welcome the continued effort to avoid using schools, particularly if closure is needed because of the disruption to students, parents and careers. We hope that further work can continue to totally stop using schools, long term. As a general comment we are surprised you've decided on SHP as code for this ward. We consider SPL would be easier to understand and better reflect the comments from the LGBCE.</p>	<p>I note the comments of the Councillor and the local association. I would like to emphasise that we have undertaken a full and detailed review of every polling district boundary, polling place and polling station in the Borough. However, where possible, I have retained the current polling places/stations to avoid/reduce confusion and disruption to electors (who may have traditionally voted in that particular polling station).</p> <p>Additionally, we are often limited to the capacity of some polling places e.g. South Hill Wood Bowling Club only has sufficient space to accomodate a single polling station. I am also required to comply with Electoral Commission's guidance that the number of electors allocated to a polling station should not exceed 2,500.</p> <p>Finally, as you are aware, I am also keen to avoid any further disruption to pupils education, where possible. A number of suitable alternative venues to schools have been identified during this review and I will be using these at the Local elections next May 2022. Where no suitable alternative venue can be identified, we will continue to use the school but we will work with the Headteacher to see if the school can be kept open on polling day, so that children's education is not interupted.</p> <p>Please see my comments above regarding the lettering/coding of the (new) polling districts.</p>
R2 & R1	Shortlands & Park Langley	SHP1 & SHP1X	<p>Ward Councillor - I am concerned about whether St Mary's church can satisfactorily take the additional volume which, at 2015 estimates, will be over 3,500 electors. Parking is difficult and there is only one entrance to the hall so even with multiple polling stations I fear congestion. One possible solution would be the use Shortlands Libary for SHP1X possibly changing the boundary between SHP1 and SHPX to go down the centre of Shortlands Road which would roughly balance SHP1 and SHP1X.</p> <p>Beckenham Conservative Association - If anomalies in SHP 1 and 2 can be resolved then they would seem to be very satisfactory</p>	<p>We have recently undertaken a visit to St Mary's Church and the venue is considered suitable for use as a double polling station. The premises has a large hall, with a wide entranceway. It has a car park, which can be used for disabled voters and on street parking.</p> <p>The suggested solution does not resolve the situation and these anomalies can not be combined with another polling district (as they must be kept separate) and 2 polling stations would still be needed. However, once the Parliamentary Review has been finalised these anomalies can be reviewed.</p>
R2 & R1	Shortlands & Park Langley	SHP2 & SHP2X & SHP2Y	<p>Ward Councillor - No comment entirely agree your proposals. However the map seems slightly wrong, albeit not relevant at present but maybe in future, your map appears to show the boundary between KEP and SPL going down the centre of St Dunstans Lane. It's clear from the Commissions changes that they intend the entirety of St Dunstans Lane to be in SPL. Although I accept there are, currently, no domestic properties on the KEP side there could be in the future, or at least applications. I feel the boundary line needs slightly redrawing. A similar comment applies to precisely where the line is drawn at the junction of a Red Lodge Road and The Avenue. It's clear that the LGBCE intend all the golf course to be in SPL.</p> <p>Beckenham Conservative Association - If anomalies in SHP 1 and 2 can be resolved then they would seem to be very satisfactory</p>	<p>We have checked the information received from the Boundary Commission. Whilst we note the comments on the site in relation to the ward, the mapping files received from the Commission and the maps posted on its website have been checked and our maps/proposals are correct. In any event, I am unable to make any changes to the ward boundaries.</p>

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R18	Shortlands & Park Langley	SHP3	<p>South Hill Wood Bowling Club - I have looked at the proposals for our polling area and the use of the bowls clubhouse as the polling station. It makes sense to use this building rather than the school and we have no objections to this use as I'm sure sufficient notification and compensation will be provided to enable the club to make the necessary adjustments.</p> <p>Ward Councillor - No specific comment other than the point in paragraph 3 above and other than I welcome the change to South Hill Wood Bowling Club</p>	Positive feedback noted. Thank you
R2 & R1	Shortlands & Park Langley	SHP4	<p>Ward Councillor - No specific comment other than the point in paragraph 3 above and certainly welcome the return to St Marks School as the Vue Cinema was totally inappropriate and many complaints received. I, and I know you, would prefer to get away from Schools where possible but I can't think of an acceptable alternative.</p> <p>Beckenham Conservative Association - Agree that use of Vue Cinema was very inappropriate and not suitable and whilst agree use of St Marks school is not ideal we, like you, have no suggestions for alternatives.</p>	Positive feedback noted. Thank you
R2 & R1	Shortlands & Park Langley	SHP5X	<p>Ward Councillor - No specific comment on boundaries other than the point in paragraph 3 above. However, as you comment the use of Valley School is not satisfactory. Possible alternatives would be, in this order of preference, Shortlands Golf Club, The bowling clubhouse in Queensmead, Shortlands Tavern or a mobile unit parked in Queensmead Recreation ground or in Golf Club car park if the Golf Club itself is not suitable.</p> <p>Beckenham Conservative Association - In relation to SHP5 we agree use of Valley School is far from ideal. Possible alternatives would be Shortlands Golf Club, Shortlands Bowling Club or Shortlands Tavern and would urge the returning officer to actively investigate these.</p>	<p>Thank you for suggesting alternative venues to Valley School, which I have investigated and can advise that:</p> <ul style="list-style-type: none"> i) The Shortlands Tavern is too small to accommodate a double polling station ii) The Bowling Club is too small to accomodate any polling station iii) Shortlands Golf club have been contacted as to their availability, but no response has been received iv) A mobile unit is too small to accommodate a double polling station, is not considered Covid secure, does not provide suitable facilities for staff, has accessibility issues and is significantly more expensive. <p>We have worked with the Head teacher at Valley Primary School so that the school can be kept open on polling day. The arrangements worked well at the 2021 GLA Elections and the Head teacher is happy tofor them to continue at future elections.</p>
R19	St Mary Cray	General Comments	<p>Councillor - for the St Pauls and St Mary Crays wards I have some concerns that the positions of a number of polling stations are at the edge of polling districts making it difficult for some residents to access these</p>	<p>We have been looking at possible alternative venues to the schools used as polling places in this area for a number of years, but unfortunately the polling stations proposed in these two wards appear to be the only suitable locations. All of the proposed polling stations have been used at least once (at the GLA Elections in 2021) with some being used at many previous elections, and are therefore familiar to voters. I am not aware of any complaints being received from voters about the location of their polling stations in these wards.</p> <p>As mentioned above, I am keen to retain the current polling places/stations to avoid/reduce confusion and disruption to electors (who may have traditionally voted in a particular polling station). Additionally, we are often limited to the capacity of some polling places. I am also required to comply with Electoral Commission guidance that the number of electors allocated to a polling station should not exceed 2,500.</p>
R20	St Mary Cray	SMC6X	<p>Bromley Adult Education College - I am writing to confirm your message has been received. No problem for the Poverest centre AEC to be used as a polling station.</p>	Positive feedback noted. Thank you.
R19	St Paul's Cray	General Comments	<p>Councillor - for the St Pauls and St Mary Crays wards I have some concerns that the positions of a number of polling stations are at the edge of polling districts making it difficult for some residents to access these</p>	see above
R21	St Paul's Cray	SPC2	<p>Bromley Youth Support Program - premises owners - That is fine with the East Hub @ Link Youth Centre</p>	Positive feedback noted. Thank you.
R22	St Paul's Cray	SPC3	<p>St Barnabas Church - We are happy for St Barnabas church hall to continue to be used as a polling station.</p>	Positive feedback noted. Thank you.
R23	St Paul's Cray	SPC4X	<p>St Pauls Cray CE School - Thank you for your email, we understand that our premises will be continued to be used as a polling station and will await more information nearer the time.</p>	Positive feedback noted. Thank you.

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R24	West Wickham	WEW1	St Francis Church - No problem to use St Francis Church Hall as a Polling Station on the 5th May 2022.	Positive feedback noted. Thank you.
R25	West Wickham	WEW2	Riverside SPC - As per last year, the Riverside School site on Hawes Lane (Riverside West Wickham), BR4 9AE can be used as a polling station; however, Riverside SPC (BR5 3HS) and Riverside Beckenham (BR3 4HY) should not be used as polling stations. This has been the arrangement in place for a while. The disruption to pupils and families will be too great to close these sites.	Your comments are noted. Thank you.
R1	West Wickham	WEW3	Beckenham Conservative Association - Slight concern that WEW3 uses a station outside the PD and and a significant distance from some electors. However agree no obvious alternative and also agree that Miller and Carter was completely not suitable. However using Pickhurst junior school whilst by no means ideal is considered to be only realistic possibility.	Your comments are noted. Thank you

APPENDIX 2
Acting Returning Officer's Recommendations on 2021 Polling District and Polling Place Review

New ward	Proposed Polling District	Current Polling District(s)	No.of Polling Stations	Acting Returning Officer's Recommendation	Comments
Beckenham Town & Copers Cope	BEC1	CC1	2	St Paul's Beckenham Church Hall	Previously used Worsley Bridge Primary School
Beckenham Town & Copers Cope	BEC2	CC2	2	St George's Beckenham Church Hall	
Beckenham Town & Copers Cope	BEC3	CC3 (part)	2	Beckenham United Reformed Church Hall	
Beckenham Town & Copers Cope	BEC3X	KP2 (part)	1	Beckenham United Reformed Church Hall	
Bickley & Sundridge	BIC1	BK1, BK2 (part)	2	Scotts Park Primary School	
Bickley & Sundridge	BIC2	BK3 (part)	1	St Michaels Hall (the Scout Hut)	
Bickley & Sundridge	BIC3	BK4 (plus school grounds)	2	St George's Bickley CE School	
Bickley & Sundridge	BIC4	BK2 (part), BK5	2	St George's Bickley Church Hall	Previously used Bullers Wood School
Bickley & Sundridge	BIC5	BK6	2	23rd Bromley (St Augustine Scout Hall)	
Bickley & Sundridge	BIC6X	PS4 (part)	2	Trinity Bromley United Reformed Church Hall	
Biggin Hill	BIG1	BH1	2	Oaklands Primary Academy	
Biggin Hill	BIG2	BH2	2	St Mark's Biggin Hill Church Hall	
Biggin Hill	BIG2X	DA5 (part)	1	St Mark's Biggin Hill Church Hall	
Biggin Hill	BIG2Y	DA7 (part)	1	St Mark's Biggin Hill Church Hall	
Biggin Hill	BIG3	BH3	1	Biggin Hill Children & Family Centre	
Bromley Common & Holwood	BRC1	BC1	2	St Luke's Bromley Church Hall	
Bromley Common & Holwood	BRC2	BC2, BC5 (part)	2	Bromley Common Baptist Church	Visit undertaken. Considered suitable for a double polling station.
Bromley Common & Holwood	BRC3	BC3	2	Holy Trinity Church Rooms	
Bromley Common & Holwood	BRC4	BC4 (part)	2	Southborough Lane Baptist Church	
Bromley Common & Holwood	BRC5X	BT7	1	St Swithuns Bromley Church Hall	
Bromley Town	BRT1	BT2 (part), BT4 (part)	2	Christ Church Bromley	
Bromley Town	BRT2	BT4 (part)	2	Bromley Parish Church	Visit undertaken. Considered suitable for a triple polling station.
Bromley Town	BRT2X, Y, Z	PS5 (part), PS4 (part)	1	Bromley Parish Church	
Bromley Town	BRT3	BT5	1	Bromley Civic Centre (NEW)	Previously used Bickley Primary School
Bromley Town	BRT3X, Y	BK3 (part)	1	Bromley Civic Centre (NEW)	
Bromley Town	BRT4	BT6	2	St Mark's Church Room	
Bromley Town	BRT5X	HA1 (part), HA2 (part)	1	Bromley Town Football Club	Visit undertaken. Considered suitable for a single polling station.
Chelsfield	CHE1	CB2	2	Warren Road Primary School	
Chelsfield	CHE2	CB3 (part)	1	The Chelsfield Centre	
Chelsfield	CHE2X	OR6 (part)	1	The Chelsfield Centre	
Chelsfield	CHE3	CB4, CB6 (part)	1	Chelsfield Village Hall	
Chelsfield	CHE4	CB5, CB3 (part), CB6 (part)	2	St Mary's Green Street Green Church Hall	
Chislehurst	CHS1	CH1 (part), CH2 (part)	2	Red Hill Primary School	
Chislehurst	CHS2	CH2 (part), CH3	2	St Patrick's Church Hall	Previously used Edgebury Primary School
Chislehurst	CHS3	CH4 (part)	2	Chislehurst Methodist Church Hall (NEW)	Previously used St Nicholas Primary School
Chislehurst	CHS4	CH4 (part)	1	The Sydney Arms (NEW)	Previously used St Nicholas Primary School
Chislehurst	CHS5	CH5	1	St Peter & St Paul Catholic Primary Academy	

APPENDIX 2
Acting Returning Officer's Recommendations on 2021 Polling District and Polling Place Review

Clock House	CLH1	CL1	2	Stewart Fleming Primary School	No suitable alternative venue in the polling district
Clock House	CLH2	CL2	1	Avenue Road Baptist Church Hall	
Clock House	CLH2X	PE5 (part)	1	Avenue Road Baptist Church Hall	
Clock House	CLH3	CL3	2	Beckenham Social Club	Previously used Churchfields Primary School
Clock House	CLH4	CL4	2	Neighbourhood Church	
Clock House	CLH5	CL5	1	Beckenham Library	Visit undertaken. Considered suitable for a double polling station
Clock House	CLH5X	PE5 (part)	1	Beckenham Library	
Crystal Palace & Anerley	CPA1	CP2	2	St Paul's Anerley Church Hall	
Crystal Palace & Anerley	CPA2	CP3, CP4	3	Anerley Town Hall	No suitable alternative venue in CP4 (Betts Park Nursery unavailable)
Darwin	DAR1	DA1	1	Biggin Hill Memorial Museum	Previously used portacabin
Darwin	DAR2	DA2	1	Downe Village Hall	
Darwin	DAR3	DA3	1	Hazelwood Eldon Village Hall	
Darwin	DAR4	DA4	1	Greenwood Centre	
Darwin	DAR4X	FC6 (part)	1	Greenwood Centre	
Darwin	DAR5	DA5 (part)	1	Cherry Lodge Golf Club	Previously used Cudham Primary School
Darwin	DAR6	DA6	1	Cudham Parish Hall	
Darwin	DAR7	DA7 (part)	1	Westerham Hill Baptist Church	
Darwin	DAR8X	CB6 (part)	1	Pratts Bottom Village Hall	
Farnborough & Crofton	FAC1	FC1, FC2 (part), FC4 (part)	2	St Paul's Crofton Church Hall	
Farnborough & Crofton	FAC2	FC3	2	Crofton Halls	
Farnborough & Crofton	FAC3	FC4 (part)	2	Derrick Wood Community Centre	Previously used Derrick Wood Infant School
Farnborough & Crofton	FAC4	FC5	1	Tubbenden Primary School	
Farnborough & Crofton	FAC5	FC6 (part)	1	Farnborough Village Hall	
Farnborough & Crofton	FAC6X	CB1	2	St Nicholas Orpington Church Hall	
Hayes & Coney Hall	HCH1	HA1 (part), HA3	2	Hayes Free Chuch	
Hayes & Coney Hall	HCH2	HA1 (part), HA2 (part)	1	Victory Social Club	
Hayes & Coney Hall	HCH3	HA4	2	Hayes Village Hall	
Hayes & Coney Hall	HCH4	HA6	1	Coney Hill Baptist Church	
Hayes & Coney Hall	HCH5	HA5	2	The Assembly Halls	
Hayes & Coney Hall	HCH6X	BC5 (part)	1	Keston Village Hall	
Kelsey & Eden Park	KEP1	KP1	2	Azelia Hall	
Kelsey & Eden Park	KEP2	KP2 (part)	2	St Edmunds Church Hall	
Kelsey & Eden Park	KEP3	KP3	2	Marian Vian Primary School	No suitable alternative venue (No response from Beckenham Rugby Club)
Kelsey & Eden Park	KEP4	KP4 (part)	2	St John's Eden Park Church Hall	
Mottingham	MOT1	MO1	1	Odd Fellows Hall	
Mottingham	MOT2	MO2	2	Castlecombe Children & Family Centre	
Mottingham	MOT3	MO3	2	Mottingham Community Centre (NEW)	Previously used Mottingham Primary School
Mottingham	MOT4	MO4	1	Elmstead Baptist Church	Visit undertaken. Considered suitable for a double polling station
Mottingham	MOT4X	CH1 (part)	1	Elmstead Baptist Church	

APPENDIX 2
Acting Returning Officer's Recommendations on 2021 Polling District and Polling Place Review

Orpington	ORP1	OR1 (part), OR4 (part)	2	All Saints Church Hall	Visit undertaken. Considered suitable for a double polling station
Orpington	ORP2	OR3	2	Blenheim Children & Family Centre	
Orpington	ORP3	OR4 (part)	1	Orpington Methodist Church Hall	
Orpington	ORP4	OR5	1	Orpington Fire Station (NEW)	Previously used Bromley Beacon Academy
Orpington	ORP5	OR6 (part)	1	Christ Church Orpington	
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Penge & Cator	PEC1	PE1	2	Holy Trinity Church Centre	
Penge & Cator	PEC2	PE3	1	Harris Girls Academy	
Penge & Cator	PEC3	PE4	2	St Johns CE Primary School	
Penge & Cator	PEC4	PE2	1	Christ Central Church	
Penge & Cator	PEC5	PE6	2	Melvin Hall	
Penge & Cator	PEC6	PE5 (part)	1	Kenilworth Church Hall	
Penge & Cator	PEC7X	CP1	1	Sydenham Lawn Tennis Club	
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Petts Wood & Knoll	PEK1	PW1	2	St James the Great RC Church Hall	Previously used Garden Estates Association Hall
Petts Wood & Knoll	PEK1X	BC4 (part)	1	St James the Great RC Church Hall	
Petts Wood & Knoll	PEK2	PW3	3	Petts Wood Memorial Hall	
Petts Wood & Knoll	PEK2X	CW4 (part)	1	Petts Wood Memorial Hall	
Petts Wood & Knoll	PEK3	PW2	1	Crofton Baptist Church	Previously used Crofton Infant School
Petts Wood & Knoll	PEK3X	FC1 (part), FC2 (part)	1	Crofton Baptist Church	Visit undertaken. Considered suitable for a double polling station
Petts Wood & Knoll	PEK4	PW4	2	St Johns URC Church Hall	
Petts Wood & Knoll	PEK5X	OR4 (part)	1	Orpington Methodist Church Hall	
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Plaistow	PLA1	PS1	1	Burnt Ash Children & Family Centre	
Plaistow	PLA2	PS2 (part)	2	St Andrew's Bromley Church Hall	
Plaistow	PLA3	PS2 (part), PS3	2	Sundridge Park Working Mens Club (NEW)	Previously used Parish CE Primary School. Boundary amended
Plaistow	PLA4	PS4 (part), PS5	2	St Mary's Bromley Church	
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Shortlands & Park Langley	SHP1	SH1	1	St Mary's Shortlands Church Hall	Visit undertaken. Considered suitable for a double polling station
Shortlands & Park Langley	SHP1X	CC3 (part)	1	St Mary's Shortlands Church Hall	
Shortlands & Park Langley	SHP2	SH2	2	St Peter's Hall	Visit undertaken. Considered suitable with experienced polling staff
Shortlands & Park Langley	SHP2X	WW2 (part), WW3 (part)	1	St Peter's Hall	
Shortlands & Park Langley	SHP2Y	KP4 (part)	1	St Peter's Hall	
Shortlands & Park Langley	SHP3	SH3	1	South Hill Wood Bowling Club	Previously used Highfield Junior School
Shortlands & Park Langley	SHP4	SH4	2	St Mark's CE Primary School	No suitable alternative venue in the polling district
Shortlands & Park Langley	SHP5X	BT1, BT2 (part), BT3	2	Valley Primary School	No suitable alternative venue in the polling district
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St Mary Cray	SMC1	CE2	1	Poverest Coronation Hall	
St Mary Cray	SMC2	CE1 (part), CE3	2	Temple United Reformed Church	
St Mary Cray	SMC3	CE4	1	Manor Oak Primary School	
St Mary Cray	SMC4	CE5	1	The Cricketers Public House	Previously used Perry Hall Primary School
St Mary Cray	SMC5	CE6	2	Orpington Sea Cadets	
St Mary Cray	SMC6X	CW4 (part)	2	Poverest Adult Education College	
St Mary Cray	SMC7X	OR1 (part), OR2, OR3 (part)	1	Harris Primary Academy Orpington	

APPENDIX 2
Acting Returning Officer's Recommendations on 2021 Polling District and Polling Place Review

St Paul's Cray	SPC1	CW2, CW3 (part)	2	Kings Church (Kings Hall)	Previously used Grays Farm Primary Academy
St Paul's Cray	SPC2	CW1	1	Link Youth Centre	
St Paul's Cray	SPC3	CW3 (part)	2	St Barnabas Church Hall	
St Paul's Cray	SPC4X	CE1 (part)	2	St Paul's Cray CE Primary School	
West Wickham	WEW1	WW1	1	St Francis Church Hall	
West Wickham	WEW2	WW2 (part)	2	Riverside West Wickham SEN School	
West Wickham	WEW3	WW3 (part)	2	Pickhurst JUNIOR Academy	No suitable alternative venue in polling district
West Wickham	WEW4	WW4	2	Emmanuel Church Hall	

Agenda Item 7

Report No.

