

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.00 pm on 8 February 2022

Present:

Councillor Pauline Tunnicliffe (Chairman)
Councillor Michael Turner (Vice-Chairman)
Councillors Nicholas Bennett MA J.P., Mark Brock,
Robert Evans, Kira Gabbert, Colin Hitchins, Josh King,
Alexa Michael, Keith Onslow, Neil Reddin FCCA,
Melanie Stevens, Harry Stranger, Stephen Wells and
Angela Wilkins

205 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Gareth Allatt, who was replaced by Councillor Keith Onslow, and from Councillor Ryan Thomson, who was replaced by Councillor Angela Wilkins.

206 DECLARATIONS OF INTEREST

There were no declarations of interest.

207 QUESTIONS

No questions had been received.

208 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 30 NOVEMBER 2021

The Committee was informed that new hybrid meeting equipment was going to be installed in the Council Chamber, including new cameras screens and PA equipment. It was confirmed that it would, technically, be possible to livestream meetings. Members requested a report to the next meeting. A Member asked for this to include clarification of the legal position on remote attendance by Members – the Director of Corporate Services and Governance confirmed that Councillors could participate remotely in meetings, but were not treated as formally present and could not vote.

Councillor Robert Evans reported that he had submitted apologies for this meeting which should be recorded in the minutes.

RESOLVED that, subject to the inclusion of apologies from Cllr Robert Evans, the minutes of the meeting held on 30th November 2021 be confirmed.

209 DRAFT AUDIT RESULTS REPORT 2019/20 - UPDATE

Janet Dawson from EY attended to update the Committee on the latest progress with the 2019/20 accounts. They were working closely with officers and were hoping to close out the final outstanding issues later in the week. Officers would then need to make final checks, but it should be possible to present the final statements to the Committee's next meeting with an unqualified opinion. They could then move on to the 2020/21 and 2021/22 accounts.

Ms Dawson confirmed that EY had to take account of the previous auditor's conclusions on the objections to the 2016/17 and 2017/18 accounts, but officers had provided full information on this. There was some overlap with the 2018/19 objections, which were more extensive, but largely the same issues. EY had to go through specific stages in addressing these objections. She also commented on the Audit Differences that issues around valuation required getting to a level of evidence – the problems were about process more than factual inaccuracy.

A Member raised the issue of additional audit fees due to the substantial extra work required, and the impact of outsourcing the Council's valuation services. When the base audit fees were exceeded there was a process to bid for a fee variation, and if agreement could not be reached the matter went to arbitration. The valuation service contract had been awarded using a standard outsourcing process. A Member asked whether EY had commented on the valuation methods used by Montagu Evans before they had been appointed by the Council – EY had informed council officers of their experience of working with Montagu Evans once they had been informed that they would be appointed.

The Chairman thanked Ms Dawson for her update.

210 APPOINTMENT OF THE EXTERNAL AUDITOR
Report FSD22018

Under the Local Government Audit and Accountability Act (2014) the Council was required to appoint an external auditor to audit its accounts each financial year. The current auditor appointment (with EY as the incumbent) covered the period up to and including the audit of the 2022/23 accounts.

The report set out options for appointing the external auditor for the five-year period from 2023/24. It concluded with a recommendation to opt-in to a sector-led approach via the established sector-led body, Public Sector Audit Appointments Ltd (PSAA) and outlined the next steps required.

The decision on the appointment of the auditor is one that could not be delegated by full Council but was brought to this Committee for its prior review and consideration.

RESOLVED that Council be recommended to approve the proposal to become an “opted-in” authority with Public Sector Audit Appointments Ltd for the appointment of its External Auditor for the five year period for 2023/24 onwards.

211 2022/23 PAY AWARD

Under the local terms and conditions of employment framework, the Committee was required to make a recommendation on pay awards to full Council. The annual pay award was now part of the Council’s budget planning process – this requirement had been a key driver for coming out of the national/regional pay negotiating frameworks. It was noted that the national pay award for 2021/22 had still not been settled, but Bromley’s 2022/23 award would be paid to staff from 1st April.

