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DATE: 8 February 2023

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 16 FEBRUARY 2023 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 2nd February 2023.

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 10th February 2023.

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.00 pm on 3 November 2022

Present:

Councillor Pauline Tunnicliffe (Chairman)
Councillor Mike Botting (Vice-Chairman)
Councillors Kathy Bance MBE, Nicholas Bennett J.P.,
David Cartwright QFSM, Robert Evans, Mike Jack,
Josh King, Alexa Michael, Keith Onslow, Melanie Stevens,
Harry Stranger, Ryan Thomson and Sam Webber.

Also Present:

Councillor Alisa Igoe

19 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Kira Gabbert (who was replaced by Councillor David Cartwright), Councillor Andrew Lee (who was replaced by Councillor Alexa Michael) and from Councillor Jonathan Laidlaw.

20 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

21 QUESTIONS

Three questions had been received for written reply – these are attached as Appendix A.

22 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 6 JULY 2022

RESOLVED that the minutes of the meeting held on 6th July 2022 be confirmed.

23 TEACHER PAY POLICY 2022/23 - CENTRALLY BASED STAFF

From 1 September 2022 revised arrangements had come into force in relation to Teachers' Pay and Conditions through the publication of the statutory 2022 School Teachers' Pay and Conditions Document. The report set out the main changes.

Bromley employed a small number of teachers (57 staff (45.43FTE)) within its specialist services – most teachers in Bromley were employed by the Academies. It was confirmed that there were still pressures in recruiting to

these posts, and to teaching posts across the country. Although the trade unions were against the differential increases, all teachers would receive at least 5% and the proposals allowed for the starting salary for teachers to be at least £30k from September 2023.

RESOLVED that

(1) The report be noted.

(2) It is noted from 1st September 2022 there will be 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.

(3) Officers be authorised 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.

**24 FEEDBACK ON THE 2022 LOCAL COUNCIL ELECTIONS AND
UPDATE ON ELECTIONS ACT 2022**
Report CSD22073

The Committee received a report on the key issues relating to the Local Council Elections held on Thursday 5 May 2022 and highlighting the measures to be introduced in the Elections Act 2022. An updated version of appendix 1, showing statistics about postal votes, was tabled at the meeting.

Members commented on the following issues –

(i) The count had taken longer than expected to conclude. It was noted that this was the Returning Officer's first local election and he was concerned to ensure that the results were thoroughly correct. A Member commented that count staff had been released too early before the Beckenham Town and Copers Cope recount. However, it was explained that experienced count staff had been hand-picked to remain for the recount.

(ii) The food provided at the count was not very good – this had already been picked up in a number of reviews. Members were informed that the caterer was new to the venue and a better service would be expected in future.

(iii) It was confirmed that although nomination papers could be submitted by email, this was so that they could be checked in advance and paper copies would still need to be submitted by hand.

(vi) There were still problems with people going to the wrong polling stations. The polling station address was always set out on polling cards and on the Council website, and officers would advertise changes as widely as possible.

(v) Officers were aware of the problems with duplicate registrations, and had lobbied the Electoral Commission for the messaging around registration to be modified.

(vi) The Elections Act 2022 would provide additional funding for elections, but details were not available, and it was expected that funding would be intended to cover equipment for polling stations as well as staffing. It was becoming harder to recruit election staff and officers were proposing new campaigns to recruit a wider base of available staff.

(vii) A reduction of the required number of nomination signatures from ten to two had been announced for the 2023 local elections, but it was unclear whether this was a permanent reduction.

(viii) All postal voters whose votes were rejected had been written to with an explanation of why their votes was rejected.

The Chairman thanked Carol Ling and her staff for their efficient conduct of the election.

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

25 LIVE-STREAMING OF MEETINGS
Report CSD22090

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

A number of Members proposed that live-streaming should be introduced for all meetings as this would make the Council more transparent and accountable, and enable more residents to be involved in the Council's decisions including those who might find it difficult to attend in person. Other Members argued that in a time of financial pressure the additional expenditure was not justified. However, it was clear that when matters of controversy and wide public interest, such as major planning applications or issues concerning Biggin Hill Airport, were being considered there was increased attendance at the Civic Centre and online when a live-stream was available. Members agreed to continue with live-streaming for specific high profile meetings but suggested that this should be accompanied with better advertising of live-streamed meetings, monitoring of viewing numbers and a review after a year.

RESOLVED that

(1) The resource implications of live-streaming be noted as well as the low numbers of viewers at recent meetings which were live streamed.

(2) The arguments for and against regular live streaming of meetings be noted and a policy be agreed to 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.

(3) Where meetings are live-streamed, additional promotion be carried out and viewing statistics be kept, and the issue be reviewed in a year's time.

26 APPOINTMENTS TO OUTSIDE BODIES
Report CSD22115

The Committee was responsible for making the Council's appointments to outside bodies - most of these appointments were annual and were made by the Committee in May each year, but some had different timescales. Three of the Council's six appointments to the Beckenham Parochial Charities were due to be renewed early in 2023, as was the local authority governor role at Nash College.

RESOLVED that

(1) Mr Russell Mellor be reappointed to the Beckenham Parochial Charities for the four year term of office starting in January 2023, and the remaining two appointments be made at the Committee's next meeting.

(2) The appointment of a local authority governor for Nash College be deferred to the next meeting.

27 WORK PROGRAMME AND MATTERS ARISING
Report CSD22100

The Committee received a report summarising their work programme for the 2022/23 Council year and also covering matters outstanding from previous meetings.

In respect of Minute 14, the recommendations for appointment of Honorary Aldermen as made by the Working Group would now be put forward to the next meeting of the Committee, and there was no need for referral to the Constitution Working Group.

The Committee noted that the uncertainty around the outside body appointment to the Wood Lodge Living Skills Centre (minute 17) had been resolved – Councillor Gabbert would be the representative with Cllr Lymer as the reserve.

RESOLVED that the matters outstanding from previous meetings and the work programme for 2022/23 be noted.

28 LICENSING SUB-COMMITTEE: MINUTES 22 JUNE 2022 AND 20 JULY 2022

The minutes of the Licensing Sub-Committee meetings held on 22 June and 20 July 2022 were received.

29 RIGHTS OF WAY SUB-COMMITTEE - MINUTES 28 SEPTEMBER 2022

The minutes of the Rights of Way Sub-Committee meeting held on 28 September 2022 were received.

The Meeting ended at 8.13 pm

Chairman

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GENERAL PURPOSES AND LICENSING COMMITTEE

3rd November 2022

PUBLIC QUESTIONS FOR WRITTEN REPLY

1. From Ian Dunn to the Chairman of the Committee

Please provide information on the 2022 elections in the same format as was provided in Appendix 2 to the report on the 2018 elections.

Reply:

(See attached appendix.)

2. From Richard Gibbons to the Chairman of the Committee

Please list: (a) all Bromley Council meetings that members of the public may have attended since May 2021; (b) the number of borough residents that attended each meeting, indicating numbers of questioners and/or speakers; and (c) indicating where meetings were live-streamed with number of views to date.

Reply:

Up until the end of October 2022, there have been 194 meetings since the temporary regulations allowing local authority meetings to take place online came to an end in May 2021. Most of these meetings took place in person at the Civic Centre, but a small number of meetings have continued to be held online. Details of all of these meetings are published on the [Council website](#).

The Council does not keep attendance records members of the public attending meetings, or whether they are borough residents or not. The minutes of each meeting will record whether members of the public were present to ask questions in person or speak on planning applications.

Of the 194 meetings, 11 meetings took place entirely online and were live-streamed. These were low-key meetings with numbers of views in single figures.

3 meetings were live-streamed from the Council Chamber and 1 from the Churchill Theatre -

Annual Council 19 May 2021
Executive 26 May 2021
Annual Council 18th May 2022
Special Council 15th September 2022

The viewing figures during these meetings were in single figures.

3. From Richard Gibbons to the Chairman of the Committee

Please provide details of how residents are expected to know about (a) in person and (b) live-streamed Bromley Council meetings; how individual meetings have been advertised; what guidance is given to councillors on informing residents about meetings; and who contributed to list of advantages and concerns about live-streaming in Appendix A.

Reply:

The primary source of all information about Council meetings is the [Council website](#). The website provides details of all Council meetings - dates of meetings are agreed and published in an online calendar up to 15 months in advance, and agendas and reports are published at least five clear working days before each meeting. The venue of each meeting is stated on the agenda, and if the meeting can be viewed on a live-stream or by obtaining an invitation to a virtual meeting then these details are also published. Posters are also displayed at libraries giving dates of forthcoming meetings.

The report on options for live-streaming, including the appendix, was written by Council officers.

Votes Cast at Local Council Elections, May 2022

Ward	Vacancies	BP Marked			Block Votes			Split Votes				Rejected	
		Station	Postals	Total	No. Cast	No. of BP	% of total	No. Cast	Unused	No. of BP	% of total	No. of BP	No. Votes
Beckenham Town & Copers Cope	3	3717	1429	5146	11700	3900	75.79%	3311	388	1233	23.96%	14	42
Bickley & Sundridge	3	3500	1676	5176	11730	3910	75.54%	3278	442	1240	23.96%	25	75
Biggin Hill	2	2350	815	3165	5128	2564	81.01%	1002	176	589	18.61%	12	24
Bromley Common & Holwood	3	3095	1393	4488	9444	3148	70.14%	3438	546	1328	29.59%	17	51
Bromley Town	3	2957	1347	4304	10116	3372	78.35%	2416	326	914	21.24%	20	60
Chelsfield	2	2446	1105	3551	5436	2718	76.54%	1464	186	825	23.23%	6	12
Chislehurst	3	3164	1637	4801	11412	3804	79.23%	2719	257	992	20.66%	6	18
Clock House	3	4113	1124	5237	13434	4478	85.51%	1845	399	748	14.28%	14	42
Crystal Palace & Anerley	2	2024	539	2563	3476	1738	67.81%	1420	204	812	31.68%	12	24
Darwin	1	1228	402	1630	1625	1625	99.69%	0	0	0	0.00%	5	5
Farnborough & Crofton	3	3783	1644	5427	12408	4136	76.21%	3274	545	1273	23.46%	23	69
Hayes & Coney Hall	3	3580	1279	4859	9774	3258	67.05%	4070	664	1578	32.48%	23	69
Kelsey & Eden Park	3	3113	1509	4622	11445	3815	82.54%	1946	427	791	17.11%	16	48
Mottingham	2	1734	640	2374	3516	1758	74.05%	1021	183	602	25.36%	13	26
Orpington	2	2386	1055	3441	6002	3001	87.21%	688	126	407	11.83%	24	48
Penge & Cator	3	3879	994	4873	9276	3092	63.45%	4688	580	1756	36.04%	21	63
Petts Wood & Knoll	3	3873	1584	5457	13275	4425	81.09%	2574	459	1011	18.53%	19	57
Plaistow	2	2658	863	3521	5724	2862	81.28%	1136	148	642	18.23%	16	32
Shortlands & Park Langley	3	3472	1402	4874	11628	3876	79.52%	2448	471	973	19.96%	24	72
St Mary Cray	3	2891	1275	4166	10446	3482	83.58%	1604	397	667	16.01%	18	54
St Paul's Cray	3	1803	980	2783	5574	1858	66.76%	2125	623	916	32.91%	10	30
West Wickham	3	3192	1341	4533	9633	3211	70.84%	3213	579	1264	27.88%	8	24
TOTAL	58	64958	26033	90991	192202	70031	76.96%	49680	8126	20561	22.60%	346	945

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

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

Financial

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

Personnel

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

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable: Executive decision.
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

Complaints

- 3.1 The publication of annual reports on social care complaints is a statutory requirement under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (for adult social care) and the Children Act 1989 Representations Procedure (England) Regulations 2006 (for children's social care). Whilst legislation mainly refers to social care complaints, the Council goes further and publishes greater detail about the Council's performance across the divisions.
- 3.2 The Council has an ethos of continuous improvement and is committed to using feedback from a variety of sources to learn, understand and take action to improve services. Our Performance Management Frameworks recognise customer complaints as a valuable source of qualitative feedback on the performance of our services. Where possible, lessons are learnt by the Directorates and an internal report is produced so that reflections and improvements can be made to services.
- 3.3 The report at Appendix 1 provides an overview of complaints and all Local Government & Social Care Ombudsman enquiries to the Council between 1st April 2021 to 31st March 2022.
- 3.4 Excluding Environment & Public Protection complaints, which are not overseen nor analysed by the Customer Engagement & Complaints Service, the number of complaints rose by 16% year on year. However, only 38% of complaints were partially upheld or upheld against the Council, which is 6% lower than the previous year. Some 59% of complaints were responded to on time, which is on a par with last year but includes a significant improvement by Education.
- 3.5 The financial consequences of upheld complaints amounted to £20,831.22, a significant 41% decrease on last year's £35,461.57. More than half of this year's figure arose out of Housing and SEN complaints.

Local Government & Social Care Ombudsman

- 3.6 The Local Government & Social Care Ombudsman ('the Ombudsman') acts as the final stage for complaints about local authorities, adult social care providers (including care homes and home care agencies) and some other organisations providing public services. When the Council responds to a complaint, we are required to signpost the complainant to the Ombudsman if they remain dissatisfied. The Ombudsman analyses each referral to determine firstly whether it meets their criteria and, secondly, whether it merits a full investigation.
- 3.7 The number of referrals made to the Ombudsman rose by 42% this year from 86 to 122, with a notable rise in Planning concerns. However, of those 122 referrals, only 26 became the subject of an investigation by the Ombudsman, a 16% drop in proportion.
- 3.8 Of those full investigations, 18 were upheld against the Council (69%). This continues Bromley's performance at better than the London average. The average upheld rate across London boroughs was 71%, placing Bromley 13th out of the 32 boroughs. Measured by referrals *per capita*, Bromley ranked 10th, and 3rd by upheld complaints *per capita*, meaning that the Council's figures remain competitive.
- 3.9 The Council maintains thoughtful and robust engagement with the Ombudsman, challenging decisions where required. Last year's covering report referred to the prospect of having to serve another pre-action judicial review protocol letter upon the Ombudsman. That was unfortunately required, but again led to the Ombudsman having to withdraw a critical public report and replace it with a standard decision.

- 3.10 Whilst being robust in our considerations of recommendations for some cases, we have retained a 100% compliance rate in implementing recommendations on all cases.
- 3.11 The Ombudsman’s annual review letter provides a breakdown of the upheld investigations and a compliance rate for implementing Ombudsman recommendations.
- 3.12 This year’s letter referred to a public report that was issued in respect of the Council’s handling of a homelessness application. The Ombudsman acknowledged the Council’s proactive response to the complaint but proceeded to issue a public report at least in part because it was of significant topical interest. The Council has completed the agreed resulting action.
- 3.13 Secondly, this year’s letter contains a concern about a delay in the implementation of the agreed remedial action following an upheld complaint. This refers to four specific cases, all of which were in fact decided in the previous financial year (2020-2021). The Council’s compliance in those cases was delayed variously by the long-term absence of a pivotal senior member of staff; the review of a service user’s complex care needs taking longer than anticipated; the availability of specialised training; and the need to draft a new policy with input from in-house legal advisers.
- 3.14 Finally, the letter reiterates the drive led by Michael King, the Local Government & Social Care Ombudsman, for local authorities to recognise the valuable benefits brought by a properly resourced and managed complaint handling service.

4. FINANCIAL IMPLICATIONS

- 4.1 None for the purposes of this report.

5. LEGAL IMPLICATIONS

- 5.1 Under regulation 18 of the Local Authority Social Services and National Health Service Complaints Regulations 2009 the Council is required to publish an annual complaints report.
- 5.2 Under section 5(2) of the Local Government and Housing Act 1989 the Monitoring Officer is expected to produce a periodic report to the Council summarising the findings on all upheld complaints over a specific period.

6. Supporting Documents

- 6.1 Appendix 1. Annual Complaints Report 2021/22
- 6.2 Link below to LG&SCO annual review letter 2021/22

<https://www.lgo.org.uk/documents/councilperformance/2022/london%20borough%20of%20bromley.pdf>

Non-Applicable Sections:	Impact on Vulnerable Adults and Children, and Policy, Personnel and Procurement Implications.
Background Documents: (Access via Contact Officer)	

Complaints & Compliments

Annual Report 2021-2022



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01 | WHY WE REPORT ON OUR COMPLAINTS

Section 18 of The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 places a duty on the Council to prepare an annual report each year. That legislation primarily references adult and children social care complaints but the London Borough of Bromley goes further and publishes greater detail about its overall performance. This report therefore provides an overview of complaints and our interaction with the Local Government & Social Care Ombudsman between 1st April 2021 and 31st March 2022.

The Council has an ethos of continuous improvement and is committed to using the feedback it receives from a variety of sources to learn, understand and take action to improve services. Our Performance Management Frameworks recognise customer complaints as a valuable source of qualitative feedback on the performance of our services. We know that high-performing services use feedback to help managers and staff understand where they are doing well and where improvements can be made.

We use our complaints data and analysis to:

- ➔ Collaboratively prompt, challenge and deepen the understanding of service performance amongst the leadership group; this enables and promotes a shared understanding of the strengths and areas for development within the service
- ➔ Inform prioritisation in service improvement plans
- ➔ Commission improvement activities and training where appropriate
- ➔ Encourage individual managers to take the initiative at service/team level or with individual staff members to address areas for development and manage local improvements

Terminology used in this report

A **complaint** is the whole of someone's approach to the Council expressing dissatisfaction. One or more services or teams may be referenced in that complaint, and each of those is referred to as a **mention**. Each complaint may identify one or more individual grievances and each of those is referred to as an **aspect**.

For instance...

Mrs Jones raises a complaint with the Council alleging that the Council Tax department have both delayed processing her application for support and disclosed her personal information when they should not have done. She also complains that the Housing Benefit team have wrongly decided she is not eligible for support.

In this example, this one complaint has given rise to three mentions (two for Council Tax and one for Housing Benefit) and three aspects – delay, data breach and a disputed decision.

Legislation

The main legislation we are governed by is the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This duty is delivered through the Corporate Complaints Procedure. The majority of Adult Social Care complaints are considered on a statutory basis and are managed through the Corporate Complaints Procedure.

Where the matter directly involves a child (or an authorised person on their behalf) complaining about the care and support provided to that child by Children's Social Care, the relevant rules are found in the Children Act 1989 Representations Procedure (England) Regulations 2006) and this duty is delivered through the Children's Complaints Procedure.