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 30 November 2021

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

Title: Teacher Pay Policy 2021/22 – Centrally Based Staff

Contact Officer: Charles Obazuaye Director of Human Resources and Customer Services Tel: 020 8313 4381 E-mail: charles.obazuaye@bromley.gov.uk

Chief Officer: Director of HR & Customer Services

Ward: N/A

1. Reason for report

- 1.1 From 1 September 2021 revised arrangements came into force in relation to Teachers' Pay and Conditions through the publication of the statutory 2021 School Teachers' Pay and Conditions Document.

1.2 This report sets out the m

2. RECOMMENDATION(S)

- 2.1 That Members note and comment on the report;**
- 2.2 That Members note that there is a pause to Headline Pay Increase for Teachers this**

2.3 That Members agree to adopt the National Unqualified Teacher Pay Range with recommended Advisory Points in respect of Centrally Based Teaching staff.

2.4 If 2.3 is agreed authorise officers to uplift the Unqualified Teacher Pay Scale within the current Pay Policy accordingly and implement the new policy with effect from the 1st September 2021. There are no other required changes to the Policy this year.

Impact on Vulnerable Adults and Children

1. There is no impact on vulnerable adults arising from this report however the teaching staff referred to in this report are specialist teaching staff delivering educational services to pupils with complex special needs.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Children and Young People Excellent Council
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Financial

1. Cost of proposal: £278
 2. Ongoing costs: £278
 3. Budget head/performance centre: Various
 4. Total current budget for this head: Various salary budgets
 5. Source of funding: DSG
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Personnel

1. Number of staff (current and additional):

All Teachers and Heads of Service centrally employed in Education Services i.e.

- Specialist Support and Disability Services (The Phoenix Centre)
- Sensory Support Services
- Primary Pupil Support Advisory Team

As at 30 September 2021 this comprised 55 staff (44.07FTE) employed on Teacher Terms and Conditions of employment.

2. If from existing staff resources, number of staff hours: N/A.
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Legal

1. Legal Requirement: Statutory Requirement Sections 122 and 127 Education Act 2002
 2. Call-in: Applicable
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Procurement

1. N/A

Customer Impact

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

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

3. COMMENTARY

- 3.1 The Education Act 2002 gives the Secretary of State power to prescribe pay and conditions and to issue guidance on pay and conditions matters, to which those concerned must have regard.
- 3.2 The statutory requirements for teachers' pay and conditions for maintained schools in England and Wales are set out in the School Teachers' Pay and Conditions Document, which is published annually, and schools and local authorities (LAs) must abide by these. LAs and governing bodies are also required to have regard to the statutory guidance issued in conjunction with the document, and in respect of guidance on procedural matters a court or tribunal may take any failure to do so into account in any proceedings.
- 3.3 In accordance with the requirements of the School Teachers' Pay and Conditions Document, the LA as the "relevant body" is required to have in place a pay policy setting out the arrangements for determining pay arrangements for all centrally based teaching staff.
- 3.4 Each year the School Teachers' Review Body (STRB) is provided with a remit from the Secretary of State to review Teachers' Pay. The remit focuses on specific areas as well as pay trends in general. The school teachers' review body consults with employers and teacher organisations and Unions and reports back to the Secretary of State its findings and recommendations. The Secretary of State then determines whether or not to accept the proposals put forward by the review body.
- 3.5 In making its recommendations, the STRB was asked this year to have regard to the following:
 - a) Evidence of the national state of teacher and school leader supply, including rates of recruitment and retention, taking account the effects of Covid-19 on recruitment and retention;
 - b) Evidence of the wider state of the labour market in England;
 - c) Forecast changes in the pupil population and consequent changes in the level of demand for teachers;
 - d) Adjustments for London which is delivered via differentiated pay ranges;
 - e) The Government's commitment to the autonomy of all head teachers and governing bodies to develop pay arrangements that are suited to the individual circumstances of their schools and to determine teachers' pay within the statutory minima and maxima.

A copy of the 31st Review Body full report can be found at the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005678/STRB_2021_Web_Accessible.pdf

A copy of the Executive Summary of the STRB can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004976/STRB_2021_Executive_Summary_Proof_v01.pdf

- 3.6 This year, the Review Body made the following recommendations which were accepted in full

by the Secretary of State: (*It should be noted that there is no recommended statutory pay increase for any teachers other than as set out below due to the direction of the Secretary of State that there should be a pause to headline pay rises for the majority of public sector workforces in 2021-22*).

- **A consolidated award of £250 to all teachers whose full-time equivalent basic earnings are less than:**
 - £24,000 in the Rest of England
 - £25,194 in the Fringe
 - £27,419 in Outer London
 - £28,681 in Inner London
- **Any part-time teacher whose full-time equivalent basic earnings meet the eligibility criteria receive the award on a pro-rata basis according to their working hours**
- **The award be paid to all eligible teachers, whether located on a published pay point or not**
- **This award be independent of any progression considerations**
- **The treatment of teachers between existing published pay points, including the management of possible leapfrogging, be at the discretion of employers who should ensure no teachers located just above the pay thresholds for eligibility are significantly disadvantaged relative to other teachers**
- **That employers ensure that implementation of the pay award complies with the National Living Wage policy**
- **Advisory pay points be reintroduced on the unqualified teachers' pay range for 2021/22. The recommended levels of these points are as set out in the table below.**

	Rest of England	Fringe	Outer London	Inner London
1	£18,419	£19,613	£21,832	£23,099
2	£20,532	£21,723	£23,946	£25,212
3	£22,644	£23,837	£26,059	£27,325
4	£24,507	£25,699	£27,926	£29,187
5	£26,622	£27,812	£30,037	£31,298
6	£28,735	£29,924	£32,151	£33,410

3.7 Under the current pay system, it remains as in previous years for school leaders, governing

bodies and Local Authorities to determine how to implement, in their individual schools, and Education Services the changes to the School Teachers' Pay and Conditions Document (STPCD) arising from the STRB recommendations.

- 3.8 The DfE carried out extensive consultation with relevant parties (see 3.22 below) and the School Teachers' Pay and Conditions Order came into force on the 22nd October 2021, with implementation of the 2021 School Teachers Pay and Conditions Document backdated to the 1st September 2021.
- 3.9 The new pay and conditions document continues to provide flexibility for relevant bodies in relation to reward and performance of staff. Each School and LA is required to determine its own specific pay policy tailored to the needs of the individual school/service.
- 3.10 In light of the recommendations of the review body the Council needs to review its pay policy and determine whether any changes are required.

3.11 STRB Commentary

- 3.12 The STRB commented that while its remit letter from the secretary of State did not seek pay recommendations for the vast majority of teachers, it was asked to have regard to the national state of teacher and school leader supply and of the wider labour market.
- 3.13 The STRB found that in 2020/21 overall recruitment to Initial Teacher Training (ITT) increased by 23% on 2019/20 and commented that this should help to address some pressures on teacher supply. However, it noted that the headline figures included significant over-recruitment of both primary trainees and trainees for some secondary subjects. Despite the more favourable recruitment conditions, several key subjects continued to recruit substantially below the required number of trainees (Chemistry, Design and Technology, Mathematics, Modern Foreign Languages, and Physics).
- 3.14 The overall leaving rate across the profession improved from 9.6% in 2018 to 9.2% in 2019. The latest data showed a slight improvement in the retention rate of teachers in their initial years of service, following several years of marked increases in the leaving rates among these teachers. The STRB is hopeful that the latest figures signal a reversal of this trend. The number of resignations across the profession remains high, and particularly so among those early in their careers where some 27% of joiners leave within three years. As such, teacher retention remains a pressing concern.
- 3.15 The experience of the 2008 recession suggests that improved recruitment numbers may be relatively short-lived as the wider economy recovers. The profession's ability to recruit new teachers is inextricably linked to the wider graduate labour market. As such, the sustainability of the improvement in ITT recruitment, and the extent to which shortages in specific subjects are addressed, will depend on how competitive teaching as a career is in relation to the wider market, where the speed of recovery remains uncertain.
- 3.16 Recent awards have made some progress towards making teacher pay more competitive in the wider graduate labour market, particularly starting pay. The latest economic data suggest earnings and pay settlements in the wider economy are showing signs of recovery. If this is indicative of an upturn in the wider graduate labour market at a time when pay uplifts for teachers are paused, then recent progress in strengthening the competitiveness of teachers' pay will be lost. This poses significant risks to teacher recruitment and retention.
- 3.17 The STRB recognised the exceptional pressures placed on the economy and on public sector

finances by the COVID-19 pandemic. However, it is firmly of the view that a pay pause for teachers of more than one year risks a severe negative impact on the competitive position of the teaching profession, jeopardising efforts to attract and retain the high-quality graduates necessary to deliver improved pupil outcomes. The Review Body urged that it be allowed to fully exercise its role in making recommendations on pay uplifts for all teachers and school leaders for 2022/23, based on the evidence, including conditions in the wider economy.

3.18 Impact of COVID-19

- 3.19 The last 12 months have been dominated by the COVID-19 pandemic which has had major social and economic consequences for the UK, with severe restrictions placed on individuals and businesses. These restrictions have had a serious impact on the economy, reflected in the deterioration seen across a range of economic indicators.
- 3.20 Teachers and Service Managers have faced unprecedented challenges including remaining open throughout this period to key groups of pupils, managing the balance between face-to-face teaching and virtual delivery of lessons for different groups of pupils, and adapting their infrastructure to ensure that services are 'Covid-compliant'. This has been difficult in the context of potential staffing issues caused by illness or self-isolation.
- 3.21 The STRB specifically acknowledged that these challenges were recognised in all the submissions it received from its consultees and it joined them in applauding the extraordinary efforts of teachers and school leaders this year.

3.22 CONSULTATION

DFE

- 3.23 The Secretary of State, accepted in full the STRB's recommendations he further stated:
- 3.24 "The government recognises that public sector workers play a vital role in the running of our public services, including in their remarkable commitment to keeping the public safe in the continuing fight against Covid-19. I am extremely grateful to all teachers and leaders for the dedication they have shown in enabling schools to remain open and supporting pupils with remote education throughout the pandemic, to ensure pupils get the best possible education. The government values the independent expertise and insight of the STRB and takes on board the useful advice and principles set out in response to the government's recommendations outlined in the report.
- 3.25 As set out at the Spending Review (2020), there will be a pause to headline pay rises for the majority of public sector workforces in 2021-22. This is in order to ensure fairness between public and private sector wage growth, as the private sector was significantly impacted by the Covid-19 pandemic in the form of reduced hours, suppressed earnings growth and increased redundancies, whilst the public sector was largely shielded from these effects. This approach will protect public sector jobs and investment in public services, prioritising the lowest paid, with those earning less than £24,000 (Full Time Equivalent) receiving a minimum £250 increase. The pause ensures we can get the public finances back onto a sustainable path after unprecedented government spending on the response to Covid-19.
- 3.26 My remit letter to the STRB welcomed views on uplifts for those Unqualified Teachers, earning below £24,000 (Full Time Equivalent).

- 3.27 The STRB has recommended a pay award of £250 for all teachers earning less than £24,000 (or the recommended equivalent value for teachers in the London pay areas). Their report outlines recommendations for how to implement this, including adjustments for London.
- 3.28 The STRB has also recommended that advisory pay points are reintroduced on the Unqualified Teacher pay range, as was the case for classroom teachers on the Main Pay Range and Upper Pay Range last year.

I am today confirming my proposed response is to accept these recommendations in full.

- 3.29 I would like to reiterate that the £250 award should be paid to all eligible teachers, whether located on a published pay point or not, and that the pause on pay will apply to headline pay uplifts only. Teachers earning below the maximum of their pay range may be eligible for performance-related pay progression and teachers can also continue to apply for promotion. Academies, as usual, have the freedom to set their own pay policies.
- 3.30 Finally, this pay award will be affordable within school budgets due to this government's three-year investment package announced at the 2019 Spending Round. We are increasing core schools funding by £2.2 billion in the 2021-22 financial year, compared to 2020-21 – the second year of the three year school funding settlement from the 2019 Spending Round – and will increase it by a further £2.4 billion, to £52.2 billion in 2022-23 overall. As previously set out, the funding schools have previously received through the teachers' pay and pension grants will be part of schools' core funding allocations as determined by the schools national funding formula from 2021-22, and there will be no increase to these grants in respect of this year's pay award."

3.31 The Department's views

- 3.32 The Department noted that the COVID-19 pandemic had not only affected the school system, but also the wider economy. In this context, it referred to the Chancellor's announcement at the 2020 Spending Review of the Government's policy to exercise restraint on public sector pay awards which, it said, was needed until the full impact of the pandemic on the wider economy became clearer.
- 3.33 The Department confirmed there would be a temporary pause on pay rises for the majority of teachers to protect jobs and investment in public services. Instead, it was asking the Review Body to make recommendations on a pay award for only those teachers whose full-time equivalent earnings were less than £24,000. The Department said that the pay pause would apply to headline pay uplifts and that teachers therefore continued to be eligible for performance-related pay progression and promotion, depending on their schools' pay policies.
- 3.34 The Department confirmed the Government would reassess the pay policy ahead of issuing the remit for the 2022/23 pay round.

3.35 Trade Union Views

- 3.36 All the submissions that the STRB received in this year year's pay review praised teachers and school leaders for their response to the COVID-19 pandemic.
- 3.37 NEOST described 'the extraordinary effort teachers and leaders have shown during the pandemic and the continued requirement to support the development of children and young people' while the NGA noted how tirelessly teachers had worked during the COVID-19 pandemic.

- 3.38 ASCL spoke of a pandemic which has seen school staff, and in particular school leaders, ‘placed under the most immense pressure and with an ever more increasing workload’. It said that school leaders had worked evenings, weekends and throughout their holidays in response to the ever-increasing demands placed on them. The NAHT similarly noted the pandemic had placed extraordinary and continuing pressures on teachers, leaders and pupils and said that school leaders and teachers had operated ‘as an essential service throughout the COVID-19 pandemic, facing many significant challenges’.
- 3.39 The classroom teacher unions also strongly commended the contributions of the teaching workforce. The NEU suggested teachers and other education professionals would play as central a role in the recovery from the COVID-19 pandemic as they have in responding to its impact. Voice noted that teachers, leaders and support staff had toiled tirelessly over the past 12 months, including working through holidays with no additional pay. The NASUWT concurred, stating that teachers had gone far beyond the call of duty during the pandemic and spoke of teachers’ selfless dedication to the children and young people that they teach.
- 3.40 Several consultees highlighted the negative impact the COVID-19 pandemic had had on the teaching workforce, including on recruitment and retention, workload and morale. NEOST reported that most of its stakeholders were very concerned at the potential impact of the pay freeze on morale, recruitment and retention. ASCL said that reported reductions in advertised vacancies may reflect reluctance to recruit virtually and pointed to anecdotal evidence which indicated an increase in pension and retirement enquiries. NAHT spoke of teachers and leaders being exhausted by a year of constant crisis management.
- 3.41 The NASUWT said teachers had paid for their selfless dedication during the COVID-19 pandemic with their health and, in some cases, with their lives. It said that the pandemic had deepened the crisis of workload, morale and motivation within the teaching profession, and believed it vital that the Review Body responds to this. In its written evidence, BATOD noted an increase in workload due to the COVID-19 pandemic and suggested this would have an impact on teacher wellbeing and mental health and lead to recruitment difficulties.
- 3.42 Following publication of the Pay and Conditions Document the Council is required to formally consult with Trade Unions to seek their views on the pay policy. This year there are no changes to the Bromley Pay Policy except for the adoption of the National Unqualified Teachers Pay Scale if Members agree recommendation 2.1 above.
- 3.43 The Regional Teacher Trade Union representatives recognised by the Council have been sent a copy of this report for any further views/comments and any responses received will be verbally reported at the meeting for Members consideration.

3.44 Impact of the STRB recommendations on Specialist Education Services in Bromley

- 3.45 The LA currently employs Teaching Staff in the following service areas:

- Specialist Support and Disability Services (The Phoenix Centre)
- Sensory Support Services
- Primary Pupil Support Advisory Team

In total as at the 30 September 2021 this comprised 55 staff (44.07 FTE) on Teaching terms and conditions of employment.

- 3.46 There is existing provision for each Teacher's salary to be reviewed annually. In addition, the LA already has an appraisal policy in place agreed by Members in autumn 2012. New Teaching Standards were introduced in 2012 and from September 2014 pay progression for all Teaching staff became directly linked to performance.
- 3.47 Since 2012 the STP&CD has provided the flexibility for LA's to set their own pay scales for Teachers with mandatory % increases only at the minimum and maximum of scales and allowances. As well as the Main Pay Range there are separate ranges for Unqualified, Upper Pay Range and Leadership staff.
- 3.48 The use of mandatory pay points was removed in 2015 and the ability to set pay scales linked to local circumstances, need and affordability was provided
- 3.49 At that time Bromley alongside many other LA's continued to set pay points with members of the Council determining the annual % increase for scales and Managers and Head Teachers determining any additional pay progression based on performance. In 2020 however the Government reintroduced advisory points for the Main Teaching Scale and these were adopted by the Council.
- 3.50 The current policy provides flexibility for managers in determining arrangements for Teachers' Pay for all Teaching staff including those employed on the leadership range. This includes flexibility regarding starting salaries and progression and is broadly consistent with the current principles applied to those staff employed by the Council on Localised Pay terms and conditions. This means that although there is a pause on headline salaries for Teachers there is still the flexibility for Head Teachers and Heads of Service to progress Teachers within the salary scale based on performance.
- 3.51 The Council's centrally based teaching staff are specialised staff working with highly vulnerable pupils with special and complex needs. Recruitment and retention of staff to these posts remains essential and it is vital that salary packages are competitive in the wider teacher recruitment labour market.
- 3.52 The Council must implement the changes required by the SCTP&CD 2021 as this is a statutory requirement however it has discretion regarding those elements which are non-statutory.
- 3.53 There are currently no teachers within the Council meeting the eligibility threshold for the £250 payment.
- 3.54 The Government's recommended Advisory Points for the unqualified teachers pay scale are shown in the table below alongside Bromley's current unqualified teachers pay scale.

Point	Recommended Advisory Points Outer London	Bromley current Unqualified Teacher Pay Scale

1.	£21,832	£21,582
2.	£23,946	£23,460
3.	£26,059	£25,552
4.	£27,926	£27,648
5.	£30,037	£29,737
6.	£32,151	£32,151

3.55 The Council currently employs just two teachers paid on the unqualified teachers pay scale. The Table below details the current salary scale position of these staff and the cost if the national recommended pay advisory points are adopted.

Scale	No. in Post	Salary Point	Financial Impact of adopting National Pay Scale advisory points
Unqualified	1	Point 4	£278
Unqualified	1	Point 6	£0
Total:	2	-	£278

3.56 Creating a teacher pay structure that aligns with teacher career stages will require careful consideration and the transition to such a structure is likely to require a planned process over several years. It is however clear that advisory pay points are recommended and these appear to be a feature in future pay scale discussions. The Council made the decision last year to adopt the recommended advisory points for the Main Scale and Upper Pay Threshold Scale. If therefore, the Council implement the recommended National Unqualified Teacher Pay Scale fully now this will contribute to a more consistent approach across the Education system as a whole as Advisory Pay points would have the same status for LA maintained Schools and Academies in relation to the wider Teaching Labour force market.

3.57 The specialist nature of the Teaching Staff engaged in delivering central education services means that most staff are qualified. The impact of adopting the recommended scale is not therefore significant and for this year benefits only one individual who would receive an increase in salary of £278 per annum.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 There is no impact on vulnerable adults arising from this report however the teaching staff referred to in this report are specialist teaching staff delivering educational services to pupils with complex special needs.

5. POLICY IMPLICATIONS

- 5.1 The model policy is consistent with BBB priorities to provide strategic leadership and support to schools in the Borough to assist and underpin the Government's Education Reform Programme and ensuring the organisation has a workforce of appropriate skills and experience to meet future challenges in delivering local priorities. Various elements of the model policy for teachers are similar or consistent with the key elements of the Council's local terms and conditions of service for all non-teaching staff employed by the authority.

6. FINANCIAL IMPLICATIONS

- 6.1 The impact to the Council is minimal as the vast majority of staff on teachers pay scales will not be affected by the proposed changes
- 6.2 The increase will be contained within the Dedicated Schools Grant (DSG)

7. PERSONNEL IMPLICATIONS

- 7.1 As set out in this report

8. LEGAL IMPLICATIONS

- 8.1 Part 8 of The Education Act 2002 deals with the legal status of teachers pay and conditions. Section 122 gives the Secretary of State a power to prescribe pay and conditions for teachers and Section 127 recites that the Secretary of State after due consultation may issue guidance which a local authority and a school governing body shall have regard to in respect of teachers pay.

