



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

TELEPHONE: 020 8464 3333

CONTACT: Graham Walton
graham.walton@bromley.gov.uk

DIRECT LINE: 0208 461 7743

FAX: 020 8290 0608

DATE: 26 October 2022

To: Members of the

GENERAL PURPOSES AND LICENSING COMMITTEE

Councillor Pauline Tunnicliffe (Chairman)

Councillor Mike Botting (Vice-Chairman)

Councillors Kathy Bance MBE, Nicholas Bennett J.P., Robert Evans, Kira Gabbert, Mike Jack, Josh King, Jonathan Laidlaw, Andrew Lee, Keith Onslow, Melanie Stevens, Harry Stranger, Ryan Thomson and Sam Webber

A meeting of the General Purposes and Licensing Committee will be held at Bromley Civic Centre on **THURSDAY 3 NOVEMBER 2022 AT 7.00 PM**

PLEASE NOTE: This meeting will be held in the Council Chamber at the Civic Centre, Stockwell Close, Bromley, BR1 3UH. 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>

TASNIM SHAWKAT

Director of Corporate Services & Governance

Copies of the documents referred to below can be obtained from

<http://cds.bromley.gov.uk/>

A G E N D A

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 QUESTIONS**

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 20th October 2022.

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 Friday 28 October 2022.

- 4 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 6 JULY 2022**
(Pages 3 - 6)
- 5 TEACHER PAY POLICY 2022/23 - CENTRALLY BASED STAFF**
(Pages 7 - 18)
- 6 FEEDBACK ON THE 2022 LOCAL COUNCIL ELECTIONS AND UPDATE ON ELECTIONS ACT 2022**
(Pages 19 - 34)
- 7 LIVE-STREAMING OF MEETINGS**
(Pages 35 - 42)
- 8 APPOINTMENTS TO OUTSIDE BODIES**
(Pages 43 - 46)
- 9 WORK PROGRAMME AND MATTERS ARISING**
(Pages 47 - 52)
- 10 LICENSING SUB-COMMITTEE: MINUTES 22 JUNE 2022 AND 20 JULY 2022**
(Pages 53 - 64)
- 11 RIGHTS OF WAY SUB-COMMITTEE - MINUTES 28 SEPTEMBER 2022**
(Pages 65 - 66)

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GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.00 pm on 6 July 2022

Present:

Councillor Pauline Tunnicliffe (Chairman)
Councillors Kathy Bance MBE, Nicholas Bennett MA J.P.,
Robert Evans, Kira Gabbert, Jonathan Laidlaw,
Keith Onslow, Melanie Stevens, Harry Stranger,
Sam Webber and Peter Dean

10 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Mike Botting, Mike Jack, Josh King and Ryan Thomson. Councillor Peter Dean attended as substitute for Councillor Botting. Councillor Alison Stammers was due to attend as substitute for Councillor Jack, but she also sent apologies.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 CONFIRMATION OF MINUTES OF THE MEETINGS HELD ON 18 AND 26 MAY 2022

With respect to minute 9, the Director of Corporate Services and Governance reported that hybrid facilities were in place to allow members and officers to join meetings remotely. Members still needed to be physically in the room to be able to be counted as present and vote. Meetings were not being live-streamed, and there were financial and staffing implications to this. The Chairman requested a report for the next meeting on options for recording and live-streaming meetings.

RESOLVED that the minutes of the meetings held on 18 and 26 May 2022 be confirmed.

13 QUESTIONS

No questions had been received.

14 APPOINTMENT OF HONORARY ALDERMEN

Report CSD22079

The Committee received a report proposing that it should agree nominees for appointment as Honorary Aldermen for consideration at a special meeting of the Council.

The Chairman stated that she hoped that the Working Group could meet in the first week of September. A key issue would be to agree a new framework for the Constitution, and deal with some pressing issues affecting full Council meetings, such as the Petition Scheme and the Council Procedure Rules. The Working Group could then consider what other issues it should prioritise.

RESOLVED that

(1) The proposed terms of reference for the Constitution Working Group be approved as set out above and in paragraph 3.5 of the report.

(2) That Councillors Kathy Bance, Nicholas Bennett, Robert Evans, Simon Fawthrop, Chloe-Jane Ross, Melanie Stevens and Pauline Tunnicliffe be appointed to serve on the Working Group.

17 WORK PROGRAMME AND MATTERS ARISING
Report CSD22078

The Committee considered its work programme for 2022/23.

At the last meeting, the Committee had deferred one outside body appointment – to the Management Committee of the Wood Lodge Living Skills Centre. Councillor Kira Gabbert proposed that the role be shared between the three Bickley and Sundridge ward councillors. This arrangement would be checked with the Management Committee.

RESOLVED that

(1) The Work Programme be noted.

(2) The appointment to the Management Committee of the Wood Lodge Living Skills Centre be shared between Councillors Kira Gabbert, Kate Lymer and Colin Smith.

18 LICENSING SUB-COMMITTEE - MINUTES 25 MAY 2022

The Committee received the minutes from the Licensing Sub-Committee meeting on 25th May 2022.

The Meeting ended at 7.15 pm

Chairman

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Report No.

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 3rd November 2022

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

Title: Teacher Pay Policy 2022/23 – Centrally Based Staff

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

Chief Officer: Director of HR & Customer Services and Public Affairs

Ward: N/A

1. Reason for report

1.1 From 1 September 2022 revised arrangements came into force in relation to Teachers' Pay and Conditions through the publication of the statutory 2022 School Teachers' Pay and Conditions Document.

1.2 This report sets out the main changes.

2. **RECOMMENDATION(S)**

2.1 That Members note and comment on the report;

2.2 That Members note from 1st September 2022 a statutory 5% increase to all pay and allowance ranges and advisory points for Teaching Staff, with higher increases to some parts of the Main Pay Range.

2.3 That Members authorise officers to apply the % statutory increases to Teacher Pay Scales as set out in the School Teachers' Pay and Conditions Document 2022 and to update the Centrally Based Teaching Staff Pay Policy for 1st September 2022. 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. Making Bromley Even Better Ambitions Framework: Learning and Living well, Transforming Our Services.

Financial

1. Cost of proposal: £83k in 2022/23
2. Ongoing costs: £142k full year effect in 2023/24
3. Budget head/performance centre: Various
4. Total current budget for this head: Various salary budgets
5. Source of funding: DSG

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 1st September 2022 this comprised **57** staff (**45.43** FTE) employed on Teacher Terms and Conditions of employment.

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

Legal

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

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, 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:
- An assessment of the adjustments that should be made to the salary and allowance ranges for classroom teachers, unqualified teachers and school leaders to promote recruitment and retention, within the bounds of affordability across the school system as a whole and in the light of the view on the need for an uplift to starting salaries to £30,000, whilst noting the additional funding for schools announced at the 2021 Spending Review;
 - As part of this, recommendations for the pay awards for both 2022/23 and 2023/24 to assist School's in planning their budgets;
 - Evidence of the national state of teacher and school leader supply, including rates of recruitment and retention, vacancy rates and the quality of candidates entering the profession;
 - Evidence of the wider state of the labour market in England;
 - Forecast changes in the pupil population and consequent changes in the level of demand for teachers;
 - 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.

The remit also acknowledged the broader structural issues that the STRB had identified in previous reports and invited the Review Body to include in its report wider issues that it would like any future remit to include for consideration.

A copy of the 32nd Review Body full report including a copy of its Executive Summary can be found at the following link:

3.6 This year, the Review Body made the following recommendations:

- From September 2022, a 5% increase to all pay and allowance ranges and advisory points, with higher increases to some parts of the Main Pay Range as a step towards achieving a minimum starting salary for Early Career Teachers of £30,000 by September 2023. *(Details of the application of the % increases across all ranges for the whole of England can be found in the STRB Report at the above link). For Teachers in the Outer London Area the increases to the Main and Upper Threshold scales are as set out below).*

Pay Scale Point	Revised Salary	% Increase
M1	£32,407	8.3
M2	£34,103	7.9
M3	£35,886	7.5
M4	£37,763	7.1
M5	£40,050	5.3
M6	£43,182	5.0
U1	£44,687	5.0
U2	£46,340	5.0
U3	£48,055	5.0

(For those employed on the Leadership scale all pay point increases are set at 5%).

- From September 2023, a 3% increase to all pay and allowance ranges and advisory points, with higher increases to some parts of the Main Pay Range to deliver a minimum starting salary of £30,000, and a limited scope, timely review mechanism to ensure that the recommended 2023 pay levels remain appropriate.

These recommendations were accepted in full by the Secretary of State with the exception that the Government has decided it is appropriate to confirm teachers' salaries for the next academic year only, rather than the two years initially proposed, and return to the usual timeframe for the pay setting process for 2023/24.

- 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 3.18 below) and the School Teachers' Pay and Conditions Order was laid before parliament in October 2022, with implementation of the 2022 School Teachers Pay and Conditions Document backdated to the 1st September 2022.
- 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.

STRB Commentary

- 3.11 In developing its recommendations, the STRB has drawn on the written and oral evidence provided by the Department for Education and its consultees as well as a wide range of economic and school workforce data. During the last year, the COVID-19 pandemic continued to have an impact on schools with ongoing challenges including the management of staff and pupil absences, the continued requirement to ensure COVID-19 compliance and the implementation of the Government's catch-up programme. The STRB commended everyone who has continued to work to meet these challenges.
- 3.12 The recent economic climate has been characterised by high levels of inflation, with resultant increases to pay awards and earnings growth, and a labour market that continues to tighten. The volatility in the current economic data and the unpredictability for the two-year remit period have been important factors in the STRB's considerations.
- 3.13 In terms of the teacher labour market, the STRB's analysis has continued to find that recruitment and retention rates are below the required levels in some regions, school types and for some key secondary school subjects.
- 3.14 While pay is not the sole determinant of recruitment, retention and morale, it is an important influence on them, both for career starters and experienced teachers. The STRB's view is that it is necessary and appropriate to exceed the Government's proposed general pay increases for experienced teachers (of 3% in 2022 and 2% in 2023) in order to address the risks to teacher supply while balancing the needs of affordability. The STRB believes its recommendations achieve this balance and are appropriate and supportive of long-term value for money.
- 3.15 The STRB agree with the Government's proposals to significantly improve the competitiveness of teachers' starting pay. It judges that a greater increase than the Government proposes is necessary for experienced teachers and school leaders in order to support retention. It is conscious that even a relatively small increase in leaving rates in these groups would result in significant additional numbers of teachers exiting the profession.
- 3.16 The STRB welcomed the remit's scope for multi-year recommendations as it promotes long-term planning and certainty around the delivery of a £30,000 minimum salary for teachers. The STRB is, though, mindful of the volatility of some of the key variables that determine whether levels of pay are appropriately competitive. It concluded, after careful reflection, that a limited-scope review mechanism is necessary to prevent teacher pay falling behind if average earnings growth is materially higher than expected, and this is therefore an integral feature of its pay recommendation for September 2023.
- 3.17 In terms of future priorities, the STRB set out its observations on a number of matters affecting recruitment, retention and morale that it considers to be priority areas for further review. The STRB view the first three of these as being particularly pressing:
- Career paths and pay structures for teachers and school leaders.
 - Pay progression, including the appropriate use of performance, or capability related pay.
 - Teacher shortages including by subject, geographical area and experience.
 - Flexible ways of working to support wellbeing.
 - Support for the broader state-school sector, including the academy sector.