It was confirmed that Bromley’s pay settlements had been larger than the national awards since the Council had left the national framework in 2013. Members requested that these comparative figures be circulated to them after the meeting. The Council also had to consider the wider picture of the financial pressures on the Council. Some Members commented that extra pressures had been placed on staff due to the pandemic, and many had been unable to get on with their day-jobs, so the proposed award should reflect this. There was also the consideration that wages had fallen behind the increases in the cost of living and staff in many areas could earn more money in the private sector or by working through an agency. The Council needed to pay well to attract and retain talented staff.

Bromley was competing for staff not only with other local authorities but with the private sector. The Council had some flexibility, but could not match the private sector on pay. However, many staff were committed to the public service ethos. In some services there were national shortages of staff, and the Council needed to look abroad for social workers.

The number of staff who had received a merit award in the previous year was 484, or 29% of the workforce. These awards were aimed at those staff who provided exceptional service, based on recommendations from managers, moderated by chief officers and finally by the Director of Human Resources, Customer Services and Public Affairs and the Chief Executive. In addition, extra payments had been made to 280 members of staff who had carried out covid-related work.

RESOLVED that -

(1) Full Council be recommended to approve the following –

- (i) A flat 2.25% pay increase for all staff (excluding teachers who are covered by a separate statutory pay negotiating process.)**
- (ii) An additional £100k towards Merited Awards, for 2022/23, bringing the total to £300k for rewarding staff for exceptional performance.**

(iii) That the Trades Unions' pay claim for staff be rejected (see paragraph 3.8 and the Appendix to the report.)

(2) It is noted that, as in previous years since coming out of the nationally/regionally negotiated frameworks, Bromley staff will receive the 2022/23 pay increase in time for the April pay.

212 PAY POLICY STATEMENT 2022/23

Under the Localism Act 2011 the Council was required to publish a Pay Policy Statement which had to be approved by full Council every year. The 2022/23 Pay Policy Statement was considered by the Committee.

RESOLVED that full Council be recommended to approve the Pay Policy Statement 2022/23.

213 BUSINESS AND PLANNING ACT 2020 - DELEGATION OF POWERS AND PAVEMENT LICENSING POLICY Report ES20155

To support the hospitality sector's recovery and to allow the businesses to operate whilst managing the risks arising from the COVID-19 pandemic, the Business and Planning Act 2020 (the Act) was given Royal Assent on 22 July 2020. The Act initially relaxed licensing and planning laws until 30 September 2021 by (a) making it easier for the hospitality sector to obtain permissions to seat and serve customers outdoors, creating a fast-track pavement licence application process and (b) enabling automatic extension of alcohol off-sales to premises that already had permission for on-sales. Through the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 (the B&P amendment regulations) the Government had now extended these temporary provisions until 30 September 2022. It was anticipated that the changes would be made permanent. A Member commented that the Council should lobby to ensure that it could set fees that would make the process cost neutral.

The London Borough of Bromley Pavement Licensing Policy (the Policy) set out the strategy aimed at facilitating the pavement licence application process whilst maintaining public safety during the COVID-19 pandemic and beyond. The policy had been amended to incorporate the provisions of the B&P amendment regulations. The Current Pavement Licensing Policy was available for comment as part of the report.

The Report provided background to the exercise of the delegated authority of the Council to process and provide a decision under the Business and planning Act 2020. Specifically, in relation to Pavement Licensing and changes necessitated by administrative convenience to delegate authority to the Director of Environment and Community Services to do all things necessary to implement and operate the pavement licensing arrangements under the Business and Planning Act 2020.

Officers emphasised that although the Act allowed businesses to extend their activity over the highway, they would not be allowed to block the highway. Any structures placed on the highway had to be removed at the end of the day – officers asked Members to bear in mind that extra tables and chairs were sometimes on private forecourts rather than on the highway.

The Council was pursuing a light touch monitoring and enforcement approach – there had been very few applications that needed to be refused, and where there had been occasional complaints officers had generally been able to resolve issues without needing to take formal action. Officers could supply a list of the properties that held these licenses.

RESOLVED that

(1) The streamlined application process as outlined in the Pavement Licensing Policy appended to the report be agreed.

(2) The pavement licence duration period as outlined in the Pavement Licensing Policy appended to the report be agreed.

(3) A £100 fee for all pavement licence applications be agreed as outlined in the Pavement Licensing Policy appended to the report.

(4) The continued delegation of powers to the Director of Environment and Community Services and his officers to process the Business and Planning Act Pavement Licensing Regime be agreed.