Timescales

Under the Corporate Complaints Procedure, complaints should be acknowledged within three working days and formally responded to within 20 working days.

Complaints are managed through the Children's Complaints Procedure as follows :-

- ➔ Stage 1 initial response within 10 (up to 20) working days
- ➔ Stage 2 investigation within 25 (up to 65) working days
- ➔ Stage 3 Review Panel within 30 working days

Where a complaint may not be responded to within the usual timescales, for whatever reason, CE&CS will keep in touch with the complainant to explain the reasons for the delay and wherever possible provide a best estimate as to when the response will be available.

The Local Government & Social Care Ombudsman

The Local Government & Social Care Ombudsman (LG&SCO) acts as the final stage for complaints about local authorities, adult social care providers (including care homes and home care agencies) and some other organisations providing public services. When the Council responds to a complaint, we are required to signpost the complainant to the Ombudsman if they remain dissatisfied. The Ombudsman analyses each referral to determine whether it meets their criteria and, if so, whether it merits a full investigation.

Data sources

The Customer Engagement & Complaints Service (CE&CS) oversees complaint handling for the entire Council save for the Environment & Public Protection division (E&PP). All E&PP corporate statistics are provided by that division themselves and do not always follow the same taxonomy. CE&CS manage all Ombudsman interactions for the Council.

03 | COUNCIL OVERVIEW

Complaints received

Division	2019/20	2020/21	2021/22	% change
Adult Social Care	117	57	54	-5.3%
Children's Social Care	105	77	74	-3.9%
Housing	90	78	94	20.5%
Planning & Regeneration	-	25	35	40.0%
Education	38	23	50	117.4%
Chief Executive's Dept.	95	75	80	6.7%
Public Health	0	0	0	n/a
Total	445	335	387	15.5%
Environment & Public Protection	211	207	485	134.3%

A commentary on Environment & Public Protection figures is on page 41. Excluding E&PP figures, the total number of complaints against the Council rose by just over 16% this year.

How complaints were received

	Adult	Children	Housing	P&R	Education	EPP	CED	Public Health	Total	% of total
Email	37	46	68	20	31	183	49	0	434	49.8%
Form	0	0	0	0	0	0	0	0	0	0.0%
In person	0	0	0	0	0	0	0	0	0	0.0%
Letter	1	1	0	1	0	2	5	0	10	1.1%
Telephone	4	0	5	0	0	24	3	0	36	4.1%
Website	12	27	21	14	19	276	23	0	392	45.0%
Total	54	74	94	35	50	485	80	0	872	

94.7% of complaints were received by email or through the website, a slight drop on the 96.1% proportion received through our digital channels the previous year.

Proportion upheld

	Aspects	Upheld / Partially Upheld	% 2021/22	2020/21
Adult Social Care	79	36	46%	56%
Children's Social Care	108	36	33%	44%
Housing	108	40	37%	35%
Planning & Regeneration	45	9	20%	27%
Education	67	26	39%	39%
Chief Executive's Dept.	102	49	48%	49%
Public Health	0	0	N/A	N/A
TOTAL	509	196	39%	44%
Environment & Public Protection	<i>Data not collected</i>		92%	<i>n/k</i>

38% of complaints were at least partially upheld, a 6% drop on the previous year. The upheld rate reflects our approach to acknowledge fault where appropriate and seek to put things right as far as can be achieved. The drop may signify a gradually growing confidence in the quality of the Council's decision-making.

Causes for complaint

The most frequent cause for complaint (aspect) was quality of service (46.3%), although less than 10% of these complaints were upheld. Lack of action (28.5%) was the next most prevalent aspect, whilst complaints about service delay were the most likely to be upheld at 46.7%.

Complaints about staff conduct can include staff of third-party providers contracted by the Council, although this year none were recorded.

Complaint	Adult	Children	Housing	P&R	Education	EPP	CED	Public Health	Total	% of total	% upheld
Staff conduct	3	28	4	1	3	64	11	0	114	11.5%	8.8%
Disputed Decision	7	15	7	19	8	31	10	0	97	9.8%	5.2%
Information	13	20	8	7	3	10	11	0	72	7.2%	26.4%
Lack of Action	19	20	27	11	31	90	16	0	214	21.5%	22.4%
Quality of Service	33	25	57	5	18	290	32	0	460	46.3%	8.9%
Service Delay	1	0	5	2	4	-	3	0	15	1.5%	46.7%
Behaviour of another	0	0	0	0	0	-	-	-	0	0.0%	0.0%
Billing / Charging	3	-	-	-	-	-	19	-	22	2.2%	4.5%
Total	79	108	108	45	67	485	102	0	994		

Responding on time

59% of all complaints were responded to within 20 working days, maintaining last year's improvement. Complaints involving contracted services can take longer to address as the Council is ultimately responsible for the quality of their services - this primarily affects adult social care complaints.

Division	2019/20	2020/21	2021/22
Adult Social Care	35%	37%	30%
Children's Social Care	43%	58%	61%
Housing	63%	72%	60%
Planning & Regeneration	n/a	48%	50%
Education	45%	48%	92%
Chief Executive's Dept.	54%	52%	56%
Public Health	-	-	-
OVERALL	47%	59%	59%
Environment & Public Protection	-	-	98%

Local Government & Social Care Ombudsman cases

Division	2020/21	2021/22
Adult Social Care	10	8
Children's Social Care	17	16
Housing	12	15
Planning & Regeneration	13	20
Education	7	8
Environment & Public Protection	19	18
Chief Executive's Dept.	15	19
Public Health	0	0
OVERALL	93	104

From CE&CS's records, the Council handled 104 Ombudsman cases overall during the year, a slight increase on last year's 93. Those cases may have started before this business year, and generated 225 individual Ombudsman response deadlines - 13% fewer than last year - of which 93% were responded to within timescale, notably improved on last year's 84.1%.

The Council was the subject of 26 investigations by the Ombudsman during the year, down nearly a third on 2020-21. Of the 26 investigated complaints, 16 were upheld against the Council, whilst two further cases were classed as upheld without investigation, giving an overall upheld rate of 69%.

Fewer complaints were upheld against the Council than the London average of 71%, therefore placing Bromley joint 13th out of the 32 London boroughs. 122 referrals equate to 0.38 referrals per 1,000 residents, placing Bromley 10th in London, whilst 18 Ombudsman complaints upheld equate to just 0.05 complaints upheld per 1000 residents, which places Bromley joint 3rd across London.

2021-2022 Annual Review letter

Every year the Ombudsman publishes an annual review letter for each Council, accompanied by the statistics they hold. The table below shows the Council maintaining its positive progress in its dealings with the Ombudsman. The number of referrals increased but the number of resulting investigations dropped by a far greater proportion, as did the number of investigations upheld. Similarly, the Council has maintained its position in the top half of London boroughs in respect of proportion upheld, its upheld rate being 2% better than the London average.

For the year 2021-22 their figures disclose the following :-

	2019 - 20	2020 - 21	2021 - 22	% change
Referrals	149	103	122	+18%
Resulting investigations	43	38	26	-32%
Proportion investigated	29%	37%	21%	-16%
Number upheld	28	26	18	-31%
Upheld rate	65%	69%	69%	-
London average	70%	73%	71%	-2%
London ranking	Joint 7 th	Joint 11 th	13th	-2

Financial consequences of complaints

		Adults	Children's	Housing	P&R	Education	EPP	CED	TOTALS
Ombudsman	Compensation & Backdating	£350.00	£1,797.40	£6,000.00	£0.00	£2,950.00	£0.00	£750.00	£11,847.40
	Written off	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
	Time & trouble	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Stage 1	Compensation & Backdating	£50.00	£0.00	£0.00	£0.00	£3,725.00	£0.00	£300.00	£4,075.00
	Written off	£1,400.07	£0.00	£0.00	£104.40	£0.00	£0.00	£3,404.35	£4,908.82
	Time & trouble	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
	Expert fees	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
	Total	£1,800.07	£1,797.40	£6,000.00	£104.40	£6,675.00	£0.00	£4,454.35	£20,831.22

Compensation figures include any cases where it was determined the Council should backdate support or allowances.

The total of £20,831.22 is a significant 41% decrease on last year's £35,461.57. It should be borne in mind that annual totals are often skewed by one or two specific cases, when the vast majority do not result in any significant financial outlay.

Compliments

Division	2020/21	2021/22	% change
Adult Social Care	33	27	-18%
Children's Social Care	47	45	-4%
Housing	108	60	-44%
Planning & Regeneration	1	0	-100%
Education	22	21	-5%
Chief Executive's Dept.	12	14	17%
Environment & Public Protection	59	66	12%
Total	282	233	-17%

04 | ADULT SOCIAL CARE

Under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 the majority of Adult Social Care complaints are considered on a statutory basis and handled through the Council's corporate complaints procedure.

At a glance

	2019 - 2020	2020 - 21	2021 - 22	% on prev. year
Complaints	142	57	54	-5%
Percentage responded to on time	37%	38%	30%	-9%
Percentage fully upheld	37%	28%	35%	8%
Percentage partially upheld	18%	28%	10%	-18%
New Ombudsman cases	15	1	3	200%
Ombudsman cases upheld	3	6	3	-50%
Financial consequences	£10,057.76	£23,540.57	£1,800.07	
Compliments	28	33	27	-18%

Complaints received

The Adult Social Care division was the subject of 54 complaints during 2021-22. 28% of individual complaint aspects were responded to on time, contributing to an overall figure of 30% of complaint responses involving Adult Social Care being responded to in a timely way. 45% of complaints were fully or partially upheld, an 11% decrease on last year's 56%.

Those 54 complaints gave rise to 56 mentions and 79 individual aspects (please refer to the Terminology section).

'Contracted Services' refers to those third-party providers of residential and domiciliary care whom the Council engages to provide care to its service users, for which the Council usually remains ultimately responsible. As noted on page 6, complaints involving third party providers can often take longer to resolve and as this year Contracted Services were involved in 18% of complaint aspects, this will have contributed to the timeliness figure.

The table below sets out the individual complaint aspects for the different services and teams within Adult Social Care.

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Blue Badges	1	4	1	1	2	0	3
%	2%	5%	25%	25%	50%	0%	75%
Penge & Beckenham	4	6	3	1	2	0	1
%	7%	8%	50%	17%	33%	0%	17%
Hayes & Five Elms	2	3	1	0	2	0	0
%	4%	4%	33%	0%	67%	0%	0%
Bromley MDC	2	3	0	0	3	0	1
%	4%	4%	0%	0%	100%	0%	33%
Orpington & The Crays	4	6	1	0	4	1	1
%	7%	8%	17%	0%	67%	17%	17%
Integrated Team	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Coordination & Review	2	3	2	0	1	0	0
%	4%	4%	67%	0%	33%	0%	0%
Duty Team	3	4	3	0	1	0	2
%	5%	5%	75%	0%	25%	0%	50%
Hospital Team	9	11	3	2	6	0	1
%	16%	14%	27%	18%	55%	0%	9%
Initial Response	5	5	2	0	3	0	1
%	9%	6%	40%	0%	60%	0%	20%
Reablement & Rehab	1	1	0	0	1	0	1
%	2%	1%	0%	0%	100%	0%	100%
Occupational Therapy	1	2	0	1	1	0	2
%	2%	3%	0%	50%	50%	0%	100%
Learning Disability	7	12	5	1	6	0	4
%	13%	15%	42%	8%	50%	0%	33%
CMHT Oxleas	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
DoLS	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Safeguarding	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Care Link	0	1	0	0	1	0	1
%	0%	1%	0%	0%	100%	0%	100%
Brokerage	4	4	2	0	2	0	1
%	7%	5%	50%	0%	50%	0%	25%
Contracted Services	11	14	5	2	7	0	3
%	20%	18%	36%	14%	50%	0%	21%
OVERALL	56	79	28	8	42	1	22
			35%	10%	53%	1%	28%

Nature of complaint and outcome

The majority of complaints (42%) were in relation to the quality of service received, of which 51% were at least partially upheld.

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Staff conduct	3	0	1	2	0	1
%	4%	0%	33%	67%	0%	33%
Disputed decision	7	1	1	5	0	4
%	9%	14%	14%	71%	0%	57%
Information	13	5	0	8	0	2
%	16%	38%	0%	62%	0%	15%
Lack of action	19	9	0	9	1	5
%	24%	47%	0%	47%	5%	26%
Quality of service	33	12	5	16	0	9
%	42%	36%	15%	48%	0%	27%
Service Delay	1	0	1	0	0	1
%	1%	0%	100%	0%	0%	100%
Billing & Charging	3	1	0	2	0	0
%	4%	33%	0%	67%	0%	0%
Behaviour of another service user	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%
OVERALL	79	28	8	42	1	22
		35%	10%	53%	1%	28%

Compliments

As much as we like to learn from complaints, we like to learn from compliments too. The following are examples of the compliments recorded this year :-

I just wanted to say a big thank you for all that you have done in championing the case for my Care Plan, you did brilliant work. It has been a pleasure, not only to have worked with you but also to have known you and we both wish you well.

I'm writing this email to the highest person in the adult social care office to thank J for the help and support she has given me and my mum over the last few months. Without J I would have gone crazy. She has kept me and my mum safe and sound through this rough patch we have had. I would like her to be recognised for her help and keeping us up to date with any news actions and all the communication that she has done for us. Thank you from the bottom of my heart. I don't know where we would've been without you.

J has dealt with us in a very professional manner and has made what could have been a very stressful experience run very smoothly. Options and implications were clearly explained, questions were either answered straight away, or taken away and she always came back to us on any outstanding questions or actions within a day. Her patient and supportive approach put my father at ease, which also meant that she was able to get all the information she required from him without him feeling pressured or rushed.

We would like to thank everyone involved for doing a fantastic job... Basically we appreciate all of the help put in place from the Council. It has been a tough 3 months but with all the support it has made it easier. We have never used any Social Services before therefore we was new to all of this ! Please pass on all our thanks for everyone doing a great job.

I just want to say a BIG thank you to D for her assistance with the issuance of my father-in-law's blue badge last week. She was most helpful, kind, considerate and caring. Brilliant qualities to have and a credit to your organisation.

I cannot praise enough C, who I understand is assistant care manager. Her efficiency to get things done and recommendations to help my parents situation, along with empathy is second to none. This was exacerbated by having to care with my father with dementia, but C made what could have been a very stressful situation manageable. I think she is a credit to your team and I hope that her as she progresses in her career this is recognised.

I just wanted to thank you for all your support of Dad and the rest of us this last year or so. Your kind non-judgemental approach won us all over and your skills navigating our differences could be utilised by the United Nations! I genuinely feel that Dad is in a better and safer place now and that is thanks to you. I personally really appreciated your support and really wish I had called you in more.

Local Government & Social Care Ombudsman cases

The Ombudsman recorded 3 new Adult Social Care referrals during 2021-22. Of the 12 decisions made during the year, three produced upheld complaints.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No Jurisdiction	Premature	NFA	No maladmin'n	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Blue Badges	0	0	0	0	1	0	0	0	0	1	0
Penge & Beckenham	0	0	0	0	0	0	0	0	0	0	0
Hayes & Five Elms	0	0	0	0	0	0	0	0	0	0	0
Bromley MDC	0	0	0	0	0	0	0	0	0	0	0
Orpington & The Crays	0	0	0	0	0	0	0	0	0	0	0
Integrated Team	0	0	0	0	0	0	0	0	0	0	0
Coordination & Review	0	0	0	0	0	0	0	0	0	0	0
Duty Team	0	0	0	0	0	0	0	0	0	0	0
Hospital Team	0	0	0	0	0	0	0	0	0	0	0
Initial Response	0	0	0	0	0	0	2	0	0	2	0
Reablement & Rehab	0	0	0	0	0	0	0	0	0	0	0
Occupational Therapy	0	0	0	0	0	0	0	0	0	0	0
Learning Disability	1	1	0	0	0	0	0	0	0	2	0
CMHT Oxleas	0	0	0	0	0	0	0	0	0	0	0
DoLS	0	0	0	0	0	0	0	0	0	0	0
Safeguarding	2	2	1	0	1	0	1	0	0	7	0
Carelink	0	0	0	0	0	0	0	0	0	0	0
Brokerage	0	0	0	0	0	0	0	0	0	0	0
Contracted Services	0	0	0	0	0	0	0	0	0	0	0
OVERALL	3	3	1	0	2	0	3	0	0	12	0

Financial consequences of complaints

	2019 - 20	2020 - 21	2021 - 22
Ombudsman cases			
Compensation / backdated payments	£100.00	£250.00	£350.00
Charges written off	£7,922.83	£9,291.50	£0.00
Time & trouble payments	£250.00	£850.00	£0.00
Stage 1 complaints			
Compensation / backdated payments	£367.00	£4,000.00	£50.00
Charges written off	£1,417.93	£5,645.07	£1,400.07
Time & trouble payments	£0.00	£0.00	£0.00
Expert fees	£0.00	£3,504.00	£0.00
TOTALS	£10,057.76	£23,540.57	£1,800.07

05 | CHILDREN'S SOCIAL CARE

The Council's experience is that only a small proportion of Children's Social Care complaints it receives are actually from young people or those acting on their behalf, which therefore fall to be processed under the three-stage procedure set out in The Children Act 1989 Representations Procedure (England) Regulations 2006. These are referred to as statutory complaints, the timescales for which are :-

- Stage 1 : Initial response within 10 (up to 20) working days
- Stage 2 : Investigation within 25 (up to 65) working days
- Stage 3 : Review Panel within 30 working days

All other complaints from parents, family or friends raising issues that do not directly relate to the quality of the care and support the child in question receives are managed through the corporate complaints procedure. We carefully consider each complaint on its own merits and determine through which procedure it should be processed.

Children and young people making a complaint have a legal entitlement to advocacy services to support them in making a complaint or expressing their views. Where the child involved has not already been referred, CE&CS will refer complaints made by or on behalf of children in relation to Children Social Care to the independently commissioned Advocacy service.

At a glance

	2019 - 2020	2020 - 21	2021 - 22	% on prev. year
Complaints	99	74	68	-8%
Statutory complaints	6	5	6	20%
Percentage responded to on time	45%	65%	61%	-4%
Percentage fully upheld	27%	19%	16%	-3%
Percentage partially upheld	17%	25%	18%	-7%
New Ombudsman cases	22	10	18	80%
Ombudsman cases upheld	2	5	5	0%
Financial consequences	£11,171.52	£1,000.00	£1,797.40	
Compliments	48	47	45	-4%

Complaints under the 1989 Representations Procedure

The numbers of statutory complaints remained largely static.