3.18 CONSULTATION

DFE

- 3.19 The Secretary of State, accepted in full the STRB's recommendations (with the exception of the proposed two year pay award) and in a statement made on the 19th July he said:
- 3.20 "Teachers across the country will benefit from pay increases of between 5% and 8.9% from September, as the government has today (Tuesday 19 July) fully accepted pay recommendations from the independent School Teachers' Review Body for the next academic year.
- 3.21 The starting salary for teachers outside London will rise by 8.9%, with salaries reaching £28,000 in the 2022/23 academic year. This means that the Government is making good progress towards meeting its manifesto commitment for new teacher pay to rise to £30,000 and from September a new teacher will receive over £2,000 more than this year.
- 3.22 The competitive new starting salary will help attract top quality talent and further raise the status of the teaching profession. Those in the early stages of their careers will also benefit from significant increases, ranging from 5% to 8% depending on experience.
- 3.23 Pay for experienced teachers who have been in the profession for more than five years will rise by 5% in the next academic year – an increase on the Government's initial proposal of 3%, in recognition of the broader economic context and the STRB's recommendations. The rise is equivalent to an increase of almost £2,100 on the average salary of £42,400 this year.
- 3.24 Teachers are the fabric of our school system and it is their dedication and skill that ensures young people can leave school with the knowledge and opportunities they need to get on in life.
- 3.25 We are delivering significant pay increases for all teachers despite the present economic challenges, pushing teacher starting salaries up towards the £30,000 milestone and giving experienced teachers the biggest pay rise in a generation. This will attract even more top-quality talent to inspire children and young people and reward teachers for their hard work.
- 3.26 Today's pay award – alongside the suite of high quality, free to access training courses available to teachers – is part of the Government's drive to make sure there is an excellent teacher in every classroom across the country, helping ensure that wherever a child lives they have the quality of education and the opportunities they deserve.
- 3.27 The government is targeting early career teacher pay with the highest percentage uplifts as this is where salaries can most effectively support recruitment and retention. Those in the first five years of their careers will see pay rises of between 5% and 8.9%, supporting teachers on the lowest incomes where the cost of living pressures are felt most.
- 3.28 Pay awards this year strike a careful balance between recognising the vital importance of public sector workers, whilst delivering value for the taxpayer and managing the broader economic context. The 5% pay rise for experienced teachers is intended as a responsible solution to both supporting teachers with the cost of living and the sound management of schools' budgets. By contrast, double digit pay awards for public sector workers would lead to sustained higher levels of inflation. This would have a far bigger impact on people's real incomes in the long run than the proportionate and balanced pay increases recommended by the independent Pay Review Bodies now.
- 3.29 The Government has decided it is appropriate to confirm teachers' salaries for the next

academic year only, rather than the two years initially proposed, and return to the usual timeframe for the pay setting process for 2023/24.

- 3.30 Academies, as usual, have the freedom to set their own pay policies.
- 3.31 The pay uplifts come alongside provisional school funding figures released today for the 2023/24 financial year, in which the core schools budget is set to receive a £1.5 billion boost. This extra money builds on this year's increase of £4 billion, which schools are already benefitting from. It means that in the 2023-24 financial year, primary school pupils will attract £5,023 on average and secondary school pupils will attract £6,473 on average.
- 3.32 Taken together with the funding increases seen this year, funding through the schools NFF will be 7.9% higher per pupil in 2023-24, compared to 2021-22."

The Department's views

- 3.33 In its evidence, the Department emphasised the critical role that teachers play in the lives and education of pupils and suggested the pay system is crucial in positioning a career in teaching amongst the most competitive in the labour market. The Department's evidence also commented on the dedication shown by teachers during the pandemic in ensuring that education continued to be delivered.
- 3.34 The Department's pay proposals for the two-year remit period were set within the wider context of policies aimed at supporting teachers. It recognised that the STRB's 2020 recommendations had made progress to a reformed pay progression pathway and asked the STRB to consider how the progress could be continued.
- 3.35 The Department said its Schools White Paper (since published) would set out its long-term vision for schools, with excellent teachers at the heart of its proposals.
- 3.36 The Department suggested there was strong evidence from international studies and economic theory to support the positive impact of targeting pay at the early career stage and that a £30,000 starting salary would improve teacher recruitment and retention. It outlined some of the benefits it saw, including:
- Having a strong public impact ('cut through'), signalling investment in teachers and reinforcing the perception of teaching as a valued profession.
 - Increasing the competitiveness of teacher pay and, thereby, the status of the profession and driving up teacher quality through greater competition to enter the profession.
 - Additional quality gains from improving retention in the early years of a teacher's career when effectiveness improves significantly, with consequential improvements to pupil outcomes.
 - Financial efficiencies of not having to reinvest in teachers lacking such experience.
- 3.37 The Department suggested that the benefits of a £30,000 starting salary demonstrated the need to target a pay award towards early-career teachers, where retention challenges are most stark and pay awards are most impactful. Pay still has an important role amongst more experienced teachers and leaders but, given the overall stronger and improving retention amongst teachers in their later career, awards more in line with expected settlements across the wider economy were appropriate.

Trade Union Views

- 3.38 Other consultees noted both the impact of the pandemic on the teaching profession and the previous year's pay freeze on the majority of teachers. Key points made included:
- The pandemic period had been the most difficult and stressful for the profession.
 - The 2021 pay freeze had had a negative impact on the competitiveness of teachers' pay and on teacher morale. This impact was still being felt against the backdrop of rising prices.
 - The Government's pay policy since 2010 had failed, resulting in real-terms cuts in pay for teachers and a worsening of wider working conditions.
 - The STRB should be able to fully exercise its role and avoid being restricted by affordability considerations. This was critical for confidence in the Review Body's independence. In oral evidence, several consultees said their members increasingly questioned the value of the Review Body process given these perceived constraints.
- 3.39 Several consultees were critical of the Treasury's economic evidence and presented alternative analysis, including that undertaken by the Trades Union Congress (TUC) and Incomes Data Research (IDR). It was also noted in supplementary evidence from some consultees that the current cost of living crisis was exacerbating the economic challenges for their members and that this should be recognised by the STRB.
- 3.40 NEOST supported the proposed two-year award and the additional certainty on pay that this would provide, although it noted possible risks if the economy changed. It said it continued to favour a cost of living award that was separate from performance-related increases and said most of the respondents to its survey indicated that the award should be applied equally across all groups of teachers to support recruitment and retention.
- 3.41 ASCL, the NEU, NAHT, the NASUWT and Voice issued a joint statement saying that:
- The STRB must consider the two-year award with reference to the real terms pay cuts that teachers and school leaders have suffered.
 - They would judge STRB's pay recommendations **against the extent to which the award was able to cover the accelerating rise in general living costs.**
 - They were united in opposing differential pay increases on the basis that these demoralised teachers and would add to retention issues.
- 3.42 Several of the teacher and leadership unions said their support for a two-year award was contingent on a meaningful review mechanism to protect their members against the inflationary pressures that would reduce real income levels. The NASUWT asked that the STRB request a separate remit for 2023 to consider a supplementary award to address the high and unpredictable levels of inflation. The NEU commented that the imposition of a multi-year award through the STRB mechanism was not acceptable and should most appropriately be part of a collectively agreed package of improvements to teacher pay and conditions.
- 3.43 In their individual submissions, all the unions sought significant pay increases for all teachers and school leaders. These included calls to restore teachers' pay to 2010 levels in real terms and for any pay award to match current levels of inflation as a minimum.

- 3.44 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 Statutory pay increases to Teachers Pay and Allowances as set out in paragraph 2.2 above.
- 3.45 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.

4.0 IMPACT OF THE STRB RECOMMENDATIONS ON SPECIALIST EDUCATION SERVICES IN BROMLEY

4.1 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

As at 1st September 2022 this comprised **57** staff (**45.43** FTE) employed on Teacher Terms and Conditions of employment.

- 4.2 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.
- 4.3 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.
- 4.4 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
- 4.5 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.
- 4.6 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 there is still the flexibility for Head Teachers and Heads of Service to progress Teachers within the salary scale based on performance.
- 4.7 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.

4.8 The Council must implement the changes required by the SCTP&CD 2022 as this is a statutory requirement however it has discretion regarding those elements which are non- statutory.

5.0 **IMPACT ON VULNERABLE ADULTS AND CHILDREN**

5.1 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.

6. **POLICY IMPLICATIONS**

6.1 The model policy is consistent with the Making Bromley Even Better Ambitions Framework Learning and Living well and Transforming Our Services. It continues to provide strategic leadership and support to Education Services in the Borough 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.

7. **FINANCIAL IMPLICATIONS**

7.1 There are 57 relevant posts (equivalent to 45.43fte's).

7.2 The proposal to uplift salaries by at least 5% from September 2022 for the academic year as detailed in paragraph 3.6 will cost the following:-

COST OF UPLIFTS

	<u>£'000</u>
2022/23	83
2023/24	142

7.3 The costs above also contain elements of additional employers costs of National Insurance and Pensions, etc

7.4 These employees are funded from the Dedicated Schools Grant (DSG), a ringfenced grant used for Education purposes. The expectation would be that the increase in costs would be met from this grant in the first instance.

8. **PERSONNEL IMPLICATIONS**

8.1 As set out in this report

9. **LEGAL IMPLICATIONS**

9.1 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.