9. PROCUREMENT IMPLICATIONS

- 9.1 N/A

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

Agenda Item 8

Report No.
ES1037

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 30th November 2021

Decision Type: Non-Urgent Non-Executive Key

Title: GAMBLING ACT 2005 – REVISED STATEMENT OF GAMBLING POLICY FOR 2022 TO 2025

Contact Officer: Steve Phillips, Health Safety and Licensing Manager
Tel: 020 8313 4659 E-mail: steve.phillips@bromley.gov.uk

Chief Officer: Colin Brand Director: Environment and Public Protection

Ward: All Wards

1. Reason for report

- 1.1 Under the Gambling Act 2005 issued by the Secretary of State, it is a requirement to review the Council's Statement of Gambling Policy at least every 3 years. The current policy was adopted in January 2019 and is therefore due for review this year, to be published in January 2022.
 - 1.2 Following a consultation held between the 18th August 2021 and the 20th September 2021; this report presents the results of the consultation (Appendix A), and further presents the proposed revised draft Statement of Gambling Policy for the period 2022 to 2025, for approval and adoption at Full Council on the 6th December 2021 (Appendix B)

2. RECOMMENDATIONS

- 2.1 Members are requested to note the response to public consultation and recommend the revised Draft Statement of Gambling Policy 2022 to 2025 under the Gambling Act 2005 for adoption by full Council on 6th December 2021 to have effect from 31st January 2022 (Appendix B).

Impact on Vulnerable Adults and Children

- 1 Summary of Impact: This policy is required under section 349 of the Gambling Act 2005, and the Act specifically promotes 3 licensing objectives, one of which is “**protecting children and other vulnerable persons from being harmed or exploited by gambling**”
-

Corporate Policy

1. Policy Status: Existing Policy:

The Council has adopted a statement of its Gambling Policy under the Gambling Act 2005 for the period 2019 to 2022, which remains valid until 31st January 2022

2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres Healthy Bromley Regeneration
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Public Protection & Enforcement Portfolio Budget
 4. Total current budget for this head: £2,394,860
 5. Source of funding: Revenue Budget 2021/2022
-

Personnel

1. Number of staff (current and additional): 38.1
 2. If from existing staff resources, number of staff hours: Not applicable
-

Legal

1. Legal Requirement: Statutory Requirement: Section 349 of the Gabling Act 2005 requires the Council as the Licensing Authority to determine and publish its policy every 3 years.
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: Not applicable

Customer Impact

- 1 Estimated number of users/beneficiaries (current and projected): All businesses and organisations within the London Borough of Bromley that hold licenses issued under the Gambling Act 2005, their customers and residents who live in close proximity.
-

Ward Councillor Views

- 1 Have Ward Councillors been asked for comments? YES. All Ward Members were notified and asked to comment on the re adoption of the existing policy.
-

3. COMMENTARY

3.1 The Gambling Act 2005 replaced most of the existing law about gambling in Britain save that it does not include, within its scope, the National Lottery.

3.2 The Council is the 'Licensing Authority' under the Gambling Act 2005 and must prepare and publish a statement of its licensing policy for periods of three years (Section 349). The policy must be reviewed from time to time and before each three year period.

3.3 The existing Statement of Gambling Policy for Bromley Council became effective on 31st January 2019. As such, the current expires on 30th January 2022

3.4 The General Purposes and Licensing Committee prepares and recommends to full Council the adoption of the Council's Statement of Gambling policy which is required by the Gambling Act 2005

3.5 The process towards publishing a revised Statement of Gambling Policy commenced in July 2021 with an officer review of the existing policy, considering the current Statutory Guidance.

Consultees

3.6 Subsequently, the revised Statement was subject to a 6-week public consultation between 18th August and 30th September 2021. This was undertaken by directly contacting the relevant responsible authorities as listed in Table 1 below, and also by publishing the consultation on our website. Additionally, all licence holders (premises, clubs and personal) were written to advising them of the draft policy, and a wide range of bodies and organisations (as listed on page 7) of the revised policy (Appendix 2) were contacted. All were advised of the minor administrative changes and their views were sought.

Table 1

List of persons this authority consulted:

- All Councillors
- The Metropolitan Police – Bromley Police Station
- The London Fire Brigade
- Planning Department of the London Borough of Bromley
- Public Health Complaints Team
- The Director for Children's Services
- All known premises with AWP Machines
- All known operators of licensed Betting Offices
- All known operators of licensed bingo halls
- All known registered Society Lotteries
- All known Residents Associations
- All known faith groups
- Other adjoining Councils

Consultation Response

- 3.7 A total of one response was received, and this is presented within Appendix 1. In light of the response to the consultation, a suggested final version of the policy is attached at Appendix 2 which Members are asked to recommend for adoption by full Council on 6th December 2021
-

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The Gambling regime provides for additional controls through specific permissions to undertake activities. Both the Licensing Act 2003 and Gambling Act 2005 contain licensing objectives which seek to protect particular vulnerable groups. In the case of the Gambling Act 2005 it is to seek to protect children and vulnerable adults from being harmed or exploited.
- 4.2 Businesses and the Council are required to promote the objectives in the way they operate or make decisions.
- 4.3 Details of applications under both Acts are referred to the appropriate safeguarding teams for comment.
-

5 POLICY IMPLICATIONS

- 5.1 The Gambling Act 2005 requires the Council to prepare, consult on and publish statements of their Gambling Policy. This must be reviewed at least every 3 years under the Gambling Act 2005
 - 5.2 Members should make decisions in accordance with these policies but are free to depart from them with good reason.
 - 5.3 Bromley Council must fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Bromley. The policy promotes that fact and states that any decision by the Licensing Authority will be with a view to promoting the Gambling objectives.
-

6 LEGAL IMPLICATIONS

- 6.1 The Council, as the Licensing Authority has a requirement under section 349 of the Gambling Act 2005 to prepare and publish a statement of principles for gambling every three years. As the current statement expires in January 2022, a new policy is due before it expires. Section 349(1) requires the Licensing Authority to prepare and publish a Statement of Principles before each successive period of three years.
- 6.2 Section 349(3) requires the Council to consult the Chief Officer of Police, the trade and people likely to be affected by the gambling activities. The Council has discharged its duty under s349(3) by consulting the entities detailed in table 1 and incorporating the comments provided by the Gambling Commission, the only response received.
- 6.3 Although the Council has a duty to consider its duties under the Equality Act 2010 generally, and more specifically under part 11 (Public Sector Equality Duty), this does not directly fall within the licensing objectives and will need to be considered on a case by case basis (in relation to accessibility) and enforcement (in relation to harassment).
- 6.4 Similarly, climate change action is not easily addressed under the licensing regime and can be considered either informally or under other regimes, such as planning (when considering new premises licence applications for example).

Non-Applicable Sections:	Financial Personnel and Procurement implications
Background Documents: (Access via Contact Officer)	Soft File Computer based records

Appendix 1

Comments on the Draft

Gambling Policy 22 to 25

BY EMAIL ONLY
LICENSING DEPARTMENT
LONDON BOROUGH OF BROMLEY COUNCIL

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@goschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS4114151
Your ref:
Date: 23 September 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90% of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable
- ensure future changes to the regulatory regime are considered, proportionate and balanced
- become respected as valuable, responsible and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tell us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of ‘problem gambling’ (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC’s five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The

five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of ‘problem gambling’ in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing services delivered by Gordon Moody Association and GamCare’s 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission’s National Strategy as a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, ‘gambling activity’ mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the proposed (unchanged) Gambling Act 2005 Statement of Licensing Policy

We note that it is not proposed to update the existing (2019-2022) Statement of Gambling Policy and the comments below therefore, follow a review of that policy.

Within paragraph B.3 of Part B, there is a sentence which appears incomplete. This reads, “*The council will need to be satisfied that there is sufficient evidence that the particular location would be harmful to the licensing objectives*” but it does not go on to state what the consequence of being so satisfied would be. This sentence needs redrafting/supplementing in order that its meaning is clear.

Paragraph B7 explains the Licensing Authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a clear statement that the mandatory and default conditions are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives and in the circumstances, it is unlikely that additional conditions will need to be imposed. This section should also be clear that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of the particular case that requires that the mandatory and default conditions be supplemented.

This section also states that conditions may be proposed by the applicant and that, “*we will also expect the licence applicant to offer his/her own suggestions as to way (sic) in which the licensing objectives can be met effectively.*” This all comes under the heading “Conditions.” This section should be amended in order that it is clear that where an applicant is suggesting its own ways of meeting the licensing objectives, this is an issue for the local area risk assessment rather than within the application itself. It is important to differentiate between Licensing Act 2003 applications (where there is the ability/mechanism to “suggest” conditions or where statements in an operating schedule can be “converted into” conditions) and Gambling Act 2005 applications where the process does not anticipate this. Within the risk assessment, an applicant will identify risks to the licensing objectives in the local area and outline in that document the policies, procedures and mitigation measures to be put in place to mitigate the identified risk.

It is important that these policies and procedures are dealt with in the risk assessment rather than by way of licence conditions as the risk assessment is a dynamic document and (in accordance with SR Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures and mitigation measures to address those identified risks may be changed very quickly. However, if the mitigation measures are the subject of premises licence conditions, then an application for variation of the premises licence will be required to change these conditions. This could delay any change and would cause unnecessary expense and administration for both operators and the Licensing Authority.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,

Gosschalks

GOSSCHALKS LLP

Appendix 2

Comments included in the Draft

Gambling Policy 22 to 25



DRAFT

London Borough of Bromley

Gambling Act 2005 Statement of Gambling Policy

2022 - 2025

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Part A - General

A.1. Summary of the Gambling Act 2005

The Gambling Act 2005 establishes a system of licences and permits for a wide range of gambling activities.

The Gambling Act 2005 (the “Act”) requires all Licensing Authorities to draft, consult on and publish a Statement of Gambling Policy in relation to its responsibilities under the Act. Once published, the Policy Statement for this Licensing Authority, called the “Statement of Gambling Policy”, will be kept under constant review and, in any case, will be re-published after every three years. Before any revision of the Statement of Gambling Policy is published this Authority will carry out a full consultation exercise on the relevant sections

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).

This latest draft revision of the Statement of Gambling Policy is for the period 2022 – 2025. It sets out how the Licensing Authority intends to exercise its functions under the Act, for the next three years, and has been prepared having regard to the Act, secondary regulations, and the Commission’s Guidance to Local Licensing Authorities.

The purpose of the Statement of Gambling Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

For the purposes of the Gambling Act 2005 the London Borough of Bromley is the Licensing Authority.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives which are:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

The licensing authority will make decisions about premises licences, permits and temporary use notices with reference to the following documents and guidance:

- The relevant guidance issued by the Gambling Commission

- The relevant Licence Conditions and Code of Practice issued by the Gambling Commission
- that are reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of Gambling policy

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises and travelling fairs.

The council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

The Gambling Commission issues Licence Conditions and Codes of Practice for gambling operators. Social Responsibility Codes have the force of a licence condition. The Gambling Commission also issue Ordinary Codes, which set out best industry practice. They are not licence conditions, but operators are expected to follow them unless they have alternative arrangements in place which they can demonstrate are equally as effective.

The Licensing Authority, when carrying out inspections of gambling operators, reserves the right to assess compliance with such matters set out in the Gambling Commission's Licence Conditions and Codes of Practice as it sees fit, and will share intelligence with the Gambling Commission about any issues of non-compliance in this respect.

A.2. Introduction

The London Borough of Bromley is situated on the borders of South East London and Kent. Geographically it is the largest of the London boroughs with an area of approximately 58 Sq. miles. The borough has a population of approximately 300,000.

The central and northern parts of the borough are urban and densely populated with the main residential centres being:

- Penge/Anerley
- Beckenham

- West Wickham
- Bromley
- Chislehurst / Mottingham
- Orpington / Farnborough
- St Paul's Cray / St Mary Cray

The Southern part of the Borough is rural with Biggin Hill as its main residential and commercial centre.
See Map of Borough in Appendix A

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions.

This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

The licensing authority has consulting widely upon this statement before finalising and publishing.

A list of those persons consulted is provided below. It should be noted that unsolicited comments may be received from other persons.

List of persons this authority consulted :

- All Councillors
- The Metropolitan Police – Bromley Police Station
- The London Fire Brigade
- Planning Department of the London Borough of Bromley
- Public Health Complaints Team
- The Director for Children's Services
- All known premises with AWP Machines
- All known operators of licensed Betting Offices
- All known operators of licensed bingo halls
- All known registered Society Lotteries
- All known Residents Associations
- All known faith groups
- Other adjoining Councils

The consultation took place between 18th August 2021 and the 31st September 2021. The full list of comments made and the consideration of those comments is available by request from the:

Civic Centre Stockwell Close

Bromley BR1 3UH

Tel 020 8313 4218 or via the council's website at: www.bromley.gov.uk

Should you have any comments regarding this policy statement please send them via e-mail or letter to the following contact:

Steve Phillips Licensing Team Public Protection

Civic Centre Stockwell Close Bromley BR1 3UH

Tel: 020 8313 4216

e-mail: steve.phillips@bromley.gov.uk

It should be noted that this policy statement will not override the right of any person to make an application,

make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

A.3. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of

the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

A.4. Licensing Authority Delegation under the Gambling Act

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Licensing Sub-Committee</u>	<u>Officers</u>
Final approval of the Licensing Authority Policy Statement	X		
Gambling Policy not to permit casinos	X		
Fee setting (Where appropriate)		X If delegated by full council	
Applications for new grant or variation of a premises licence where representations have been received and not withdrawn.		X	
Applications for new grant or variation of a premises licence where no representations have been made, or where any representations made have been withdrawn			X
Application for the transfer of a premises licence where representations have been received from the Commission or responsible authority.		X	
Application for the transfer of a premises licence where no representations received from the Commission or responsible authority			X
Application for a provisional statement where representations have been received and not withdrawn.		X	
Application for a provisional statement where no representations have been made, or where any representations made have been withdrawn.			X
Review of a premises licence.	X		
Application for club gaming/club machine permits where objections have been received and not withdrawn.		X	
Application for club gaming/club machine permits where no objections have been received or where any objections made have been withdrawn			X
Cancellation of club gaming/club machine permits and licensed premises gaming machine permits.		X	
Applications for other permits.			X

A.5. Responsible Authorities

When an application is received for a premises licence or permit, there will be a requirement to consult with a number of responsible authorities. It will be the responsibility of the applicant to send copies of their applications to the authorities listed below:

- London Borough of Bromley Licensing Authority
- The Gambling Commission
- The Metropolitan Police: Bromley Police Station
- The London Fire Brigade
- Planning Department of the London Borough of Bromley
- Public Health Complaints Team
- London Borough of Bromley Local Safeguarding Children Boards (LBCBs)
- HM Commissioners of Customs and Excise

Under the Children Act 2004, as amended by the Children and Social Work Act 2017, Local Safeguarding Children Boards, set up by local authorities, have been replaced. Under the new legislation, the three safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups) must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area.

Bromley safeguarding partners have agreed to maintain the existing Bromley Safeguarding Children Board arrangements at this time.

Bromley Safeguarding Children Board meets quarterly but applications relating to Gambling Licences require any comments from the ‘responsible authorities’ within 28 days.

Therefore, it would clearly not be appropriate to designate the BSCB as the ‘responsible authority’ in this area. The policy of the Licensing Authority is that the ‘responsible authority’ in relation to the protection of children from harm will be the Council’s Children’s Social Care Department and the BSCB Manager in that Department.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are set out in Appendix B of this policy and are also available via the Council’s website at:

www.bromley.gov.uk

Each responsible authority will consider an application and may make representations to the licensing authority in accordance with the 3 licensing objectives.

A.6. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence.

These parties are defined in s158 of the Gambling Act 2005. An Interested Person is someone, who in the opinion of the licensing authority:

- Lives sufficiently close to the premises to be affected by the authorised activities taking place.
- Has a business interest that might be affected.
- Represent a person of the above.

We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. We will not apply a rigid rule to our decision-making.
- We will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested Parties will include trade associations and trade unions, and residents and tenants associations. This authority will not however generally view these bodies as interested parties unless they have a member who lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Other than these however, we will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter, email or fax from one of these persons requesting the representation is sufficient.

The premises information required as it occurs (notification via email, letter or phone)

- Incidents of failed age test purchases

- Incidents of crime and disorder (which required police notification or involvement)

A.7. Exchange of Information

We are required to ensure that we exchange information in accordance with the Act (without contravening the Data Protection Act 2018 and the UK General Data Protection Regulations) with the following bodies:

- The Gambling Commission
- The Metropolitan Police
- HM Commissioners of Customs and Excise
- Gambling Appeal Tribunal
- National Lotteries Commission
- Secretary of State

A.8. Information from Operators and Premises Licence Holders

Incidents of failed age test purchases Incidents of crime and disorder (which required police notification or involvement) We require operators/ premises licence holders to supply information to the licensing authority where relevant to the licensing objectives, Licensing Conditions and Code of Practice (LCCP) this will include the following on at least an annual bases

- Premises and local area risk assessment
- How many test purchase activities have been undertaken
 - ◊ How many incidents of gambling refusals due to:Underage
 - ◊ Problem gambling where staff intervention has occurred
- How many self-excluded gamblers have registered at the premises

A.9. Inspection and Enforcement

Our main aim is to ensure compliance with Premises Licences and other permissions that we authorise.

In accordance with our functions under the Gambling Act 2005 we will endeavour to be:

Proportionate: and will only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

Accountable: we should be able to justify decisions, and be subject to public scrutiny;

Consistent: our rules and standards must be joined up and implemented fairly;

Transparent: we should be open, and keep regulations simple and user friendly; and,

Targeted: regulation should be focused on the problem, and minimise side effects.

Where inspections are undertaken the licensing authority will endeavour to be consistent with the guidance given by the Gambling Commission and where appropriate will have regard to the inspection templates they have produced. We will endeavour to avoid duplication with other regulatory regimes.

Enforcement

Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2005 Act. We will support businesses to comply with the law but view offences and breaches of licence conditions seriously.

The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this. The Licensing Authority will work closely with the Police to establish protocols to ensure an efficient deployment of Police and Licensing Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that high-risk premises receive the highest priority.

The enforcement action will be:

- Targeted toward those premises presenting the highest risk
- Proportional, to the nature and seriousness of the risk those premises present
- Consistent, so that we take similar approaches in similar situations
- Transparent, so those who are subject to enforcement action know what to expect
- Accountable, so that we take responsibility for our actions.

The Licensing Authority has instructed its officers to adopt a zero tolerance approach to offences and breaches of licence conditions. In practice this means that licensing officers will investigate significant complaints alleging breaches of the Act or licence conditions and act on all sources of reliable intelligence (including local residents and businesses) with a view to establishing if offences have been committed.

Such matters may include:

- Unauthorised licensable activities or breach of licence conditions
- Allowing disorderly conduct on licensed premises

- Allowing illegal Gambling to occur
- Allowing children to gamble or have access to age restricted premises or locations
- Allowing a person to gamble who is knowingly drunk

Where licensing officers have such evidence they have a range of enforcement options including:

- Offering advice /guidance (verbal or written)
- Informal written warnings
- Formal cautions
- Prosecutions
- Review of Premises Licences
- Closure of premises that are experiencing or are likely to experience crime and disorder or public nuisance.

The Licensing Authority encourages a graduated approach to enforcement as set out in the Environmental Health & Trading Standards generic enforcement policy however in the cases of offences relating to :

- The deliberate and persistent provision of unlicensed activities
- The breach of licensing conditions resulting in substantial risk to the promotion of the licensing objectives
- Persistent underage gambling or access
- The use of licensed premises in connection with organised criminal activity
- Allowing disorderly conduct on licensed premises

will be considered most serious and warrant immediate enforcement action

A.10. Licensing Authority Functions

We are required to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for

- the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on ‘information exchange’)
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that the licensing authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Part B - Premises Licences

B.1. General Principles

The licensing authority is responsible for administering applications for premises licences and permits. The premises licences will be subject to the requirements of the Act and its regulations.

The licensing authority may issue specific mandatory and default conditions, but it will also have the discretion to exclude default conditions and attach others, where it believes it to be appropriate.

Decisions about premises will be made:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission;
- That are reasonably consistent with the licensing objectives
- In accordance with the authority's statement of licensing policy.

Moral objections or demand for gambling are not a valid reason to reject applications for premises licences.

B.1. Definition of premises

Premises are defined in the Act as “any place”.

A premise can only hold one premises licence. A building can hold a number of premises licences if it contains a number of distinct premises within it. The question of whether different parts of the premises are separate will be considered at the time of application however the Gambling Commission does not believe that buildings that have been made temporarily or artificially separate are able to be considered as different premises.