	2019 - 20	2020 - 21	2021 - 22
Stage 1	6	3	6
Stage 2	1	2	2
Stage 3	0	0	0
Total	7	5	7

Complaints under the Council's Corporate Complaints Procedure

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Early Intervention & Family Support	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Referral & Assessment, incl. MASH, Atlas & ECT	23	28	6	6	16	0	12
%	27%	26%	21%	21%	57%	0%	43%
SG&CP East incl. Court Team	17	28	6	4	18	0	26
%	20%	26%	21%	14%	64%	0%	93%
SG&CP West	14	18	3	3	12	0	13
%	16%	17%	17%	17%	67%	0%	72%
Children Looked After and Care Leavers	5	6	1	1	4	0	4
%	6%	6%	17%	17%	67%	0%	67%
Fostering, Adoption and Resources	15	5	0	1	4	0	1
%	17%	5%	0%	20%	80%	0%	20%
Disabled Children's Team	11	13	1	3	9	0	5
%	13%	12%	8%	23%	69%	0%	38%
Quality Assurance	6	9	0	1	8	0	5
%	7%	8%	0%	11%	89%	0%	56%
Youth Justice Service	1	1	0	0	1	0	1
%	1%	1%	0%	0%	100%	0%	100%
OVERALL	86	108	17	19	72	0	67
			16%	18%	67%	0%	62%

The table above sets out the individual complaint aspects for the different services and teams within Children’s Social Care.

It confirms that the Children’s Social Care division was the subject of 68 corporate complaints during 2021-22. 62% of individual complaint aspects were responded to on time, contributing to an overall figure of 61% of complaint responses involving Children’s Social Care being responded to in a timely way. 34% of complaints were fully or partially upheld, a 12% decrease on last year’s 46%.

Those 74 complaints gave rise to 86 mentions and 108 individual aspects (please refer to the Terminology section).

Nature of complaint and outcome

The most prevalent complaints were in relation to staff conduct issues (26%) of which 25% were at least partly upheld.

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Staff conduct	28	2	5	21	0	20
%	26%	7%	18%	75%	0%	71%
Disputed decision	15	0	2	13	0	7
%	14%	0%	13%	87%	0%	47%
Information	20	5	1	14	0	13
%	19%	25%	5%	70%	0%	65%
Lack of action	20	5	6	9	0	14
%	19%	25%	30%	45%	0%	70%
Quality of service	25	5	5	15	0	13
%	23%	20%	20%	60%	0%	52%
Service Delay	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%
Behaviour of another service user	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%
OVERALL	108	17	19	72	0	67
		16%	18%	67%	0%	62%

Compliments

As much as we like to learn from complaints we like to learn from compliments too. The following are examples of those received this year :-

Thank you for all you have done for R and J since taking over the case. Thanks for being approachable to R and being a person that he feels he can trust ...Thank you for spending the time and your patience in understanding J and seeing both her past and present...We appreciate all that you've done and how you have listened to us and our opinion so thank you so much for that.

Throughout the case we felt that A supported our children - and us as well - with the goal to reunite the family and to put in place conditions that would allow a return to normal life in our family. She showed an ability to quickly understand the situation and also to make the right decisions in key moments. We feel strongly that she showed care for our children and always had their best interest in her heart and actions. During difficult times, A managed the situation in a way that allowed our children to remain together and to reduce their emotional suffering. She also developed a strategy to gain their trust which was essential to make them feel listened to and to navigate the time we were apart. A also listened to us and gave us good advice in important moments...Overall, we think A was amazing. Given the circumstances, we consider our family to have been lucky to be handled by a professional like A and wish her and you all the best.

I cannot thank N enough or your team for actually recognising that {we} need our own space away from each other and the fact I can now breathe and step away from the chaos, to actually parent in a calmer environment is not too short of amazing...I would recommend N to everyone that needed him if that's how the system worked, more social workers should be like him...All I can say is thank you so much for creating a much better and happier living space for us, I'm glad and impressed to have come across N and your team!

I just wanted to say thank you so so much for everything, you were really a fabulous social worker for us all to have in our lives and are an incredible woman. Having watched my parents foster for so long, I could really see the difference you made in their current experience of fostering and what an amazing support you were to them and how much they valued you...Thanks so much for being a huge support and great contact to me to throughout everything and when I looked after the kids too :)

I am writing regarding M's social worker C...From the first time that she met M she was able to connect with her in a way that not many professionals have, this is for one reason, because she genuinely cared about her. M was so amazed that she talked to her like an intelligent young person with hopes and dreams of her own. She has been incredibly professional with extensive knowledge of all of the support that M is entitled to access due to her Autism and Epilepsy. She has worked with me while at the same time being able to encourage M to do things independently where this is possible. This building of a relationship with me as M's Mum and carer has been key to M gaining her trust and working with her. C was outstanding because she had extensive knowledge which she used to help M and endless kindness.

Local Government & Social Care Ombudsman cases

The Ombudsman recorded 11 new Children's Social Care referrals during 2021-22. Of the 16 decisions made during this business year, five were upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladmin'n	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Early Intervention & Family Support	0	0	0	0	0	0	0	0	0	0	0
Referral & Assessment	1	1	0	0	1	0	2	0	0	5	1
Safeguarding & Care Planning East	0	1	1	0	0	0	0	0	0	2	0
Safeguarding & Care Planning West	2	1	0	0	1	0	1	0	0	5	0
Children Looked After & Care Leavers	0	0	0	0	0	0	0	0	0	0	0
Fostering Adoption & Resources	0	0	0	0	0	0	1	0	0	1	0
Disabled Children's Team	0	0	0	0	0	0	0	0	0	0	1
Quality Assurance	1	1	0	0	0	0	0	0	1	3	1
OVERALL	4	4	1	0	2	0	4	0	1	16	3

Financial consequences of complaints

	2019 - 20	2020 - 21	2021 - 22
Ombudsman cases			
Compensation / backdated payments	£16,907.52	£800.00	£1,797.40
Charges written off	-	£0.00	£0.00
Time & trouble payments	-	£200.00	£0.00
Stage 1 complaints			
Compensation / backdated payments	-	£0.00	£0.00
Charges written off	-	£0.00	£0.00
Time & trouble payments	-	£0.00	£0.00
TOTALS	16,907.52	£1,000.00	£1,797.40

06 | HOUSING

Complaints in relation to Housing are managed through the corporate complaints procedure.

Housing at a glance

	2019 - 2020	2020 - 21	2021 - 22	% on prev. year
Complaints	90	78	94	21%
Percentage responded to on time	65%	72%	60%	-12%
Percentage fully upheld	18%	24%	29%	5%
Percentage partially upheld	11%	12%	8%	-4%
New Ombudsman cases	7	6	10	67%
Ombudsman cases upheld	3	4	2	-50%
Financial consequences	£8,000.00	£6,500.00	£6,000.00	
Compliments	284	108	60	-44%

Housing Complaints under the Council's Corporate Complaints Procedure

The Housing division was the subject of 94 corporate complaints during 2021-22. 60% of individual complaint aspects were responded to on time, contributing to an overall figure of 60% of complaint responses involving Housing being responded to in a timely way. 37% of complaints were fully or partially upheld, a 1% increase on last year's 36%.

Those 78 complaints gave rise to 96 mentions and 108 individual aspects (please refer to the Terminology section).

The table below sets out the individual complaint aspects for the different services within Housing.

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Housing Allocations	47	54	14	7	33	0	30
%	49%	50%	26%	13%	61%	0%	56%
Housing Options	25	27	14	1	12	0	21
%	26%	25%	52%	4%	44%	0%	78%
Housing Register	4	5	1	0	4	0	2
%	4%	5%	20%	0%	80%	0%	40%
Compliance & Development	4	4	0	0	3	1	2
%	4%	4%	0%	0%	75%	25%	50%
Management & Acquisitions	11	12	1	1	10	0	7
%	11%	11%	8%	8%	83%	0%	58%
Support & Resettlement	5	6	1	0	5	0	3
%	5%	6%	17%	0%	83%	0%	50%
OVERALL	96	108	31	9	67	1	65
			29%	8%	62%	1%	60%

Nature of complaint

The largest proportion of complaints (28%) were concerns about quality of service, of which 26% were fully or partially upheld, followed jointly by issues with temporary accommodation and lack of action (both 25%).

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Staff conduct	4	1	1	2	0	4
%	4%	25%	25%	50%	0%	100%
Disputed decision	7	0	0	7	0	5
%	6%	0%	0%	100%	0%	71%
Information	8	6	0	2	0	6
%	7%	75%	0%	25%	0%	75%
Lack of action	27	12	2	13	0	16
%	25%	44%	7%	48%	0%	59%
Quality of service	30	4	4	21	1	18
%	28%	13%	13%	70%	3%	60%
Service Delay	5	3	0	2	0	4
%	5%	60%	0%	40%	0%	80%
Temporary accommodation	27	5	2	20	0	12
%	25%	19%	7%	74%	0%	44%
Behaviour of another service user	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%
OVERALL	108	31	9	67	1	65
		29%	8%	62%	1%	60%

Compliments

As much as we like to learn from complaints we like to learn from compliments too. The following are examples of the compliments received by Housing this year :-

Please can it be documented how well M has handled me with this case. I completely broke down on the phone to her earlier and was inconsolable which was understandable given the devastating news I received. She handled me with such empathy whilst also maintaining professionalism which I know can be a difficult task to do in her role.

I must thank you once again and especially for having C visit the property on Saturday... It was my second time meeting him as he visited the property back in November of 2019 and he was just as polite as he was when we first met, lovely person and representative of the borough.

Since speaking with you, you have been nothing short of amazing. You have been honest with me about my expectations, realistic and informative. Despite the initial wait, you have had this whole process wrapped up in a matter of days which I can't even describe to you how it has alleviated my stress and worry levels and for that, I'd like to thank you.

I simply wanted to personally thank you, again for your referral to supported accommodation ... without your perceptive decision the outcome could have been different on many levels, and I am truly grateful.

I would like to say a big thank you and share my gratitude for your help, my family and I will forever remain grateful for all your kindness and assistance. I know you will say you were doing your job but your attitude towards your job is exemplary! I wish you well further in your career.

I find Bromley the best Local Authority to work with, I wish all others followed suit...The communications are on point, and the bookings are so easy, it's just seamless and I love working with you...we always get the best support and intervention... 100% excellent service all round.

Thank you so much! You have no idea how much relief even your help is giving me. I have been going around in circles trying to help my mum for so long

You have a kind, patient but passionate way and what you have done for me regarding my rent situation is literally life changing .

Just to say thanks for all your help J you have done above and beyond to help me it makes all the difference when someone listens takes your needs into consideration and actually gets things done .I am very appreciate of all your help and am now settled and happy in my new home thanks so much for all your help and wish you all the best for your future good luck 👍

Local Government & Social Care Ombudsman cases

The Ombudsman recorded 10 new Housing referrals during 2021-22. Of the 9 decisions made during the year, 2 were upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladminh	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Housing Allocations	3	0	1	0	0	0	1	0	0	5	3
Housing Options	0	0	0	0	0	0	1	0	0	1	0
Housing Register	1	1	0	0	0	0	0	0	0	2	0
Housing Compliance & Strategy	0	0	0	0	0	0	0	0	0	0	0
Housing Management & Acquisitions	1	0	0	0	0	0	0	0	0	1	1
Housing Support & Resettlement	0	0	0	0	0	0	0	0	0	0	0
OVERALL	5	1	1	0	0	0	2	0	0	9	4

The Ombudsman also issued a public report in respect of a Housing case during this business year. The case concerned the Council's handling of a homelessness approach and was made the subject of a report due to the issues it raised and the subject being a significant topical issue for the Ombudsman.

Financial consequences of complaints

	2019 - 20	2020 - 21	2021 - 22
Ombudsman cases			
Compensation / backdated payments	£5,850.00	£6,250.00	£6,000.00
Charges written off	-	-	-
Time & trouble payments	£250.00	-	-
Stage 1 complaints			
Compensation / backdated payments	£1300.00	£250.00	-
Charges written off	-	-	-
Time & trouble payments	-	-	-
TOTALS	£7,400.00	£6,500.00	£6,000.00

07 | PLANNING & REGENERATION

Complaints in relation to Planning & Regeneration are managed through the corporate complaints procedure. This is the first year that the Customer Engagement & Complaints Service have overseen Planning and Regeneration corporate complaints so no year-on-year comparison data is available.

Planning & Regeneration at a glance

	2019 - 2020	2020 - 21	2021 - 22	% on prev. year
Complaints	-	25	35	40%
Percentage responded to on time	-	55%	58%	3%
Percentage fully upheld	-	15%	16%	1%
Percentage partially upheld	-	12%	4%	-8%
New Ombudsman cases	-	11	7	-36%
Ombudsman cases upheld	-	1	1	0%
Financial consequences	-	£0.00	£0.00	
Compliments	-	0	0	n/a

Complaints under the Council's Corporate Complaints Procedure

Planning & Regeneration services were the subject of 35 corporate complaints during 2021-22. 58% of individual complaint aspects were responded to on time, contributing to an overall figure of 50% of complaint responses involving Planning & Regeneration being responded to in a timely way. 20% of complaints were fully or partially upheld.

Those 35 complaints gave rise to 36 mentions and 45 individual aspects (please refer to the Terminology section). The table below sets out the individual complaint aspects for the different services within Planning & Regeneration.

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Development Management	22	25	4	1	19	1	13
%	61%	56%	16%	4%	76%	4%	52%
Planning Policy & Strategy	1	1	0	0	1	0	0
%	3%	2%	0%	0%	100%	0%	0%
Building Control	10	13	1	0	12	0	9
%	28%	29%	8%	0%	92%	0%	69%
Planning Development & Support	1	2	0	0	0	2	0
%	3%	4%	0%	0%	0%	100%	0%
Facilities & Support	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Property	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Energy	1	3	1	1	1	0	3
%	3%	7%	33%	33%	33%	0%	100%
Libraries	1	1	1	0	0	0	1
%	3%	2%	100%	0%	0%	0%	100%
Town Centre Renewal	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Regeneration	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
OVERALL	36	45	7	2	33	3	26
			16%	4%	73%	7%	58%

Nature of complaint

The largest proportion of complaints (42%) related to disputed decisions, none of which were upheld.

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Staff conduct	1	1	0	0	0	1
%	2%	100%	0%	0%	0%	100%
Disputed decision	19	0	0	19	0	12
%	42%	0%	0%	100%	0%	63%
Information	7	2	0	5	0	4
%	16%	29%	0%	71%	0%	57%
Lack of action	11	3	0	5	3	4
%	24%	27%	0%	45%	27%	36%
Quality of service	5	0	1	4	0	3
%	11%	0%	20%	80%	0%	60%
Service Delay	2	1	1	0	0	2
%	4%	50%	50%	0%	0%	100%
Behaviour of another service user	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%
OVERALL	45	7	2	33	3	26
		16%	4%	73%	7%	58%

Compliments

No compliments were recorded by CE&CS for Planning & Regeneration services this year.

Local Government & Social Care Ombudsman cases

The Ombudsman recorded 7 new Planning & Regeneration referrals during 2021-22. Of the 19 decisions made during the year, one was upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladmin'n	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Development Management	3	5	1	0	2	0	0	0	0	11	1
Planning Policy & Strategy	0	0	0	0	1	0	0	0	0	1	0
Building Control	4	0	0	0	0	0	0	0	0	4	0
Facilities & Support	0	0	0	0	0	0	0	0	0	0	0
Property	0	1	0	0	0	0	0	0	0	1	0
Energy	0	0	0	0	0	0	0	0	0	0	0
Libraries	0	0	0	0	0	0	0	0	0	0	0
Town Centre Renewal	0	0	0	0	0	0	0	0	0	0	0
Regeneration	0	0	0	0	1	0	0	1	0	2	0
OVERALL	7	6	1	0	4	0	0	1	0	19	1

Financial consequences of complaints

	2019 - 20	2020 - 21	2021 - 22
Ombudsman cases			
Compensation / backdated payments	£300.00	-	-
Charges written off	-	-	-
Time & trouble payments	£300.00	-	-
Stage 1 complaints			
Compensation / backdated payments	N/K	-	-
Charges written off	N/K	-	£104.40
Time & trouble payments	N/K	-	-
TOTALS	600.00	0.00	£104.40

08 | EDUCATION

Complaints in relation to Education services are managed through the corporate complaints procedure.

At a glance

	2019 - 2020	2020 - 21	2021 - 22	% on prev. year
Complaints	38	23	50	117%
Percentage responded to on time	51%	48%	92%	44%
Percentage fully upheld	23%	15%	24%	9%
Percentage partially upheld	35%	24%	15%	-9%
New Ombudsman cases	8	8	5	-38%
Ombudsman cases upheld	4	3	3	0%
Financial consequences	£10,604.60	£4,300.00	£6,675.00	
Compliments	38	23	21	-9%

Complaints under the Council's Corporate Complaints Procedure

The Education division was the subject of 50 corporate complaints during 2021-22. 93% of individual complaint aspects were responded to on time, contributing to an overall figure of 92% of complaint responses involving Education being responded to in a timely way. 39% of complaints were fully or partially upheld, level with last year.

Those 50 complaints gave rise to 50 mentions and 67 individual aspects (please refer to the Terminology section).

The table below sets out the individual complaint aspects for the different services within Education.

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Admissions	9	12	0	0	12	0	11
%	18%	18%	0%	0%	100%	0%	92%
Early Years	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Education Welfare	1	1	0	0	1	0	0
%	2%	1%	0%	0%	100%	0%	0%
School Standards Team	1	1	0	0	1	0	1
%	2%	1%	0%	0%	100%	0%	100%
SEN	29	41	12	6	23	0	38
%	58%	61%	29%	15%	56%	0%	93%
SEN Transport	10	12	4	4	4	0	12
%	20%	18%	33%	33%	33%	0%	100%
OVERALL	50	67	16	10	41	0	62
			24%	15%	61%	0%	93%

Nature of complaint

The most prevalent complaints (46%) were in relation to a lack of action, of which 45% were either fully or partially upheld.