10. **PROCUREMENT IMPLICATIONS**

10.1 N/A

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

Agenda Item 6

Report No.
CSD22073

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 3 November 2022

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

Title: FEEDBACK ON THE 2022 LOCAL COUNCIL ELECTIONS AND UPDATE ON ELECTIONS ACT 2022

Contact Officer: Carol Ling, Electoral Services Manager
Tel: 0208 313 4367 E-mail: carol.ling@bromley.gov.uk

Chief Officer: Ade Adetosoye CBE, Returning Officer/Chief Executive

Ward: All

1. Reason for decision/report and options

- 1.1 To advise Members on the key issues relating to the Local Council Elections held on Thursday 5 May 2022, and to highlight the measures to be introduced in the Elections Act 2022.
-

2. **RECOMMENDATION**

Members note the contents of the report and consider if there is any feedback they want to give the Returning Officer for him to take into account when planning for future elections.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Transformation Policy

1. Policy Status: Not Applicable:
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
- Not Applicable:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable: Local Council Elections held every 4 years
 3. Budget head/performance centre: Central Contingency/Conducting Elections
 4. Total current budget for this head: £700K
 5. Source of funding: London Borough of Bromley's Revenue budget
-

Personnel

1. Number of staff (current and additional): 5 full time, 4 casual staff and approximately 1,000 temporary staff recruited by the Returning Officer for staffing polling stations, opening and verifying postal votes and staffing the count
 2. If from existing staff resources, number of staff hours: Not Applicable
-

Legal

1. Legal Requirement: The Council is required to appoint one of its officers as Returning Officer for Local Council Elections under the provisions of section 35 of the Representation of the People Act 1983. The Returning Officer is personally responsible for the conduct of elections.
 2. Call-in: Not Applicable
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Property

1. Summary of Property Implications: Not Applicable
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable

Customer Impact

1. Estimated number of users or customers (current and projected): c245,000 registered electors, candidates, agents and staff
-

Ward Councillor Views

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

3. COMMENTARY

LOCAL COUNCIL ELECTIONS, 5 May 2022

BACKGROUND

- 3.1 Local Council Elections were held in Bromley on Thursday 5 May 2022. Following a review of Bromley's ward arrangements by the Local Government Boundary Commission for England in 2021, these elections were the first elections to be held on the new electoral arrangements.
- 3.2 The final recommendations of the review were that Bromley would have 22 wards (same as before - but with all ward boundaries changing and many ward names being amended), and 58 councillors (2 fewer than before) representing:
- 15 three member wards
 - 6 two member wards
 - 1 single member ward
- 3.3 As a result of the alterations to the ward boundaries, the Council was required to undertake a full review of the polling districts, polling places and polling stations prior to these elections. Final recommendations were approved at this Committee on 30 November 2021 with many new polling stations being agreed (see below).
- 3.4 The delivery of these elections is the responsibility of the Returning Officer (the Chief Executive). His duties as a Returning Officer are separate from his duties as a local government officer. He is not accountable to the Council but is independent, personally responsible and answerable only to the courts.

COVID PANDEMIC

- 3.5 Although all legal restrictions regarding the Covid pandemic were lifted at the beginning of the year (e.g. wearing of masks and social distancing), infection rates kept rising in Bromley in the months prior to these elections. The Returning Officer's election plans had to remain flexible and be regularly reviewed to enable us to be responsive to any changes at a local or national level that may have occurred together with any advice from the Electoral Commission and public health bodies
- 3.6 Although less onerous than at last year's GLA elections, the Returning Officer followed the Electoral Commission's guidance and put in place safety measures at the nomination process, most polling stations and the count.

POLL CARDS

- 3.7 The format and wording of the poll cards is prescribed by law and the Returning Officer has no discretion to amend or change it.
- 3.8 Shortly after the formal election period began with the publication of the notice of election on Friday 25 March 2022, we were able to secure early despatch of some 244,000 poll cards. These were sent out by our printers (via Royal Mail) to all registered electors in the borough (including polling station voters, postal voters and proxy voters). We also sent a letter to some 12,000 properties in the borough where no one was registered to vote (urging any eligible residents to register before the deadline). A further 1,768 poll cards were despatched up to a week or so before polling day, to those residents who registered close to the relevant deadlines.
- 3.9 All poll cards to polling station voters included details of their polling station together with a note '*Due to boundary changes, your polling station may have moved*'.

3.10 This gave residents ample time to locate their new polling station, or update their registration information, or to apply for an absent vote before the relevant cut-off date.

NOMINATIONS AND CANDIDATES

3.11 Changes were made to the nomination process to minimise risks to the Returning Officer, his staff, candidates and agents:

- Candidate and Agent briefing was held online (via Microsoft teams)
- Informal checking of nomination papers was offered using email
- Arrangements for the safe hand delivery of nomination forms were put in place

These measures were generally welcomed with feedback received from most candidates being positive.

3.12 Nominations were accepted by the (deputy) Returning Officer from Monday 28 March 2022 to Tuesday 5 April 2022. In total 198 candidates were validly nominated for these elections. The number of candidates for each party was as follows:

- Chislehurst Matters – 3
- Conservative Party – 58
- Green Party – 13
- Independent – 6
- Labour Party – 58
- Liberal Democrat Party – 57
- Reform UK – 3

3.13 The greatest number of candidates (11) stood in the wards of Chislehurst and West Wickham, and the least number (5) stood in the Darwin ward.

REGISTERING TO VOTE

3.14 The deadline for registering to vote at these elections was Thursday 14 April 2022 (12 working days before polling day). The date is governed by legislation and, in common with most of the election timetable, the Returning Officer has no discretion to extend the date and deadline.

3.15 The Electoral Office received some 4,699 registration applications (mostly online) from early March up to the registration deadline. Approximately 1,100 of these applications were 'duplicate' applications i.e. an application that can be matched to an individual already on the register at the same address. As previously reported, this is primarily due to national publicity not always making it clear that only individuals **not** on the register, need to register.

POLLING STATIONS

3.16 Following the Local Government Boundary Commission for England's review of Bromley's electoral arrangements and the subsequent review of polling districts, polling places and polling stations by the Council, a new polling scheme was put into place for these elections.

3.17 This involved a significant reduction in the use of schools (where suitable alternative venues were available) with only the following 18 schools being used (where no suitable alternatives were identified):

Harris Girls Academy

Harris Primary Academy Orpington

Manor Oak Primary School

St George's Bickley CE School

St Johns CE Primary School

St Mark's CE Primary School

Marian Vian Primary School
Oaklands Primary School
Pickhurst JUNIOR School
Red Hill Primary School
Riverside West Wickham SEN School
Scotts Park Primary School

St Paul's Cray CE Primary School
St Peter & St Paul Catholic Primary School
Stewart Fleming Primary School
Tubbenden Primary School
Valley Primary School
Warren Road Primary School

3.18 There were a few new venues used as polling stations at these elections including:

Bromley Civic Centre
Bromley Town Football Club
Chislehurst Methodist Church Hall
Mottingham Community Centre
Orpington Fire Station
Sundridge Park Working Mens Club
The Sydney Arms

3.19 Although most of the polling places remained unchanged across the borough, due to the (ward and polling district) boundary changes, many voters had to go to a different polling station to the one they had attended for many years. This caused some confusion, especially on polling day, even though the changes had been highlighted on the poll cards, the Council website, a leaflet despatched with the Council Tax bills, and social media.

3.20 We asked venues previously used as polling stations, to display signage/information about the new venue. Unfortunately, not all venues accommodated our request, and a small number of complaints were received on polling day in this regard.

3.21 There were also a few complaints about the 'type' of venue being used with the individuals feeling uncomfortable with accessing/voting at the premises, for example a Working men's club, a public house etc. Unfortunately, in moving away from schools (which are often the best polling places) the alternative venue is the only option in most instances (other than an absent vote).

3.22 Although less onerous than last year, the Returning Officer implemented a number of safety measures at most polling stations to ensure the safety of his staff, candidates & agents and all voters attending the polling stations. This included the use of perspex screens (funded by Central Government at last year's GLA elections), the availability of face coverings (masks) and provision of hand sanitisers.

RECRUITMENT OF STAFF

3.23 The availability and recruitment of sufficient high quality temporary staff to work in the polling stations, open and verify postal votes and count the votes, was a major challenge especially with the ongoing rise in Covid infection rates.

3.24 Most appointments were sent out by early April but over 200 staff 'dropped out' before polling day causing a shortage of staff. The Returning Officer was assisted with this by the Council (through an email asking for Bromley Council employees to help). This enabled all roles to be appointed to by polling day.

3.25 The Returning Officer appointed to a total of 1,279 roles at this election. Many individuals fulfilled different roles and approximately 800 different people were appointed (103 of these were Bromley Council officers).

POSTAL VOTING

- 3.26 **Issue of Postal Votes:** The total number of postal vote packs (containing a postal vote statement, ballot paper and return envelopes) issued at these elections was 38,646. The bulk of these were sent out from our print supplier by first class post (via Royal Mail) on Wednesday 21 April 2022. Voters who had opted for a permanent postal vote and those who had applied up until Thursday 14 April 2022 were included in this despatch. Residents who applied after this date and up until the deadline of Tuesday 19 April 2022 received their postal vote a few days later.
- 3.27 Most residents received their postal vote packs the day after they were despatched. However, there were a small number of cases of non-receipt from about 35 residents, but they were all offered (and most accepted) replacement postal vote packs (which are available up to 5pm on polling day).
- 3.28 **Receipt and verification of Postal Votes:** The personal identifiers (signature and date of birth) on every returned postal vote statement must be checked and verified against those held on file from the original application. This is a huge logistical operation requiring suitable accommodation, IT and staff with 4 sessions being held before polling day, and a further/last session on polling day.
- 3.29 Due to the pandemic, the usual accommodation (the Great Hall) was unavailable as it continued to be used as a Covid Vaccination Centre. Committee rooms 1, 2 & 3 were set up for the opening and verifying of the returned postal votes with perspex screens (funded by Central Government at last year's GLA elections) etc being provided to ensure the safety of the Returning Officer's staff, candidates and agents.
- 3.30 Personal identifiers are checked by scanning the postal vote statement (with the voter's date of birth and signature) so a match can be checked on by the IT system. Where the system cannot make a match then a manual check of dates of birth and signatures is undertaken by a small core team of staff who have received training by fraud experts in the techniques required to decide whether to accept or reject a signature.
- 3.31 The Electoral Commission's guidance is that staff should only reject postal voting statements when they cannot satisfy themselves that the statement has been duly completed with a genuine signature, and that a signature shows 'major and significant differences' before deciding they are not satisfied.
- 3.32 The table in **Appendix 1** shows the number of postal votes issued, returned and rejected in the 22 wards at these elections.
- 3.33 As shown, a total of 532 postal votes were rejected for either want of a signature and/or date of birth, or mismatched signature and/or date of birth, or ballot paper missing/unreturned or postal vote statement missing/unreturned. In accordance with the law, these voters have been contacted and advised that their postal vote was rejected (and given the reason why it was rejected).
- 3.34 Once the personal identifiers were verified the postal ballot papers were placed in ballot boxes, sealed and stored securely before being transported to the count venue on the evening of poll (with the ballot boxes returned from the polling stations following close of poll at 10pm).