We will ensure that when considering applications for multiple licences in a building that those areas that are used for non-gambling purposes are kept separate from the gambling areas. In particular we will be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

We will also ensure that applications where access to the licensed premises is through other premises are carefully considered. We will be looking at the issues of whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. We want to ensure that the combination of the premises within the building will not allow an arrangement that would otherwise be prohibited under the Act.

An applicant for a premises licence may not obtain a full premises licence until the premises is constructed. We will ensure that the premises are sufficiently complete to enable a full inspection to be carried out by us and other responsible authorities where necessary.

B.3 Location of premises

When considering applications this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

With regards to these objectives, it is the council’s policy, upon receipt of any relevant representations to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide

- services to children or young people, i.e. a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- any levels of organised crime in the area.

If the council is satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Then it would not grant a licence.

From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of

gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstance, including those identified in this policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertakes a local risk assessment when applying for a new premises licence.

The council will expect the local risk assessment to consider as a minimum:

- The specifics of any "Local Area Profile" so specified for the area of the premises
- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of problem gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- A detailed scale plan showing the layout of the premises showing sight lines so that staff have an unobstructed view of all persons using the premises
- The number of staff that will be available on the premises at any one time.
- If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

B.4. Local Area Profiles

Each locality has its own character and challenges.

Where there is an issue in a local area which impacts on how an applicant should complete their own risk assessment, the council will publish Local Area Profiles.

These profiles will be approved by the Licensing Committee and will be published Councils Web site.

As at Sept 2021 no Local Area Profiles have been published.

Where Local Area Profiles are published the applicant should give it careful consideration when making an application.

Applicants may be asked to attend a meeting with licensing officers to discuss the measures suggested in the guidance and how they might be relevant to their application. The Local Area Profiles will be presented to any subsequent Licensing subcommittee when they determine an application that has received representations.

The council recognises that it cannot insist that applicants address the local area profiles when completing their risk assessments. However an applicant who decides to disregard the guidance may face additional representations and the expense of a hearing as a result.

B.5. Duplication with other regulatory regimes

We will seek to avoid any duplication with other statutory/ regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise .

B.6. Licensing objectives

Premises licences granted must be consistent with the licensing objectives.

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

We acknowledge that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.

If during the course of considering a premises licence application or at any other time, we have cause to question the suitability of the applicant to hold an operating licence, we will contact the Gambling Commission as soon as possible.

We will pay particular attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of organised crime we will consider carefully whether it is a suitable location or whether conditions may be applied such as the provision of door supervisors.

We recognise that in the case of gambling premises, disorder is intended to mean activity that is more serious and disruptive than just nuisance. Factors to consider when determining whether a disturbance is serious enough to constitute disorder would include whether police assistance is required and how threatening the behaviour is to those who could see or hear it.

If the disorder is serious or persistent and the operator could do more to prevent it, then we will contact the Gambling Commission so that it can consider the continuing suitability of the operator to hold an operator's licence.

- Ensuring that gambling is conducted in a fair and open way**

We have noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences.

- Protecting children and other vulnerable persons from being harmed or exploited by gambling**

We have noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). We will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas etc.

“Vulnerable persons”

Is considered by the gambling commission to include “people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” We will consider this licensing objective on a case-by-case basis.

The Department of Health document “No Secrets” offers a definition of a vulnerable adult as a person:

"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."

Should a more practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

B.7 Conditions

In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Licensing Conditions and Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gambling responsibly and help for problem gamblers
- Customer interaction
- Self-exclusion
- Employment of children and young persons

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable

- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self-exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice passers-by.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or those proposed by the applicant.

Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures we will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. We will also expect the licence applicant to offer his/her own suggestions

In the majority of cases the council fully supports the position that the mandatory and default conditions usually are sufficient to ensure an operation is consistent with the licensing objectives, and in these circumstances, it is unlikely that additional conditions will need to be imposed.

The application of additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of the case that requires that the mandatory and default conditions be supplemented.

This licensing authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

We will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the

remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- Only adults (over 18) are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations apply to premises including buildings where multiple premises licences are applicable.

It is noted that there are conditions that the licensing authority cannot attach to premises licences

- Any condition on the premises licence that makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winnings or prizes

B.8. Door Supervisors

There is no requirement for SIA registered Door Supervisors for casinos or bingo premises. For all other premises where the Gambling Act applies there may be a need for SIA registration, and this should be considered on an individual basis. This will be consistent with the Gambling Act Guidance to Local Authorities.

The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority.

Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal record (Disclosure and Baring Service) check on potential staff and for such personnel to have attended industry recognised training.

B.9. Adult Gaming Centres

Adult gaming centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many city centres.

Under the Act a premises holding an adult gaming centre licence will be able to make category B, C

and D gaming machines available and no one under 18 will be permitted to enter such premises.

We will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This Authority will expect operators to fully comply with the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP) and the Social Responsibility Codes in relation to access for children into Gambling premises and their policies and procedures designed to prevent underage gambling, and how they monitor the effectiveness of these. The LCCP Social Responsibility Codes, part of the Gambling Commission's LCCP, can be found on the Gambling Commission's website.

B.10. (Licensed) Family Entertainment Centres

We will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.

Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located.

Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high
- only adults are admitted to the area where the machines (category C) are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises.

The licensing authority will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- proof of age schemes
- the staffing of premises
- enhanced Disclosure and Baring Service checks of the applicant and/or staff
- support to persons with gambling addiction
- policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half terms and summer holidays
- policies to address the problems associated with truant children who may attempt to gain access to premises and gamble

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff needs to be Disclosure and Baring Service checked.

The licensing authority will refer to the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Reg 2017 to familiarise itself with any conditions that apply to operating licences covering the way in which the area

containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

B.11. Casinos

This licensing authority has resolved not to issue casino premises licenses under Section 166 of the Gambling Act 2005 (Resolution made at the meeting of the Full Council on the 6th November 2006).

B.12. Bingo Premises

This policy applies to applications for a Bingo Premises Licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo Premises Licence will be able to offer bingo in all its forms.

Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any Category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over.

Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo is regularly played in any premises for which a Premises Licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

In determining applications for bingo premises, the Licensing Authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- supervision of entrances/ machine areas
- whether children are permitted on the premises and, if so, how the operator intends to prevent them from playing bingo or being able to access adult only machine areas
- notices/ signage
- opening hours
- the times and frequency of which bingo is offered
- whether bingo is offered by a caller or only electronically

- whether the premises are clearly identifiable as being licensed for the purposes of offering bingo facilities
- provision of responsible gambling information

This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

Young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.

Where hand held gaming devices are to be used on bingo premises, the Licensing Authority expects applicants to demonstrate how use of these devices will be monitored by staff.

B.13. Betting Premises

This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

The Licensing Authority must be satisfied that the primary use of the premises is to operate as betting premises. The applicant will be expected to demonstrate they are offering sufficient facilities for betting or otherwise should not make gaming machines available on the premises.

In determining applications for betting premises, the Licensing Authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

B.13.1 Betting Machines in Premises

Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self -service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises.

However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.

Section 181 of the Gambling Act 2005 permits the Licensing Authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a Premises Licence for a betting office. When considering whether to do so, the Licensing Authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The Licensing Authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing Authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

- information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
- the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

B.14. Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totalizer" or "tote"), and also general betting, often known as "fixed-odds" betting. Multiple betting outlets are usually located on tracks such as 'on-course' betting operators who come onto the track just on race days to provide betting for the races taking place on that track.

There can also be 'off-course' betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

Examples of tracks include:

- Horse racecourses
- Greyhound tracks
- Point to point meetings
- Football, cricket and rugby grounds
- Athletics stadia
- Golf courses
- Venues hosting darts, bowls or snooker tournaments

- Premises staging boxing matches
- Sections of river hosting fishing competitions
- Motor racing events

The offence of permitting a child or young person to enter gambling premises under section 47 of the Act does not apply to tracks. Therefore, the Licensing Authority will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct, and that children are excluded from gambling areas which they are not permitted to enter.

All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one.

This is because the various other gambling operators offering betting at the track will each hold an operating licence.

Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off course operators should apply for a separate premises licence.

If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.

Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence.

Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.

The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

In determining applications for betting at tracks, consideration will be given to appropriate measures/

licensing conditions to address the matters listed below:

- proof of age schemes such as Challenge 25
- CCTV
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- provision of responsible gambling information
- provision of policies and procedures in relation to social responsibility measures as set out below
- staffing levels
- staff training and records of staff training
- recording of incidents such as underage challenges, customer interactions for problem gambling, self- exclusions and complaints and disputes relating to gambling
- details of action to be taken where an on course bookmaker has breached their Gambling Commission Operating Licence conditions repeatedly, for example where children have been able to gamble.

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

B.15. Traveling Fairs

A fair is defined in section 286 of the Act. A travelling fair must “wholly or principally” provide amusements. These criteria will have to be met before the licensing authority decides whether, category D machines and/or equal chance prize gaming without a permit are made available for use at travelling fairs. We will bear in mind the statutory requirement that the facilities for gambling shall amount to no more than an ancillary amusement. There is a 27-day maximum period that any land can be used by any travelling fair per calendar year.

We will work with neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

B.16. Provisional Statements

In terms of representations about premises licence

applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which is in the authority's opinion reflect a change in the operator's circumstances.

We have also noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters.

One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

B.17. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant licensing conditions and code of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives.
- In accordance with the authority's statement of licensing policy.

We as the licensing authority can also initiate a review of a licence based on any reason we think appropriate.

Part C - Permits, Temporary & Occasional Use Notices

C.1. Unlicensed Family Entertainment Centre gaming machine permits

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The term ‘unlicensed family entertainment centre’ is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers.

The premise is ‘unlicensed’ in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a ‘licensed family entertainment centre’ which requires a premises licence because it contains both category C and D gaming machines.

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

The Gambling Commission’s Guidance for local authorities also states: “In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues.”

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre (FEC), and if the chief officer of police has been consulted on the application.

- The licensing authorities require applicants for a permit to demonstrate the following:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and

- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this section have been addressed through the application.

Applicants only need to address the issues when making their initial applications and not at renewal time.

C.2. (Alcohol) Licensed premises gaming machine permits

c.2.1 Automatic Entitlement

S.282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol- licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee.

If the person ceases to be the holder of the relevant alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Whoever applies for the new premises alcohol licence would also need to apply under s.282(2).

This is not an authorisation procedure. Licensing authorities have no discretion to consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.

The licensing authority can remove the automatic authorisation in respect of any particular premises if

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

C2.2. More than two machines

If a premise has more than 2 machines, then an application must be made for a permit and the licensing authority must consider the following:

- the licensing objectives
- any guidance issued by the Gambling Commission is- sued under Section 25 of the Gambling Act 2005,
- and “such matters as they think relevant.”

We consider that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which will satisfy the authority that there will be no access may include

- the adult machines being in sight of the bar
- or in the sight of staff who will monitor that the ma- chines are not being used by those under 18.
- Notices and signage are appropriately positioned

As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/ helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority could decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.

Conditions (other than these) cannot be attached. It should also be noted that the holder of a permit must comply with any Licence Conditions and Code of Practice issued by the Gambling Commission about the location and operation of the machine.

C.3. Prize Gaming Permits

Prize gaming; S.288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

Prize gaming without a prize gaming permit. Some operators have an entitlement to permit prize gaming with certain restrictions they are;

- Casinos
- Bingo operators
- Adult gaming centres
- Licensed family entertainment centres
- Travelling fairs

The licensing authority expects the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non- monetary prize);
- Participation in the gaming must not entitle the player to take part in any other gambling.

C.4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit.

The Club Gaming Permit will

- Enable the premises to provide gaming machines (3 machines of categories B4, C or D),
- Equal chance gaming and games of chance as set out in regulations.

A club gaming machines permit will:

- Enable the premises to provide gaming machines (3 machines of categories B4, C or D).

Commercial clubs may apply for a 'club machine permit' only. Gambling Commission Guidance states:

"Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968."

A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.

These measures may include:

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under s.72 of the Licensing Act 2003 (Schedule 12). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

C.5. Temporary Use Notices

The definition of Temporary Use Notices is found within part 9 of the Act.

It allows the use of premises for gambling where there is no premises licence but the applicant holds the relevant operator's licence.

Examples of premises that might be suitable for Temporary Use Notices are hotels, conference centres and sporting venues etc.

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed previously. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might find a temporary use notice useful; would include hotels, conference centres and sporting venues.

Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.

A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice can be found on the Gambling Commission's web site on the following link:

www.gamblingcommission.gov.uk/for-licensing-authorities/ GLA/Part-14-Temporary-use-notices.aspx#DynamicJumpMenuManager_1_Anchor_2

The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises

C.5. Occasional Use Notices

The licensing authority has very little discretion as regards

these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of

the notice.

C.7. Small Society Lottery Registrations

A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four subclasses, one of which is small society lotteries.

A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Bromley and want to run such lottery.

A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

To be 'non-commercial' a society must be established and conducted:

- for charitable purposes,
- for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council. Or the Gambling Commission via their website at:

<http://www.gamblingcommission.gov.uk>

Appendix A

Map of London Borough of Bromley Boundary



Appendix B

Contact Details for “Responsible Authorities”

The Licensing Team	Public Protection North Block, Civic Centre Stockwell Close BR1 3UH	licensing@bromley.gov.uk 020 8313 4218
Public Health Complaints Team	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	Public.health@bromley.gov.uk 0300 300 8657
Health and Safety Team (unless the premises are visited by HSE, see below)	Public Protection North Block, Civic Centre, Stockwell Close, B R1 3UH	health.safety@bromley.gov.uk 0208 461 7912
Chief Inspector of Weights and Measures	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	trading.standards@bromley.gov.uk 0300 303 8657
Planning Department	Planning Enforcement North Block, Civic Centre, Stockwell Close, BR1 3UH	planninginvestigations@bromley.gov.uk 020 8461 7731
Bromley Safe Guarding Children Board	2nd Floor, Stockwell Building Civic Centre, Stockwell Close, BR1 3UH	BSCB@bromley.gov.uk 020 8461 7816

Metropolitan Police	Metropolitan Police Service Bromley Borough Police Station, High Street, BR1 1ER	Licensing-PY@met.pnn.police.uk 020 8284 8743
London Fire Brigade	Documents Management 169 Union Street London SE1 0LL	FSR-AdminSupport@london-fire.gov.uk Telephone: 020 8555 1200
HM Revenue and Customs	HM Revenue and Customs Excise Processing Teams BX9 1GL	NRUBetting&Gaming@hmrc.gsi.gov.uk 0300 322 7072 option 7
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	http://www.gamblingcommission.gov.uk

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Agenda Item 9

Report No.
Please obtain
a report
number

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 30 November 2021

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

Title: REVISED AMENITY STANDARDS FOR HMOs

Contact Officer: Joanne Stowell, Assistant Director of Public Protection
Tel: 020 8313 4332 E-mail: Joanne.Stowell@bromley.gov.uk

Chief Officer: Director of Environment and Public Protection

Ward: (All Wards);

1. Reason for report

Legal minimum standards for houses in multiple occupation (HMOs) are prescribed in regulations under the Housing Act 2004. These relate to the provision of kitchens, bathrooms, toilets, fire safety and heating within HMOs. Under Section 65 of the act, more detailed local HMO standards can be set, to reflect local housing conditions, provided they do not fall below the national standard.

Public Protection propose to revise the London Borough of Bromley's current standards for HMOs to incorporate recent changes in legislation and to improve on the minimum legal requirements. The local standards proposed seek to drive up standards in Bromley and improve housing conditions to protect vulnerable private rented sector tenants. They are written to guide landlords more easily through the requirements and will supplement Planning's Article 4 Direction to withdraw permitted development rights granted by Schedule 2, Part 3, Class I of the Town and Country Planning (General Permitted Development) Order 1995, which permits a change of use from a dwelling-house to a house in multiple occupation.

2. **RECOMMENDATION(S)**

- 2.1 The General Purposes and Licensing Committee approve and adopt the revised HMO Adopted Standards, attached in **Appendix 1**, as the standards generally required for houses in multiple occupation within the London Borough of Bromley.
- 2.2 That delegated authority be given to make further amendments to the standards as may be found necessary without reducing the standard in any way.

Impact on Vulnerable Adults and Children

1. Summary of Impact: HMOs generally house lower income households, vulnerable adults and families with children. Traditionally, the most disenfranchised sectors of the community are accommodated within this sector. It is imperative that prescribed standards for HMOs are fit for purpose, reflect the current housing environment and work to ensure the health, safety and welfare of occupants.
-

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council Quality Environment Safe Bromley
-

Financial

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

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 The term “house in multiple occupation” (HMO) is defined in Section 254 of the Housing Act 2004 as a property occupied by 3 or more unrelated people in 2 or more households. Its definition covers bedsits, shared houses, flatlets and hostels.
- 3.2 The Housing Act 2004 introduced mandatory licensing of higher risk HMOs. Recent changes to HMO licensing have led to an increase in the number of properties now requiring a licence. This in turn has prompted the need for revised guidance to landlords to ensure their licensed HMOs meet minimum criteria.
- 3.3 The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 introduced a new definition for licensable HMOs, effectively removing the requirement for the property to be 3 storeys.
- 3.4 HMOs house many lower income households, vulnerable adults and families with children. Traditionally, the most disenfranchised sectors of the community are accommodated within this sector. However, this type of accommodation also houses professionals and other groups. Whilst it is accepted that HMOs fulfil a need within the private rented sector, it is imperative that prescribed standards are fit for purpose, reflect the current housing environment and work to ensure the health, safety and welfare of occupants.
- 3.5 The Housing Act 2004 gives the Council powers to deal with poor living conditions within such premises including the licensing of certain types of HMO. The Borough's previous standards were reviewed in 2017 and were based on the Institute of Environmental Health Officers 1994 practise note on Amenity Standards for Houses in Multiple Occupation.

Prior to 2018 there were no defined national standards for room sizes within HMOs, it was for councils to set their own standards. The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 introduced additional conditions, setting legal minimums for floor area:

- 6.51m² for any room as sleeping accommodation for 1 person over 10 years.
- 4.64m² for any room as sleeping accommodation for 1 person under 10 years.
- 10.22m² for any room as sleeping accommodation for 2 people.

- 3.6 The draft revised adopted standard for HMOs in the London Borough of Bromley propose a minimum room size of 7m² for 1 person and 11m² for 2 persons for sleeping accommodation. The standard also introduces minimum bathroom sizes. The draft standard reflects the evolution of HMO styles, from bedsits to the en-suite bathroom facilities model now common place in the housing market.

Appendix 1 contains the proposed revised standards. This document is intended to be read by owners and managers of HMOs, tenants and enforcement officers. The revised standards are more concise and designed to ensure that those reliant on HMO accommodation are protected.

- 3.7 **Appendix 2** contains a table showing the changes/differences between the current standard and the new proposed draft standard.
- 3.8 The current standard is complex and cumbersome to interpret, landlords do not always understand what applies to their premises and rely on officer's interpretation when seeking compliance. Giving this bespoke advice is resource heavy and detracts from officers dealing with other private rented sector housing issues such as disrepair and targeting the rogue landlords who deliberately avoid compliance.
- 3.9 Subject to the approval of this Committee the adopted standards will be adopted and published

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 HMOs house many lower income households, vulnerable adults and families with children. Some of

the most disenfranchised sectors of the community are accommodated within this sector. It is imperative that prescribed standards are fit for purpose, reflect the current housing environment and work to ensure the health, safety and welfare of residents.

5. POLICY IMPLICATIONS

- 5.1 The revised draft HMO adopted standards supports key priorities in Bromley's Housing Strategy 2019-2029 for better quality, more affordable homes, preventing and tackling homelessness and supporting vulnerable people.
- 5.2 Where an Article 4 Direction applies, withdrawing the permitted development rights granted by Schedule 2, Part 3, Class I of the Town and Country Planning (General Permitted Development) Order 1995, then the revised standard, if adopted, may be considered by the Housing Enforcement Team at the planning consultation stage to determine the suitability of a property to be/become an HMO at an early stage, prior to occupation.

6. FINANCIAL IMPLICATIONS

N/A

7. PERSONNEL IMPLICATIONS

N/A

8. LEGAL IMPLICATIONS

The London Borough of Bromley's Legal Team are satisfied with the report and have no comments to add.

9. PROCUREMENT IMPLICATIONS

N/A

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]



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Adopted Standards Houses in Multiple Occupation

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INTRODUCTION

These standards apply to Houses in Multiple Occupation (HMO's) located within the London Borough of Bromley and provide guidance in determining whether a property is: -

- (i) Suitable for the current/proposed number of occupiers, or
- (ii) Overcrowded, through excessive numbers of persons being accommodated or likely to be accommodated having regard to the sizes and number of rooms and amenities available.
- (iii) Satisfactory to the requirements set out within 'The Management of Houses in Multiple Occupation (England) Regulations 2006' and other relevant legislation and guidance.

Some HMO standards are prescribed in the Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006. These standards include the provision of basic amenities in accordance with national standards for Houses in Multiple Occupation, in addition to other issues regarding room sizes, overcrowding, fire safety and health and safety hazards in accordance with the Housing Health and Safety Rating System and/or as locally adopted.