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Staff conduct	3	0	0	3	0	2
%	4%	0%	0%	100%	0%	67%
Disputed decision	8	1	0	7	0	7
%	12%	13%	0%	88%	0%	88%
Information	3	1	1	1	0	3
%	4%	33%	33%	33%	0%	100%
Lack of action	31	8	6	17	0	30
%	46%	26%	19%	55%	0%	97%
Quality of service	18	4	2	12	0	16
%	27%	22%	11%	67%	0%	89%
Service Delay	4	2	1	1	0	4
%	6%	50%	25%	25%	0%	100%
Behaviour of another service user	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%
OVERALL	67	16	10	41	0	62
		24%	15%	61%	0%	93%

Compliments

As much as we like to learn from complaints we like to learn from compliments too. The following are examples of the compliments received by Education this year :-

I am ever so grateful for everything you have done with the plan and getting H into the school most suitable for his needs. I honestly appreciate the time and effort you have put in and I cannot thank you enough. You are very good at what you do and we are lucky to have had you involve in his assessment, thank you so much and take care.

You have been amazing to work with on getting C's new provision in place and EHCP support updated, so efficient and responsive, you have really helped in getting us through this complex and lengthy process and to such an amazing result. I'm sure you know this already, but the work you and your team do really does help change children's lives for the better.

Just a quick note of thanks... very rarely do partner organisations and agencies work to reduce unnecessary workload for schools. The automatic allocation of PP+ funding is in the best interests of the children, as less paperwork equates to greater capacity for direct work with them. Thank you very very much!

We started our service on Friday - the people we support came in using a taxi company. I would just like to say that I was very impressed by the service by the company and the timings and organisation of the service. Thank you for all your efforts to make our first day smooth.

I just wanted to write to say just how brilliant N has been in working on my son's EHC plan...N was such a fantastic support throughout and diligently chased those she needed information from. She was reassuring and positive all the way and I was so impressed with the EHC process. It was very interesting experiencing the process as a parent this time and I felt thoroughly supported all the way by N.

I think the whole SEN Transport Team deserves recognition for successfully completing the massive and very complex undertaking to provide a very important service to a vulnerable group, factoring in available resources, safety, quality etc. I am extremely grateful for everything the team has done, in this and previous years, to make this a really positive experience for me as the parent and for my son as a service user. Your team's work makes a real difference in your community - you are an amazing team!

Local Government & Social Care Ombudsman cases

The Ombudsman recorded 2 new Education referrals during 2021-22. Of the 6 decisions made during the business year, 3 were upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladmin'n	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Admissions	0	0	0	0	0	0	0	0	0	0	0
Early Years	0	0	0	0	0	0	0	0	0	0	0
Education Welfare	0	0	0	0	0	0	0	0	0	0	0
School Standards Team	0	0	0	0	0	0	0	0	0	0	0
SEN	1	1	0	0	0	0	3	0	0	5	3
SEN Transport	1	0	0	0	0	0	0	0	0	1	0
OVERALL	2	1	0	0	0	0	3	0	0	6	3

Financial consequences of complaints

	2019 - 20	2020 - 21	2021 - 22
Ombudsman cases			
Compensation / backdated payments	£5,632.00	£1,400.00	£2,950.00
Charges written off	-	-	£0.00
Time & trouble payments	£300.00	£200.00	£0.00
Stage 1 complaints			
Compensation / backdated payments	-	£2,700.00	£3,725.00
Charges written off	-	-	£0.00
Time & trouble payments	-	-	£0.00
TOTALS	£5,932.00	£4,300.00	£6,675.00

09 | CHIEF EXECUTIVE'S DEPARTMENT

Complaints in relation to the Chief Executive's Department are managed through the corporate complaints procedure. This division covers areas such as Finance, Legal, Electoral and Registrar services.

At a glance

	2019 - 2020	2020 - 21	2021 - 22	% on prev. year
Complaints	95	75	80	7%
Percentage responded to on time	59%	52%	68%	16%
Percentage fully upheld	25%	39%	28%	-11%
Percentage partially upheld	17%	10%	20%	10%
New Ombudsman cases	20	9	16	78%
Ombudsman cases upheld	3	2	2	0%
Financial consequences	£1,454.39	£121.00	£0.00	
Compliments	0	12	14	17%

Complaints under the Council's Corporate Complaints Procedure

The Chief Executive's Department was the subject of 80 complaints during 2021-22. 68% of individual complaint aspects were responded to on time, contributing to an overall figure of 56% of complaint responses involving the department being responded to in a timely way. 48% of complaints were fully or partially upheld, a 1% decrease on last year.

Those 80 complaints gave rise to 82 mentions and 102 individual aspects (please refer to the Terminology section).

The table below sets out the individual complaint aspects for the different services within the Chief Executive's Department.

Service	Mentions this year	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Electoral Services	3	3	0	1	2	0	3
%	4%	3%	0%	33%	67%	0%	100%
Registrar Services	8	8	2	2	4	0	8
%	10%	8%	25%	25%	50%	0%	100%
Democratic Services	1	1	0	0	1	0	0
%	1%	1%	0%	0%	100%	0%	0%
Customer Services	5	5	2	1	2	0	3
%	6%	5%	40%	20%	40%	0%	60%
Communications	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Information Management	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Appointeeship	0	0	0	0	0	0	0
%	0%	0%	0%	0%	0%	0%	0%
Bue Badges	2	2	1	1	0	0	0
%	2%	2%	50%	50%	0%	0%	0%
Business Rates	2	2	1	0	0	1	0
%	2%	2%	50%	0%	0%	50%	0%
Care Home Fees	7	8	3	2	1	0	5
%	9%	8%	38%	25%	13%	0%	63%
Council Tax	11	14	1	5	7	1	10
%	13%	14%	7%	36%	50%	7%	71%
Direct Payments	3	3	0	0	3	0	2
%	4%	3%	0%	0%	100%	0%	67%
Domiciliary Care fees	18	26	7	3	15	1	14
%	22%	25%	27%	12%	58%	4%	54%
Housing Benefit	10	14	7	2	5	0	13
%	12%	14%	50%	14%	36%	0%	93%
Income & Recovery	8	10	5	1	4	0	6
%	10%	10%	50%	10%	40%	0%	60%
Freedom Pass	2	4	0	1	3	0	4
%	2%	4%	0%	25%	75%	0%	100%
Legal	2	2	0	1	1	0	1
%	2%	2%	0%	50%	50%	0%	50%
OVERALL	82	102	29	20	48	3	69
			28%	20%	47%	3%	68%

Nature of complaint

The majority of complaints were in relation to quality of service issues (31%), of which 63% were either fully or partially upheld.

Subject	Aspects this year	Fully upheld	Partially upheld	Not upheld	Ongoing	Answered on time
Staff conduct	11	4	2	5	0	9
%	11%	36%	18%	45%	0%	82%
Disputed decision	10	0	2	8	0	7
%	10%	0%	20%	80%	0%	70%
Information	11	2	2	7	0	6
%	11%	18%	18%	64%	0%	55%
Lack of action	16	9	0	4	2	10
%	16%	56%	0%	25%	13%	63%
Quality of service	32	7	13	12	0	25
%	31%	22%	41%	38%	0%	78%
Service Delay	3	1	0	1	1	1
%	3%	33%	0%	33%	33%	33%
Billing & Charging	19	6	1	11	0	13
%	19%	32%	5%	58%	0%	68%
OVERALL	102	29	20	48	3	71
		28%	20%	47%	3%	70%

Compliments

As much as we like to learn from complaints, we like to learn from compliments too. The following are examples of those received this year :-

I would like to praise and compliment Bromley Council for the way they have handled the coronavirus situation. I cannot put in to words the way they have helped me and my business with the grants and the ease with which the payment and process is administered. It is so helpful to make one application and the way the other help is calculated and given automatically. For people who are not very computer efficient this is a great help. Thank you very much to everyone.

Absolutely outstanding service and the speedy process of being able to get married to my sick husband. My whole ceremony was amazing and no improvement could have made it any better.

We just wanted to thank you so much for all of your help over the past year towards our wedding. You have been so supportive during our number of cancellations and really helped us in staying positive and looking forward to our eventual wedding day. We had a lovely day, we're so happy that it finally happened (5th time lucky) and would like to thank you all for making our day special.

Thank you very much for the email informing me that my Blue Badge renewal has been successful...I am amazed at the speed the matter has been dealt with. My thanks to all concerned.

After what I can only describe as a distressing afternoon, I received a phone call from M in response to an email I sent. M resolved the issue for me and immediately put me at ease. He was professional and extremely helpful. It's reassuring to know that you have someone like him on your team.

Can I just say what a wonderful team you have at the registrar's office. I cannot express how grateful I am to {them} for making an onerous process seamless. I wanted to book a date for a marriage registration for my son. I was received with courtesy, patience and an abundance of enthusiasm by them both. Their knowledge base astounded me, and they ensured that I felt comfortable at every stage of the process, going that extra mile, ringing me back as and when needed; never experienced such customer satisfaction from a Council Borough before.

The first time we spoke, I was about to give up my search. I had been struggling to find two certificates and you found one, right away, in your archives and then directed me where to go for the second because you recognised the description of the format. Your knowledge, expertise and patience made all the difference! The second time we spoke, once again, you provided excellent service, and reassured me, when you informed me that a further two certificates were in your archives. I have just received them. My gratitude for your time, attention to detail and kind, efficient help.

Local Government & Social Care Ombudsman cases

The Ombudsman recorded 16 new referrals concerning the Chief Executive's Department during 2021-22. Of the 14 decisions made during the year, 2 were upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladmin'n	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Electoral Services	0	0	0	0	0	0	0	0	0	0	0
Registrar Services	1	0	0	0	0	0	0	0	0	1	0
Democratic Services	2	0	0	0	0	0	0	0	0	2	0
Customer Services	0	0	0	0	0	0	0	0	0	0	0
Communications	0	0	0	0	0	0	0	0	0	0	0
Information Management	0	0	0	0	0	0	0	0	0	0	0
Appointeeship	0	0	0	0	0	0	0	0	0	0	0
Business Rates	0	0	0	0	0	0	0	0	0	0	0
Care Home Fees	0	0	0	0	0	0	0	0	0	0	0
Council Tax	2	1	1	0	0	0	0	0	0	4	0
Direct Payments	0	0	0	0	0	0	0	0	0	0	0
Domiciliary Care fees	0	0	0	0	0	0	2	0	0	2	0
Housing Benefit	0	1	2	1	1	0	0	0	0	5	0
Appointeeship	0	0	0	0	0	0	0	0	0	0	0
Freedom Pass	0	0	0	0	0	0	0	0	0	0	0
Legal	0	0	0	0	0	0	0	0	0	0	0
OVERALL	5	2	3	1	1	0	2	0	0	14	0

Financial consequences of complaints

	2019 - 20	2020 - 21	2021 - 22
Ombudsman cases			
Compensation / backdated payments	£600.00	-	£750.00
Charges written off	£281.39	-	£0.00
Time & trouble payments	£250.00	-	£0.00
Stage 1 complaints			
Compensation / backdated payments	£100.00	£121.00	£300.00
Charges written off	£223.00	-	£3,404.35
Time & trouble payments	-	-	£0.00
TOTALS	£1,454.39	£121.00	£4,454.35

10 | ENVIRONMENT & PUBLIC PROTECTION

Complaints under the Council's Corporate Complaints Procedure

Environment & Public Protection maintain their own complaints statistics and supply them to CE&CS for the purposes of this report. They recorded 485 cases as having been handled as corporate complaints during 2021-22, a significant increase on the previous year. This is understood to be as a result of a policy adopted following an internal restructure, meaning that all Neighbourhood Management approaches received through the Council website are recorded as formal complaints.

Service	2019 - 20	2020 - 21	2021 - 22	%age
Highways & Transport	22	19	16	-16%
Neighbourhood Management	134	158	444	181%
Public Protection	21	10	9	-10%
Traffic, Road Safety & Parking	34	26	16	-38%
OVERALL	211	207	485	134%

Nature of complaint

Environment & Public Protection currently allocate their complaints to one of four categories.

Service	On time	Information	Lack of action	Operational	Staff conduct	Policy	TOTAL	2020-21
Highways & Transport	100%	0	5	6	0	5	16	19
Neighbourhood Management	100%	8	73	276	64	23	444	152
Public Protection	100%	0	5	2	0	2	9	10
Traffic, Road Safety & Parking	93%	2	7	6	0	1	16	26
OVERALL	98%	10	90	290	64	31	485	207

Local Government & Social Care Ombudsman cases

The Ombudsman recorded 9 referrals during 2021-22. Of the 13 decisions made during the year, none was upheld.

Ombudsman outcomes	CLOSED			NOT UPHELD		UPHELD				TOTAL	Ongoing
	NFA	No jurisdiction	Premature	NFA	No maladmin'n	NFA	Maladmin & Injustice	Maladmin, no injustice	Already remedied		
Highways	2	1	1	0	0	0	0	0	0	4	0
Traffic & Parking	6	0	0	0	0	0	0	0	0	6	1
Environment	1	0	0	0	0	0	0	0	0	1	2
Public Protection	2	0	0	0	0	0	0	0	0	2	1
OVERALL	11	1	1	0	0	0	0	0	0	13	4

Financial consequences of complaints

	2019 - 20	2020 - 21	2021 - 22
Ombudsman cases			
Compensation / backdated payments	£300.00	-	-
Charges written off	-	-	-
Time & trouble payments	£180.00	-	-
Stage 1 complaints			
Compensation / backdated payments	N/K	-	-
Charges written off	N/K	-	-
Time & trouble payments	N/K	-	-
TOTALS	£480.00	0.00	0.00

11 | PUBLIC HEALTH

The Council received no complaints relating to its Public Health responsibilities this year.



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Agenda Item 6

London Borough of Bromley

Report No.

PART I – PUBLIC

Agenda Item No.:

Decision Maker: General Purposes & Licensing

Date: 16th February 2023

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

TITLE: 2023/24 PAY AWARD

Contact Officer: Emma Downie, Head of HR Business, Systems & Reward
Tel: (020) 8313 4082 email: emma.downie@bromley.gov.uk

Chief Officer: Charles Obazuaye, Director of HR, Customer Services & Public Affairs
Tel: (020) 8313 4355 email: charles.obazuaye@bromley.gov.uk

Ward: N/A

1. REASON FOR REPORT

- 1.1 Under the local terms and conditions of employment framework, the General Purposes & Licensing Committee (GP&L) is required to make a recommendation on pay awards to Full Council.
 - 1.2 Pursuant to the local framework, the annual pay award review is now part of the Council's budget planning process. This requirement is a key driver for coming out of the national/regional pay negotiating frameworks.
-

2. RECOMMENDATION(S)

2.1 Members are asked to recommend that Full Council approve the following:

(i) A flat 2% pay increase for all staff (excluding teachers who are covered by a separate statutory pay negotiating process) in response to the unexpected spiralling inflation post 2022/3 pay award agreed by full Council. Increase would be effective from 1st April 2023.

(ii) A flat 5.75% pay increase for all staff (excluding teachers who are covered by a separate statutory pay negotiating process) for 2023/24

(iii) An additional £200k towards Merited Rewards, for 2023/24, bringing the total to £400k for rewarding staff for exceptional performance.

(iv) That the Trade Unions' pay claim for staff be rejected (see para 3.12 below and attached Appendices)

2.2 Members also note that, as in the previous years since coming out of the nationally/regionally negotiated frameworks, Bromley staff will receive the 2023/24 pay increase in time for the April pay.

Corporate Policy

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

Financial

1. Cost of proposal: £6.6m
 2. On-going costs: £6.6m
 3. Budget Head/Performance Centre: Staffing budgets across the council
 4. Total current budget for this Head: £86m (prior to award)
 5. Source of Funding: Central contingency
-

Staff

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

Legal

- 1) Legal Requirement: Non-Statutory Requirement
 - 2) Call In: Call in is not applicable
-

Customer Impact

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

Ward Councillor Views

- 1) Have Ward Councillors been asked for comments: N/A
- 2) Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 The Council formally adopted a local terms and conditions of employment framework for its staff, except teachers, on 12th November 2012. The key elements of the localised arrangements are as follows:

- Locally determined annual pay award for all staff, except teachers, aligned with the annual budget setting process;
- Merited reward (non-consolidated/non-pensionable) for exceptional performers;
- Any pay increases, including increments and pay awards linked to satisfactory performance for all staff, not automatic.

3.2 The Council have a broadly balanced budget for 23/24 and has received a good local government finance settlement. It is a one year settlement with limited indication of funding for 2024/25. Although additional government funding is welcomed this has to be considered against the context of significant cost/growth pressures and significant increases in inflation.

3.3 The transformation programme continues to help provide a sustainable budget but there are clear challenges ahead with a potential budget gap of around £30m per annum by 2026/27.

3.4 The Council's approach to these pressures and the challenges and opportunities it faces is comprehensively addressed in the report 'Draft 2023/24 Budget and Update on Council's Financial Strategy 2024/25 to 2026/27' to Executive on 18th January 2023. A copy of the report can be found at the following link:

[BUDGET 202324 FINAL v2.pdf \(bromley.gov.uk\)](#)

3.5 Delivering sustainable finances is increasingly important during a period of national economic instability which creates uncertainty over the longer term.

3.6 In order to continue to provide services in the longer term the Council will need to transform existing service provision, release the necessary revenues, increase council tax income, continue to explore investment opportunities and mitigate against the cost pressures currently being forecast. The Transforming Bromley Agenda seeks to address these issues.

3.7 In December, CPI was at 10.5% and RPI was at 13.4%. The Bank of England expects inflation to fall back from the middle of 2023.

3.8 Against this background, the Council proposed for all staff and Trade Union consultation purposes the following:

- In 2022/3 the Council agreed a 2.25% pay award which at the time was reasonable and consistent with the average pay award across the main sectors. As usual it was implemented in April 2022. However, In response to the unexpected spiralling inflation post 2022/3 pay award agreed by full Council, the Council is proposing a further 2% increase, but effective from 1st April 2023.

- Against the ongoing pressures the Council is proposing a 5.75% pay award for 2023/4.
- Together staff will receive 7.75% if agreed by full Council, effective from 1st April 2023.

This would apply to all officers with the exception of teachers who are covered by a separate statutory pay negotiating process.