PROXY VOTING

- 3.35 Legislation was introduced at last year's GLA elections removing the need for attestation where an application was made on the grounds of Covid – this provision was extended to cover these elections.

- 3.36 The total number of proxies appointed for these elections in Bromley was 275 with 4 electors who appointed emergency proxies on the grounds of Covid in accordance with the law.

THE RETURNING OFFICER AND HIS CORE ELECTORAL STAFF

- 3.37 A key risk for the Returning Officer was keeping himself and his core Electoral team safe and well during the period of the election especially when Covid infection rates were continuing to rise across the Borough. Much of the early planning of these elections and associated work was arranged during periods of home working, but later stages had to be carried out in the office due to processes involved and equipment needed.
- 3.38 Undertaking regular Covid tests, wearing masks around the office, sanitising hands frequently, and reducing face to face contact (with online training for all temporary staff, and online meetings with candidates and agents) were crucial to reducing the risk of the whole team having to self-isolate at vital stages of the process (e.g. during nominations).

SUPPLIER ISSUES

- 3.39 Returning Officers and their electoral teams continue to be dependent on a small marketplace of expert print suppliers in England who have the facilities, resources and security to fulfil electoral requirements for their poll cards, postal vote packs and ballot papers.
- 3.40 All print suppliers were stretched by the sheer number and variety of election materials required for 5 May polls. Several suppliers experienced issues with late deliveries and/or printing errors. However, the Returning Officer's electoral team has an excellent working relationship with our supplier and was able to secure early despatch dates/delivery dates and no delays/issues were experienced.

POLLING DAY

- 3.41 Polling day went very smoothly with the Returning Officer and his Deputies visiting many polling stations throughout the day, with no major issues being reported.
- 3.42 As mentioned above, there was some voter confusion with the changes to the polling stations, despite highlighting this on the poll cards, the Council website, a separate leaflet (despatched with the Council Tax bills), and social media. However, these voters were re-directed to their polling station and were able to vote.
- 3.43 All polling stations closed at 10pm and presiding officers returned their sealed ballot boxes together with other election equipment and materials back to the Bromley Civic Centre. Ballot paper accounts were checked for arithmetical errors and staff opened and verified the final postal votes which had been handed into the polling stations and the Civic Centre by 10pm.
- 3.44 The sealed ballot boxes (including the postal vote ballot boxes) were then taken from the secure holding area in Committee room 1, loaded onto waiting vehicles/lorries and delivered to the count venue at Kent County Cricket Ground (where further checks were undertaken to ensure all ballot boxes were accounted for) in readiness for the counting of votes the next day on Friday 6 May 2022.

THE COUNT

- 3.45 The Returning Officer is personally responsible for the verification and counting of the votes at these elections and it is for him to decide where and when to count the votes. His main

concerns when deciding these arrangements is to make sure that the counts are accurate, and everyone has confidence in the results. He must also consider the welfare of his staff.

- 3.46 The process took place in the main Sports Hall at the Kent County Cricket Ground in Beckenham on Friday 6 May 2022 at 9am. The layout that has successfully been used at recent elections, was used, ensuring that all the proceedings were carried out in clear view of the candidates and agents. Additionally, perspex screens were placed on the count tables, between the candidates/agents and the counting staff to provide extra protection for all (these did not prevent communication taking place between the candidates/agents and counting staff in the usual way). Face masks and bottles of hand sanitisers were also available to all.
- 3.47 Most counting staff appointed by the Returning Officer were well rested following polling day, reducing errors, mistakes and unnecessary re-counts giving safe and accurate counts (the requirement for accuracy cannot be underestimated if the integrity of the process is to be maintained and later challenge to the results is avoided).
- 3.48 The Local Council election counts are the most difficult and complex to organise and manage as there are 22 ward counts that run separately but simultaneously, with multi member wards adding further complications to the process.
- 3.49 In accordance with the election rules, the total number of ballot papers in each ballot box is verified with the number on the ballot paper account submitted by the presiding officer at each polling station (or by the supervisor in charge of the postal vote session) (known as Stage 1). This stage is critical in ensuring the accuracy of the result as it means that when the votes are sorted into votes for each candidate and counted (known as Stage 2), the count totals can be compared to the verification totals to identify any discrepancies.
- 3.50 In these elections, electors can vote for up to three candidates in the majority of wards, the exceptions being Darwin (single vote) and Biggin Hill, Chelsfield, Crystal Palace & Anerley, Mottingham, Orpington and Plaistow (up to two votes).
- 3.51 A large number of voters use all their vote entitlement for candidates of the same political party (known as 'block votes'). These votes are straightforward to count and record. However, some electors don't use all their vote entitlement, or, split their votes between political parties – these votes (known as 'split votes') need to be separately identified and counted/recorded on to counting sheets, making the process much more complicated and time consuming.
- 3.52 The first result (Darwin ward) was declared at about 11.40am and the last result (Beckenham Town & Copers Cope) was declared at about 7.40pm. Due to the close margins in the draft results for Beckenham Town & Copers Cope ward, the Returning Officer agreed to a recount and further scrutiny of the ballot papers. The methodical and thorough nature of the recount meant that this was time consuming but that was necessary given the narrow margins. The recount confirmed the order of the candidates in the draft result.
- 3.53 Following the declaration of the result of each ward, the successful candidates accepted their office and were provided with induction information in a separate room set aside for this purpose (upstairs).
- 3.54 The overall turnout at these elections in Bromley was 37.13% - slightly lower than the turnout of 39.86% recorded at the 2018 Local Council elections in Bromley, but higher than some of our neighbouring London Boroughs: Bexley 33%, Croydon unavailable, Lambeth 31% and Lewisham 35%.
- 3.55 The highest turnout at ward level was in Beckenham Town and Copers Cope at 42.90%, and the lowest turnout was in St Paul's Cray at 23.81% (see **Appendix 2** for further details).

3.56 Full details of the results are available at:

<https://cde.bromley.gov.uk/mgElectionResults.aspx?ID=10&RPID=548365774>

3.57 Reviews are now being undertaken to ensure that lessons learned are captured for future elections.

ELECTION ACT 2022

3.58 The UK government is making major changes to the electoral system that will affect everyone running, standing and voting in elections. The Elections Act 2022 received Royal Assent on 28 April 2022 and will:

- **Require voters to show photo ID at polling stations** before a ballot paper can be issued (*expected to be in place for elections from May 2023*)
- Require local authority Electoral Registration Officers to **issue free voter identification documents** (Voter Card) to eligible residents without valid photo ID (*process expected to commence from January 2023*)
- Enable electors to **apply online for an absent vote**, with both online and paper applications **requiring the applicant's identity to be verified** (*expected to be in place from July 2023*)
- **Restrict the handling of postal votes**, including limiting the number of postal votes an individual can hand in (*expected to be in place after the May 2023 elections – most likely to come into force in Autumn 2023*)
- Require **postal voters to reapply every 3 years**, replacing current rules of refreshing their signature every 5 years (*expected that transitional arrangements in place from January 2024*)
- Further **limit the number of people someone may act as proxy for** (*expected to be in place from May 2024*)
- **Extend election accessibility**, including requiring Returning Officers to take all reasonable steps to provide support for voters with a disability in polling stations (*expected to be in place from May 2023*)
- **Change voting and candidacy arrangements for EU voters** (*expected to be in place from June 2023*)
- Scrap the 'fifteen (15) year rule' to **allow all British citizens living overseas to vote in UK Parliamentary (General) elections**, regardless of when they left the UK (*expected to be in place from July 2023*)

3.59 The Department for Levelling Up, Housing and Communities are still developing the policy statements and secondary legislation. Accordingly, at this stage, we have little detail (and no guidance from the Electoral Commission) on how the new measures will work in practice, although it has been confirmed that New Burdens funding will be provided to cover the additional costs as a result of the changes.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

Not applicable

5. TRANSFORMATION/POLICY IMPLICATIONS

Not applicable

6. FINANCIAL IMPLICATIONS

Local Council elections are fully funded from Bromley's revenue budget. £700K was set aside in the Central Contingency to meet these costs. Expenditure has been contained within budget.

7. LEGAL IMPLICATIONS

The Council is required to designate one of its officers as Returning Officer for Local Council Elections under the provisions of section 35(1) of the Representation of the People Act 1983. The Returning Officer is personally responsible for the conduct of these elections.

Under the provisions of section 35(6) of the Representation of the People Act 1983, the Council is required to place the services of its officers at the disposal of the Returning Officer.

The rules and regulations for the conduct of Local Council Elections are primarily contained in the Representation of the People Acts 1983, 1985 and 2000, the Representation of the People (England and Wales) Regulations 2001, the Electoral Administration Act 2006, the Electoral Registration and Administration Act 2013, the Local Government Act 1972 and 2000 and the Local Elections (Principal Areas) (England and Wales) Rules 2006.