HOUSING ACT 2004

The local housing authority cannot be satisfied that the house is reasonably suitable for occupation by a particular maximum number of households or persons if they consider that it fails to meet prescribed standards for occupation by that number of households or persons.

The nationally prescribed standards are stated in Schedule 3 of the Licensing and Management of Houses in Multiple Occupation Regulations 2006 (Statutory instrument 2006 No. 373).

This document is the locally adopted standard derived from the nationally prescribed standards and gives additional detail to assist owners and officers to determine whether the standards are/will be met.

WHAT IS A HOUSE IN MULTIPLE OCCUPATION?

A house in multiple occupation (HMO) is a house or flat that is occupied by three or more persons in two or more households where one or more amenity, for example the bathroom, is shared.

A household can be an individual, couple or family.

An example of an HMO is a house occupied by three unrelated individuals who each have their own bedroom or bedsit whilst sharing the kitchen and/or bathroom facilities within the house.

A house or flat occupied by a resident landlord, their family and three or more lodgers or tenants will also be an HMO.

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Under Part 2 of the Housing Act 2004 all local authorities are required to operate the mandatory HMO licensing scheme. The London Borough of Bromley currently only operates the mandatory HMO licensing scheme. Unless exempt, HMOs with five or more residents require an HMO licence from the local authority.

To apply for an HMO licence, you should complete an HMO licence application form, which can be found, along with guidance notes, on the [local authority's website](#).

WHY HMOS HAVE THEIR OWN STANDARDS AND REGULATIONS

HMOs are not typical family homes, which is why they have their own standards and regulations, that protect the health and safety of the residents and any visitors.

HMOs must be properly managed, The Management of Houses in Multiple Occupation (England) Regulations identifies specific duties and responsibilities for the manager of an HMO, as well as for residents.

HMOs which do not comply with standards and regulations are more at risk from overcrowding, being poorly managed, poorly maintained and having unhygienic conditions in their shared areas including kitchens and bathrooms.

The following standards have been adopted by the London Borough of Bromley for houses and flats in multiple occupation (HMOs) and for certain buildings that have been converted into self-contained flats, to protect the health and safety of residents.

HMO TYPE

There are four main types of HMO – bedsit accommodation, shared houses, temporary accommodation (hostels, guesthouses and bed and breakfasts), and some buildings converted into self-contained flats.

Bedsit Accommodation

These HMOs contain bedsit accommodation where the tenants rent a room, or rooms, for their exclusive use whilst sharing one or more amenities with the other tenants.

Shared Houses

Occupiers of a shared house or flat will have their own bedroom and a shared kitchen and common room(s). Bathrooms may also be shared.

Hostels, Guesthouses and Bed & Breakfast

Accommodation that is provided on a non-fixed term basis, for people who have no other permanent place of residence.

They are distinct from hotels, which provide accommodation for temporary visitors who have a permanent residence elsewhere.

When a hotel is used to provide temporary accommodation, the rooms used as temporary accommodation fall into this category for HMO standards.

Section 257 HMOs

Under Section 257 of the Housing Act 2004, buildings that have been converted into self-contained flats, without building control approval (either before or after 1991) and where less than 2/3rds of the flats are owner-occupied, are considered to be HMOs.

ROOM SIZES FOR BEDSITS AND SHARED HOUSES

Bedrooms

The minimum room sizes, based on useable floor area in m², are shown in Table 1.

HMOs have varying layouts and facilities. The minimum sizes in Table 1 are for bedrooms where the tenant has exclusive use of the bedroom/bedsit and shares a kitchen and a common room.

1 person	7
2 persons	11

Table 1 – Minimum useable floor areas of a bedroom/bedsit in an HMO where the kitchens and common rooms are shared.

Where kitchen facilities are provided solely within the bedroom or bedsit, the minimum room size shall increase by a further 5m². The cooking facilities need to be located away from the entrance to the bedsit.

Where an HMO has no shared common room, the bedroom or bedsit size shall increase by a further 4m².

Example

A bedroom within an HMO occupied by 1 person, where there is a shared kitchen and shared common room, shall be a minimum of 7m². For 2 persons in 1 bedroom = 11m²

A bedroom within an HMO occupied by 1 person, where the kitchen facilities are in the bedroom and there is a shared common room, shall be a minimum of 7m² + 5m² = 12m². For 2 persons in 1 bedroom = 16m².

A bedroom within an HMO occupied by 1 person, where the kitchen facilities are in the bedsit and there is no shared common room, shall be a minimum of 7m² + 5m² + 4m² = 16m². For 2 persons in 1 bedsit = 20m².

Shared Kitchens

Kitchens in a shared house with up to 5 people shall be a minimum of 7m². For each additional person, a further 1.5m² is added.

The criteria for kitchen facilities are detailed below in Table 2: Minimum requirements for kitchen facilities.

Shared Common Rooms

Common rooms shall be a minimum of 11m² for up to 5 people. For each additional person a further 1m² is added.

Where the kitchen and common room are combined, for example, a kitchen-diner or open plan kitchen/living room, the minimum useable floor area shall be 18m² for 5 people. For each additional person a further 1m² is added.

A minimum of 3 double sockets must be provided in any shared common room/s.

ROOM SIZES FOR HOSTELS

The minimum bedroom sizes in Table 1 apply. For each additional person sharing a bedroom a further $4m^2$ shall be added. Shared kitchen and common room sizes apply as above.

Where cooking facilities are provided in the bedroom, for up to 3 persons a further $5m^2$ shall be added, for each additional person a further $1m^2$ shall be added.

Examples

- A bedroom within a hostel occupied by 1 person, where there is a shared kitchen, and shared common room, shall be a minimum of $7m^2$. For 2 persons = $11m^2$. For 3 persons = $7m^2 + 8m^2$ ($4m^2$ per additional person) = $15m^2$ A bedroom within a hostel occupied by 1 person, where the kitchen facilities are in the bedroom, and there is a shared common room, the minimum bedroom size shall be a minimum of $7m^2 + 5m^2 = 12m^2$. For 2 persons in 1 bedroom = $7m^2 + 5m^2 + 4m^2 = 16m^2$. For 3 persons, $7m^2 + 5m^2 + 8m^2$ ($4m^2$ per additional person) = $20m^2$
- A bedroom within a hostel, occupied by 1 person, where the kitchen facilities are in the bedsit, and there is no shared common room, shall be a minimum of $7m^2 + 5m^2 + 4m^2 = 16m^2$. For 2 persons = $7m^2 + 5m^2 + 4m^2 + 4m^2 = 20m^2$. For 3 persons = $7m^2 + 5m^2 + 4m^2 + 8m^2$ ($4m^2$ per additional person) = $24m^2$

KITCHEN FACILITIES

Table 2 details the minimum requirements for kitchen facilities.

No. of Occupants	All Shared Kitchens					Facility in the room
	3	4 or 5	6	7	10	
Kitchen area (m^2)	7	7	8.5	10	14 (7 x 2)	5
Work surface (m) [*]	1	2	2.5	3	4	1
Power sockets above worktop	2 double	3 double	4 double	4 double	5 double	2 double
Hob rings	4	4	5	5	8	2
Ovens	1	1	2	2	2	1 ^{*2}
Grills	1	1	2	2	2	1 ^{*2}
Sinks/ drainers with hot and cold (drinking) water	1	1	2	2	2	1

Table 2 – Minimum requirements for kitchen facilities

^{*}1 (600mm standard depth)

^{*}2 or a safely located combination microwave/oven/grill

The layout of a kitchen shall provide adequate circulation space for the safe use of the kitchen and its appliances. Walls, floors and ceilings should be non-porous and reasonably smooth so that they can be effectively cleaned. Floors should be slip resistant.

All units of accommodation must be located no more than one storey from their appointed kitchen unless, the unit of accommodation has access to a kitchen-dining room with a dining area of at least 9m² in addition to the kitchen area, or, the unit of accommodation has access to a shared dining room, of at least 9m², also located no more than one storey from their kitchen.

Where the requirement is for a minimum space of 14m², it is acceptable to achieve this by providing 2 rooms each of 7m² or more.

Where 6 occupants share a kitchen, a safely located combination microwave oven/grill is acceptable in place of an additional conventional oven and grill. A dishwasher is acceptable in place of an additional sink/drainer.

Gas and electrical cooking appliances should be properly fitted, in good working order and subject to regular safety checks in accordance with the relevant regulations.

A suitably located fire blanket in accordance with the current BS EN or equivalent standard shall be available.

There shall be a minimum of:

- 1 x 500mm base unit or 1 x 1000mm wall unit per occupant (for dry food storage)
- 1 good sized refrigerator shelf per occupant (for fresh food storage), and
- 1 good sized freezer shelf per occupant (for frozen food storage)

Electrical power outlet sockets shall be provided in an accessible and safe position for equipment such as refrigerators and washing machines. The sockets for these appliances are required in addition to those required in Table 2.

Recommendation – In HMOs let under separate tenancies, the secure storage of dry, fresh, and frozen food is desirable, either in lockable cupboards, fridge and freezer compartments or through suitable storage provisions provided in the bedrooms.

Kitchen Facilities in Hostels

In addition to the above, kitchens used for the preparation, cooking and serving of food by the owner and or manager shall comply with Regulation (EC) No 852/2004 on the hygiene of foodstuffs.

BATHROOM FACILITIES

Table 3 provides the minimum requirements for bathrooms/shower rooms and WCs.

Occupants sharing	Bathrooms*	Separate WC compartment with wash hand basin with H & C
Up to 5	1	0
6 - 10	2	1
En-suite for 1 or 2	1	0

Table 3: Minimum requirements for bathrooms/shower rooms and WCs

* Comprising 1 bath or shower unit with hot and cold water, may contain a WC and wash hand basin.

All bathroom and toilet facilities shall be appropriately heated, lit and ventilated, they should be hygienically designed and constructed rooms, adequate in size and layout, and provided with appropriate surface finishes to enable cleanliness to be maintained.

Each unit of accommodation shall be located within one storey of a bathroom, shower room or a wash hand basin and toilet.

Adequate size and layout – minimum floor area for bathrooms

Bath* ¹ only	2.3m ²
Bath & WHB* ²	2.5m ²
Bath, WC & WHB	2.8m ²
Shower* ³ only	1.7m ²
Shower, WC & WHB	2.5m ²
WC & WHB	1.2m ²

Table 4: Minimum floor area for bathrooms

*¹ Minimum bath size 1700mm x 700mm

*² Minimum WHB size 400mm x 350mm

*³ Minimum shower size 800mm x 800mm

The midpoint of the toilet cistern must be positioned a minimum of 450mm away from walls, and amenities.

Mechanical ventilation is required in all bathrooms and WC compartments which lack natural ventilation i.e. an openable window. Mechanical ventilation will also be required to mitigate damp and mould should natural ventilation be inadequate.

All baths, showers and wash hand basins must, be located to enable ease of use, be securely fitted and fixed so they do not move. They must be fitted with appropriate taps, an adequate and constant supply of cold and hot water, with waste traps and pipes properly connected to the mains drainage system. All toilets must be fitted with seats and lids.

All wash hand basins and baths must be provided with a waterproof splash-back a minimum depth of two courses of standard tiles. All shower cubicles must be fully tiled or be a specifically designed for the purpose self-standing unit.

A wash hand basin must be provided in a bathroom or WC enclosure.

Recommendation – It is strongly recommended that, where possible, mechanical ventilation is provided in all bathrooms and WC compartments to ensure adequate ventilation.

Recommendation – Floor and wall coverings around baths and showers should be designed to minimise the risk of leaks and damp. Correctly installed specialist flooring and wallboards can help to reduce this risk. It is strongly recommended that regular maintenance checks are undertaken, this will ensure that facilities are being used correctly and help to identify any damage to seals, screens, doors and other fittings before further, more expensive, damage is caused.

MEASUREMENT CONSIDERATIONS

All habitable rooms, kitchens, bathrooms and toilet compartments shall have a minimum floor to ceiling height of 2130mm. In the case of rooms with sloping ceilings, there shall be a minimum height of 2130mm over 50% of the room's floor area. Floor area measurements shall be taken on a plane 1500mm above the floor. Any floor area where the ceiling height is less than 1500mm high shall be disregarded from relevant measurements.

The useability of certain space and the suitability for inclusion in measurements is at the discretion of the local authority.

When calculating occupancy rates, children under the age of 1 year are not counted. At the discretion of the local authority room sizes for children under the age of 10 may be smaller than those previously specified, but they shall not be less than 4.64m² in any instance.

INSULATION AND HEATING

Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

- Heating shall be provided in every habitable room, and bathroom capable of maintaining 18°C as an internal temperature when the external temperature is -1°C
- The heating provision must be capable of being safely used at any time and be suitably guarded. It must be suitable, affordable to operate, appropriate to the design, layout and construction of the dwelling and be controllable by the occupants
- In the case of gas central heating, a programmable timer clock shall be installed, and all radiators be fitted with thermostatic valves
- An electrical heating system will be acceptable in the form of a combined storage heater/panel heater that can be run on both off peak and standard day rate electricity tariffs, together with a fixed electric fan heater, located in the bathroom, powered from a fused spur. It must be capable of providing instantaneous energy efficient heating and controllability, on the optimum electricity tariff available
- The use of portable paraffin, oil-fired heaters and liquefied petroleum gas heaters (bottled gas heaters) are prohibited at all times, whether provided by the landlord or the tenant.
- All reasonable steps should be taken to insulate HMO accommodation to improve energy efficiency and reduce condensation risk. Particular attention should be paid to basement and attic rooms and conversions must comply with Fire Safety and Building Regulations.

LIGHTING AND VENTILATION

Natural Lighting

Every habitable room shall have adequate natural lighting. The minimum requirement for natural light provided by an unobstructed window or windows is an area of glazing equivalent to at least 1/10th of the floor area of the room.

Bedsit rooms that do not have access to shared communal living space should have some external view/outlook through a window, not just a skylight view.

All glazing to bathrooms and water closets should be obscure.

Artificial Lighting

All habitable rooms, kitchens, bathrooms, water closets, staircases, landings and passages shall be adequately lit. Timed switches may be used for landings, staircases and passages but they must stay on for an adequate time to enable slow and safe passage.

Ventilation

All habitable rooms shall be ventilated directly to the external air by one or more openable window/s. The minimum requirement for natural ventilation is an area of openable window equivalent to at least 1/20th of the floor area of the room.

Mechanical Extract Ventilation

All kitchens, bathrooms and toilet compartments shall be provided with natural ventilation, as detailed previously, but, where impracticable, mechanical ventilation will be acceptable. Mechanical ventilation must operate on suitable systems to remove moist air with minimal noise disturbance. Mechanical ventilation must comply with the Building Regulations that are current at the time of application. Any installation shall be fitted with an overrun device. This is usually connected to the lighting circuit of the room unless the fan is humidity controlled. All rooms must have controllable trickle vents and/or windows that can be securely locked in the night-latch position to provide background ventilation without excessively losing heat.

Recommendation – Positive pressure whole house ventilation systems are becoming increasingly popular with HMO landlords as a way of managing indoor air quality and reducing the risk of condensation and mould growth. All such systems must be installed and serviced in accordance with manufacturers recommendations and have room by room control.

Recommendation – HMOs located where external air pollution levels are likely to not meet the appropriate standards should be designed with air intakes that minimise pollution ingress into the building, having regard to the design principles contained in Appendix D of Building Regulation Approved Document F.

ELECTRICS

HMOs must be designed with adequate electrical power output for their expected loading. The conversion of large, single occupancy buildings into HMOs requires increased electrical supply, new wiring and many more sockets and appliance outlets.

Electrical sockets must be adequate in number and suitably located to minimise the need for use of adaptors and trailing leads which introduce additional hazards to living spaces.

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

All privately rented accommodation, including HMOs, is required to have a current (no older than five years) satisfactory Electrical Installation Condition Report (EICR) or an Electrical Installation Certificate (for new or fully rewired properties) from an approved electrical engineer.

An approved electrical engineer will be registered with NAPIT, NICEIC or ELECSA. Alternatively, electrical engineers have the option to certify their competence by providing the local authority with an appropriate summary of their experience, insurance and qualifications covering the current Regulations and the periodic inspection, testing and certification of electrical installation.

GAS

Gas Safety (Installation and Use) Regulations 1998 (as amended)

All rented accommodation with one or more gas appliances or services must have a current (no older than one year) satisfactory Landlord's Gas Safety Record from a Gas Safe registered gas engineer.

FIRE PRECAUTIONS

All premises in multiple occupation must be provided with suitable means of escape from fire, adequate structural integrity and other fire precautions e.g. alarms, fire extinguishers, etc. in accordance with the LACORS Fire Safety Guide.

Fire Detection & Alarm Systems

A mains operated or automatic fire detection and alarm system shall be provided to ensure early warning in the event of a fire.

Most of these systems have interlinked smoke and or heat detector/alarms. Some systems also have sounders, manual call points and control panels.

Stand-alone non-interlinked mains powered smoke and or heat detector/alarms may also be required depending on the layout of each building.

Automatic Fire Detection (AFD) systems must comply with BS5839 and should be tested by a competent fire specialist or electrician annually.

Means of Escape in the Event of Fire

In most residential properties the entrance hall and staircase enclosure provide the main safe escape route from the building. In an HMO the escape route needs to have a minimum of 30 minutes fire protection, depending on the number of storeys to the building.

Most internal walls, ceilings and floors in a house or flat will provide 30 minutes fire protection unless they are in poor condition, damaged or holed, e.g. central heating pipework often runs through walls, floors and ceilings reducing the fire containment capacity.

- Bedsits, Bedrooms, Common Rooms and Kitchens**

Internal doors opening on to a protected route from fire risk rooms must have fire doors and frames which are rated with at least 30 minutes fire protection, be hung on 3 hinges and fitted with a suitable self-closer. They may also require intumescent strips/cold smoke seals.

Where a fire door is between an escape route and a commercial premise the fire door must be rated as having at least 60 minutes fire protection, be hung on 3 hinges and fitted with a suitable self-closer. They may also require combined intumescent strips/cold smoke seals.

- Cupboards Under Stairs and in Escape Routes**

Where an HMO has a 30-minute fire protected escape route, any cupboards located on the escape route or under stairs or the escape route must also be 30 minutes fire protected.

In some cases, the cupboard may be emptied and locked with the key under the manager's control.

- **Emergency Lighting**

An HMO may require an emergency lighting system to illuminate communal halls, landings and stairs in the event of failure of the main lighting circuits.

Emergency lighting systems must comply with BS5266 and should be tested by a competent fire specialist or electrician at least once a year.

Electrical supplies to AFD and emergency lighting systems should be from a separate landlord's supply.

SECURITY

External Doors

The main entrance doors to an HMO should be fitted with a surface or flush mounted night latch lock release mechanism (e.g. Yale lock) or a high standard electro-magnetic lock. The landlord or manager must ensure the locks are in working order at all times.

Windows and glazed door panels situated close to the entrance door locking mechanism should have Georgian wired, toughened or laminated glass. All other external doors and frames should be secure, fitted with a secure locking system, maintained in good repair, and be in working order always.

All entrances to the property should be well lit, especially those to ground floor/basement rooms and external staircases.

Key operated window locks are required to all accessible windows (ground floor, basement and adjacent to external structures such as a fire escape or flat roof). Where the window is an escape window, that is an integral part of the means of escape from fire, then a suitable alternative security feature to enable it to be opened from the inside is required.

Internal Doors to Bedrooms and Bedsits

In all circumstances individual lettings/rooms must be secure. Bedsits and bedrooms with lockable doors should have a surface or flush mounted night latch lock release mechanism (e.g. Yale lock) which can be opened from the outside using a key and locked on the inside without a key.

Thumb-turn internal locks are recommended.

WASTE MANAGEMENT

Adequate waste disposal arrangements must be in place within the HMO. In practice this means the provision of suitable bins/receptacles and on-site waste storage and management arrangements having regard to:

- The number of occupants
- The type and size of HMO accommodation

- The waste collection and recycling arrangements available either through the local council domestic collection service or a commercial waste contract
- There should be one or more clearly defined external refuse storage areas for refuse containers. These should be pest proof, in the open air, and located away from windows and ventilators.

All HMOs must comply with the local authority's storage and waste disposal scheme, details of which can be found on the [local authority's website](#) or by contacting the Waste Management Team.

The adequacy of waste disposal arrangements is also subject to compliance checks under the HMO management regulations.

MANAGEMENT OF HMO

In many cases the residents of an HMO will be unknown to each other which can present problems associated with access to and the use of shared amenities and common rooms. In addition, residents often share responsibility for cleaning and maintaining shared amenities and common rooms, which may become a problem if this process is not carefully managed.

Clear guidelines for tenants as to their responsibilities and those of the management can help avoid many of the problems mentioned.

The Management of Houses in Multiple Occupation (England) Regulations 2006

The manager must ensure their name, address and any telephone contact number are made available to each household in the HMO and that their details are clearly displayed in a prominent position in the HMO.

All means of escape from fire in the HMO must be kept free from obstruction and maintained in good order and repair.