214 REVIEW OF THE COUNCIL'S SCHEME OF DELEGATION
Report CSD22020

In order to allow lawful decision making by officers, the scheme of delegation needed to set out areas of responsibility clearly, it needed to be transparent and user friendly. It needed to be high-level but set out areas of limitation as appropriate. The current scheme needed to be updated to meet these requirements.

Cllr Stephen Wells had been asked to chair a Member Working Group which had met on 7th September 2021 and concluded that the current scheme was not fit for purpose. He also emphasised how the scheme tied in with the Council's Financial Regulations. A suggestion had been made of engaging a consultant to carry out a review, but the appointment of a new Director of Corporate Services and Governance offered the opportunity to look at the scheme afresh with the benefit of her knowledge of more modern schemes from several other boroughs. It was now intended that the Working Group would meet again in March to consider a new scheme before the Committee's meeting on 29th March.

The Director of Corporate Services and Governance confirmed her view that the current scheme was lawful, but not as transparent as it could be. A clearer, more high-level scheme was needed – this could be developed by

taking elements of the design of other schemes. Officers could produce a new scheme in-house for consideration by the Working Group before the Committee's next meeting to be approved at the annual Council meeting.

RESOLVED that

(1) The Scheme of Delegation needs to be re-drafted in a high-level and user friendly way instead of attempting to list every possible legislation, which becomes out of date quickly, making the document unwieldy and less transparent.

(2) Officers should prepare a new draft scheme of delegation and present it to the Member Working Group and this Committee for consideration before the next meeting so that it can be approved by Council in May 2022.

(3) It is noted that the scheme of delegation for non-executive functions will be a matter for full Council to approve and the Leader will need to be asked to approve the scheme of delegation for executive functions.

215 MEMBERS ALLOWANCES SCHEME 2022/23
Report CSD22016

The regulations governing Members' Allowances require that, before the beginning of each financial year, the Council shall make a scheme of allowances for that year, and this report details the proposed allowances for 2022/23. Until 2019 and 2020, when small increases were agreed, allowances had remained frozen since 2009 due to the economic circumstances and the pressure on the Council's budgets. In 2021 the allowances remained unchanged.

If Members are minded to increase the allowances a reasonable guide would be the increase recommended for Council staff, which, subject to Member confirmation, is expected to be 2.25%. The Mayoral and Deputy Mayoral Allowances are not part of the scheme, but are usually considered in conjunction with it. The scheme has to be agreed by full Council – this will be at the meeting on 28th February 2022.

A Member commented that it had been the intention in 2021 to include attendance at Appeals Sub-Committee meetings in the quasi-judicial allowances, at the same rate as for Plans Sub-Committee and Licensing Sub-Committee meetings, and it was confirmed that this should be included.

RESOLVED that

(1) The proposed Members Allowances Scheme 2022/23 and the Mayoral and Deputy Mayoral Allowances be approved, with allowances retained at the current level, subject to inclusion of an allowance of £53 per meeting of the Appeals Sub-Committee.

(2) Council be recommended to approve the Members' Allowances Scheme 2022/23 (appendix 2) and the Mayoral and Deputy Mayoral allowances for 2022/23 (paragraph 3.4) with allowances retained at the current level and with the addition of an allowance of £53 for the Appeals Sub-Committee.

216 PROGRAMME OF MEETINGS 2022/23
Report CSD22016

The Committee considered the draft programme of meetings for 2022/23. The following changes were proposed and agreed by the Committee –

- The annual Council meeting to move from 16th May to 18th May 2022.
- Executive to move from 18th May to 25th May 2022.
- Executive, Resources and Contacts PDS Committee to move from 17th May to 24th May 2022
- Pensions Committee to move from 24th May 2022 to a new date to be arranged. (Note: This was subsequently confirmed as 8th June 2022).
- Audit Sub-Committee to move from 6th December 2022 to 2nd November 2022

RESOLVED that

(1) The programme of meetings for 2022/23 be approved, including the changes outlined above.

(2) That the Director of Corporate Services and Governance be authorised to adjust the programme in accordance with any changes made to committees by Members, and to make minor corrections to the programme as necessary.

217 WORK PROGRAMME AND MATTERS ARISING
Report CSD22019

The Committee considered its work programme and matters outstanding from previous meetings.

RESOLVED that the work programme and the matters outstanding be noted.

The Meeting ended at 8.35 pm

Chairman