8. PROCUREMENT IMPLICATIONS

Not applicable

9. PROPERTY IMPLICATIONS

Not applicable

10. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

Not applicable

12 CUSTOMER IMPACT

Not applicable

13 WARD COUNCILLOR VIEWS

Not applicable

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

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APPENDIX 1
Local Council Elections, 5 May 2022
POSTAL VOTES

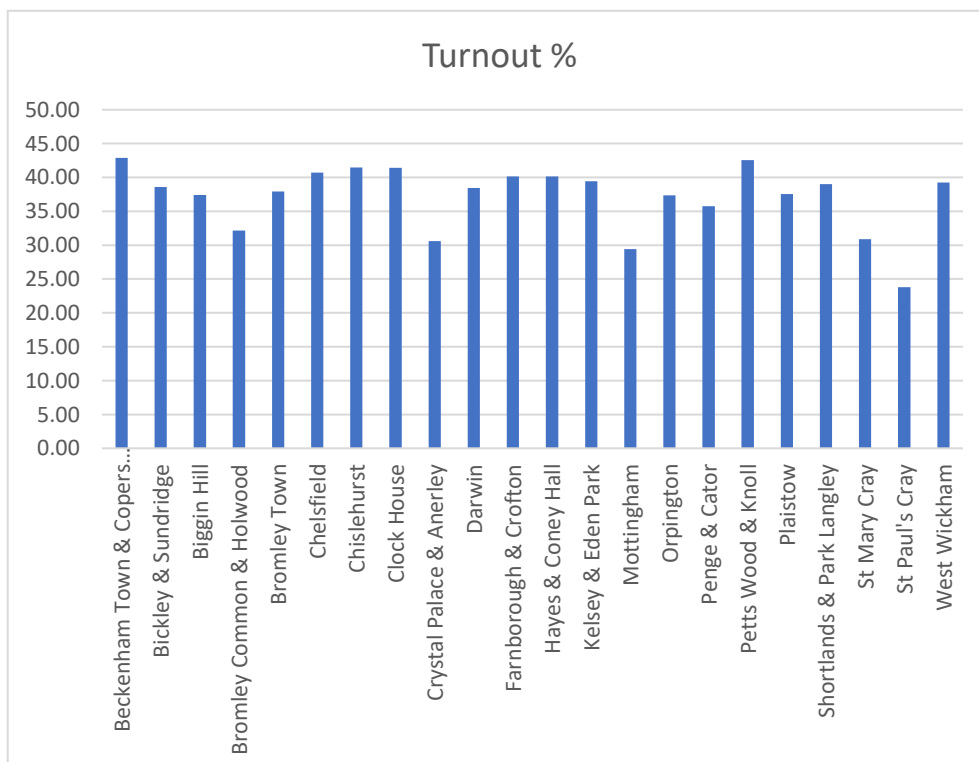
Ward	Postal Votes Issued	Postal Votes Returned	Returned %	Postal Votes Rejected
Beckenham Town & Copers Cope	2036	1485	72.94	25
Bickley & Sundridge	2503	1732	69.20	29
Biggin Hill	1178	835	70.88	10
Bromley Common & Holwood	2191	1464	66.82	28
Bromley Town	1998	1328	66.47	18
Chelsfield	1536	1137	74.02	20
Chislehurst	2312	1711	74.01	46
Clock House	1692	1184	69.98	28
Crystal Palace & Anerley	910	567	62.31	16
Darwin	623	421	67.58	11
Farnborough & Crofton	2375	1686	70.99	33
Hayes & Coney Hall	1844	1328	72.02	16
Kelsey & Eden Park	2199	1582	71.94	29
Mottingham	1026	656	63.94	15
Orpington	1489	1095	73.54	17
Penge & Cator	1561	1038	66.50	22
Petts Wood & Knoll	2296	1658	72.21	30
Plaistow	1295	900	69.50	26
Shortlands & Park Langley	2062	1438	69.74	29
St Mary Cray	1963	1331	67.80	25
St Paul's Cray	1611	1045	64.87	30
West Wickham	1946	1490	76.57	29
TOTALS	38646	27111	70.15	532

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APPENDIX 2
Local Council Elections, 5 May 2022
TURNOUT

Ward	Turnout %
Beckenham Town & Copers Cope	42.90
Bickley & Sundridge	38.57
Biggin Hill	37.43
Bromley Common & Holwood	32.17
Bromley Town	37.91
Chelsfield	40.72
Chislehurst	41.47
Clock House	41.41
Crystal Palace & Anerley	30.61
Darwin	38.43
Farnborough & Crofton	40.13
Hayes & Coney Hall	40.14
Kelsey & Eden Park	39.46
Mottingham	29.44
Orpington	37.36
Penge & Cator	35.77
Petts Wood & Knoll	42.54
Plaiستow	37.54
Shortlands & Park Langley	39.00
St Mary Cray	30.86
St Paul's Cray	23.81
West Wickham	39.23

Average 37.13



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Report No.
CSD22090

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Thursday 3 November 2022

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

Title: LIVE-STREAMING OF MEETINGS

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 decision/report and options

- 1.1 This report updates Members on the possibilities for using live-streaming for Council and committee meetings. There have been recent upgrades in equipment in the Council Chamber; the new equipment has provided a major improvement to facilities in the Council Chamber and has been widely used in recent months to enable Councillors, Officers and others to participate remotely in meetings. Live-streaming has also been used on special occasions since meetings returned to the Civic Centre in May 2021, though with very few viewers. This has also required assistance from the IT and Communication Teams - live-streaming does require additional resources. This report gives Members the opportunity to establish a policy on live-streaming.
-

2. **RECOMMENDATIONS**

- (1) **Members note the resource implications of live-streaming as well as the low numbers of viewers at recent meetings which were live streamed.**
- (2) **Members are requested to consider the arguments for and against regular live-streaming of meetings, and agree a policy to either:**
- (i) **introduce live-streaming of most Council and committee/sub-committee meetings; or,**
 - (ii) **continue to use live-streaming as a useful tool available for a limited number of meetings where, in the view of the Chief Executive and the meeting's chairman, there is particular interest or a likelihood that the capacity of the public gallery will be exceeded.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Transformation Policy

1. Policy Status: New Policy
 2. Making Bromley Even Better Priority (delete as appropriate):
(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
-

Financial

1. Cost of proposal: Estimated Cost: £20k
 2. Ongoing Costs: £20k pa
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £376,460
 5. Source of funding: Revenue Budget
-

Personnel

1. Number of staff (current and additional): 6 FTE
 2. If from existing staff resources, number of staff hours: Live streaming of meetings will require additional staffing resources – see section 7.
-

Legal

1. Legal Requirement: None
 2. Call-in: Not Applicable: Non-executive decisions are not subject to call-in.
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Property

1. Summary of Property Implications: Not Applicable
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Provision of streaming may result in members of the public watching meetings from home rather than travelling to the Civic Centre.
-

Customer Impact

1. Estimated number of users or customers (current and projected): See section 10.
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Live-streaming is the transmission of audio or video via the internet while the meeting is taking place, so that anyone can see and hear the meeting from anywhere in the world as it happens. Meetings can also be recorded and made available for later viewing. During the covid-19 lockdown, the Government relaxed the requirement in the 1972 Local Government Act for Councillors in England to meet in-person, and Bromley, like most local authorities, swiftly moved to virtual, online meetings. Bromley used Webex for its meetings, linked to a Youtube livestream so that members of the public could watch and listen to councillors as they conducted Council business. The temporary provision enabling virtual meetings was not renewed by the Government in May 2021, forcing Councils to return to in-person meetings.
- 3.2 During the lockdown period, just over one hundred meetings were live-streamed (in addition, some meetings were made available as a Webex Event instead, or were not available online). The highest recorded number of views was 182 for a Development Control Committee considering a particularly controversial planning application. This figure will have included people who logged on for just a few seconds, members of staff and repeat attendance by the same people logging in and out more than once. Attendance varied considerably at other meetings, with a small number of meetings achieving more than a hundred views but most well below this and a few with virtually no views at all. These numbers are probably slightly higher than would have been attending in person if this was allowed, but still low in the context of the overall population of the borough. It is clear, though, that viewing figures reflected the content of the agenda, and a single controversial report would lead to greater interest and more views.
- 3.3 Following the resumption of in-person meetings in May 2021, officers continued to facilitate remote attendance by both Councillors and officers on a variety of equipment including phone lines and screens (via Teams meetings), with the majority of meetings held in the Council Chamber with a new fixed layout to facilitate social distancing and other covid precautions. Early in 2022, the PA/audio-visual facilities in the Council Chamber were upgraded, with new loudspeakers, screens and electrical equipment. The new equipment makes remote attendance much more practical and professional, and was used for the first time at the full Council meeting on 28th February. The new system allows for cameras to focus on each speaker, linked to a range of a range of pre-set room layouts. The new equipment does allow the Council to livestream meetings if Members think that this would be helpful.
- 3.4 Since the end of the lockdown, live-streaming has occasionally been used in special circumstances – for example for the Annual Council meeting. However, viewing figures have not been high – between 2 and 8 concurrent viewers for Council meetings over the last few streams. This figure may include Council members, officers and contractors as well as members of the public, and can include multiple “hits” from the same person joining the meeting more than once.
- 3.5 These occasions have required substantial additional resources in terms of technical support from IT and Communications staff. Should live-streaming be re-introduced on a regular basis then Democratic Services staff will need to be trained in how to live-stream so that this becomes business as normal. However, this will require additional resources on an on-going basis as two members of the team will need to be present for each meeting, rather than one. Additional support will also be required from IT, at least on a standby basis, should there be technical issues.
- 3.6 Live-streaming of meetings is used by some Councils, but is by no means universal, even in London. Both benefits and concerns can be identified, summarised below, and set out in more detail in [Appendix A](#) –

Benefits -

- Makes the Council more accessible and transparent to residents
- Enables residents (and other members and officers) to watch meetings at a convenient time (assuming recordings are made available)
- Provides a more detailed record of each meeting (although arguably this could undermine the role of the minutes which are the formal record of each meeting)
- May be perceived as being a more accessible format for younger people

Concerns -

- There could be a chilling effect on debates if Members and other participants are concerned about their words and actions being recorded and available (perhaps out of context) across the internet
- Remote attendance could lead to a drop in personal attendance at meetings by the press and public
- There is little evidence of substantial demand for live-streaming and recent viewing figures have been very low
- There are resource implications – live streaming does create additional work at the meeting which will need to be absorbed within current budgets

3.7 Since the end of the lockdown, the Council has reserved live-streaming for particular meetings, and a positive approach could be to continue with this. This would mean that meetings are not routinely live-streamed, but the option is available on specific occasions, such as the annual meeting, or when there is unusually high interest in a meeting to the extent that there would be pressure on the public gallery. In these cases the Chief Executive, in consultation with the chairman of the meeting, could arrange for live-streaming as a means to avoid over-crowding in the Council Chamber.

4 IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 Live-streaming of meetings could potentially enable a wider range of residents to observe Council meetings. However, viewer numbers remain very low based on recent meetings which were live-streamed.