Having regard to the design of the HMO, where appropriate, measures should be taken to protect residents from injury, this includes considering the structural conditions in the HMO and the number of occupiers. For example – attention should be given to any roof or balcony. The building owner/manager must either ensure that they are safe or take all reasonable measures to prevent access to any area for so long as it remains unsafe.

Any windowsills at or near floor level should have bars at waist height or other such safeguards as may be necessary to protect the occupiers against the danger of accidents and falls from height.

The water supply and drainage system serving the HMO must be maintained in a clean and working condition. This includes all pipes, tanks, cisterns or receptacles used for the storage of water or wastewater. All tanks must have a well-fitting cover and any water fitting liable to damage by frost must be lagged and protected. The manager must not cause or permit the water or drainage supply that is used by any occupier at the HMO to be unreasonably interrupted.

The manager must ensure gas supplies and appliances in the HMO are properly serviced, maintained, and tested annually by a recognised gas safe registered engineer. See previous section on Gas.

Within 7 days of receiving a request from the local housing authority, the manager/owner must supply the latest gas appliance test certificate, for any gas appliance in the HMO, in writing, The

manager/owner must not unreasonably cause the gas or electricity supply to be interrupted. The tenant/s should be in control of their heating at all times.

The common parts of the HMO must be safe, clean and in good decorative repair, and kept clear from obstructions. All handrails and banisters must be well fitted, in good repair and, where necessary, additional handrails or banisters must be provided. Stair coverings must be safely fixed and kept in good repair and all windows or other means of ventilation within the common parts kept in good repair.

The common parts must be fitted with adequate light fittings and be available for use at all times.

Any fixtures, fittings or appliances provided with the accommodation and used in common by two or more households within the HMO must be maintained in good and safe repair and in clean working order.

Outbuildings, yards, forecourts, gardens, boundary walls, fences, gates and railings must be maintained in good order, safe and clean.

Living accommodation within the HMO, and any furniture supplied with it, must be in a safe and clean condition at the beginning of an occupation. The internal structure and any fixtures, fittings, appliances, windows and other means of ventilation within the accommodation must be maintained in good repair.

HOUSING ACT 2004 PART 1 - HOUSING CONDITIONS

Housing Health and Safety Rating System (HHSRS)

Where a property has a defect or inadequacy the local authority uses HHSRS to risk assess the defect or inadequacy (the hazard) to decide how serious it is and thus what level of enforcement action to take.

This applies to all residential accommodation.

PLANNING PERMISSION, THE BUILDING REGULATIONS AND COUNCIL TAX

Planning

Prior to using a house as an HMO owners/managers should check whether planning permission is required. Planning officers consider additional matters such as off-street parking, over intensity of conversions, sound insulation, type of property e.g. terraced/ detached etc.

Building owners/managers must ensure they have planning permission to subdivide a house into self-contained units or change it from a single dwelling to an HMO with 7 or more occupiers, or where an Article 4 direction under the Town and Country Planning (General Permitted Development) (England) Order 2015 applies.

Applying for an HMO Licence does not negate the need for planning permission. If planning permission is not applied for or granted you will be committing an offence and the planning department take enforcement action regardless of the granting of an HMO Licence.

Contact Planning Services at:

Email: planning@bromley.gov.uk or Tel: 020 8313 4956

Building Control

The provision of additional facilities or structural alterations may require Building Control approval.

Building Regulation approval is likely to be required for a range of HMO conversion works including:

- Installation of additional kitchen or bathroom facilities that require wastewater connections
- Changes in the building layout e.g. adding or removing walls and or doors and windows

Compliance with Building Regulations is regulated by Local Authority Building Control or alternative private sector providers.

To contact Building Control: Email: buildingcontrol@bromley.gov.uk or Tel: 020 8313 4313

Council Tax

HMOs are not exempt from council tax. Council tax fraud is an offence please check your/your tenants council tax liability with the Council Tax department, for details see the London Borough of Bromley's [website](#).

ENERGY PERFORMANCE CERTIFICATES

Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

An Energy Performance Certificate (EPC) sets out the energy efficiency of a property on a traffic light system of A to G, A being the most efficient.

An EPC provides an indication of how much it will cost to heat and power a property. An EPC is not required for an individual room or bedsit within an HMO but the building or part of the building which is the HMO will usually require a current EPC. From 1st April 2020 all privately rented residential accommodation is required to have a current (no older than 10 years) EPC with a minimum level of "E".

A copy of the EPC for the HMO should be provided to each tenant when they start their tenancy.

A landlord in England cannot serve a Section 21 notice under the Housing Act 1988 for possession if they haven't given the tenant a copy of the property's EPC.

CERTAIN BUILDINGS CONVERTED INTO SELF CONTAINED FLATS

Definition of a Section 257 HMO

Under Section 257 of the Housing Act 2004, buildings which have been converted into self-contained flats without building control approval, where less than 2/3rds of the flats are owner-occupied are likely to be determined to be HMOs. **Regulation of Section 257 HMOs**

Local authorities are responsible for regulating fire precautions within Section 257 HMOs.

Section 257 HMOs are subject to the following regulations:

- The Licensing and Management of HMO (Additional Provisions) (England) Regulations 2007.

- The HMO (Certain Converted Blocks of Flats) (Modifications to the Housing Act 2004 and the Transitional Provisions for Section 257 HMOs) (England) Regulations 2007.

Section 257 HMOs do not require a licence from the local authority under the mandatory HMO licensing scheme.

Section 257 HMO Housing Standard

A self-contained flat within a Section 257 HMO is subject to the same housing standards that apply to all single occupation self-contained houses and flats.

A flat, within a Section 257 HMO, that is not entirely self-contained, will be cause the HMO to be considered a bedsit type HMO.

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APPENDIX 2

Summary of the main changes from the existing adopted standards for houses in multiple occupation (HMOs) to the proposed revised standards

Existing	Revised
<p>HMOs are divided into and referred to as Category A, B and C type HMOs.</p> <p>There are also HMOs which are self-contained flats in converted buildings referred to as section 257 HMOs.</p>	<p>HMOs are divided into and referred to as bedsit accommodation, shared houses, temporary accommodation and section 257 HMOs.</p> <p>Originally HMOs were divided into categories A to F. Over the last 30 years these categories and their definitions have changed and the definition of the remaining categories may vary between authorities.</p> <p>Using a more descriptive reference to the type of HMO is easier for everyone to understand.</p>
<p>Minimum room sizes in shared houses and temporary accommodation take into consideration the provision of private and shared facilities within the HMO and communal living space.</p> <p>Minimum room sizes in bedsit accommodation take into consideration the provision of private and shared facilities within the HMO, but not communal living space.</p> <p>The room size for sleeping accommodation for 1 person is 6.51m²</p> <p>The room size for sleeping accommodation for 2 people is 10m²</p>	<p>Minimum room sizes in bedsit accommodation, shared houses and temporary accommodation take into consideration the provision of private and shared facilities within the HMO and communal living space.</p> <p>The baseline room size for shared houses is presented with additional space required where kitchen facilities and/or common rooms are not shared.</p> <p>The room size for sleeping accommodation for 1 person is 7m²</p> <p>The room size for sleeping accommodation for 1 person is 11m²</p>
<p>No minimum floor areas for private and communal bathrooms, shower rooms and WCs.</p> <p>No minimum dimensions of toilets, wash hand basins, baths, or shower trays.</p> <p>No reference to appropriate layout of bathroom facilities.</p>	<p>Minimum floor areas for private and communal bathrooms, shower rooms or WCs.</p> <p>Minimum dimensions for toilets, wash hand basins, baths, and shower trays.</p> <p>Reference to appropriate layout of bathroom facilities.</p> <p>Over the last 5 years an increasing number of undersized, cramped and potentially hazardous bathroom facilities with inappropriate layouts have been created.</p>

No requirement for HMO managers to adhere to the Local Authorities storage and waste disposal scheme.	Requirement for HMOs to adhere to the Local Authorities storage and waste disposal scheme.
No requirement to take into consideration whether an HMO has planning permission to be used as an HMO.	All HMO owners and agents are advised that there may be a legal requirement for their HMO to have appropriate planning permission to be used as an HMO and that in the event they either lack the appropriate planning permission, or fail to apply for it retrospectively, the matter will be referred to Planning Enforcement.
No requirement for a Grade E or above energy performance certificate (EPC) for the HMO or unit of accommodation within an HMO.	The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 require a Grade E or above EPC for an HMO and/or a unit of accommodation within an HMO. It has recently been established that HMOs and or units of accommodation within HMOs must have a Grade D or above EPC before they are let.
Did not include The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020	Incorporates The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
Information was previously in text	Presents simplified information in tables, particularly for kitchen facility requirements.

Agenda Item 10

Report No.

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 30 November 2021

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

Title: MOBILE HOMES FIT AND PROPER PERSON REGISTRATION – FEES POLICY

Contact Officer: Joanne Stowell, Assistant Director of Public Protection
Tel: 020 8313 4332 E-mail: Joanne.Stowell@bromley.gov.uk

Chief Officer: Director of Environment and Public Protection

Ward: (All Wards);

1. Reason for report

- 1.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ('the Regulations') introduced the requirement for mobile home site owners to register their site managers as fit and proper persons to manage their sites with the Local Authority.
 - 1.2 Should a local authority intend to charge a fee for operating the fit and proper person registration scheme, it must establish the processes for making and issuing decisions; establish a fit and proper person register and publish a fees policy.
 - 1.3 The purpose of the report is to approve the fees policy attached at Appendix A.

2. RECOMMENDATIONS

- 2.1 The General Purposes and Licensing Committee approve the proposed fees policy presented in Appendix 1 with immediate effect.
 - 2.2 That delegated authority be given to the Director of Environment and Public Protection, in agreement with the Portfolio Holder for Public Protection and Enforcement, to make minor amendments to the policy as may be found necessary, based on the same principles of fee setting as applied within this report, to ensure the fee remains appropriate.

Impact on Vulnerable Adults and Children

1. Summary of Impact: There has been much publicity regarding inappropriate, inadequate, and unscrupulous management practices on some commercially run residential mobile home sites, which have proved costly to residents in relation to their financial circumstances, safety, health, and wellbeing. The registration scheme seeks to protect tenants and raise standards. However, this is a new mandatory duty placed on local authorities and the cost of administering this regime should be passed to the commercial operator via an administration fee.
-

Corporate Policy

1. Policy Status: New Policy
 2. BBB Priority: Quality Environment Safe Bromley Healthy Bromley
-

Financial

1. Cost of proposal: No Cost (existing officer time only)
 2. Ongoing costs: Not Applicable: New small revenue income stream over 5 years
 3. Budget head/performance centre: Housing Enforcement
 4. Total current budget for this head: £104k
 5. Source of funding: Existing revenue budget 2021/22
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: [Not Applicable](#)
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

BACKGROUND AND ISSUES

- 3.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (the Regulations), prohibit the use of land as a commercial residential mobile home site unless the local authority is satisfied that the owner/manager of the site is a fit and proper person to manage the site.
- 3.2 The Regulations became operative on 1st July 2021 and 1st October 2021, depending on the provisions, and require site owners of commercially run residential mobile home sites to apply to the local authority to register the “relevant persons” who manage their sites on the local authority’s public register of fit and proper persons who manage mobile home sites.
- 3.3 The purpose of the registration scheme is to protect residents from poor site management which often results in poor site maintenance, unnecessary costs passed onto residents, poor living conditions and mental stress among the residents of a site. The registration scheme is intended to ensure only owners/managers with appropriate experience, skills, and qualifications and without a history of criminal and/or civil wrong doings are permitted to manage sites.
- 3.4 The Regulations apply in relation to all relevant protected mobile home sites. This does not include non-commercial family-occupied sites but does include both “residential parks”, which are used exclusively residentially, and “mixed use parks”, which are used for both residential and holiday lets.
- 3.5 In order to lawfully operate a site, the site owner or the person appointed to manage the site must be a “fit and proper person” and the person subject to the assessment is the “relevant person”.
- 3.6 The site owner/manager must apply to the local authority for the relevant person/s (either themselves or the site manager), to be included on a register of fit and proper persons. A site owner may only apply if they hold or have applied to obtain a “Site Licence” for that site under the Caravan Sites and Control of Development Act 1960. The same requirements apply where the owner or the site manager is not an individual, such as a park owned or managed by a company.
- 3.7 Sites that are exempted from The Regulations (Section 3) are those that are only occupied by members of the same family and are not being run as commercial residential sites, as such, the policy only applies to commercially run sites.
- 3.8 The site owner must provide sufficient information for the local authority to make an assessment whether the relevant person is a fit and proper person. This includes the disclosure of specified criminal convictions.
- 3.9 The Regulations (Section 10) permit Councils to charge a fee to cover the costs incurred in carrying out the function of registering fit and proper persons to manage mobile home sites, including the costs of establishing, promoting, and managing the registration scheme. An application must be accompanied by the relevant application fee to be considered valid for processing.
- 3.10 It is for the local authority to set the fee and decide the amount and frequency of additional payments that may be required e.g., an annual fee.
- 3.11 Local authorities must prepare and publish a fees policy before they can charge a fee (see Appendix A). They may revise the fees policy and, where they do so, must publish the revised fee policy. Fees should be fair and transparent so that anyone required to pay a fee will know what they will be charged and what they are being charged for. Fees should only cover the costs incurred by a local authority in carrying out their functions.
- 3.12 Bromley currently has 8 licensed sites likely to require one or more relevant persons to be registered. It is also likely one or more of the registered persons will come off the register during the 5-year registration period, which will result in additional applications as owners/managers change.

The Proposed Fee

- 3.13 There is no requirement under the Regulations to consult with site owners or homeowners on setting fees.
- 3.14 The fee will cover the registration of a relevant persons for up to 5 years and a “relevant person” may be registered for a period of up to 5 years, as determined by the Registration team. Where there are any concerns about a ‘fit and proper person’ this period is likely to be less, with the time period being dependent on the significance of the concerns.
- 3.15 When determining a fee structure, local authorities must consider several factors for a person to be entered on the fit and proper register (set out in Appendix A). As these are new regulations it is currently difficult to determine what issues may arise during this process. Notwithstanding this, a benchmarking exercise was carried out comparing the fees charged by other local authorities who have published a fees policy for this purpose.

Current comparable fees charged by other boroughs

Ashford	£160
Sevenoaks	£88.45
Tunbridge Wells	£132
Tonbridge and Malling	£235
Tandridge	£386
Horsham	£230

- 3.16 In addition to the above, a desktop exercise was carried out to determine the amount of officer time that will dedicated to administering the registration scheme on average.
- 3.17 The fee income is intended to cover the full cost of managing and operating the registration scheme. The recommendation seeks to avoid any subsidy but remain value for money within the constraints of reduced resources. As such, the recommended fee is £270 in the first instance. Analysis of applications received and the cost of administrating the scheme will be ongoing and a review will be undertaken in October 2022 to ensure that the level of fee remains appropriate and reflects the actual cost of administration to the authority.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 There has been much publicity regarding inappropriate, inadequate, and unscrupulous management practices on some commercially run residential mobile home sites, which have proved costly to residents in relation to their financial circumstances, safety, health, and wellbeing. The registration scheme seeks to protect tenants and raise standards. However, this is a new duty placed on local authorities and the cost of administering this regime should be passed to the commercial operator via an appropriate administration fee.

5. FINANCIAL IMPLICATIONS

- 5.1 The proposed fee has been set at a level that fully recovers the current costs incurred in providing the registration scheme. The charges shall be reviewed annually to ensure that costs continue to be recovered and to reflect further legislative change.
- 5.2 The proposed fees will result in estimated income of approximately £2 – 3k over a 5-year period, based on 8 sites being required to register and some which may make multiple registrations over this period. This is not currently reflected in the revenue budget but represents additional revenue income to cover the costs of undertaking these valuable, in terms of public safety, proposed checks.

6. LEGAL IMPLICATIONS

- 6.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduce the overdue “fit and proper” test of “occupiers” (managers) of commercial caravan sites, which can attract a fee if the Local Authority wishes it. This report only deals with the fee side of the Regulations, not the conditions to fulfil the “fit and proper” test or when to enforce.
- 6.2 Regulation 10 came into force on 1st July 2021 and deals with the fee itself. In the whole, it leaves it to the Local Authority to decide on the level of the fee (which could be different for different case scenarios) and its frequency. It also requires the publication of a fee policy, which is attached to this report.
- 6.3 Publishing the attached report and agreeing the level of fees, enables the Council to fulfil its duties in relation to the fee side of the Regulations.
- 6.4 Adopting fees for the “fit and proper” test enables the Council to fulfil further its Public Sector Equality Duty duties under the Equality Act 2010 by charging the owners / managers of sites for checks in order to protect vulnerable members of the Borough.

Non-Applicable Sections:	Policy implications, Personnel Implications, Procurement Implications
Background Documents: (Access via Contact Officer)	

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The Mobile Homes – Fit and Proper Person Registration Fees Policy

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The Mobile Homes - Fit and Proper Person Registration Fees Policy

1.0 Scope of the Policy

- 1.1 This Fit and Proper Person Registration Fees Policy sets out the London Borough of Bromley's ('the Council') policy in respect of charging fees under the mobile homes fit and proper person test, which applies to relevant protected residential mobile home sites requiring a license. The Policy sets out the methodology, the matters and appropriate costs that the Council has taken into account in setting the fees.
- 1.2 The purpose of this Policy is to ensure that the fees imposed by the Council are fair and transparent so that anyone required to pay a fee can understand the charge and what they cover.

2.0 Background

- 2.1 A relevant protected residential mobile home site cannot operate in the Borough unless the Council is satisfied that the manager qualifies as a fit and proper person (Sections 12A to 12E of the Caravan Sites and Control of Development Act 1960, as implemented by Section 8 of the Mobile Homes Act 2013). A relevant protected site is a site, which requires a licence, which is not solely for holiday purposes or is otherwise not capable of being used all year round.
- 2.2 A site owner under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") must apply to their local authority for the relevant person (themselves or their appointed manager) to be added to the register of fit and proper persons managing sites in their area ("the register").
- 2.3 There are some exemptions from the requirement for the owner of a site to apply to be included in the Fit and Proper Person Register, and these include:
 - A site that is only occupied by members of the same family
 - A site that is not run as a commercial residential site
- 2.4 The site owner may only apply to be added to the register if they hold, or have applied for, a site licence for the site. This provision also applies where the site owner or site manager is a registered company.
- 2.5 The Regulations permit local authorities to charge a fee for their fit and proper person functions in respect of applications to be included in the register and to require additional payments by annual fee if an application is granted subject to such a condition. It is at a local authorities' discretion whether to charge for all or any aspect of their functions under the Regulations.
- 2.6 Before a local authority can charge a fee, it must prepare and publish a fees policy. When setting a fee, the local authority:
 - Must act in accordance with its fees policy
 - May set different fees in different cases
 - May determine that no fee is required in some cases

The Mobile Homes - Fit and Proper Person Registration Fees Policy

2.7 Any charges relating to the fit and proper person function will be limited to recovering the costs of exercising that function. Both the level of fees and how they are charged are at the discretion of the local authority and subject to legal restrictions.

2.8 Site owners applying to be included on the register will be required to submit a completed application form and pay the fee outlined in this Policy, to the Council.

3. Fee Structure

3.1 In devising the fees policy and setting the fees to be charged, the Council has had regard to the Regulations and the relevant guidance, the '[Fit and Proper Person Test Guide for Local Authorities on Setting Fees](#)' issued by the Department for Communities and Local Government (2021).

3.2 The regulations permit the Council to charge two types of fee to cover its costs:

- Fit and Proper Person application fee – To cover the cost of assessing applications to be included on the register. Registration lasts for up to 5years.
- Fit and Proper Person annual fee – To cover the cost of monitoring the regime and/or any conditions attached to the above register entry.

3.3 The Council has decided that in order to limit the financial burden of this new requirement on site owners and operators, it will only charge a fee for its fit and proper person functions and will not charge an annual fee. When the policy is reviewed and the Council has a better understanding of the full implications and costs of delivering the assessment process, the stance regarding the potential annual fee will be reviewed and fees potentially introduced.

Fee Type	Cost
Fit and Proper Person application fee	£270

4. Costs that can be included in application fees

4.1 Many applications will be straightforward and will be able to be processed with straightforward enquiries. Others may involve complicated issues which require resources to investigate. The council will charge a flat rate fee for consideration of all applications. This has been based on the average complexity of a case to ensure both the Council and applicants are clear on the cost at the point of application.