- 3.9 In addition to this and in recognition of the hard work of staff the Council proposed an additional £200k towards Merited Rewards, increasing the amount to £400k for 2023/24. The reward in vouchers is non consolidated and non pensionable. The Merited Reward Scheme is used to reward staff for exceptional performance with the ratio of awards being significantly in favour of those in BR graded roles (85% of rewards for 22/23).
- 3.10 The proposal was communicated on behalf of the Director of HR, Customer Services & Public Affairs to all staff on 19th January 2023 and the Unions, comprising Unison, GMB and Unite were also advised. At the time of writing the report feedback is still being gathered. The initial reaction from the unions is not favourable compared to some positive responses from employees and Departmental Representatives.
- 3.11 We have received feedback from a number of employees regarding the pay award. These comments included the combined offer being generous and a pleasant surprise. There was also some feedback regarding the 2% not being backdated as well as comments regarding the use of fixed value payments as an alternative to a % increase. The consequential implications of a fixed value being applied, which would mean a higher % for lower grades, would be erosion of differentials between the grades which could also impact on senior staff recruitment and retention.
- 3.12 At the time of writing the report, we are still awaiting details of the joint claim from GMB, Unison and Unite. However, nationally the Unions' claim is as summarised below (Management's response is indicated in italics) A full copy of the claim and supporting documentation can be found at Appendix A.

- An increase of RPI + 2% on all spinal column points

The latest figures from the Office for National Statistics (ONS) currently report RPI at 13.4% and CPI at 10.5% however, the pay offer has to be seen in the wider context of the pressures on Public Sector finances.

Nationally, whilst the previous years pay award was finally settled in November 2022, there are currently no proposals for the 23/24 pay award.

The unions' RPI + 2% pay claim (15.4%) would cost the Council £13.2m.

- Consideration of a flat rate increase to hourly rates of pay in order to bring the minimum rate up to £15 per hour within two years

The proposed increase would mean the minimum hourly rate at Bromley would be £11.93 per hour. The National Living Wage from April 2023 will be £10.42 per hour.

One of the key principles of adopting a local pay framework allows democratically elected Members/Councillors to determine staff pay and terms and conditions based on a number of factors including affordability and local benchmarks. In 2020/21, the Council removed the equivalent of lower spinal points up to and including spinal point 8.

- A review and improvement of NJC terms for family leave and pay

The Council recognises the need to ensure an adequate work life balance for its staff and empowers its managers and staff to ensure that this happens.

Bromley has a range of flexible working and benefits for working parents including the Childcare deposit loan scheme, parental leave and special leave along with flexible working practices. Bromley's pay arrangement is equality compliant.

- A review of job evaluation outcomes for school staff whose day to day work includes working on Special Educational Needs (SEN)

The Council uses the Greater London Provincial Council (GLPC) Job Evaluation Scheme for evaluating all BR roles across the Council. The scheme was jointly agreed by the employers and unions in London local government with all staff who undertake job evaluation at Bromley being trained in the scheme.

- An additional day of annual leave for personal or well-being purposes

There are no plans to increase the minimum entitlements for annual leave. The minimum leave in the Council is 24 plus the 8 statutory bank holiday, rising to 30 for long standing employees with 5 years or more service. This compares favourably with the leave provisions both in the private and public sector.

In addition, employees are given a discretionary additional concessionary day during the Christmas period.

The Council is committed to the well-being of our employees and regularly promotes wellbeing initiatives such as the Telephone Lottery, Well-being webinars, Ask HR sessions as well as the introduction of our Volunteering Policy. Support is also available to all staff through the Employee Assistance Programme as well as our Mental Health First Aiders. Promotions from Workforce Development are sent to staff on a regular basis.

- A homeworking allowance for staff for whom it is a requirement to work from home

Since the beginning of the Covid-19 Pandemic, various support has been made available including laptops and IT goody bags to support agile working, desks and chairs made available where required, mental health support and wellbeing initiatives and online training and support.

The Council's commitment to hybrid and agile working is very clear as stated in the Transforming Bromley Workplace Modernisation Programme. Therefore, as we eased back to the workplace following the lifting of the coronavirus restrictions, staff could continue to work smartly in a mixed arrangement including a combination of home and office working or wholly from the office, subject to the desk to staff ratio (approximately 50% desk occupancy).

- A reduction in the working week by two hours

There are no plans to look at a reduction of the standard working week

However, we are committed to giving serious consideration to requests for flexible working arrangements. This includes 'compressed weeks' where staff work their usual 5-day week hours over the course of 4 days. We already have a number of colleagues working under these arrangements.

- A review of the pay spine, including looking at the top end, and discussions about the link between how remuneration can be used to improve retention

Bromley Council previously adopted localised terms and conditions giving democratically elected Members/Councillors the ability to determine staff pay and terms and conditions based on a number of factors including affordability and local benchmarks.

The Recruitment & Retention Board, chaired by the Director of HR, Customer Services & Public Affairs continues to monitor and benchmark a number of hard to fill positions across the Council. This includes undertaking regular benchmarking activities with London Councils and other neighbouring authorities in regard to pay and benefits.

How does the Council's 2023/24 pay award increase offer compare?

- 3.13 The National Joint Council (NJC) agreed its 22/23 pay deal in November 2022 at a flat rate of £1925 across all points (£2229 for Outer London). At the time of writing this report, the National Employers for Local Government have yet to put forward an offer for 23/24.
- 3.14 The Council will continue to monitor staff recruitment and retention and where appropriate additional pay including the use of market supplements and any other proportionate responses will be adopted e.g. hard to fill and retain posts in children/adult services. Since coming out of national terms & conditions, Bromley's pay remains competitive for all occupations.

4. Public & Private Sector pay forecast 2023/2024

- 4.1 The 'winter of industrial actions' with multiple strikes across the public sector in particular is an indication of the challenging environment for pay award discussions and negotiations. Nationally, the unions across the public sector including local government (LG) are asking for inflation matching pay rises minimally, which is

currently circa 10% (CPI). The expectation is that pay rises will be somewhere between 3% and 5%.

- 4.2 The LG unions mainly Unison, Unite and GMB have submitted a joint pay claim of RPI (approx. 14%) plus 2% totalling 16% in the main. LG employers have not confirmed their position as yet however we believe that most councils are budgeting for a 5-6% increase.
- 4.3 Private sector pay rises are expected to be in the region of 5-6% in 2023 according to a recent XpertHR report.
- 4.4 The Council continues to operate in an economic climate of national financial uncertainty whilst having to face enormous pressures to deliver services where demand for growth is high particularly in relation to care services to vulnerable children and adults.
- 4.5 The Council will continue to respond positively and flexibly to the labour markets regarding critical skills and hard to recruit and retain posts, in particular by offering enhanced packages if appropriate. Staff employed by the Council are also able to access the "Real Benefits" Scheme. Through the scheme the Council has negotiated favourable discounts with a range of retailers in Bromley. Accessing these benefits maximises the opportunity for employees to save on everyday living costs and staff feedback in this respect has been very positive.
- 4.6 Additionally, the Leader, the Portfolio Holder for Resources and their Cabinet colleagues and the Chairman of General Purposes and Licensing Committee are still committed to the Merited Pay Reward scheme for exceptional performers
 - A separate amount of £200k for Merited Award vouchers for exceptional performers has been set aside and in 2023/24 a proposed increase to bring this to £400k. In 2022/23 a total of 444 awards ranging from circa £250 to £1,000 were awarded to staff, 85% of these within BR grades. Also, a total of 241 mini rewards circa £100 (average) were awarded to staff.
 - Every year the Council recruits graduate interns and many of them have been promoted into permanent senior positions in the organisation. In terms of the Apprenticeship Levy, HR is developing a plan to use the levy to upskill existing staff in the organisation partly to address areas of recruitment and retention difficulty.

5. POLICY IMPLICATIONS

- 5.1 As stated in paragraph 3.1 above, the annual pay award review is one of the key drivers for adopting the localised terms and conditions of employment framework for staff, except teachers. It enables the Council to set its own pay award free from nationally/regionally negotiated arrangements, usually divorced from local pressures and circumstances.
- 5.2 Aligning the pay review process with the budget setting process means that the cost of the pay increase is not viewed in isolation from the other significant cost pressures impacting on the Council's overall budget

6. FINANCIAL IMPLICATIONS

- 6.1 A 2% increase to all staff as detailed in recommendation 2.1 (i), will cost the Council £1.7m p.a.
- 6.2 A 5.75% increase to all staff as detailed in recommendation 2.1 (ii), will cost the Council £4.9m p.a.
- 6.3 Provision for a 7.75% increase has been included in the Draft 2023/24 Budget. The proposed £200k increased cost of Merit Rewards would need to be funded from Central Contingency.

7. LEGAL IMPLICATIONS

- 7.1 As set out in the report, there are no specific implications, including equal pay arising from the proposed pay award recommendations as detailed in para 2.1 above.

8. PERSONNEL IMPLICATIONS

- 8.1 As set out in the report.

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



**Trade Union Side of the National Joint Council for Local Government Services:
England, Wales and Northern Ireland**

NJC PAY CLAIM 2023-24

This NJC pay claim for 2023-24 is made by the Joint Trade Union Side (UNISON, GMB and UNITE) to the Local Government Association.

Our claim is for:

- An increase of RPI + 2% on all spinal column points

In addition:

- Consideration of a flat rate increase to hourly rates of pay in order to bring the minimum rate up to £15 per hour within two years
- A review and improvement of NJC terms for family leave and pay
- A review of job evaluation outcomes for school staff whose day to day work includes working on Special Educational Needs (SEN)
- An additional day of annual leave for personal or well-being purposes
- A homeworking allowance for staff for whom it is a requirement to work from home
- A reduction in the working week by two hours
- A review of the pay spine, including looking at the top end, and discussions about the link between how remuneration can be used to improve retention

30 Jan 2023

CONTENTS

Key points in our claim

- 1. CONTEXT OF OUR CLAIM**
- 2. COST OF LIVING CRISIS**
- 3. ECONOMIC BACKGROUND**
- 4. COMPARING NJC PAY**
- 5. RECRUITMENT AND RETENTION PRESSURES**
- 6. PAY-RELATED CONDITIONS OF WORK**
- 7. EQUALITY IMPACT**
- 8. CONCLUSION**

Key points in our claim

CONTEXT OF OUR CLAIM

- Council and school workers have suffered over a decade of below average pay awards/pay freezes
- Local government workers have lost on average 25% from the value of their pay spine since 2010
- As household costs continue to rise, the value of staff pay keeps falling – with 4.6% lost from the value of local government pay in 2022 alone
- 81% of local authorities are concerned about their staffing capacity to deliver services
- 51.5% of the cost of meeting this pay claim would be recouped by the government through increased tax income for the Treasury

COST OF LIVING CRISIS

- Rapid inflation is pushing up prices faster than wages
- The latest 2022 NJC pay award has been completely wiped out by rising household costs
- Local government workers are skipping meals, not running the heating or relying on foodbanks
- Council and school workers are experiencing the fastest fall in living standards since records began
- This crisis will burden local government workers with debt that will be carried with them for years

ECONOMIC BACKGROUND

- In the last year, gas prices rose by 132%, electricity prices by 66%, mortgage interest payments by 26% and petrol and oil costs by 22% - over the same period NJC pay increased by (on average) 7%
- HMRC mileage rates have remained frozen since 2011 while (over the same period) petrol costs have risen by 43%
- For 11 of the last 12 years, NJC pay awards have fallen below average pay awards in both the private sector and across the whole economy.

COMPARING NJC PAY

- NJC pay at the bottom end has now fall below the £10.90 UK Foundation Living Wage rate
- The new legal minimum will climb to £10.42 per hour in April 2023 – only 18p behind NJC SCP 2
- The TUC is calling on the government to set a target for a £15 per hour minimum wage ‘as soon as possible’, with all major unions supporting this call
- If this claim was met (and subsequent NJC pay awards maintained similar levels) the NJC could reach a £15 minimum by 2025 – alternatively, flat rate hourly increases could be implemented (e.g. £2.50 per hour on all spinal column points in both 2023-24 and in 2024-25)

RECRUITMENT AND RETENTION PRESSURES

- 81% of councils are concerned about their capacity to deliver services due to workforce absences and their ability to recruit and retain staff
- For some roles, local authorities are even struggling to fill vacancies with agency staff
- Local government already has an ageing workforce and struggles to attract new, young staff
- With unemployment at a record low and local government pay stagnating, even some traditionally low-paid high street/retail jobs have caught up and overtaken local government pay

PAY-RELATED CONDITIONS OF WORK

- NJC terms for family leave and pay compares unfavourably and need a major review
- Some school staff would benefit from a review of job evaluation
- An additional day of annual leave (for personal or well-being purposes) plus a two hour reduction in the working week would help to restore some work/life balance for local government workers
- A homeworking allowance would support staff for whom it is a requirement to work from home
- The NJC pay spine has already been distorted by a number of factors and is in need of a review

1. CONTEXT OF OUR CLAIM

The trade union side recognises the difficult climate in which pay negotiations are taking place this year. Rapid inflation means that despite moves in the 2022/23 NJC pay settlement to cushion the impact on lower paid staff (and progress made on annual leave entitlements), local government staff continue to face real terms pay cuts across the whole spine - with an average of 25% lost from the value of members' pay since 2010. This has made local authority pay uncompetitive and worsened an already serious recruitment and retention crisis in local government. With a continued severe strain on our members' cost of living, we believe that an above inflation settlement is essential if critical services are to be delivered.

Over the last year, the cost of living crisis has pushed gas prices up by 132%, electricity by 66% and mortgage interest payments by 26%. Meanwhile other previously rising costs have continued to grow (petrol and oil costs by 22%, house prices and rents by approx. 10%). As these household costs continue to rise, the value of staff pay keeps falling – with 4.6% lost from the value of local government pay in 2022 alone.

The government states that it cannot afford higher pay for public sector workers. Yet the rules of supply and demand remain: to maintain service levels for the public, local authorities need staff to deliver these services. Historic low pay and rising inflation does not alter that demand for services – and yet low pay in local government means councils and schools are struggling to recruit/retain staff and provide expected levels of service. 81% of local authorities now say they are concerned about their capacity to deliver services due to their ability to recruit and retain staff.

If this trend continues, local government will become an unattractive employer for the workforce at large. Despite rampant inflation and the cost of living crisis, unemployment in the UK remains at an historic low. If local government workers feel underpaid and undervalued, it's now easier than ever for them to find better paid, less stressful work elsewhere.

If NJC pay falls further behind rates in the wider labour market, local government will be unable to attract new applicants – who are likely to seek better paid work in less demanding settings, like retail, hospitality and supermarkets (many of whom have caught up with or overtaken local government wages).

With the legally enforceable minimum wage set to climb to £10.42 per hour (only 18p behind NJC SCP 2), NJC pay has once again fallen into rock bottom territory.

With rapid inflation and stagnant pay growth pushing people into poverty, the TUC and NJC unions are calling on the government to set a £15 per hour minimum wage target by 2030. NJC pay would need to rise by at least 4.5% annually from 2023 to reach a £15 per hour minimum by 2030. If this claim was met (and subsequent NJC pay awards maintained similar levels) the NJC could reach a £15 minimum as early as 2025.

Local government workers (and the services they deliver) have endured austerity, a pandemic and a cost of living crisis – all against a backdrop of year-on-year cuts to the value of their pay. In a sector that is now deeply reliant on an aging workforce, agency workers and market supplements – it is unlikely to withstand another crisis. If local government employers do not take unprecedented action on pay and conditions, then there may be no one left to deliver the crucial local services that have been undervalued and taken for granted for far too long.

Our claim for RPI+2% is a bold but entirely fair one, that would go some way to reversing the average 25% lost from the value of NJC pay since 2010 - and stop the recruitment and retention crisis from getting even worse. It would also send a clear signal to local government workers that they are valued and respected for the crucial local services they deliver.

2. COST OF LIVING CRISIS

2.1 Household costs and growing consumer debt

With rapid inflation pushing up prices faster than wages, the cost of everyday goods and services is becoming too much for households to afford – pushing them further into debt and poverty, even when their wages are standing still. This has caused a surge in people using credit cards to pay for essentials such as food shopping and borrowing money from family and friends.

A third of low paid public service workers have had to ask friends or family for financial support to make ends meet, and more than one in three rely on credit cards for everyday spending. Food shopping is now the top credit card spend in the UK, with 38% using credit to pay for food¹. Grocery inflation is at a 14-year high meaning the average UK food bill has gone up by over £450 a year². It's getting harder to make the weekly supermarket shop add up and many public service workers are cutting back, skipping meals or even relying on foodbanks.

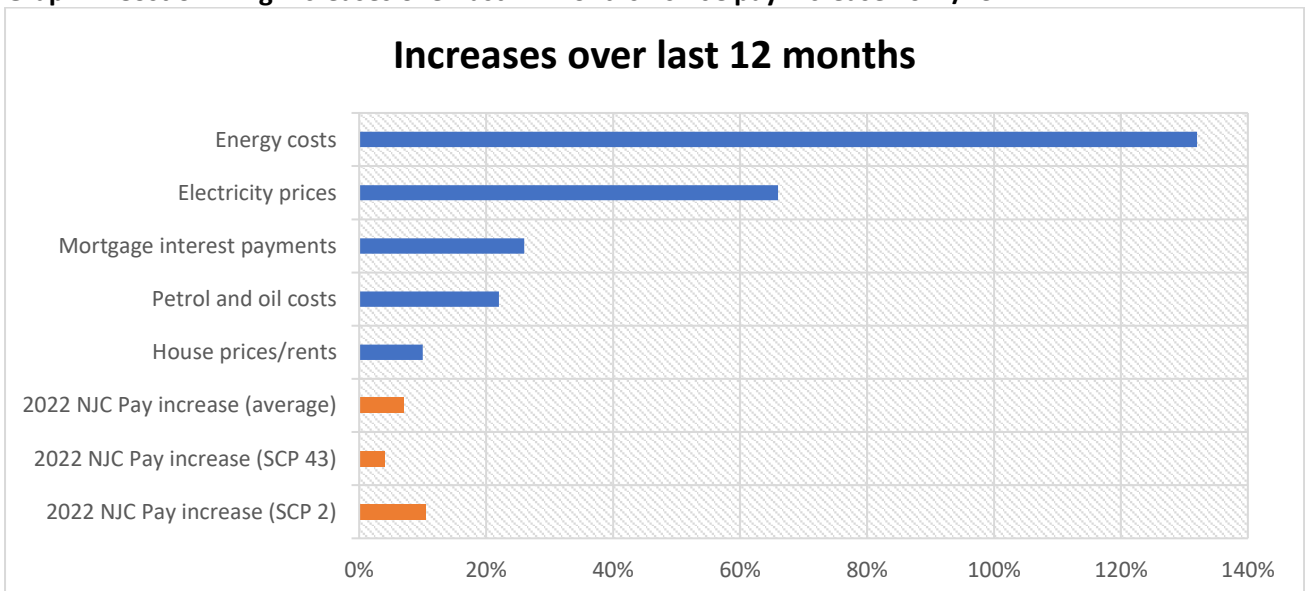
Bills like water, energy and council tax keep piling up, which can result in visits from bailiffs, spiralling fees and court summons. Without a pay rise, these debts are becoming harder to repay. This vicious cycle means this cost of living crisis will be felt long after the storm has passed for other households who aren't in debt.