5 TRANSFORMATION/POLICY IMPLICATIONS

5.1 The Council currently has no established policy on whether its meetings should be live-streamed.

6 FINANCIAL IMPLICATIONS

6.1 There are financial and resource implications. The hardware is in place for live-streaming, however, there will be additional staffing costs should regular live-streaming be introduced (see Personnel implications below.) The likely overtime costs will be approximately £20k pa (based on 120 meetings) and if IT support from BT, the Council's current IT contractor, is required the Council would be charged half a day per meeting.

7. PERSONNEL IMPLICATIONS

- 7.1 Provision of live-streaming will require additional staffing resources. Experience during the lockdown (May 2020 to May 2021) when all meetings were held online and live-streamed showed that the additional demands of live-streaming required two members of the Democratic Services Team to administer each meeting, rather than one, nearly doubling the Team's commitment to evening work. Additional technical support would also be needed from IT technicians.

8. LEGAL IMPLICATIONS

- 8.1 The requirement in the 1972 Local Government Act is that for Councillors to be legally present at a meeting they must be physically in the room. This applies to all decision-making meetings, but there are some meetings not covered by this requirement, such as SACRE or some partnership meetings, where online meetings can continue. There is nothing to prevent any Member from joining a meeting online, and contributing as technology allows this, but they cannot be counted as formally present, do not count towards calculation of the quorum, cannot move or second motions and cannot vote. The Council also has to make reasonable provision for members of the press and public to attend meetings in person if they wish, but there is no legal requirement that meetings should be live-streamed or recorded.

9. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

- 9.1 Live-streaming of meetings could potentially result in fewer journeys to the Civic Centre, leading to a small but positive impact on carbon reduction targets.

10 CUSTOMER IMPACT

- 10.1 Live-streaming should be of benefit to residents, enabling more people to watch the work of their local representatives without need to travel to the Civic Centre.

Non-Applicable Headings:	Procurement/Property/Ward Councillor Views
Background Documents: (Access via Contact Officer)	"Hybrid Meetings and IT Provision" - Report to GP&L Committee (5/4/22)

<p>Advantages of live-streaming</p>	<p>Concerns about live-streaming</p>
<ul style="list-style-type: none"> • Increased transparency of meetings • Offering increased accessibility to public meetings for vulnerable or disenfranchised groups (elderly/people with disabilities/carers etc) and young people • Raising awareness of Council activities/achievements/the democratic process • In line with normal practice at some other local authorities 	<ul style="list-style-type: none"> • Members and officers may feel more constrained in expressing themselves in a situation where their comments are live-streamed • Some members of the public may be reluctant to speak at Planning meetings, or put questions in person at meetings • There is little evidence of widespread demand for live-streaming • Availability of a live-stream may discourage personal attendance at meetings, thereby reducing democratic participation • There are staffing/resource implications • Increased risk of GDPR non-compliance/data breaches where reference is made to private matters or to constituents by name • Technical requirements of running live-streams may be outside of officers' existing skillsets – it is possible to train for basic operational requirements, but will non-IT staff be able to trouble-shoot issues arising at live meetings? • Over-reliance on a limited pool of Democratic Services staff to run the livestream. • Resource implications of setting up a livestream for a 5-minute meeting. • Need for additional agreed guidance around meeting etiquette (e.g. – when livestream goes down, do meetings need to be suspended?) • Reliance on external parties the Local Authority has no control of to successfully livestream – namely Youtube. • Reliance on technology – what would we do if the microphones/screen set up ceased to work? • Live-streaming is only possible in the Council Chamber at present, so only one meeting can be live-streamed • Can the approach be applied unilaterally across all meetings (e.g. – would Plans Committees have a different approach due to the participation of members of the public?)

- | | |
|--|---|
| | <ul style="list-style-type: none">• Do Councillors/Partners/Officers/public speakers have a right to anonymity and how could this be accommodated at a live-streamed meeting?• Live-streaming of some PDS meetings would require under-18 Youth Representatives to give consent to their participation.• Would the quality of live-streaming be sufficient in a meeting with a very large public presence (e.g. – could you hear the live-stream over the noise of the gallery?)• Reputational damage – meetings have occasionally been targeted by protesters or activists, and their impact could be magnified in a live-streamed meeting (the Handforth Parish Council meeting was a notorious example of a difficult meeting going viral during the lockdown.)• Additional caution and self-restraint would be required from Members during periods of pre-election purdah.• Additional complexity of in-person meetings being live-streamed may lead a Chairman to mistakenly move into Part 2 whilst a live-stream is running.• It will be harder to move temporarily into Part 2 during a meeting, due to the logistical difficulties of stopping and starting a live-stream |
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Report No.
CSD22115

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Thursday 3 November 2022

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

Title: APPOINTMENTS TO OUTSIDE BODIES

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

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

Ward: All

1. Reason for decision/report and options

- 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**

The Committee is asked to consider the following outside body appointments -

- (a) To appoint three local people to the Beckenham Parochial Charities for a four year term (January 2023 to January 2027) – former Councillor Russell Mellor has expressed a desire to continue serving in this role and any nominations from the charity will be reported at the meeting.
- (b) To consider the need to appoint a Councillor to the governing body of Nash College in 2023.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority:
(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
-

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: £337k
 5. Source of funding: Revenue Budget
-

Personnel

1. Number of staff (current and additional): 6fte
 2. If from existing staff resources, number of staff hours: Not Applicable
-

Legal

1. Legal Requirement: None
 2. Call-in: Not Applicable: Call in does not apply to non-executive matters
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Property

1. Summary of Property Implications: Not Applicable
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
-

Customer Impact

1. Estimated number of users or customers (current and projected): Not Applicable
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: See section 3

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 Committee is asked to consider the following matters relating to outside body appointments.

Beckenham Parochial Charities

- 3.3 The Council appoints six local people to the Beckenham Parochial Charities. The charity aims to provide and maintain good housing for needy people in Beckenham and Penge by providing small grants and also provides educational grants to young people in the area. In 2021, the Committee appointed former Councillor Stephen Wells, Mr Gillian Scales and Mrs Kathryn Strachan for four year terms expiring in 2025. There are a further three terms due to expire in early 2023 – these are currently former Councillor Russell Mellor, Mr Robin Mitchell and one further post which is now vacant due to a resignation.
- 3.4 Mr Mellor has already expressed a desire to continue serving for a further term. The Charity is meeting to consider whether to recommend appointments to the other two posts falling vacant and their views will be reported at the Committee’s meeting.

Nash College

- 3.5 Nash College is a specialised, independent Further Education college for learners with moderate to profound physical and intellectual disabilities in Hayes, Kent run by the charity Livability. The Council appoints one local authority governor to the governing body for a four year term. Former Councillor Stephen Wells was appointed in March 2019 as the Council’s representative; he has now left the Council and his term of office is in any event due to expire early in 2023. Consideration needs to be given to appointment of a new local authority governor – possibly at the Committee’s next meeting.

Non-Applicable Headings:	Impact on Vulnerable Adults and Children/Policy/Finance/Personnel/Legal/procurement/Property/carbon Reduction/Customers/Ward Councillors
Background Documents: (Access via Contact Officer)	None

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Report No.
CSD220100

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 3 November 2022

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: Tasnim Shawkat, Director of Corporate Services and Governance

Ward: All

1. Reason for decision/report and options

- 1.1 This report summarises the Committee's work programme for the 2022/23 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 work programme for 2022/23 (Appendix B).

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority (delete as appropriate):
(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
-

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): 6
 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 require an executive decision.
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Property

1. Summary of Property Implications: Not Applicable
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
-

Customer Impact

1. Estimated number of users or customers (current and projected): Not Applicable
-

Ward Councillor Views

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

3. COMMENTARY

- 3.1 Bromley Council operates under a “Leader and Executive” constitutional model, with most decision-making functions resting with the Leader, Executive and Portfolio Holders. 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, Audit and Risk Management 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 other non-executive Committees. It therefore has a range of varied and sometimes unrelated responsibilities, including human resources, complaints, elections and appointments. The Committee’s Terms of Reference are set out in the Constitution are set out at [Appendix A](#).
- 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
 - 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 2022/23 Council year are set out in [Appendix B](#), with the reports anticipated for each meeting.
- 3.5 Members are asked to note the following matters outstanding from a previous meeting –

Minute 9 Work Programme (26 May 2022)

Members set up a Working Group to consider the appointment of Honorary Aldermen. The Working Group has provided recommendations for appointment and a report will be included on a future agenda, following consideration by the Constitution Working Group which was also set up at this meeting. A meeting of the working group to review the Council’s Constitution is being arranged for later this month.

Non-Applicable Headings:	Impact on vulnerable adults and children/Policy/Financial/Personnel/Legal/Procurement/Carbon Reduction/Customer Impact/Ward Councillor Views
Background Documents: (Access via Contact Officer)	Work Programme Report to GP&L Committee, 5 April 2022

General Purposes and Licensing Committee Terms of Reference

2.01 **General Purposes and Licensing Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)

- (a) Electoral issues
- (b) Making byelaws
- (c) Staffing matters
- (d) Open Government
- (e) Complaint Procedures
- (f) Member appointments
- (g) Health and Safety
- (h) Licensing of births, deaths and marriages
- (i) Licensing matters, including, where appropriate, determining cases relating to individual licenses
- (j) Non-executive highway functions as set out in Schedule 1 to the Functions Regulations (excluding functions under the Town & Country Planning Act 1990)
- (k) Any non-executive function not delegated elsewhere or reserved to Council.

General Purposes and Licensing Committee
Work Programme 2022/23

18th May 2022 *(following annual Council meeting)*

Appointment of Sub-Committees

26th May 2022

Appointments to Outside Bodies

Work Programme & Matters Outstanding

6th July 2022

Appointment of Honorary Aldermen

Minor Changes to the Constitution

Constitution Working Group

Work Programme & Matters Outstanding

(+ Licensing Training session after the meeting)

(22nd September 2022 – Meeting cancelled)

3rd November 2022

Review of Local Elections 2022

Teachers Pay Policy 2022/23 - Centrally Based Staff

Live Streaming of Meetings

Work Programme & Matters Outstanding

8th February 2023

Annual Complaints Report and Annual Ombudsman's Letter 2021/22

Pay Award 2023

Pay Policy Statement 2022/23

Members Allowances Scheme 2023/24

Programme of Meetings 2023/24

Appointment of Honorary Aldermen

Outside Body Appointments

Work Programme & Matters Outstanding

29th March 2023

Executive Assistants Reports 2022/23

Annual Review of the Scheme of Delegation to Officers

Work Programme & Matters Outstanding

Draft Minutes from Sub-Committee meetings are received for information at each meeting.