4.2 The council has taken into account the following actions that will likely incur costs when determining its fee policy for applications for entry on the register:

- Initial enquiries
- Correspondence to make appointments and to request documents, evidence, or other supporting information from the applicant, site owner or any other third party in connection with the fit and proper assessment process
- Administering forms

The Mobile Homes - Fit and Proper Person Registration Fees Policy

- Updating files, computer systems and websites
 - Processing the payment for the application fee
 - Undertaking land registry searches
 - Reviewing and confirming the provenance of necessary documents and certificates
 - Preparing preliminary and final decision notices
 - Management and legal review of applications and representations made by applicants and/or responses from third parties
 - Updating the on-line public register
 - Carrying out any risk assessment process considered necessary
 - Review of a decision or defending an appeal
- 43 In addition, the Council will need to make such inquiries as are necessary in connection with the application, such as those relating to the applicant's management experience and history and their financial standing.
- 44 All time taken in establishing the information required to make an informed decision is included in the application fee. The fee is charged whether or not entry onto the register is granted.
- 45 Where an applicant contacts the Council before making an application to ascertain the likelihood of the success of a potential application, the authority will give informal advice, including on likely conditions that may be attached to an entry, so that the applicant can make an informed judgement on how to, or whether to proceed with an application.

5. Payment and Processing

- 51 The Council requires payment of a fee for an application for inclusion on the register. The Council will not process an application until such time as the correct fee has been received.
- 52 Applications will be made via an online web form and fees may be paid by credit or debit card. Further advice on making a payment will be contained within the application form
- 53 When the Council is in receipt of the full application and all supplementary documentation, the application will be processed as soon as is reasonably practicable. The fee is not refundable. The reasons for any conditions attached to the registration or grounds for any refusal will be outlined in the Decision Notice

6. Matters to be considered in the Fit and Proper Person Assessment

- 61 When considering whether a person is 'fit and proper' the Council must have regard to the suitability of the person concerned ('the relevant person'). Schedule 3, paragraphs 2 to 4 of the Regulations make reference to the matters that must be considered by the local authority as part of any application. These include whether the relevant person is able to secure the proper management of the site and includes, but is not limited to, the following:

- a) History of compliance with the current site license

The Mobile Homes - Fit and Proper Person Registration Fees Policy

- b) Quality of the long term maintenance of the site
- c) Whether the relevant person has sufficient level of competence to manage the site
- d) Whether the management structure and funding arrangements for the site are adequate

Other matters to be considered are whether the relevant person has:

- e) Committed any offence involving; fraud or other dishonesty, violence, arson, drugs, or is listed in Schedule 3 of the Sexual Offences Act 2003 (offences attracting notification requirements)
- f) Has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning, environmental health or landlord and tenant law
- g) Has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business
- h) Has harassed any person in, or in connection with, the carrying on of any business
- i) Is, or has been within the past 10 years, personally insolvent
- j) Is, or has been within the last 10 years, disqualified from acting as a company director
- k) Whether the relevant person has the right to work in the United Kingdom
- l) Whether any other local authority has rejected a similar application for the responsible person to be included on a similar register

- 62** The Council may also have regard to the conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis) if it appears to the authority that that person's conduct is relevant to the question of whether the relevant person is a fit and proper person to manage a site.

7. Application outcome

- 7.1** Once an application has been received the local authority may:

- a) Grant the registration unconditionally
- b) Grant the registration subject to condition/s
- c) Reject the application

8. Decision

- 8.1** As soon as is reasonably practicable after a full and complete application is received (including the relevant fee) the Council must decide the application and either:

- a) Serve a final decision notice on the applicant – where the decision is to grant the registration unconditionally and to include the relevant person on the register for 5 years, or
- b) Serve a preliminary decision notice on the applicant – where the decision is to grant the registration with condition/s, to grant for less than 5 years or to refuse registration

The Mobile Homes - Fit and Proper Person Registration Fees Policy

9. Appeals

- 9.1 Any preliminary decision notice will be in accordance with the Regulations and will provide the applicant 28 days, beginning the day after the day on which the preliminary decision notice was served, to make written representation to the authority.
- 9.2 Once written representations have been received the authority will then make a final decision with regard to the registration
- 9.3 Where the authority seeks to remove a relevant person from the register, or to impose further conditions on the registration, a notice of proposed action will be issued in accordance with the Regulations. Again, any relevant person may make written representation within 28 days of such a notice being issued.
- 9.4 The local authority may withdraw or amend notices in some circumstances:
- A preliminary decision notice – before service of the final decision notice
 - A final decision notice – before the decision to which it relates takes effect, or
 - A notice of proposed action – before the proposed action is taken
- 9.5 A person on whom a final decision notice is served may appeal to a First-tier Tribunal (FTT) against:
- Any decision to include the relevant person on the register for an effective period of less than 5 years
 - Any decision to include the relevant person on the register subject to conditions, and
 - Any decision to reject the application
- 9.6 A person on whom a notice of action is served may appeal to the FTT against:
- Any decision to remove the relevant person from the register
 - Any decision to impose a condition on the relevant person in the register, and
 - Any decision to vary a condition
- 9.7 No compensation may be claimed for loss suffered, pending the outcome of the appeal, in consequence of the local authority making a final decision, or for taking action relevant to Regulations 8(1)(a), (b) or (c).

10. Register

- 10.1 The Regulations require local authorities to establish and keep up to date a register of persons who they are satisfied are fit and proper persons to manage a relevant, protected residential mobile home site in their area and to make the register open to inspection by members of the public at the offices of the local authority during normal office hours.
- 10.2 The authority must also publish the register online and the contents of the register will be in accordance with the Regulations.
- 10.3 A person's inclusion in the register has effect for a maximum period of 5 years.

The Mobile Homes - Fit and Proper Person Registration Fees Policy

10.4 The Council may attach conditions to any entry on the register. These may include, but are not limited to, the requirement to pay an annual fee, or the requirement for the relevant person to inform the council of any changes in circumstances in relation to the fit and proper person assessment.

11. Appointment of a Person to Manage the Site

11.1 Where a site owner, or their manager, fails a fit and proper person test and are unable to identify/appoint a suitable alternative manager (who must also undergo the fit and proper person assessment), the local authority may appoint a person to manage the site, with the consent of the site owner.

11.2 If the Council is required to appoint a person to manage the site, the cost of this action can also be recovered from the site. If this were to be required, the Council would seek full cost recovery of all officer time and any other resources required to undertake their duties effectively.

12. Review of the Fee Policy

12.1 The policy for Fit and Proper Person Fees will be reviewed annually. The review will assess and incorporate changes required borne from experience of the administering this new regimen. This will include a full review of the fee levels, to take into account of the effect of inflation and any surplus or deficit incurred on the predicted level of expenditure.

12.2 Any adjustments will consider variations in officer and administration time to those used in calculating the preliminary fees set out in this policy document, along with any change to other costs incurred in providing the fit and proper person function.

12.3 Change will also be introduced into this document to accommodate new legislation, government guidance and local needs where necessary.

12.4 The fees policy will be published on the Council's website www.bromley.gov.uk. If the Council revises the fee policy, it will replace the published policy with the revised policy.

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Agenda Item 11

Report No.
CSD21018

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 30 November 2021

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

Title: COUNCIL MOTION -
HONORARY FREEDOM OF THE BOROUGH

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

Chief Officer: Tasnim Shawkat, Director of Corporate Services and Governance

Ward: All

1. Reason for report

- 1.1 Section 249 of the Local Government Act 1972 enables councils to award honorary freedom to "...persons of distinction and persons who have, in the opinion of the council, rendered eminent services to the city, borough or royal borough or parish or community..."
 - 1.2 At a special meeting of the Council on 18th October 2021 a motion was presented calling for the honorary freedom of the borough to be awarded to Ms Emma Raducanu. The motion was amended and then passed, referring the matter to this Committee to consider.
-

2. RECOMMENDATION

- (1) The Committee is recommended to note and monitor the current situation.
- (2) The Committee is requested to consider whether a scheme of appointment for honorary freedom of the borough should be developed.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not applicable
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Managing our Resources Well
-

Financial

1. Cost of proposal: Estimated Cost: There are some small costs associated with providing a medal and scroll, and for any reception.
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Democratic Representation
 4. Total current budget for this head: £1,094,730
 5. Source of funding: Revenue Budget 2021/22
-

Personnel

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

Legal

1. Legal Requirement: Statutory Requirement: The Local Government Act 1972 (S.249) enables local authorities to award honorary freedom.
 2. Call-in: Not Applicable: This is not an executive matter.
-

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 A special Council meeting was held on 18 October 2021 at the request of Councillors Angela Wilkins, Simon Jeal, Kathy Bance MBE, Josh King and Vanessa Allen to consider the following motion –

“That the honorary freedom of the London Borough of Bromley be conferred on Ms Emma Raducanu (resident of this Borough) in recognition of her exceptional and historic achievement in becoming the first qualifier to win the US Open Tennis Championship and the first British female player to win a grand slam title in 44 years.”

- 3.2 At the meeting, the motion was amended and the following wording was approved –

“In recognition of Emma Raducanu’s (resident of the borough) exceptional and historic achievement in becoming the first qualifier to win any grand slam tennis tournament and the first British female to win a grand slam title in 44 years, the General Purposes and Licensing Committee is requested to monitor the ongoing dialogue between Council officers, Emma and her family and her advisors and agree a suitable celebration of her victory.”

- 3.3 Council officers have established contact with Ms Raducanu’s team but no firm proposals have been agreed as yet. The team has made it clear that they are trying to keep Ms Raducanu’s life as normal as possible. When a number of options for celebrating Ms Raducanu were last discussed the preference was the turning on of the Bromley Christmas lights, however Ms Raducanu is out of the country and therefore not able to undertake this task this year.
- 3.4 Awarding honorary freedom of the borough can only be done at a special meeting of the Council called only for that purpose, and requires a two-thirds majority of those present. Once the arrangements have been agreed this Committee can make a recommendation to Council. Until then, Members are asked to monitor the situation, and to consider how the borough recognises other exceptional people from Bromley as part of this process.
- 3.5 On 17th March 2008 the Council agreed a Scheme of Enrolment for Honorary Aldermen. The Scheme summarises the general arrangements for appointing honorary aldermen and sets out criteria to help Members choose suitable and worthy candidates. The Council has no such scheme for awarding honorary freedom, so Members’ views are sought on whether such a scheme would be helpful and should be developed.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children/Policy/Financial/Personnel/Legal/Procurement
Background Documents: (Access via Contact Officer)	Council agenda – special meeting, 18 th October 2021

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Agenda Item 12

Report No.
CSD21105

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 30 November 2021

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

Title: MEMBER INDUCTION 2022

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

Chief Officer: Tasnim Shawkat, Director of Corporate Services and Governance

Ward: All

1. Reason for report

1.1 This report summarises the initial plans for Member Induction after the 2022 local elections, including Member IT provision. The plans are at an early stage and it would be useful to have Member's views on the proposals.

2. RECOMMENDATION

Members' comments are requested on the plans for Member Induction in 2022.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not applicable
-

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Managing our Resources Well
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Non-Recurring Cost:
 3. Budget head/performance centre: Democratic Representation – Training Expenses
 4. Total current budget for this head: £1,250
 5. Source of funding: Revenue budget
-

Personnel

1. Number of staff (current and additional): 5fte
 2. If from existing staff resources, number of staff hours: Not applicable
-

Legal

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

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

3.1 This report aims to give Members an early opportunity to feed comments into preparation for the election of a new Council in May 2022, in particular the options for the induction programme and also the provision of IT equipment and support. Comments from the Standards Committee will also be sought as requested by the Committee particularly in relation to training on the Code of Conduct, planning and licensing.

Administration following the Election

3.2 On being elected, new (and returning) Members will be given a “welcome pack” of basic information and required to complete the following forms –

- Acceptance of office
- Declaration of interest (which must be completed within 28 days.)
- Declaration of party group membership.
- General Information (contact details etc)
- Payroll details (for new Members)

3.3 A professional photographer will be engaged to take high quality photographs of all Members which are then used on the Council website for the next four years and for Council identity badges.

Induction Training

3.4 At present, it is anticipated that the Induction Programme will follow the broad approach taken in 2014 and 2018, with induction sessions slotted in between the group and committee meetings that need to be held in the weeks following the election. At present it is intended that most sessions will be held in-person at the Civic Centre based on a traditional presentation approach using powerpoint slides, but we will look for opportunities to provide more varied sessions, including “market-place” events with more opportunity for Members to interact with service leaders, or additional online sessions. An outline draft of the programme is set out at Appendix A. The programme will focus initially on a general introduction to the Council and core issues such as Member support, the Code of Conduct, standards and data protection, budgets and finance, and corporate priorities. The programme will then move on to a second phase covering introductions to particular departments/services, and training aimed at specialist committees such as licensing and planning. In most cases, the sessions will be provided in-house and led by Directors and senior managers, enabling Members to become acquainted with key officers.

3.5 In addition, it is proposed that there will be visits and tours where appropriate and practical, such as to the Central Depot. In parallel, there may need to be specific IT training. Although the programme will be aimed at new Members, it is intended that it will also be useful for returning Members, and that experienced Members will have the opportunity to make contributions and interact with new Members. In addition, Committees and Sub-Committees may want to include tailored training sessions alongside, or as part of, their first meetings.

3.6 In 2018, two sessions were led by external presenters. One was a session on scrutiny led by a trainer from the Local Government Information Unit, the other was a session on the Voluntary Sector by the Chief Executive of Community Links Bromley. The scrutiny session was well attended and appreciated by many Members, although some commented that the issue could have been covered by officers. The voluntary sector session was poorly attended, though well-received by those who were there.

- 3.7 Evenings during the period from the election through June and into July are likely to be very busy for Members, with the need to fit induction sessions around a number of committee and sub-committee meetings, including a full cycle of PDS meetings, Development Control Committee and Plans Sub-Committees and the Executive. Although historically we have not arranged meetings (other than full Council) for Monday evenings it is likely that Monday evenings will need to be utilised throughout this period.
- 3.8 Member's views are requested about the content of the Induction Programme, and whether there are any potential gaps – any issues that have not been considered previously but that Members would find helpful. Subjects offered by other authorities include more personal skills - chairing skills, time management, personal resilience, personal safety, community engagement, reading skills, public speaking, community engagement and social media.
- 3.9 In 2018, the programme and the individual sessions received good feedback from Members, but it would be particularly useful to have the views of Members now, informed by several years of service.

Councillor IT

- 3.10 The priority after the election will be to ensure that new Councillors are set up with Council email accounts and issued with suitable equipment for their new roles. In 2018, Members were offered the choice of a standard laptop, a 2-in-1 laptop/tablet or an ipad. There is also the opportunity to ensure that the software and hardware used by returning Members is updated – most Members will need to have their Council accounts upgraded to Windows10/Office 365, and this may involve new devices for some. While Members may want to have a wide choice of IT kit, there is a definite advantage to standardisation with the corporate laptop already issued to officers in terms of providing efficient and effective support to Members, meeting the highest security standards and providing easy access to all Council online resources.
- 3.11 Members will recall that the Council's IT contractor recently carried out a survey of Member IT requirements. This is being evaluated, and will inform the exact specifications of any new equipment issued in 2022.

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

Appendix A

2022 COUNCILLOR INDUCTION – DRAFT PROGRAMME

Week 1 (2 - 6 May)	5 th - Local Election 6 th - Election Count
Week 2 (9 -13 May)	Group Meetings <i>2 or 3 Induction sessions</i> (focussing on welcome, standards, data protection)
Week 3 (16 - 20 May)	18 th - Annual Council Meeting 19 th - Plans 3 <i>1 or 2 Induction sessions</i>
Week 4 (23 - 27 May)	24 th – ERC PDS 25 th – Executive <i>1 or 2 Induction Sessions</i>
Week 5 (30 May - 3 June)	<i>1 or 2 Induction Sessions</i> (2 nd /3 rd – Public Holidays)
Week 6 (6 - 10 June)	9 th – Plans 4 <i>1 or 2 Induction Sessions</i>
Week 7 (13 - 17 June)	<i>1 or 2 Induction Sessions</i>
Week 8 (20-24 June)	23 rd – Plans 1 PDS Meetings <i>1 or 2 induction sessions</i>

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Agenda Item 13

Report No.
CSD21104

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 30 November 2021

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

Title: APPPOINTMENTS TO OUTSIDE BODIES

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

Chief Officer: Tasnim Shawkat, Director of Corporate Services and Governance

Ward: All

1. Reason for report

1.1 This Committee is responsible for making the Council's appointments to outside bodies. Most of these appointments are annual and are made by the Committee in May each year, but some have different timescales, and, occasionally, it is necessary to make new appointments when people stand down.

2. RECOMMENDATIONS

- (1) That Cllr Robert Evans is re-appointed as the Council's representative on the Diocese of Rochester Board of Education for the three year period from 1st January 2022 to 31st December 2024.
- (2) That the Committee notes the remaining vacancies on other outside bodies –
- Community Links Bromley – one vacancy for the term of office expiring in May 2022.
 - Cray Valley War Memorial Hall – two vacancies for the term of office expiring in May 2022

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not applicable
-

Corporate Policy

1. Policy Status: Existing Policy
 2. MBEB Priority: Managing our Resources Well
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Democratic Representation
 4. Total current budget for this head: £1,094,730
 5. Source of funding: Revenue Budget
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: Not applicable
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Most appointments to outside bodies are made by this Committee on behalf of the Council at its meeting in May. A small number of appointments do not follow this annual pattern.
- 3.2 The Council appoints one representative to the Diocese of Rochester Board of Education for a three year term of office. The current representative is Cllr Robert Evans – his term of office is due to expire on 31st December 2021. Councillor Evans is fully engaged with the Board, in particular with its Finance Committee, and wishes to continue in this role. The Committee is requested to re-appoint Cllr Evans for the next three year term which runs from 1st January 2022 to 31st December 2024.
- 3.3 As reported to previous meetings of the Committee, there are vacancies to two other outside bodies as follows –

Community Links Bromley (one year term) –

Two Members are appointed annually to attend Community Links Bromley meetings. In the current year Cllr Kevin Kennedy-Brooks has been appointed to one of these roles, the other remains vacant.

Cray Valley War Memorial Hall (four year term expiring June 2022) –

The Council can appoint up to four people – not necessarily councillors. Currently, ward councillors Yvonne Bear and Harry Stranger are serving, with two vacancies.

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

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Agenda Item 14

Report No.
CSD21106

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 30 November 2021

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

Title: WORK PROGRAMME AND MATTERS ARISING

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

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

1.1 This report summarises the Committee's work programme for the 2021/22 Council year. This report also covers matters outstanding from previous meetings.

2. RECOMMENDATION

Members are requested to consider and note the matters outstanding from previous meetings (paragraph 3.5) and their draft work programme for 2021/22.

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: £366k
 5. Source of funding: Revenue Budget
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Bromley Council operates under a “Leader and Executive” constitutional model, with most decision making functions resting with the Leader, Portfolio Holders and the Executive. However, there are a number of functions which the executive side is prohibited from dealing with, for which Committees need to be appointed. In Bromley, the majority of these “non-executive” functions are the responsibility of Development Control Committee for town planning and related functions, Pensions Committee, Standards Committee and this Committee for any other non-executive functions.
- 3.2 General Purposes and Licensing Committee fulfils the role of Licensing Committee under the 2003 Licensing Act (which requires a membership of between ten and fifteen), but also deals with a range of other non-executive functions that cannot be dealt with by the Executive or do not fall within the terms of reference of Development Control Committee, the Pensions Committee or the Standards Committee. It therefore has a range of varied and sometimes unrelated responsibilities, including audit, human resources, complaints, elections and appointments.
- 3.3 The Committee’s role is very different to that of a PDS Committee, in that it has decision-making powers, many of which are delegated to a number of sub-committees -
- Appeals Sub-Committee
 - Audit Sub-Committee
 - Industrial Relations Sub-Committee
 - Licensing Sub-Committee
 - Local Joint Consultative Committee
 - Rights of Way Sub-Committee

These sub-committees have decision-making powers within their own terms of reference, and in some cases only meet when issues arise that require a decision from Members.

- 3.4 The Committee has six scheduled meetings in the year, plus a meeting after the Council’s annual meeting to appoint its Sub-Committees. The meetings for the 2021/22 Council year are set out in Appendix A, with the reports anticipated for each meeting.
- 3.5 Members are asked to note the following matters outstanding from previous meetings –

Minute 157 – 1 June 2021 (Appointments to Outside Bodies 2021/22)

Following the appointments made by the Committee, a small number of vacancies remain unfilled –

- Community Links Bromley (x1)
- Cray Valley War Memorial Hall (x2)

The three-year appointment to the Diocese of Rochester Board of Education is due to be considered at this meeting and a report elsewhere on the agenda deals with these outstanding vacancies.

Minute 182 – 21 September 2021 (Review of the Scheme of Delegation to Officers)

Members set up a working group to review the Scheme of Delegation to Officers. The Working Group consists of Councillors Stephen Wells (Chairman), Simon Fawthrop, Melanie Stevens and Angela Wilkins and met on 7th September. The Working Group expressed dissatisfaction

with the existing Scheme and made a number of suggestions for an improved Scheme to be developed for adoption at the next annual Council meeting. The Chairman of the Working Group is overseeing the work of improving the Scheme in consultation with the Director of Corporate Services and Governance - the revised Scheme is not ready for consideration at this meeting, but ongoing work is concentrating on reporting to this Committee's meeting on 8th February 2022 with a substantially modernised draft scheme for adoption for the new Council next May.