Worrying about money is extremely stressful. 84% of low paid public service workers say pressures on their household budgets is having a serious effect on their mental health³. A pay rise is the best way to help households manage their bills and begin to tackle the debt they have accumulated.

2.2 Cost of living vs NJC pay

The reality of this unprecedented crisis is that the latest 2022 NJC pay increase has been completely wiped out by a tidal wave of rising household costs - as shown in the graph below. Even when household costs return to more conventional levels, the debt that this crisis will have burdened local government workers with will be carried with them for years – further devaluing their pay.

Graph 1: Cost of living increases over last 12 months Vs NJC pay increase 2022/23



¹ Compare The Market, Dec 2022

² Kantar, July 2022

³ UNISON, Dec 2022

3. ECONOMIC BACKGROUND

3.1 Inflation rates and RPI

The trade union side believes that the Retail Prices Index (RPI) remains the most accurate measure of inflation faced by employees. While the most widely quoted figure for inflation in the media is the Consumer Prices Index (CPI), CPI consistently understates the real level of inflation for the following reasons:

- CPI fails to adequately measure one of the main costs facing most households in the UK – housing. Almost two-thirds of housing in the UK is owner occupied, yet CPI almost entirely excludes the housing costs of people with a mortgage
- CPI is less targeted on the experiences of the working population than RPI, since CPI covers non-working groups excluded by RPI – most notably pensioner households where 75% of income is derived from state pensions and benefits, the top 4% of households by income and tourists;
- CPI is calculated using a flawed statistical technique that consistently under-estimates the actual cost of living rises faced by employees. The statistical arguments are set out exhaustively in the report “Consumer Prices in the UK” by former Treasury economic adviser Dr Mark Courtney

Our headline claim is for “an increase of RPI + 2% on all spinal column points”. This increase is shown in appendix 2. The RPI figure used in this pay claim (as the basis for our subsequent calculations) is the Office for Budget Responsibility’s (OBR) latest annual forecast for 2023, currently 10.7%, as published November 2022⁴.

The trade union side have agreed on this rate as it is the OBR’s current annual forecast for both the year in which we are submitting the claim and in which (we hope) the 2023/24 pay round will be settled.

3.2 Value of NJC pay

Since 2010, NJC spine points have lost (on average) 25% of their value when measured against the cost of living / Retail Price Index (RPI). The below table summarises examples of real terms (RPI) changes to the earnings of top of band roles, based on job bandings as advertised by employers, between April 2009 (when pay austerity started in local government) and the end of the current NJC pay settlement.

Table 1: Real (RPI) changes to selected spine points 2009/10 to 2022/23

Occupation	Old Spine Point	2009/10	2022/23	New Spine Point	Real change (%)
Cleaner	6	£12,489	£20,258	1	-7.4
Customer Services Officer	11	£14,733	£20,812	3	-14.3
Refuse And Recycling Collector	13	£15,444	£21,189	4	-19.5
Library Assistant	16	£16,440	£21,968	6	-23.7
Teaching Assistant (Level 2)	17	£16,830	£21,968	6	-23.7
Crematorium Officer	18	£17,161	£22,396	7	-25.5
Qualified Residential Care Worker	21	£19,126	£24,054	11	-28.2

⁴ Office for Budget Responsibility: Economic and fiscal outlook, Nov 2022

Occupation	Old Spine Point	2009/10	2022/23	New Spine Point	Real change (%)
HLTA	28	£23,708	£29,439	22	-29.1
Librarian	31	£26,276	£32,020	25	-30.4
Environmental Health Officer	34	£28,636	£34,723	28	-30.8
Access to Housing Officer	38	£31,754	£38,296	32	-31.1
Social Worker	36	£30,011	£36,298	30	-30.9
Accountant	41	£34,549	£41,496	35	-31.4
Children's Residential Manager	46	£38,961	£46,549	40	-31.8

As the table above demonstrates, a number of roles hit by the effects of long-term low pay are those likely to be worst hit by the cost-of-living crisis. For the full version of this table, showing all SCPs, see appendix 1.

3.2 Falling value in NJC pay

Table 2: NJC Pay Awards Vs Rise in cost of living (RPI)

Year	NJC pay increases	Rise in cost of living ⁵ (as measured by Retail Prices Index)
2010	0%	4.6%
2011	0%	5.2%
2012	0%	3.2%
2013	1%	3.0%
2014		2.4%
2015	2.2%*	1.0%
2016	1%*	1.8%
2017	1%*	3.6%
2018	2%*	3.3%
2019	2%*	2.6%
2020	2.75%	1.5%
2021	1.75%	4.1%
2022	7% (average)	11.6% (forecast)**

*For certain NJC pay points

**Office for Budget Responsibility: Economic and fiscal outlook, November 2022

The table above demonstrates the major fall in living standards suffered by local government staff over recent years. This means that a wage keeping pace with the cost of living each year would have risen by 47.9% since 2010. However, NJC pay has risen by just 20.7% over the same period, which means that thousands of pounds have been cut from the value of staff wages.

Even before the current cost of living crisis, some everyday goods were rising in price far quicker than local government wage rises (which have averaged just under 1% since 2010), as shown in Table 2:

⁵ Office for National Statistics, Consumer Price Inflation Reference Tables, January 2022

Table 3: Price changes to RPI commodities over the year to Oct 2022

Item	Average % increase to October 2022
Housing and household expenditure	18.1
Food and catering	15.0
Consumer durables	11.5
Personal expenditure	9.8
Travel and leisure	9.4
Alcohol and tobacco	5.1
All goods	11.1
All services	19.9
All items	14.2

Source: Office for National Statistics, Consumer Price Inflation Reference Tables, October 2022

Within these figures, some costs are rising significantly faster, led by energy costs that have seen gas prices more than double (at 132%), electricity prices rise by 66%, mortgage interest payments jump 26% and petrol and oil costs increase by 22%.

Energy prices have escalated sharply since April 2022, when the price cap received an enormous lift and the average bill increased from £1,277 to around £2,000 a year. Ofgem then announced that the cap would increase further to £2,800 in October, though the Energy Price Guarantee is held the average household bill at £2,500. But the scale of subsidy will be drawn back from April 2023, when average household bills are expected to reach £3,000 – an increase of £1,700 over the year.

The effect of rises in the Bank of England base rate has also begun to take a toll on mortgage debt. The Resolution Foundation estimates that average mortgage payments will rise by £3,500 between Q3 2022 and Q4 2023⁶.

The price of housing also remains one of the biggest issues facing employees and their families. Across the UK, **house prices rose by 9.5%** in the year to September 2022⁷, with Wales experiencing the biggest increase at 12.6%, followed by Northern Ireland at 10.7%, England at 9.6% and Scotland at 7.3% (for a breakdown of increases by English region, click [here](#)).

Private rental prices have also seen a significant increase, taking the **average monthly rent for new tenancies in the UK up 10.6%** to £1,171⁸ in November 2022 (for a country / regional breakdown of rents click [here](#)).

Current inflation rates can mask longer term changes in the cost of living that have taken place since 2009. The examples below show major increases in core costs that have surpassed average price increases over the period.

Table 4: Highest cost of living rises, 2009-21

Expenditure item	Bus / coach fares	Electricity bills	Rail fares	House prices
Price rise 2009 - 21	88%	65%	55%	53%

⁶ Resolution Foundation, Interesting Times, October 2022

⁷ Office for National Statistics, UK House Price Index: September 2022, published November 2022

⁸ HomeLet Rental Index, October 2022

3.4 Mileage rates and the cost of motoring

Among all the recent cost of living rises, one of the most significant for local government workers is the increased cost of motoring. For staff who are not office based (care workers, social workers, housing workers, youth workers and more), the only way to carry out their daily visits is by car – especially those working in large rural authorities where public transport is not viable/available.

Most local government employers use HMRC rates for mileage allowances that have remained unchanged since 2011. Over the same period, petrol costs have risen by 43% - leaving local government workers out of pocket when using their cars for work.

Table 5: Rise in motoring costs, Office for National Statistics

	Since last year	Since 2011
Total motoring costs	18%	39%
Petrol and oil costs	45%	43%
Vehicle maintenance costs	6%	38%

New analysis shows that to keep pace with these increases, at least a 63p mileage rate increase is needed for the first 10,000 miles and then at least 35p for every additional mile. This would put £150 a year back into workers' pockets and better reflect the real costs of motoring.

Table 6: Current HMRC approved mileage rates (2011-12)

	First 10,000 business miles in the tax year	Each mile over 10,000 miles in the tax year
Cars and vans	45p	25p
Motorcycles	24p	24p
Bicycles	20p	20p
Passenger on work journey	5p	

In our previous pay claim, the NJC unions asked for: “**A separate urgent review of all mileage rates currently applying is undertaken**”. The employers responded, explaining that with no mechanism in place for updating (the not widely used) NJC rates and no role in determining HMRC mileage rates, there were limited options available for them to address this.

And although the LGA confirmed it would write to HMRC to request a review of mileage rates, we understand the HMRC did not commit to raising their rates.

3.4 Average pay settlements

Table 7 shows how a decade of below average NJC pay awards have caused local government staff to fall behind their equivalents in the private sector and wider economy. For 10 of the last 11 years, NJC pay awards have fallen below average pay awards in both the private sector and across the whole economy.

Table 7: NJC pay awards Vs those in the wider economy since 2010

Year	Across economy	Private services*	NJC Pay Award
2010	2%	2%	0%
2011	2.5%	2.7%	0%
2012	2.5%	2.8%	0%
2013	2.5%	2.5%	1%
2014	2.5%	2.5%	2.2%**
2015	2.2%	2.4%	
2016	2%	2%	1%**

2017	2%	2.2%	1%**
2018	2.5%	2.5%	2%**
2019	2.5%	2.5%	2%**
2020	2.3%	2.2%	2.75%
2021	2.0%	2.32%	1.75%
2022			7%***

*Does not include manufacturing and primary, as these are less accurate comparators

** For NJC SCPs over a certain level

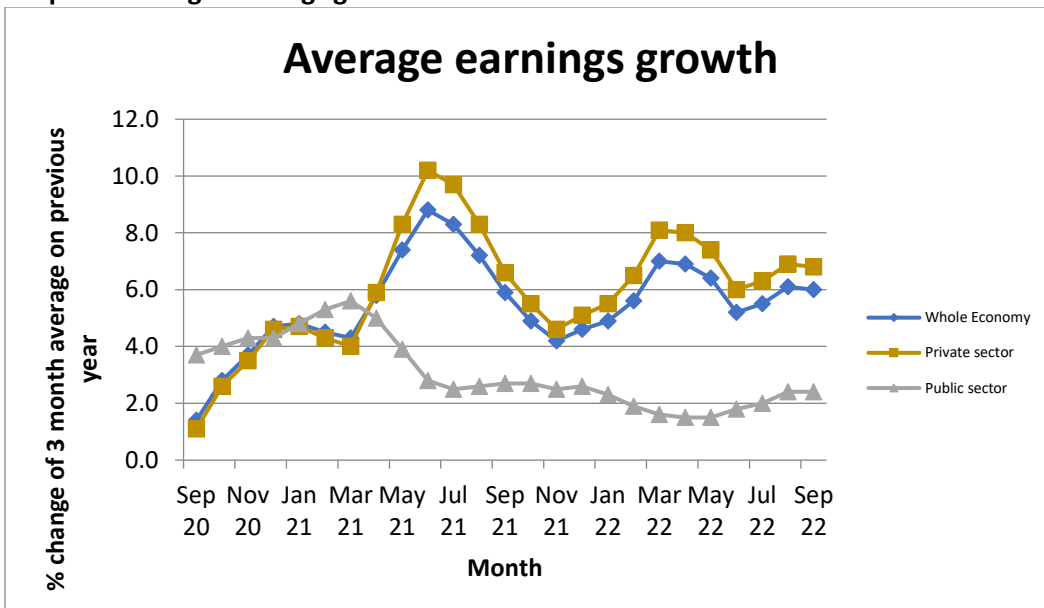
***average across all pay points

The Bank of England expects private sector pay settlements to average 4.8% in 2022. This means that although the 2022 settlement was higher than the private sector equivalent, NJC lagged behind both the private sector and the wider economy in 10 of the last 12 years.

3.6 Average earnings growth

The graph below shows trends in average earnings growth over the last two years. As in the case of pay settlements, a gap between public and private rates has been a persistent feature of the economy over the last decade. 2020 saw the first sustained period since 2010 when the public sector has been running ahead of the private sector. However, faster growth in the private sector has reasserted itself strongly since spring 2021, leaving private sector earnings now growing at 8.2% compared to public sector earnings growing at only 1.6%.

Graph 2: Average earnings growth since 2019



The Office for Budgetary Responsibility's November 2022 Economic and Fiscal Outlook suggests that earnings growth will average 5.9% over 2022, before dipping to 4.2% in 2023.

3.7 Economic benefits of increasing LG pay

Research conducted by Landman Economics finds that the cost of meeting the 2023/24 NJC pay claim would be £2,301m in total. This includes £279m in Employer's National Insurance costs. This is detailed in table 8 below.

Following implementation of the pay claim, central government would receive £279m in higher employer NICs. Central government would also benefit from additional receipts of employee NICs (£207m) and income tax (£427m) as well as reduced benefit, tax credit and Universal Credit expenditure (£74m). In total, central government would save or recoup £987m.

The net cost to the public sector as a whole (both local and central government) would therefore be £1,313m. If indirect taxation is then factored in, as a result of increased spending due to the pay increase, central government recoups a further £197m. In total, more than half the initial, total cost of meeting this pay claim would be recouped by government.

Table 8: Cost of meeting the 2023/24 NJC pay

	Cost/Saving
Gross cost to local government	£2,022m
+ Employer's National Insurance	£279m
= Total cost to local government	£2,301m
Employer's National Insurance (as above)	£279m
+ Employee's National Insurance	£207m
+ Income Tax	£427m
+ Reduced benefit/tax credit/Universal Credit expenditure	£74m
= Total central government savings	£987m
Net public sector cost:	£1,313m
Indirect taxes	£197m
Net public sector cost after indirect taxes	£1,116m
Net public sector cost as proportion of total cost	48.5%

The significant amount recouped by the government (more than half the cost of this entire pay claim) underlines the common sense in properly funding local government pay - by allocating new central funding (from government) for local authority budgets.

The government continues to press their levelling up agenda – aimed at raising the standard of living for all regions in the UK. As set out in our calculations above, one way to deliver meaningful levelling up across the whole country would be via proper funding to local authority budgets for both services and pay. This would put more money into the pockets of low paid workers, reduce their reliance on benefits and boost the income to the exchequer via increased employee national insurance and income tax contributions. It would also improve the delivery and quality of crucial local services. The TU side hope that the employers will continue to support our calls for proper local authority funding from central government.

4. COMPARING NJC PAY

4.1 Pay at the bottom

The Living Wage is an estimate of the minimum hourly rate of pay needed for a worker to cover the costs that most people would regard as necessary for a 'basic standard' of living.

Every year the Living Wage Foundation announces two new Living Wage rates - one for London and one for the rest of the UK. The UK rate is currently set at £10.90 an hour and the London rate is set at £11.95 an hour⁹. Unlike the legally enforceable National Minimum Wage, whether to pay the Living Wage is a voluntary decision for an employer.

These latest Foundation Living Wage rates mean that Local Government is now competing in a labour market where many comparable employers are paying more to entry level or low paid staff – with SCP 2 and SCP 3 now falling below the £10.90 UK Foundation Living Wage rate (SCP 1 is due to be deleted from 1 April 2023):

Table 9: NJC SCPs Vs the Foundation Living Wage

SCP	2022 Annual	2022 Hourly
1	£20,257.66	£10.50*
2	£20,441.47	£10.60
3	£20,811.84	£10.79
4	£21,189.33	£10.98
5	£21,574.96	£11.18

*SCP 1 deleted from 1 April 2023

There are now almost 7,000 employers accredited as Living Wage employers by the Living Wage Foundation, including some NJC local authorities (who choose to uplift the bottom NJC pay rates when calculating their local pay bands, to meet the Foundation rate).

If our claim was met in full, it would lift NJC SCP 1 to £11.94 per hour – not only meeting the Foundation rate but providing some head room for future increases (the Living Wage Foundation increase their rate annually – with the next rise due to be announced in autumn 2023).

4.2 National minimum wage and a £15 per hour target

The government also sets a legally enforceable National Minimum Wage rate (which they label as the “national living wage”) for workers aged 23 and over. The government’s rate is calculated very differently to the real Living Wage since it does not increase in line with cost of living rises.

Table 10: National Minimum Wage and National Living Wage rates

	23 and over	21 to 22	18 to 20	Under 18	Apprentice
April 2022 (current rate)	£9.50	£9.18	£6.83	£4.81	£4.81
April 2023	£10.42	£10.18	£7.49	£5.28	£5.28

⁹ The Living Wage Foundation, Annual Living Wages Rates, November 2022

From April 2023, the legally enforceable minimum rate will climb to £10.42 per hour (for those 23 and over) only 18p behind NJC SCP 2 – meaning that NJC pay has fallen back into bargain basement territory – paying a rate nearly equal to the UK’s lowest paying employers¹⁰.

4.4 A roadmap to a £15 minimum wage

Many organisations, unions (and the TUC itself) are now making calls for a new minimum wage target of £15 per hour. For working families on low incomes, this would provide a desperately needed boost to their incomes. The idea (and benefits of) an ambitious minimum wage is now part of the fabric of our labour market and enjoys broad political support – reducing the welfare and benefits bill, increasing tax and national insurance income and without creating unemployment.

The Progressive Economy Forum (PEF) calculated that a £15 minimum wage would save the government £4.2bn on benefits payments that top up the wages of people on low-incomes and raise an extra £30bn in taxes.