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LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 22 June 2022

Present:

Councillor Robert Evans (Chairman)
Councillors Jonathan Laidlaw and Keith Onslow

Also Present:

4 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Members appointed Councillor Evans as the Chairman for the meeting.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 APPLICATION FOR A REVIEW OF THE PREMISES LICENCE AT DEVRIM MANAGEMENT LIMITED T/A EMBAS LOCAL, 5 STATION APPROACH, LOWER SYDENHAM LONDON SE26 5FD

Applicant's case:

The Applicant explained a key priority for his service was to protect children from harm. In order to prevent underage sales, test purchasing was used. He summarised the chronology of events, which was detailed in the application for the review. He showed the meeting the can of alcohol which had been purchased on 7 April 2022.

Questions to the Applicant:

There were none.

Licence Holder's case

Ms Bird spoke for the Licence Holder, who accepted responsibility and that the events had taken place. It was serious, but the circumstances would be explained and the steps taken since would be set out. The premises was one of five stores operated by the Licence Holder. There were no issues in relation to the other stores, which were outside the borough, and there was deep upset and concern at what had happened.

In the October 2021 Challenge 25 case, the staff member had suffered a bereavement shortly before, so she had not been functioning normally. This was no excuse, however. In the April 2022 underage sale, the member of staff was new and did not know the product was alcohol. She had only been

working a few hours, was provided with further training, but now no longer worked at the store.

Steps had been taken to ensure there would not be a recurrence. It had not been possible to train the employee from October 2021 immediately afterwards because she went abroad. She had since received refresher training after returning to the UK. The Licence Holder referred to the certificate and signage included in appendix 3. The till system prompted for an age check, which prevented the future misinterpretation of products. It was installed in May 2022 and there had been no problems since. All staff had received further training. The employee from October 2021 had received enhanced training, as she wanted a personal licence. The Licence Holder supported all staff who desired enhanced training. The refusal register was checked by directors weekly, if not twice weekly. The Licence Holder wanted to be a positive influence in the community and to keep children safe.

Questions to the Licence Holder

The Licensing Officer asked how many members of staff there were. The Licence Holder said six and one of them had a personal licence. The Licence Holder acknowledged condition 14 and apologised if this had been breached. It was a matter for committee whether to add any new conditions, but they would be complied with. The committee could require a personal licence holder to be present at all times and further training. The Licence Holder had already taken steps without prompting.

The Chairman pointed out that the certificates in appendix 3 post-dated the underage sale and asked if there had been training previously. The Licence Holder said there had been, but was not able to say what particular course.

Final comments

The Applicant reiterated that a stepped approach had been taken and the review was an opportunity to protect children.

Decision

Following an adjournment, members returned and the Chairman announced the licence would be suspended for one month and a condition added that a personal licence holder must be present at all times.

There was no doubt an underage sale had taken place and this was a serious contravention. The premises had improved training and systems afterwards.

Reasons

The following are the reasons for the decision.

The Licensing Sub-Committee carefully considered the application for a review of the premises licence at Devrim Management Limited t/a Embas

Local, 5 Station Approach, Lower Sydenham London SE26 5FD. In doing so, they had regard in particular to:

- The four licensing objectives
- The Council's current Statement of Licensing Policy
- The Council's Guidance for Members hearing a Review of a Premises Licence
- The Secretary of State's Revised Guidance issued under section 182 of the Licensing Act 2003
- The application and all oral representations by the Applicant
- All written and oral representations by the Licence Holder

Members noted that the basis for the application was that the licensing objective of protecting children from harm was not being met.

There had been one underage sale and poor training played some role. Given the earlier Challenge 25 failure, there was doubt over the robustness of that policy. The Licence Holder operates several licensed premises and therefore Members expected staff selection and training to have been more effective at preventing the underage sale. Members agreed though that it was incomprehensible for the employee not to have known the product was alcohol. It was therefore more likely that the cause was a one-off failure.

Given the existing licence conditions, Members were not of the view that an additional training condition would be suitable in the circumstances. Children were at risk of harm, so steps should be taken.

Accordingly, it was decided that a licence suspension of one month and an additional condition for a personal licence holder to be present at all times were appropriate steps for promoting the licensing objectives.

7 APPLICATION FOR A REVIEW OF THE PREMISES LICENCE AT JOHNY FOOD STORES 2 CROYDON ROAD PENGE

Applicant's case

The Applicant explained that a key priority for his service was to protect children from harm and that one way in which that is done was through test purchasing. He summarised the chronology of events, which was detailed in the application for the review. He showed the meeting the can of alcohol which had been purchased on 7 April 2022.

Questions to the Applicant

Councillor Onslow queried the extent of the anecdotal evidence that alcohol was being sold to children. The Applicant said the only evidence was that in section 4 on page 11 of the agenda.

The Chairman asked about the July 2021 underage sales visit. The Applicant confirmed that no sale had been made, but that the behaviour had given him

cause for concern. The Chairman noted the premises had been licensed for 16 years and enquired if there was an indication of problems over that period. The Applicant stated there had been one underage sale in 2014, a few Challenge 25 sales, but the majority had been refusals. The Applicant was not able to provide any information about training over the 16 years, as he relied on what the licence holder told him.

Licence Holder's case

Ms Hughes spoke for the licence holder. She said he was also the designated premises supervisor.

The Licence Holder was not making any excuse or justification for the underage sale and was very aware of the seriousness. He was very sorry for the slip in standards. The Licence Holder summarised the chronology of events, which was detailed in appendix 6 of the agenda, and emphasised that it had been a very difficult and traumatic time immediately before. The Licence Holder referred to the refusal log and pointed out there had been regular refusals before and after.

In relation to the steps since the underage sale in April 2022, there was now a robust training policy in place, given by the designated premises supervisor. The training was refreshed every 6 months. Staff members had to complete a checklist (also in appendix 6), which had been obtained from Medway Council as Bromley did not have an equivalent. There was also third party Challenge 25 training and the certificates in the appendix 6 were referred to. The Licence Holder said that work had been done in order to reassure the committee that the premises was operating in a way which protected children from harm.

The Licence Holder was happy for training every 6 months to be a condition and pointed out that test purchases could be made.

If there were a 3 month suspension, this would result in a serious financial loss. This would be in addition to the costs of the break-in and general increase in cost of living. It would be a devastating loss of income for the family and the business may no longer be viable. Family and employees were dependant on the business. It would also affect the local community and letters from residents and councillors were cited.

A suspension would not promote the licensing objectives and conditions could be imposed instead. That might include refresher training every 6 months and external training every 12 months. When the sale had been made there had been training in place, but the Licence Holder appreciated this had perhaps not been adequate.

Questions to the Licence Holder

The Licensing Officer asked what percentage of the stock was alcohol. The Licence Holder replied that it was about 9%. In reply to what other conditions

could be imposed, the Licence Holder answered that there could be an enhanced training condition, such as third party Challenge 25 training, as well as a signage condition. The person who had made the sale still worked at the premises, but could be removed from the role. The Licence Holder was willing to accept any steps necessary in order to make sure an underage sale did not happen again. There were currently three members of staff: the Licence Holder, his wife and one other. Both the Licence Holder and the other staff members had a personal licence.

The Chairman said he appreciated the shop was an important part of the community, but explained Members had to consider the protection of children. This had been an underage sale, yet training had been carried out. Was the Licence Holder aware of any previous underage sale? The licence had been taken over in 2015 and there had been nothing since then but refusals. This was the first slip-up. He was ashamed and would make sure it would not happen again. There had been an earlier refusals register, but it had not been retained. The register included in appendix 6 started at the end of 2021 so before April 2022.

Objector's case and questions to him

Mr Kelly spoke in support of the Licence Holder and against the application. He had been a customer since the Licence Holder had taken over and knew how diligent he was. He had seen customers being turned away even if they looked 18. The Licence Holder had been through a lot recently and his mind had not been in the right place for quite some time afterwards. He took great pride in the shop and looked after his customers and was devastated by the underage sale. The shop was important to the community.

The Licence Holder asked if Mr Kelly had heard any anecdotal evidence that the premises was a place for underage sales of alcohol. Mr Kelly said he had not, but that he had heard of premises in Sydenham where children went.

Final comments

The Applicant said that a stepped approach had been taken and that his service had engaged with the shop. The approach was always to try and advise first, then a Challenge 25 test purchase and finally an underage test purchase.

The Chairman permitted the Licence Holder to speak directly. The Licence Holder said he asked if customers were underage and would not serve them if they were. He did not want to lose his licence. He helped customers and local people. When he had refused sales in the past he had been threatened. This was on top of everything else that he had been through.

Decision

Following an adjournment, members returned and the Chairman announced the licence would be suspended for one month and a condition added that a personal licence holder must be present at all times.

The sale to a youngster had been a very serious offence and members wanted to try and stop that from happening again. This was set off against what Mr Kelly, ward councillors and others had said about the importance of the shop. It was accepted that the shop contributed a great deal to the local community. However, the harm had been serious.

Reasons

The following are the reasons for the decision.

The Licensing Sub-Committee carefully considered the application for a review of the premises licence at Johny Food Stores, 2 Croydon Road, Penge London, SE20 7AF. In doing so, they had regard in particular to:

- The four licensing objectives
- The Council's current Statement of Licensing Policy
- The Council's Guidance for Members hearing a Review of a Premises Licence
- The Secretary of State's Revised Guidance issued under section 182 of the Licensing Act 2003
- The application and all oral representations by the Applicant
- All written and oral representations by the Licence Holder
- All written and oral representations by objectors

Members noted that the basis for the application was that the licensing objective of protecting children from harm was not being met.

Chairman

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10am on 20 July 2022

Present:

Councillor Nicholas Bennett MA J.P. (Chairman)
Councillors Mike Botting and Keith Onslow

Also Present:

8 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett was appointed as Chairman for the meeting.

9 DECLARATIONS OF INTEREST

There were no declarations of interest.