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

General Purposes and Licensing Committee
Work Programme 2021/22

19th May 2021 (*following annual Council meeting*)

Appointment of Sub-Committees

1 June 2021

Appointments to Outside Bodies

Work Programme & Matters Outstanding

6th July 2021

Audit of 2019/20 Financial Statements

Review of Meeting Arrangements

Scheme of Delegation to Officers

Work Programme & Matters Outstanding

(*meeting to be followed with a briefing on Licensing issues*)

21st September 2021

Review of GLA Election 2021

Annual Complaints Report and Annual Ombudsman's Letter 2020/21

Amendment to the Statement of Licensing Policy – Cumulative Impact Assessment

Transforming Bromley 2019-23: The first Two Years

Scheme of Delegation to Officers

Work Programme & Matters Outstanding

30th November 2021

EY Audit Briefing Paper

Teachers Pay Policy 2021/22 - Centrally Based Staff

Review of Polling Districts and Polling Places

Gambling Act 2005 - Revised Statement of Gambling Policy for 2022 to 2025

Revised Amenity Standards for HMOs

Mobile Homes Fit and Proper Person Registration – Fees Policy

Honorary Freedom - Referral of Motion from Council

Member Induction - 2022

Appointments to Outside Bodies

Work Programme & Matters Outstanding

8th February 2022

Pay Policy Statement 2022/23

Members Allowances 2022/23

Programme of Meetings 2022/23

Scheme of Delegation to Officers

Work Programme & Matters Outstanding

29th March 2022

Executive Assistants Reports 2021/22

Annual Review of Licensing Activity

Annual Review of the Scheme of Delegation to Officers

Minor Constitutional Changes

Work Programme & Matters Outstanding

Draft Minutes from Sub-Committee meetings are received for information at each meeting.

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Agenda Item 15

RIGHTS OF WAY SUB-COMMITTEE

Minutes of the meeting held at 7.00 pm on 23 September 2021

Present:

Councillor Tony Owen (Chairman)
Councillor Kieran Terry (Vice-Chairman)
Councillors Vanessa Allen, Mike Botting, Richard Scoates,
Harry Stranger and Michael Tickner

1 APPPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

Councillors Tony Owen and Kieran Terry were appointed chairman and vice-chairman. Councillor Owen took the chair.

2 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Simon Fawthrop, who was replaced by Councillor Tony Owen.

3 DECLARATIONS OF INTEREST

Councillor Richard Scoates declared that his father lived nearby at Broadcroft Road.

4 QUESTIONS

No questions had been submitted.

5 MINUTES OF THE MEETING HELD ON 4 FEBRUARY 2015

RESOLVED that the minutes of the meeting held on 4th February 2015 be confirmed.

6 PROPOSED PUBLIC RIGHT OF WAY AT HEATHSIDE, PETTS WOOD

Report ES20126

The Sub-Committee was asked to determine an application for a Definitive Map Modification Order to recognise a public right of way at Heathside, Petts Wood. The application had been made under the Wildlife and Countryside Act 1981 which placed a duty on the Council, as the surveying authority for public rights of way, to keep the Definitive Map and Statement under continuous review. The Council had commissioned Sue Rumfitt Associates to investigate the application; their recommendation was that, on balance, the evidence supported the making of an Order.

In response to questions, officers confirmed that, should the paths be added to the Definitive Map, there would be no intention or obligation to pave them. The paths would be designated as 2 metres wide, following the 2007 Defra guidance, and the Council would ensure vegetation was removed and the paths clear. Members noted that the land had been sold at auction in 2018, but the applicant had not been able to contact the new owner. It would not be possible to develop over the footpaths, unless they were diverted.

RESOLVED that the Director of Corporate Services, in consultation with the Director of Environment and Public Protection, be authorised to make a Definitive Map Modification Order under section 53(c)(i) of the Wildlife and Countryside Act 1981 to add a bridleway to the Definitive Map and Statement for the routes shown from A-B and from B-C and from B-D and make an Order under Section 53(3)(c)9ii) for the route shown as above on the plan shown in Appendix A DoC 2 Page 5.

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

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

**The following summary
refers to matters involving exempt information**

**8 PROPOSED PUBLIC RIGHT OF WAY AT HEATHSIDE, PETTS
WOOD - APPENDIX**

The Sub-Committee received an appendix with detailed submissions about the proposed right of way.

The Meeting ended at 7.13 pm.

Chairman

Agenda Item 16

AUDIT SUB-COMMITTEE

Minutes of the meeting held at 7.00 pm on 21 October 2021

Present:

Councillor Neil Reddin FCCA (Chairman)
Councillor Robert Evans (Vice-Chairman)
Councillors Gareth Allatt, Simon Fawthrop, Tony Owen,
Stephen Wells and Angela Wilkins

Also Present:

Fran Chivers - Chief Audit Executive at Dartford and Sevenoaks District Council Internal Audit Partnership.

84 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence.

85 DECLARATIONS OF INTEREST

Councillor Simon Fawthrop declared an interest as an employee of British Telecom.

86 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8th JUNE 2021 (EXCLUDING THOSE CONTAINING EXEMPT INFORMATION)

RESOLVED that the minutes of the meeting held on 8th June 2021 be agreed as a correct record.

87 QUESTIONS TO THE AUDIT SUB COMMITTEE FROM COUNCILLORS OR MEMBERS OF THE PUBLIC

No questions were received.

88 MATTERS OUTSTANDING FROM THE LAST MEETING-- (Excluding Exempt Information) CSD 21114

Members noted the Matters Outstanding report and that most of the issues were being updated upon in the body of the Internal Audit Progress report.

Members discussed the matter of the possibility of undue influence that could be exercised by former Council employees who had previously worked in the Council's Planning Department and now working as planning consultants in

the private sector. A Member commented that in his view, the same officer should not be writing a planning report and then giving advice on the same planning application. He mentioned other concerns where in some cases a Councillor had either worked for a developer or had been married to one. He suggested that Internal Audit should draw up protocols concerning how officers from the Planning Department should work. He felt that guidance was required for both Members and officers.

A Member agreed with these comments and stated that in her view this was a matter that needed attention. She expressed the view that the current Standards Committee process was flawed and that there had been clear instances of influence with respect to Planning. Any way that Internal Audit could assist going forward would be of benefit to the integrity of the Council.

The Head of Audit and Assurance stated that issues had been raised previously and some of these concerns had been dealt with at the time. Internal Audit was planning to undertake an audit with respect to Planning later this year, and this would be undertaken by Mazars as they could bring into the audit the experience that they had gained when dealing with similar issues in other local authorities. They were aware that concerns had been raised. The Head of Audit and Assurance said that it was possible to build in appropriate controls and processes. He would be having a meeting soon with the new Director of Corporate Services and would raise these issues with her. He felt that much of what had been discussed was a matter of conduct and therefore may be more appropriate to be looked at by the Standards Committee.

A Member commented that some social interactions with anyone submitting a planning application would be below the threshold required to make a declaration. However, in his view (as it was still a social interaction) then it still should be declared. Reference was also made to planning applications submitted by Councillors and that it may be prudent to introduce some aspect of independent oversight in these particular circumstances. The Chairman reiterated his view that the Standards Committee should lead, supported by Internal Audit.

A Member felt that it would be useful to ask the Standards Committee to look at the involvement of Councillors in various enterprises that may have an impact on key issues in addition to the matters raised regarding Planning. He felt that this would be an issue that the Standards Committee would be interested in looking at and this should be highlighted to the Chairman of the Standards Committee.

A Member stated that it would not be possible in most cases to curtail the activities of former staff members.

It was noted that the remit of the Standards Committee extended to Members only and not to officers.

RESOLVED that the Matters Outstanding report be noted.

**89 INTERNAL AUDIT PROGRESS REPORT
FSD21058**

At the previous meeting, an update had been received concerning the ongoing issues regarding the possibility of a **power failure to the data centre**. As this had been ongoing and a matter of concern for some time, a further update had been requested for this meeting. To this end Vinit Shukle (Assistant Director for IT Services) attended the meeting in person, whilst Sara Bowrey (Director of Housing, Planning and Regeneration) and Mike Watkins(Assistant Director for Strategic Property) attended by conference call.

The Director of Housing, Planning and Regeneration informed the Committee that a firm date had now been arranged for all contractors to attend on site to finally resolve the issue. This had been confirmed for the weekend commencing Friday, November 26—that would be when all the back-up work would take place. Work on replacing the switch would take place over the weekend of 27th-28th, with the system being back up and running on Monday 29th November. The Oracle financial system would need to be tested on Monday 29th due to the availability of a specialist contractor.

The Assistant Director for Strategic Property acknowledged Member frustration and outlined the difficulties that had had been experienced when attempting to arrange for multiple contractors to be available on site at the same time.

A Member asked if a roll back plan was ready if the work planned for that weekend failed. The Assistant Director for IT Services responded and said that data backups would be taken initially--prior to the work being handed over to the Facilities Team. If the contractors encountered difficulties and felt that the work was going to fail, then the Council would be alerted and the Data Centre back up would be reinstated.

A Member commented that although it was good that the matter was now hopefully coming to a successful conclusion, Members should not forget the history of the issue and stop asking questions. It was important to understand why this matter had taken so long to resolve, so that steps could be taken to ensure that it did not happen ever again. The Member also queried as to whether or not there were other vulnerable parts in the system that could cause similar problems to the Council in the future.

The Assistant Director for Strategic Property responded to the question as to why the matter had taken so long to resolve. He said that historically this was an old piece of kit and that no one had really understood its criticality. No one in the past had really taken time to consider properly what would happen if the system failed. It had also been the case historically that the Council had not benefited from having access to all of the relevant specifications of the UPS. Resultantly, a shutdown had been required to look at specifications, parts and methodology.

Another contributing factor had been the poor service that had been received from Amey who were the previous Facilities Management contractor. After dispensing with the services of Amey, the Council employed Frankham's Consultancy to oversee the project. Frankham's subsequently subcontracted out work to a specialist. After this, the Council needed to set up a Vaccine Centre because of COVID and this meant that the work could not take place at that time for fears of disrupting the work of the Vaccine Centre. Then came elections. After that, there had been issues of mis-communication with the sub-contractor. The process had been very complex and it was difficult to align the work of the numerous subcontractors involved. There had also been issues concerning the availability of UK Power Networks. A positive outcome of all of the work that had been undertaken was that this part of the IT network and interface was now fully understood. There were now no vulnerabilities that existed in terms of property issues.

The Assistant Director for IT Services responded regarding other possible vulnerabilities and criticalities from an IT perspective. The Chairman asked if it was the case that proper system documentation was now in place. It was confirmed by both the Assistant Director for IT Services and the Assistant Director for Strategic Property that the relevant documentation was now in place.

A Member pointed out that the possible failure of the IT systems or the power supply feeding the IT systems had always been noted on the **Council's Risk Register**. He wondered if the Council therefore had just been paying 'lip service' to the Risk Register and had therefore not been dealing effectively with risks. He wondered why this risk, (as it had been noted on the Risk Register) was not analysed and mitigated against. He asked if the Risk Register had any practical purpose if the risks that had been outlined were not being taken seriously. He expressed the view that modelled questions needed to be asked, especially with respect to high risk activities. He wondered if senior officers were discussing and looking at the risks on the Risk Register.

The Head of Audit and Assurance responded by outlining that the Council had a Corporate Risk Management Group that looked at the various challenges and issues highlighted on the Risk Register. In addition, the Internal Audit Team planned much of its work around issues noted on the Risk Register.

Internal Audit had conducted audit work regarding the issue of the UPS and data security because it had been pinpointed first on the Risk Register; Internal Audit had subsequently identified various vulnerabilities; because of this the issue with the faulty switch had been spotted. In addition, each department was responsible for reviewing its level of risk. Much good work had been carried out by David Tait (Emergency Planning and Corporate Resilience Lead) and consequently much of the Council's data had been transferred to the 'Cloud', thus reducing the level of risk. A corporate study had been undertaken by a graduate trainee concerning the matter of risk and this was being discussed at a meeting on the 9th of November by the Chief Executive and the Corporate Leadership Team. The Head of Audit and

Assurance promised that he would feedback to the Chief Executive at the meeting with some of the comments that had been made by Members regarding risk and the Risk Registers.

A Member referred to a power cut that occurred in 2018 where there was a storm, the Council had lost power and the generator had failed to activate. She wondered therefore if this was a problem that had been around for a number of years. In addition, she referred to her employer's work with respect to ISO 27001 and the level of detail that was involved. She wondered if business continuity was the issue and that more detailed work was required.

(Note: ISO 27001 is a specification for an information security management system (ISMS). An ISMS is a framework of policies and procedures that includes all legal, physical and technical controls involved in an organisation's information risk management processes.)

The Head of Audit and Assurance responded that much detailed work regarding **business continuity** had been undertaken by the Head of Business Continuity and Resilience and that since Mr Tait had taken over the role, the Council's business continuity plans were now significantly more robust and detailed than when he first joined the Council. The Assistant Director for Strategic Property stated that although there had been issues identified with the switch to the power supply, in most cases, where there had been an interruption to the power supply from external sources the switch had still worked.

A Member asked who the current supplier of the switch was and who the new supplier would be. The Assistant Director for Strategic Property replied that the company responsible for servicing and maintaining the switch was a company called 'IBM Power Mode' and the switch itself was an 'Eaton 120kw UPS'. The Assistant Director clarified that the system was being replaced with a new version of the same system and with a new warranty. The quote for the new system was going through the relevant procurement channels.

The Member asked if the replacement USP would be a single or dual replacement. The Assistant Director for IT Services confirmed that the replacement was like for like—so it was a single replacement. The Member responded and said that as it was a single unit it should remain on the Risk Register as it was potentially a single point of failure.

It was with regret that the Chairman and the Committee noted that this would be the last meeting with Dave Hogan acting in the capacity of the Head of Audit and Assurance as he would be retiring shortly. The Chairman and the Committee thanked Mr Hogan for his hard work, dedication, attention to detail and for the excellent audits and audit reports generated by Mr Hogan and his team. They expressed their appreciation to him for his excellent service to the Council and wished him all the very best for his retirement.

The Chairman introduced Fran Chivers who would be taking over from Dave Hogan as the new Head of Internal Audit and Assurance. She was currently

the Chief Audit Executive at Dartford and Sevenoaks District Council Internal Audit Partnership. Her start date with Bromley Council would be December 13th.

The Chairman highlighted the review of the engagement of a consultant for a business area of Children's Services. He commented that the rise in cumulative spending should have been picked up earlier. The Head of Audit and Assurance responded by confirming that Internal Audit had queried and criticised this. The overspend had been offset by the overall underspend of the department.

A Member commented that he found the matter disturbing because of the absence of the relevant paper trail and lack of authority. This scenario had arisen previously where there was a gap in the work of a consultant, who then came back to work for the Council again at a later date. He expressed concern regarding the significant increased fees involved; the original budget had been £33,750 and by the end of the day this had increased £94,850. He expressed the view that this was close to a disciplinary matter for the overseeing manager. In these sorts of cases the relevant manager should be able to justify the increased expenditure. He expressed the view that this was badly handled and seemed to be an old problem that was resurfacing from the same department.

The Head of Audit and Assurance responded and said that this was a one off incident and there was no evidence to suggest that this sort of thing was widespread. It was reported to the Director of Finance and the Director of Human Resources. The Director of Finance was keen to ensure that the Council did not fall foul of any HMRC rules and regulations. The Head of Audit and Assurance said that the response from the Director of Finance and the Chief Executive had been robust.

The Chairman highlighted that with respect to the audit of **Subject Access Requests**—the audit opinion was 'Limited' and a new P1 recommendation had been raised. The Chairman asked what the risks of this could be for the Council.

The Head of Audit and Assurance responded that the Council had a statutory timescale in which to respond to information requests and that the Council should be able to prove what information was sent out. It would be bad practise if the Council was not able to provide this information and the Council could fall foul of the Information Commissioner. A new system was being implemented and this would be subject to further testing by Internal Audit in due course.

A Member asked if there was a report available which detailed how often the Information Commissioner ruled against Bromley Council. He wondered who dealt with such a report and which Committee it went to. He felt it would be useful to monitor any trends. It was noted that an annual complaints report was produced and this normally went to the GP&L Committee.

A Member stated that there was a need to keep a better track of FOIs and that these requests needed to be dealt with fully and properly. He felt that Internal Audit should note the number of requests and then identify the root cause of the complaints which he felt was a result of poor information being given to residents in the first place. The Head of Audit and Assurance said that he would find out what figures were currently available. Information Governance data had now been transferred to a new system so hopefully matters would now improve.

No questions were raised regarding the audit of Housing Benefit and the Chairman remarked that he felt the audit of **waste contracts** looked healthy. Regarding this audit, a Member highlighted section 3.2. 46 where it stated '*The Waste Strategy Manager acknowledged that this agreed process was not fully followed in 2020/21 as LBB staff were not always on site due to COVID-19 restrictions, to undertake the required checks on the rejected paper loads*' She asked what these Covid restrictions were as this should have been an outdoor activity. The Head of Audit and Assurance said that he would clarify what the restrictions were.

Members noted that the audit of **Marjorie McClure School** was 'Reasonable' although several P2 recommendations had been raised. A Member hoped that the clutch of P2 recommendations was not an indication that procedures were too lax. It was noted that the school was re-locating. The Head of Audit and Assurance responded that the Internal Audit Team did not feel there were any serious matters of concern that currently required attention.

With respect to the **Highways Maintenance** audit, it was noted that some time had elapsed since the previous two outstanding P1 recommendations. The most appropriate course of action now was to conduct a brand new audit for the Highways Maintenance Department which would look at the previous issues that had been raised, together with any new ones that may be emerging.

Members noted the update concerning the **Disabled Facilities Capital Grant**. A Member commented that he had been looking at the capital programme and expected to see figures concerning the disabled facilities capital grant in the capital programme, but the figures were not there. He wondered if the grant had been carried forward to this financial year or not. The Head of Audit and Assurance said that he would look into the matter and report back.

In terms of the **various Covid related grants** that the Council had to manage, it was noted that these were resource intensive. Some additional 'burdens grant' funding would be made available to assist councils with the extra work that was involved.

A Member asked if an audit would be undertaken regarding the grant for **Holidays, Activities and Food**. The Head of Audit and Assurance stated that Internal Audit did not have any plans to undertake an audit of this particular grant. The Member said that she would raise the matter with the Executive,

Contracts and Resources Committee as this committee had indicated that Internal Audit would be auditing all Covid related grants.

Members noted the **Risk Registers**. A Member expressed some concern that PDS Committees were sent the Risk Registers to look at 'for noting'. His concern was that they may not be being scrutinised in sufficient depth.

Members noted the update with respect to KPMG and the **objection to the Council's accounts**. It seemed that the matter was now close to being resolved. The objector had requested more time to look at KPMG's conclusions.

Members noted the update regarding **Blue Badge Fraud**. A Member expressed the view that the use of cautions in certain cases was ineffective and should be withdrawn. The Head of Audit and Assurance responded that in certain cases the use of a caution was proportionate.

A Member raised the issue of Social Services staff benefiting from parking dispensations when visiting clients. He drew attention to the fact that when individuals in receipt of direct payments paid for their own carers, those carers did not benefit from the same parking dispensations and he asked if this could be looked into. The Head of Audit and Assurance said that he would speak to Parking Services to see if this was something that they could consider.

A discussion took place regarding various Covid related grants and the fact that in some cases money was being claimed back from businesses that had not previously fully declared changes in circumstances to the Council. £90k had been identified to be reclaimed by the Council at the time of drafting the report, but it was reported that this could increase to as much as £176k based on the latest estimates.

An update was provided regarding **Business Support Grants investigations arising from NFI matches** and it was suggested by a Member that control charts should be used to monitor how long the different types of cases were taking to be resolved.

RESOLVED that:

- 1) The Head of Audit and Assurance would feed back to the Chief Executive and the Corporate Leadership Team some of the comments that had been made by the Committee regarding possible attitudes to Risk and the Risk Registers.**
- 2) The Head of Audit and Assurance would look into what data was available with respect to FOI and Subject Access Requests**
- 3) The Head of Audit and Assurance said that he would clarify what the Covid restrictions were that had been mentioned in the audit of the waste services contract.**

4) The Head of Audit and Assurance would investigate to find out if the monies relating to the Disabled Facilities Grant had been carried forward to this financial year.

5) The Head of Audit and Assurance would contact Parking Services to see if they could consider parking dispensations for the carers of members of the public who were paying for carers from Direct Payments.

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

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

**91 INTERNAL AUDIT FRAUD AND EXEMPT ITEMS REPORT
FSD21059**

As this was a Part 2 (confidential report) the minutes are noted in the Part 2 minutes.

**92 MATTERS OUTSTANDING -PART 2
CSD 21101**

As this was a Part 2 (confidential report) the minutes will be noted in the Part 2 minutes.

93 EXEMPT MINUTES OF THE MEETING HELD ON 8th JUNE 2021

The exempt minutes of the meeting held on the 8th of June 2021 were noted and agreed as a correct record.

The meeting ended at 9.00 pm

Chairman

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Agenda Item 18

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

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