The TUC’s “roadmap” to a £15 minimum wage in the UK, would require a new minimum wage target set at 75 per cent of median hourly pay. To get to a £15 minimum wage, hourly median pay would need to rise from its current rate of £14.85 to approximately £20 an hour. This would see the minimum wage rise at a rate on par with average wages, making sure that those earning the least don’t fall too far behind.

The TUC is calling on the government to work with the Low Pay Commission (LPC) to deliver this “as soon as possible”

The Trade Union side is aware that reaching this target would have major implications for the current pay spine and would require more than simply raising the lowest pay rate. If our current claim was met (and subsequent awards maintained similar levels) the NJC could reach a £15 minimum as early as 2025:

Table 11: Annual increases of 12.7% applied to NJC SCP 2, reaching £15.17 per hour by 2025

SCP	2022 Hourly	2023 Hourly	2024 Hourly	2025 Hourly
2	£10.60	£11.94	£13.46	£15.17

The same solution could be made through flat rate rises to the hourly rate – for example, it would take 5 years to reach the rate with an increase of £1 an hour, 3 years at £2 an hour or two years at £2.50 an hour.

4.5 Across the pay spine

Pay in local government is still among the lowest in the public sector. According to the LGA’s own figures (as published in the LGA’s earnings and demography survey), the median FTE gross salary of local government employees was £23,951 in 2019/20 – this compared to median gross full-time annual earnings across the public sector as a whole of £32,743 in April 2020 (making average local government wages 27 per cent lower than those in the wider public sector). A sample benchmarking exercise (shown below) based on more recent salary data indicated that occupational pay differentials remain significant between local government employers and those in the wider economy, with only some skilled trades occupations drawing level with pay in the wider economy.

Table 12: Median self-reported hourly pay by broad occupational group, 2022¹¹

¹⁰ Minimum wage rates for 2022, UK Government

¹¹ Staff side analysis of ONS Quarterly Labour Force Survey (Q3 2022)

SOC2020 broad group	Non-Local Government	Local Government	Difference (%)
Managers, directors and senior officials*	22.34	21.96	-1.7
Professional occupations	21.14	19.77	-6.5
Associate professional occupations	16.75	14.16	-15.4
Administrative and secretarial occupations	12.95	12.34	-4.8
Caring, leisure and other service occupations*	10.18	9.20	-9.6
Process, plant and machine operatives*	12.03	11.24	-6.5
Elementary occupations	9.62	9.53	-0.9
* = Local Government estimates affected by small sample sizes (50 or lower in the unweighted sample)			

5. RECRUITMENT AND RETENTION PRESSURES

Recruitment and retention pressures in local authorities are significant – with an LGA survey¹² finding that 81% were concerned about their capacity to deliver services due to workforce absences and their ability to recruit and retain staff.

This is a particular concern for certain roles within local government – for example HGV drivers, where nearly half of all councils (49 per cent) now have vacant HGV driver posts, and just over a third (34 per cent) struggling to get agency staff just to fill vacant HGV posts.

While recruitment pressures build at local authorities, nationally the unemployment rate has been in decline from a peak of 8.5% in 2011 to 3.6% in the three months to September 2022 (with a brief rise during the pandemic in 2020). This means that unemployment rates are at the lowest level for almost 50 years. Forecasts the average unemployment rate may rise to 4.2% in 2023, though this level would still be a rate only last consistently experienced in the early to mid-1970s.

Local government already has an ageing workforce and struggles to attract new, young staff. With unemployment at a record low and local government pay stagnating, some traditionally low-paid retail jobs have now almost caught up with (or even overtaken) local government's minimum pay rate:

Table 13: Minimum Pay Rates – NJC Pay Vs UK High Street/Retail

Employer	Minimum Pay Rate p/h
Marks & Spencer	£10.20
Morrisons	£10.20
Sainsburys	£10.25
Argos	£10.25
Tesco	£10.30
Aldi	£10.50
NJC SCP 2	£10.60
Santander	£10.83
Lidl	£10.90
HSBC	£11.00
TSB	£11.54

If local government pay falls further behind the going rates in the wider labour market, local government will be unable to attract new applicants – who are likely to seek better paid work in less stressful or demanding settings.

¹² LGA Workforce Survey, Jan 2022

6. PAY-RELATED CONDITIONS OF WORK

6.1 Family leave and pay

NJC terms for family leave and pay (incorporating maternity leave, maternity support [paternity] leave, adoption leave, shared parental leave, and parental leave) compare unfavourably with those in the wider public sector. One of the clearest examples of this is a comparison of maternity leave and pay in other public services, as shown in table 14 below:

Table 14: Benchmarking comparison of maternity leave and pay in the wider public sector

NJC	NHS (all nations)	Police staff (England & Wales)	Higher Education
6 weeks at 90% of full pay, 12 weeks at 50% pay plus SMP and 21 weeks on statutory provision.	8 weeks at full pay, the next 18 at 50% pay plus SMP and the remaining 13 weeks on statutory terms.	26 weeks at full pay, thereafter, reverting to statutory. Staff can swap final five weeks on full pay to 10 weeks at 50%	4 weeks at full pay, the next two at 90% of full pay, 12 weeks at 50% pay plus SMP and remaining 21 weeks on statutory terms.

As part of the 2022 NJC pay settlement, the employers agreed to enter into discussions on maternity (etc) leave. As the NJC TU side has stated previously, it is in the interest of all parties to bring Green Book family leave and pay provision up to an acceptable level, in line with modern standards seen across the wider public sector and the wider economy.

The NJC TU side welcome the employers offer of discussions on NJC family leave and pay and we hope the following improvements can be jointly considered over the short term:

- **Strengthen flexible working arrangements for staff returning to work, with a wider range of flexible working options and support facilities for working parents (e.g. breastfeeding facilities, etc.)**
- **Expand maternity and paternity leave, pay and flexibility to cover employees who have a baby born prematurely (before 37 weeks gestation) – as per the ‘Employer with Heart’ charter (www.thesmallestthings.org/employer-with-heart), which a number of local authorities are already signed up to.**
- **Mothers who miscarry before the 24th week of pregnancy will be entitled to paid compassionate leave.**

In addition to these short term/easy to implement improvements, there are some bigger improvements that we hope can form the basis of longer/ongoing joint working:

- **Introducing a brand new Part 2 ‘Family leave and pay’ section as a single/new scheme (incorporating and harmonising conditions for maternity leave, maternity support [paternity] leave, adoption leave, shared parental leave, and parental leave)**
- **All workers to be entitled to family leave and pay**
- **Family leave paid at enhanced levels above current NJC provision – at least in line with the wider public sector**
- **Removal of qualifying periods related to length of service for all Family leave and pay provisions**

6.2 A review of job evaluation outcomes for school staff whose day to day work includes working on SEN

The absence of a recognition of SEND specialisms is an important disparity between teachers and school support staff.

Teachers in England who are covered by the *School teachers' pay and conditions document* are entitled to 'a SEN allowance of no less than £2,384 and no more than £4,703.'¹³ This allowance should be paid automatically to teachers in special schools, and teachers are also entitled to the payment in mainstream settings where a teacher covers 'a designated [SEN] special class or unit.' Employers also have the discretion to award the allowance to other mainstream teachers who work with SEND pupils. Unqualified teachers can be awarded the allowance.

The principle of SEN (or additional learning needs (ALN) in Wales) allowances for support staff has been recognised in the past. A SEN allowance is payable to nursery staff (including in schools) who remain covered by the APT&C (Purple Book) terms and conditions. This legacy allowance is about half the lowest teacher SEN allowance value and it has not kept value with inflation over time.¹⁴

While we are aware of local examples of role profiles that include a SEN-related uplift, and of SEN allowances being paid to support staff on a discretionary basis, these payments are generally substantially below payments to teachers. The staff side believes that fair value, and the avoidance of geographic recruitment and retention distortions, can only be avoided through a consistent NJC approach.

Classroom-based support staff spend the majority of their time supporting SEN/ALN pupils, and our members have built up genuine and hard-to-replace expertise. Teaching assistant recruitment and retention is a growing challenge for employers. These specialisms should be recognised.

We call on the Employers' Side to recognise that SEN specialisms are not currently accounted for in the Green Book, and to agree to a review of job evaluation outcomes for school staff whose day to day work includes working on SEND or ALN.

Additional day's annual leave

While we recognise that progress has been made on the issuing of guidance on the calculation of annual leave entitlements for Term Time Only (TTO) workers, the pace of these negotiations has been slow. Our members report high levels of stress, burnout, and continued exposure to Covid-19 in the workplace. TTO staff are typically compelled to take their leave out of term time and therefore do not benefit from the flexibility to take leave to manage family commitments, or to take relief from those pressures.

We therefore call on the Employers' Side to establish a new entitlement for an additional day of annual leave for all staff for personal or well-being reasons as set out in the headline claim and in section 6.3. The

¹³ Department for Education, *School teachers' pay and conditions document 2022 and guidance on school teachers' pay and conditions*, September 2022, pages 27 – 28
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1110990/2022_S_TPCD.pdf

The equivalent Additional Learning Needs (ALN) allowance in Wales is slightly more generous at no less than £2,426 and no more than £4,786.

¹⁴ The continuity nursery SEN allowance was £1,347 in April 2021. It would have been worth £1,706 had the 2005 value (£1,074) been allowed to rise with inflation.

joint unions believe that term time only staff should receive a full day rather than a pro-rata amount, and relevant staff should be entitled to take this special day of leave during term time.

National support staff role profiles

The staff side notes that the original 2003 Raising Standards National Agreement stated that:

'Pay and career structures should be developed that reflect the roles and responsibilities of [school] support staff.'

Unfortunately, the UK Government's abandonment of national role profiles after 2010 (and the associated scrapping of the School Support Staff Negotiating Body) has led to drift between the bandings attached to job descriptions and competencies. This drift has led to inconsistent bandings within geographically concentrated areas, and it has broken the link between undertaking training and the reasonable expectation of career progression.

We ask that the Employers' Side enters into discussions about establishing model role profiles for school support staff jobs, with advisory banding structures.

6.3 Work-life balance and well-being

The cost of living crisis and staff reductions mean that stress and mental ill-health remain huge challenges for the sector. Trade unions continue to experience huge numbers of enquiries and cases from local authority staff about these distressing trends and believe that action can be taken nationally to help.

Long hours can lead to serious and long term mental and physical ill health, stress, fatigue and increases in workplace accidents¹⁵, decreasing productivity within organisations¹⁶, lowering morale and leading to increased staff turnover¹⁷.

These trends must be seen in the context of an epidemic of stress and anxiety across the UK economy. According to the HSE stress, depression or anxiety accounts for 51% of all work-related ill health cases in 2021/22¹⁸. The predominant cause of work-related stress, depression or anxiety from the Labour Force Survey was workload, in particular tight deadlines, too much work or too much pressure or responsibility - the biggest single cause of sick leave by some distance. That same analysis showed that this is an acute issue within local authority services with human health and social work, public administration and education all accounting for some of the highest levels of average rates of stress, depression or anxiety¹⁹.

The pandemic has had a huge impact on these levels of stress, depression and anxiety and this has had a disproportionate impact on public service workers, who have often been on the frontline of the pandemic²⁰.

Rising workloads due to cuts, compounded by the pandemic, mean that local government workers often work unpaid overtime that is rarely claimed back as TOIL. TUC analysis²¹ consistently shows that public sector employees carry out a disproportionate amount of unpaid overtime with excessive workloads driven by a recruitment and retention crisis caused by long term pay cuts.

¹⁵ http://www.hse.gov.uk/research/hsl_pdf/2003/hsl03-02.pdf

¹⁶ <http://ftp.iza.org/dp8129.pdf>

¹⁷ <https://www.employment-studies.co.uk/system/files/resources/files/352.pdf>

¹⁸ <https://www.hse.gov.uk/statistics/overall/hssh2021.pdf>

¹⁹ HSE Health and safety at work, summary statistics, 2022: <https://www.hse.gov.uk/statistics/overall/hssh2122.pdf>

²⁰ Ibid.

²¹ TUC, UK workers and unpaid overtime, Feb 2022 <https://www.tuc.org.uk/news/uk-workers-put-ps27-billion-worth-unpaid-overtime-during-last-year-tuc-analysis>

Between 2013 and 2021 Local Authority headcount has fallen by 25.8%²². This cut has meant workers have seen expanding responsibilities and redundancies leading to increased workloads and an unsustainable culture of long hours, as staff prop up the service.

This enormous goodwill contribution must be recognised. The Trade Union Side strongly believes that workers should be paid for all the hours they work and that employers must get a grip on unpaid overtime.

The Trade Union Side believes that now is the time for the working week and leave entitlement of staff to be improved nationally and is therefore calling for:

- **An additional day of annual leave for personal or well-being purposes (with term time only staff also receiving a full day rather than a pro rata amount)**
- **A homeworking allowance for staff for whom it is a *requirement* to work from home**
- **A reduction in the working week by two hours**

6.6 A review of the NJC pay spine

The NJC pay spine was last reviewed in 2018 and, while this was successful in correcting the differentials between spinal column points, the pay spine has since undergone changes that have eroded these corrections. Additionally, the previous review didn't address the top end of the pay spine - which is becoming increasingly necessary to ensure fairness and to improve recruitment and retention.

Wider, ongoing issues relating to the national minimum wage, the real living wage and future wage targets mean there is an increasing need to look at the whole pay spine. A jointly agreed plan will be needed to prevent future pitfalls for the NJC such as needing to delete pay points simply to stay above legal minimum rates.

The trade union side therefore calls for:

- **A review of the pay spine, including looking at the top end, and discussions about how remuneration can be used to improve recruitment and retention issues**

²² <https://www.local.gov.uk/local-government-workforce-summary-data-november-2021>

7. EQUALITY IMPACT

Low pay in local government disproportionately affects women workers, and other workers who share protected characteristics under the Equality Act. Trade Union Side analysis of ONS data confirms that local government workers are more likely to be older than other workers. Local government workers are also more likely to be disabled, to have childcare responsibilities, religious, and married. Local government workers are less likely to be members of ethnic minority groups or to be non-UK nationals, which reflects the need to encourage more workforce diversity in the sector.

It should be noted that, of the protected characteristics that are relevant to the Public Sector Equality Duty, gender reassignment, pregnancy, and sexual orientation cannot be measured by the ONS Labour Force Survey. The meaning of race and belief, as defined under the Equality Act, are also wider than the measures captured in the table below.

Table 15: Labour Force Survey – workforce equalities characteristics (percentages unless otherwise stated)²³

Variable	Non-Local Government	Local Government
Age (average)	41.6	44.0
Dependent children (under 19)	0.6	0.7
Female	45.7	65.4
BAME	15.1	10.0
Nationality other than UK	13.5	6.5
Disability (EA10)	15.9	17.8
Religious	50.8	52.1
Married or in a civil partnership	48.0	55.1

There remains a significant gap between the proportion of workers who are identified as disabled by employers in the LGA's most recent earnings and demographics survey (5%), and the rate reported by local government workers to the ONS (17.8%). This suggests that many workers who meet the Equality Act threshold for disability do not feel able to disclose a condition to their employer, or that employers are systematically under-recording disability. We ask that the Employers work with the Trade Union Side to establish the causes of the problem.

Under the Public Sector Equality Duty, the Employers have a legal obligation to 'remove or minimise disadvantages' faced by workers who share protected characteristics.' Meeting our 2023 claim would clearly be in line with this principle.

²³ Staff side analysis of ONS Quarterly Labour Force Survey (Q3 2022)

8. CONCLUSION

For local government workers (and the services they deliver) the last decade plus has been among the hardest ever experienced in the sector. After weathering the storm of public sector austerity, service cuts and pay freezes they were met by a global pandemic followed by a cost of living crisis. Throughout this entire period their pay has continuously fallen further behind the cost of living.

The TU side's claim for a pay increase of RPI+2% would begin a long overdue process of restoring the 25% lost from the value of NJC pay since 2010. It would also help to support local government workers through a cost of living crisis that has already pushed gas prices up by 132%, electricity by 66% and mortgage interest payments by 26%.

Low pay is now becoming an existential crisis for local government: to continue delivering services for the public, local authorities need workers to deliver those services. But with pay continuing to fall in real terms, local authorities are struggling to recruit and retain staff. With UK unemployment at an historic low and with better paid, less stressful work now available in the wider labour market, local government as an employer will continue to lose out.

A sector reliant on an aging workforce, propped up by market supplements and agency workers is unsustainable. The legal minimum wage is set to climb to £10.42 per hour (just 18p behind NJC SCP 2). And there are calls from across the political spectrum for a £15 per hour minimum wage target by 2030 (based on hourly median pay reaching approximately £20 by 2030). Any delay in tackling the low pay problem in local government will merely store up more problems for the future. Bold action to address this issue now would finally put local government ahead of the curve and restore some much needed head room to NJC pay.

Most importantly, action on pay now would provide the stability and reassurance that local government workers – who continue to deliver crucial local services despite the challenges – desperately need during this cost of living crisis.