10 VARIATION OF THE PREMISES LICENCE AT TUGRA, 44 STATION APPROACH, HAYES, BR2 7EJ

DECISION

The Licensing Sub-Committee carefully considered the application for the variation of a premises licence at TUGRA 44 Station Approach Hayes Bromley BR2 7EJ

The Licensing Sub-Committee made the following decision having regard to:

- The four licensing objectives,
- The Council's current Statement of Licensing Policy
- Guidance issued under the Licensing Act 2003 (as amended); The Secretary of State Guidance issued under Section 182 of the Licensing Act 2003 (As amended),
- Written and oral representations from the Applicant,
- Written and oral representation from a local resident
- Written representation from the Health & Safety and Licensing Team
- Written representations from the Metropolitan Police

The decision of the Licensing Sub-Committee was as follows:

On the 20th July 2022, the Licensing Sub-Committee having considered the application, decided to **GRANT the application to vary the premises licence subject to the amendments made at the hearing**, as follows:

- | | |
|--------------------------|------------------------------------|
| • Opening Hours | Friday and Saturday until 00.00hrs |
| • Sale/Supply of alcohol | Friday and Saturday until 23:15hrs |
| • Late night refreshment | Friday and Saturday until 23:15hrs |

- Recorded Music Friday and Saturday until 23:00hrs
- Live Music Friday and Saturday until 23:00hrs
- Last admittance to the premises will be at 23:00hrs

The conditions remained the same as in the original licence. The Licensing Sub-Committee noted that on page 22 of the application bundle, the applicant described the steps he intended to take in order to promote the four licensing objectives as a result of the proposed variation.

A summary of the Hearing:

1. THE APPLICANT'S CASE

The applicant applied to vary the current premises licence and wished to extend the licensed hours on Fridays and Saturdays, for the sale of alcohol, the performance of live and recorded music, and the provision of late-night entertainment. Details of steps intended to take to promote the four licensing objectives were noted in page 22 of the application bundle.

The applicant explained that the premises was a Turkish restaurant. The restaurant had been operating for 6 years. He had a good team of staff who had worked at the premises for about 6 years. He said that he looked after his staff and his customers well. The premises tried to create a safe environment for all.

The applicant said that the aim of the application was to increase the operating hours and thus increase the revenue and so expand the business. He went on to say that he was aware of the Licensing Objectives and followed the relevant licensing guidelines such as the use of the 'Challenge 25' policy, staff training and liaising with the police. The applicant mentioned that he had recently upgraded the premises' CCTV camera system which could now record and store information for up to 31 days. (In the discussion he mentioned that the new CCTV system had assisted the police with a robbery which took place near to the premises).

The applicant mentioned that: Temporary Event Notices (TENs) were previously applied for and were granted and that there were no objections nor complaints following the events.

The applicant mentioned that he had a new menu, which if the application was granted, would allow the kitchen in the premises to open longer. He showed the Licensing Sub-Committee a proposed new menu in the event that the application to vary the licence was granted. The applicant stated that the restaurant would stop serving food at 23:15 hours and the time was printed on the new menu.

In addressing the received objections which primarily pertained to noise nuisance and operational hours, the applicant mentioned that he intended to install a device to monitor the noise. The applicant also said that he visited one of the objectors (who lives close to the restaurant) and listened to her concerns. He mentioned that some of the neighbours had been rude to him.

In response to the question by the Licensing Sub-Committee as to why the restaurant was open on some evenings after the closing time, the applicant responded that the staff would sometimes remain in the restaurant and carry out tasks to prepare for the following day.

When asked about the music being played loud, he said he was unaware of music being played loud until 1am as noted on page 4 (the Summary of Complaints) of the application bundle. He also mentioned that he was aware of the deregulation in the licensing act regarding that point and that he would monitor the noise with a special device. The applicant acknowledged that he was aware that background music should not be played loud, even if it was right at the end of the evening and the restaurant was closed, or where staff remained in the restaurant to prepare for the following day.

The applicant added that the premises engage in a number of goodwill activities, and it donated to charities and works in the local community.

2. OBJECTIONS AND CLARIFICATIONS RELATING TO THE VARIATION OF THE ABOVE LICENCE

The objections to the above application were noted in appendix.

The application stated that there were 3 valid objections. Seven complaints of noise were received between September 2021 - May 2022 which were summarised on page 44 of the application. An objection was received by a ward councillor, but it was subsequently withdrawn.

Details of the changes to the application as agreed by the applicant with the Metropolitan Police on page 5 and Appendix 4(page 41 to page 42) were considered.

At the Hearing, one of the objectors spoke on behalf of a resident living at a neighbouring flat adjacent to the above premises. The objections focused on the noise nuisance due to loud music, and disturbances when people left the restaurant.

The Licensing Sub-Committee Chairman asked the applicant what he would do to rectify the issues raised by objectors, and he responded that he would monitor the noise by using a sound measuring device, that he would continue to have signs around the restaurant as a reminder to customers to leave quietly and encourage staff to remind the customers to leave quietly. He would check and supervise staff more regularly; he would use the CCTV to monitor activities. The applicant also mentioned that he felt that the noise experienced by the neighbours could not entirely be from his premises. He commented that the noise could also be from persons passing by going to and from other places nearby the premises.

A Member asked whether the applicant had access to the CCTV. The applicant responded that he did and that it had recently been upgraded. In response to a question whether the applicant had considered sound proofing, the applicant replied that he had, but it remained a challenge due to the layout of the ceiling.

Another member of the Licensing Sub-committee mentioned that it was important to follow through the complaints which arose and to make a note of the times when incidents occurred, and to check staff's activities. It was also important to make sure that a competent member of staff managed the premises in the applicant's absence. The applicant agreed and added that he had experience in managing licensable premises, and that he had been managing the premises for 6 years. He said that he had staff who had worked at the restaurant on long-term basis most of them had

worked there for about 6 years. He also knew his customers--some of them by name. The applicant also responded to the Licensing Sub-Committee's question on management; that in his absence he did have a reliable person who managed the premises.

3. THE LICENCE

The current Premises Licence was noted in the application pack

Appendix 4 of the application pack provided the police amendments agreed by the Applicant.

On page 5 of the application to vary the licence; the police stated that they would not object if the proposed hours were amended as follows:

- Opening Hours Friday and Saturday until 0000h
- Sale/Supply of alcohol Friday and Saturday until 0000h
- Late night refreshment Friday and Saturday until 0000h
- Recorded Music Friday and Saturday until 0000h
- Live Music Friday and Saturday until 23:00hrs
- Last admittance to the premises will be at 23:00hrs

4. THE VARIATION

The Licensing Sub-Committee, having considered the application, amended the proposed agreed conditions between the metropolitan police and the applicant, and decided to vary the licence.

The Licensing Sub-Committee varied the Licence for Fridays and Saturdays as follows:

- Opening Hours Friday and Saturday until 00.00h
- Sale/Supply of alcohol Friday and Saturday until 23:15hrs
- Late night refreshment Friday and Saturday until 23:15hrs
- Recorded Music Friday and Saturday until 23:00hrs
- Live Music Friday and Saturday until 23:00hrs
- Last admittance to the premises will be at 23:00hrs

The conditions to the licence were as in the original licence. .

5. THE DECISION

The Licensing Sub-Committee decided to Grant the application to vary the above premises licence subject to the amendments made at the hearing (please see paragraph 4 above).

- a) The Licensing Sub-Committee considered all the licensing objectives, the relevant licensing policies and guidelines relating to the above application.
- b) The Licensing Sub-Committee looked at the application as a whole, both the written and oral representations, and all the steps which the applicant(s) intends to take to promote the licensing objectives.

- c) The applicant mentioned that he intended to uphold the licensing objectives and to continue to work together with the Metropolitan Police and the Council in promoting the licensing objectives.
- d) The relevant Licensing Act provided for a review process for a licensable premises which may be utilised as and when required.

The Sub-Committee believed that the above mentioned reasons and conditions attached to the premises licence were necessary, in order to uphold all the licensing objectives. In conclusion the Licensing Sub-Committee in line with the relevant policies and guidelines, made the decision that the above variation of the premises licence application be **granted as it was decided at the Licensing Sub-Committee Hearing and as noted in the above full decision.**

The parties have a right to appeal to the Magistrates' Court within 21 days from the date of this decision notice.

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

The Chairman moved that the Press and public be excluded during consideration of the item 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.

12 CONSIDERATION OF A RELEVANT OFFENCE FOR THE PERSONAL LICENCE HELD BY MR SINNARASA HARIHALAN: NO 16/00557/LAPR

These minutes were confidential and would be noted in the part 2 minutes

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RIGHTS OF WAY SUB-COMMITTEE

Minutes of the meeting held at 7.00 pm on 28 September 2022

Present:

Councillor Simon Fawthrop (Chairman)
Councillor Jonathan Andrews (Vice-Chairman)
Councillors Mike Botting, Alisa Igoe, Chris Price,
Michael Tickner and Thomas Turrell

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Cllr Stranger and Cllr Turrell attended as substitute.

2 DECLARATIONS OF INTEREST

Regarding the previous Rights of Way Sub-Committee meeting on 23rd September 2021, and the item relating to the proposed Public Right of Way at Heathside, Petts Wood, Cllr Fawthrop declared that he didn't attend the meeting as he had made a donation to this campaign.

3 MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2021

Please see the above note re Cllr Fawthrop. The Minutes of the meeting held on 23 September 2021 were agreed and signed as a correct record.

4 QUESTIONS

Four questions were received – one for oral reply at the meeting and three for written reply. These are set out at Appendix A to these minutes.

5 PROPOSED PUBLIC RIGHT OF WAY AT HAYES STREET FARM, HAYES

Report No. ES20127

The Sub-Committee was asked to determine an application for a Definitive Map Modification Order to recognise a public right of way at Hayes Street Farm, Hayes, Bromley. 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 and their report contained all the relevant evidence. Their recommendation was that, on balance, the application for a bridleway should be refused, but an Order should be made to record a footpath along the application route, on the basis that it can be reasonably alleged that a footpath subsists. The Sub-Committee also received a letter from Burgess Salmon dated 27 September 2022 drawing attention to various matters including the planning permission granted for a development now under construction.

In response to a question, officers confirmed that should the footpath be added to the Definitive Map, the standard width of the path would be designated as 2 metres wide, following the 2007 Defra guidance and as stated in the report, but there could be narrower points as necessary.

RESOLVED that the Director of Corporate Services and Governance, 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 footpath to the Definitive Map and Statement for the route shown from A-F on the plan in Appendix A and make an Order under Section 53(3)(c)(ii) for the route shown on the said plan.

The Meeting ended at 7.15 pm

Chairman