APPENDIX 1: NJC SPINAL COLUMN POINTS - REAL TERMS CONVERSION*

Old SCP	2009/10	2022/23	New SCP	Old SCP if inflated by RPI to April 2023	Real-terms change (£)	Real-terms change (%)
4	£12,145			£21,270	-£1,012	-4.8
5	£12,312			£21,562	-£1,304	-6.0
6	£12,489	£20,258	1	£21,872	-£1,614	-7.4
7	£12,787	£20,258		£22,394	-£2,136	-9.5
8	£13,189	£20,441	2	£23,098	-£2,657	-11.5
9	£13,589	£20,441		£23,799	-£3,358	-14.1
10	£13,874	£20,812	3	£24,298	-£3,486	-14.3
11	£14,733	£20,812		£25,802	-£4,990	-19.3
12	£15,039	£21,189	4	£26,338	-£5,149	-19.5
13	£15,444	£21,189		£27,047	-£5,858	-21.7
14	£15,725	£21,575	5	£27,539	-£5,964	-21.7
15	£16,054	£21,575		£28,116	-£6,541	-23.3
16	£16,440	£21,968	6	£28,792	-£6,824	-23.7
17	£16,830	£21,968		£29,475	-£7,507	-25.5
18	£17,161	£22,396	7	£30,054	-£7,658	-25.5
19	£17,802	£22,777	8	£31,177	-£8,400	-26.9
20	£18,453	£23,194	9	£32,317	-£9,123	-28.2
		£23,620	10			
21	£19,126	£24,054	11	£33,496	-£9,442	-28.2
22	£19,621	£24,496	12	£34,362	-£9,866	-28.7
		£24,948	13			
23	£20,198	£25,409	14	£35,373	-£9,964	-28.2
24	£20,858	£25,878	15	£36,529	-£10,651	-29.2
		£26,357	16			
25	£21,519	£26,845	17	£37,686	-£10,841	-28.8
		£27,344	18			
26	£22,221	£27,852	19	£38,916	-£11,064	-28.4
27	£22,958	£28,371	20	£40,207	-£11,836	-29.4
		£28,900	21			
28	£23,708	£29,439	22	£41,520	-£12,081	-29.1
29	£24,646	£30,151	23	£43,163	-£13,012	-30.1
30	£25,472	£31,099	24	£44,609	-£13,510	-30.3
31	£26,276	£32,020	25	£46,017	-£13,997	-30.4
32	£27,052	£32,909	26	£47,376	-£14,467	-30.5
33	£27,849	£33,820	27	£48,772	-£14,952	-30.7
34	£28,636	£34,723	28	£50,151	-£15,428	-30.8
35	£29,236	£35,411	29	£51,201	-£15,790	-30.8

36	£30,011	£36,298	30	£52,559	-£16,261	-30.9
37	£30,851	£37,261	31	£54,030	-£16,769	-31.0
38	£31,754	£38,296	32	£55,611	-£17,315	-31.1
39	£32,800	£39,493	33	£57,443	-£17,950	-31.2
40	£33,661	£40,478	34	£58,951	-£18,473	-31.3
41	£34,549	£41,496	35	£60,506	-£19,010	-31.4
42	£35,430	£42,503	36	£62,049	-£19,546	-31.5
43	£36,313	£43,516	37	£63,595	-£20,079	-31.6
44	£37,206	£44,539	38	£65,159	-£20,620	-31.6
45	£38,042	£45,495	39	£66,623	-£21,128	-31.7
46	£38,961	£46,549	40	£68,233	-£21,684	-31.8
47	£39,855	£47,573	41	£69,798	-£22,225	-31.8
48	£40,741	£48,587	42	£71,350	-£22,763	-31.9
49	£41,616	£49,590	43	£72,883	-£23,293	-32.0

*Calculations are based on the change in the RPI rate between April 2009 and April 2022, which was then inflated by 10.7 per cent (the OBR November 2022 forecast for RPI growth in 2023). Inflation values are taken from ONS Consumer Price Inflation timeseries data publication (14 December 2022). Figures are rounded.

APPENDIX 2: RPI + 2% (12.7%) increase applied to NJC Pay Spine (SCP 1 deleted 1 April 2023)

SCP	2022 Annual	2022 Hourly	2023 Annual (claim)	2023 Hourly (claim)
1	£20,257.66	£10.50	£22,830.38	£11.83
2	£20,441.47	£10.60	£23,037.53	£11.94
3	£20,811.84	£10.79	£23,454.94	£12.16
4	£21,189.33	£10.98	£23,880.37	£12.38
5	£21,574.96	£11.18	£24,314.98	£12.60
6	£21,967.72	£11.39	£24,757.61	£12.83
7	£22,368.61	£11.59	£25,209.42	£13.07
8	£22,776.63	£11.81	£25,669.26	£13.31
9	£23,193.80	£12.02	£26,139.42	£13.55
10	£23,620.14	£12.24	£26,619.89	£13.80
11	£24,053.59	£12.47	£27,108.40	£14.05
12	£24,496.20	£12.70	£27,607.22	£14.31
13	£24,947.97	£12.93	£28,116.37	£14.57
14	£25,408.90	£13.17	£28,635.83	£14.84
15	£25,877.97	£13.41	£29,164.47	£15.12
16	£26,357.21	£13.66	£29,704.58	£15.40
17	£26,844.59	£13.91	£30,253.86	£15.68
18	£27,344.19	£14.17	£30,816.90	£15.97
19	£27,851.92	£14.44	£31,389.11	£16.27
20	£28,370.84	£14.71	£31,973.94	£16.57
21	£28,899.94	£14.98	£32,570.24	£16.88
22	£29,439.22	£15.26	£33,178.00	£17.20

23	£30,151.47	£15.63	£33,980.70	£17.61
24	£31,098.76	£16.12	£35,048.30	£18.17
25	£32,019.60	£16.60	£36,086.09	£18.70
26	£32,908.89	£17.06	£37,088.32	£19.22
27	£33,819.56	£17.53	£38,114.64	£19.76
28	£34,723.10	£18.00	£39,132.93	£20.28
29	£35,410.93	£18.35	£39,908.11	£20.69
30	£36,298.19	£18.81	£40,908.05	£21.20
31	£37,260.74	£19.31	£41,992.85	£21.77
32	£38,295.54	£19.85	£43,159.07	£22.37
33	£39,493.14	£20.47	£44,508.76	£23.07
34	£40,478.08	£20.98	£45,618.79	£23.65
35	£41,495.58	£21.51	£46,765.51	£24.24
36	£42,502.90	£22.03	£47,900.77	£24.83
37	£43,516.33	£22.56	£49,042.90	£25.42
38	£44,538.92	£23.09	£50,195.36	£26.02
39	£45,495.37	£23.58	£51,273.28	£26.58
40	£46,549.50	£24.13	£52,461.28	£27.19
41	£47,573.10	£24.66	£53,614.89	£27.79
42	£48,586.53	£25.18	£54,757.02	£28.38
43	£49,589.79	£25.70	£55,887.69	£28.97

Agenda Item 7

London Borough of Bromley

Report No. HR

PART I – PUBLIC

Agenda Item No.:

Decision Maker: General Purposes & Licensing Committee

Date: 16th February 2023

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

TITLE: PAY POLICY STATEMENT 2023/24

Contact Officer: Charles Obazuaye
Tel: (020) 8313 4381 email: charles.obazuaye@bromley.gov.uk

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

Ward: N/A

1. REASON FOR REPORT

- 1.1 Under the Localism Act 2011 the Council is required to publish a Pay Policy Statement which must be approved by Full Council every year. The 2023/24 Pay Policy Statement is attached for Members consideration and approval.
-

2. RECOMMENDATION(S)

2.1 Members are asked to:

- (i) recommend that Full Council approve the 2023/24 Pay Policy Statement attached to this report.

Corporate Policy

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

Financial

1. Cost of proposal: Within existing budget
 2. On-going costs: Within existing budget
 3. Budget Head/Performance Centre:
 4. Total current budget for this Head:
 5. Source of Funding:
-

Staff

1. Number of staff (current and additional): Chief Officers and Deputy Chief Officers as defined in the Local Government & Housing Act.
 2. If from existing staff resources, number of staff hours:
-

Legal

- 1) Legal Requirement: Statutory Requirement
 - 2) Call In: Call in is not applicable
-

Customer Impact

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

Ward Councillor Views

- 1) Have Ward Councillors been asked for comments: N/A
- 2) Summary of Ward Councillors comments:

3. COMMENTARY

3.1 The Localism Act requires the Council to prepare and publish a Pay Policy Statement every year. The statement must set out the Council's policies towards a range of issues relating to the pay of its workforce, particularly its senior staff and its lowest paid employees.

3.2 The objective of this aspect of the Act is to require authorities to be more open and transparent about local policies and how local decisions are made.

The first Pay Policy Statement which was approved by Full Council on 26th March 2012 has been up-dated every year to reflect Member decisions to adopt a localised terms and conditions of employment framework for all staff, except teachers. The attached Pay Policy statement for 2023/24 is not materially different to the previous Statements. A key aspect of the localised pay framework is the local determination of the annual pay award as part of the financial budget planning process. As before, Bromley pay award will also be paid on time in April.

3.3 Another key aspect of the localised pay framework is the emphasis on individual pay and performance. There is no automatic pay uplift or increment or pay award without satisfactory individual performance. To further localise its terms and conditions of employment, the Council has with effect from 1st April 2015 appointed new staff (including internal promotions) on spot salaries. It offers greater flexibility and managerial empowerment not always possible under the traditional incremental pay progression system.

3.4 As stated above, Bromley employees are clear on how performance is linked to pay. The Council's appraisal process, Discuss, uses a "structured conversation" coaching style to improve employee engagement and empowerment, whilst supporting managers to undertake a more proactive approach to managing performance and developing potential of staff.

3.5 The scheme enables each employee's contributions to Making Bromley Even Better strategic objectives to be individually assessed and, where appropriate, recognised through the award of the discretionary merited reward payment. £200k is allocated in the base budget to support the scheme although in 2022/23 members agreed an additional £100k for one year in recognition of the work of staff during the pandemic. Since the introduction of the scheme a total of 2255 merited rewards have been made. Separately 1619 mini merit awards have been made to staff.

3.6 The Appraisal process for Chief Officers, including the Chief Executive, normally includes a 360-degree feedback from peers, direct reports, partner organisations and key Members. The Chief Executive is responsible for appraising his Chief Officers. The Chief Executive's appraisal is managed by a Member Panel comprising the Leader, Deputy Leader, Portfolio Holder for Resources and any other Members, including the Leaders of the minority parties or their representatives. The Panel is supported by the Director of HR, Customer Services & Public Affairs. The attached

proposed Pay Policy Statement 2023/24 also sets out the pay review and performance appraisal arrangements for the Chief Executive. The Member Panel will undertake the appraisal of the Chief Executive. Following the appraisal and any feedback to the Chief Executive the panel will reconvene as a formally constituted committee of Council to determine the Chief Executive's pay to conclude his annual performance appraisal.

4. POLICY IMPLICATIONS

4.1 The Pay Policy Statement is legally required pursuant to the Localism Act 2011. It requires the Council to annually prepare and publish its statement on pay and remuneration, mainly for Chief Officers, as defined in the Local Government and Housing Act.

4.2 Since coming out of the national/regional collective bargaining frameworks, the Council's Pay Policy Statements have reflected the key drivers for localised terms and conditions of employment, namely:

- A single local annual pay review mechanism aligned with the budget setting process;
- A scheme of discretionary non-consolidated/non-pensionable rewards for individual exceptional performance;
- Annual pay increases linked to satisfactory performance for all staff; no automatic pay increases.

5. FINANCIAL IMPLICATIONS

5.1 All decisions taken in accordance with this policy statement will be contained within existing budgets.

6. LEGAL IMPLICATIONS

6.1 The requirement to adopt and publish a Pay Policy Statement arises under the Localism Act 2011. The Policy Statement is consistent with the statutory guidance published by the Secretary of State for Communities and Local Government to which all relevant authorities must have regard. The guidance does not limit the general statutory provisions on delegation under Section 101 of the Local Government Act 1972.

7. PERSONNEL IMPLICATIONS

7.1 Details of this year's Pay Policy Statement are as set out in this report and the accompanying Policy Statement.

Non-Applicable Sections:	
Background Documents:	

(Access via Contact Officer)	
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London Borough of Bromley

1. Introduction

- 1.1 The Localism Act 2011 introduces a requirement for public authorities to publish annual pay policy statements. It states, in the main, that a relevant authority must prepare a pay policy statement for the Financial Year 2012/13 and each subsequent year.
- 1.2 Pursuant to the Act and the associated guidance and other supplementary documents, this pay policy statement sufficiently summarises Bromley Council's approach to the pay of its workforce and its "Chief Officers". In summation, the statement covers the Council's policies for the 2023/24 Financial Year, relating to:
- i) remuneration of its Chief Officers;
 - ii) remuneration of its lowest paid employees;
 - iii) the relationship between (i) and (ii) above.
- 1.3 In relation to "Chief Officers" the pay policy statement must describe the Council's policies relating to the following:
- i) the level and elements of remuneration for each Chief Officer;
 - ii) remuneration of Chief Officers in recruitment;
 - iii) increases and additions to remuneration for each Chief Officer;
 - iv) the use of performance related pay for Chief Officers;
 - v) the use of bonuses for Chief Officers;
 - vi) the approach to the payment of Chief Officers on their ceasing to hold office under, or to be employed by, the authority; and
 - vii) the publication of access to information relating to remuneration of Chief Officers.
- 1.4 As required by the Act and the supporting statutory guidance which, in turn, reflects the Local Government and Housing Act 1989, the definition of Chief Officer for the purpose of the pay policy statement covers the following roles:
- i) the Chief Executive/Head of Paid Service;
 - ii) the Monitoring Officer;
 - iii) a statutory Chief Officer and non-statutory Chief Officer under Section 2 of the Local Government and Housing Act 1989;
 - iv) a Deputy Chief Officer responsible and accountable to the Chief Officer. However, it does not include those employees who report to the Chief Executive or to a statutory or non-statutory Chief Officer but whose duties are solely secretarial or administrative or not within the operational definition or the meaning of the Deputy Chief Officer title.

2. Exclusion

- 2.1 The Act does not apply to schools' staff, including teaching and non-teaching staff.

3. Context: Key Issues and Principles

- 3.1 General Context – clearly there are a number of internal and external variables to consider in formulating and taking forward a pay policy. Reward and recognition is a key component of the Council's agreed HR Strategy. This includes establishing strong links between performance and reward and celebrating individual and organisational achievements.

The HR Strategy is based on an assumption that all staff come to work to do a good job and make a difference. The Council expects high standards of performance from staff at all levels and seeks, in return, to maintain a simple, fair, flexible, transparent and affordable pay and reward structure that attracts and keeps a skilled and flexible workforce.

3.2 Local Terms and Conditions of Employment

Local terms and conditions of employment for all staff including "Chief Officers" as defined in paragraph 1.4 above were introduced with effect from 1 April 2013. Teachers employed by the local authority in Community Schools and Voluntary Controlled schools are excluded as their terms and conditions are set in statute and do not afford the Council the discretion to include them in the localised arrangements.

- 3.2.1 The main features of the localised terms and conditions framework are as follows, namely:

- (a) A single local annual pay review mechanism aligned with the budget setting process.
- (b) A scheme of discretionary non-consolidated/non-pensionable rewards for individual exceptional performance.
- (c) Annual pay increases including annual increments (if appropriate) linked to satisfactory performance for all staff; not automatic.

3.3 Recruitment and Retention

The Council aims to enhance its ability to recruit and retain high quality staff by being competitive in the labour markets. This is still the case even in the current financial straitened times. We will keep our pay policy updated and align it to reflect the "Bromley Council employee of the future" characterised by innovation, flexibility, empowerment, leadership and individualised rewards for exceptional performers. The size of the Council's workforce is likely to continue to reduce but reasonably remunerated to recruit and retain quality

staff to deliver Member priorities. The Council is well placed to respond to changes in the labour markets, especially in relation to hard to fill and retain roles, e.g. Children Social Workers. A comprehensive Recruitment and Retention Strategy/package for Children's Social Workers is in place to deal with the regional and national shortage of qualified/experienced staff. A similar plan is also in place to address the recent recruitment and retention challenges in the adult social care workforce. There are also problems recruiting experienced/qualified Planners and Surveyors and qualified Mental Health Practitioners. These challenges are within the remit of the Corporate Recruitment and Retention Board chaired by the Director of HR, Customer Services & Public Affairs, comprising key representatives across the organisation including the Director of Children's Services, the Director of Adult Services and the Director of Housing, Planning and Regeneration. The Board looks at the push and pull factors impacting on staff recruitment and retention, including local and regional labour market intelligence, leaver/exit info, etc. The Council has commissioned a tool to gather real time leavers' opinions, as well as on-boarding surveys.

As part of the Transforming Bromley agenda there is increased focus on smart and agile working. This includes the availability of smart technology to improve work-life balance, increased digitalisation of services, and ultimately improved customer experience.

3.4 Accountability

3.4.1 The Act requires that pay policy statements and any amendments to them are considered by a meeting of Full Council and cannot be delegated to any Sub-Committee.

3.4.2 Such meetings should be open to the public and should not exclude observers.

3.4.3 All decisions on pay and reward for "Chief Officers" must comply with the agreed pay policy statements.

3.4.4 As stated above, the Council must have regard to any guidance issued/approved by the Secretary of State. The first guidance issued by the Department of Communities and Local Government (DCLG) (now MHCLG) states in inter alia "that full Council should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment." The Secretary of State considered that £100,000, including salary, bonus, fees or allowances or any benefit in kind, is the right level to trigger Member approval.

3.4.5 The most recent guidance issued in February 2013 states that Authorities should offer full Council the opportunity to vote before large severance packages beyond a particular threshold are approved for staff leaving the

organisation. As with salaries on appointment, the Secretary of State considers that £100,000 is the right level for that threshold to be set. The components may include salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonus, fees or allowances paid. The Council's position on this is still as set out in the 2014/15 pay policy statement. Chief Officer severance packages are generally included in the annual statement of accounts. Also, Executive approval is sought for severance packages for chief officers. There is also an overarching scrutiny of settlement/compromise agreement packages from the Audit Sub-Committee. These arrangements ensure Member engagement.

4. Transparency

- 4.1 In line with the guidance, the pay policy statement will be published on the Council's website and accessible for residents to take an informed view on whether local decisions on all aspects of remuneration are fair and reasonable.
- 4.2 The Council is also required to set out its approach to the publication of and access to information relating to the remuneration of "Chief Officers".

The Council also discloses the remuneration paid to its senior employees in the Annual Report and Statement of Accounts and is accessible on the Council's website at:

[Annual accounts – London Borough of Bromley](#)

For the purposes of the Code, senior employee salaries are defined as all salaries which are above £50,000. The information, including the posts which fall into this category, will be regularly updated and published.

5. Fairness

- 5.1 The Council must ensure that decisions about senior pay are taken in the context of similar decisions on lower paid staff. In addition, the Act requires the Council to explain the relationship between the remuneration of its Chief Officers and its employees who are not Chief Officers, and may illustrate this by reference to the ratio between the highest paid officer and lowest paid employee and/or the median earnings figure for all employees in the organisation.
- 5.2 The Council's pay arrangement is equality compliant. The Council achieved Single Status/Equal Pay Deal via a collective agreement with the Unions in 2009.
- 5.3 Additionally, the Act specifically requires the Council to set out its policies on bonuses, performance related pay, severance payments, additional fees/benefits (including fees for Chief Officers for election duties),

re-employment or re-engagement of individuals who were already in receipt of a pension, severance or redundancy payment, etc.

6. Position Statement

- 6.1 The Council's position on the requirement of the Act and the information that it is required to include its Pay Policy Statements is as summarised above and as set out in the attached table (Appendix B).
- 6.2 This Statement is for the Financial year 2023/24
- 6.3 The Statement must be approved by Full Council. Once approved it will be published on the Council's website. Any amendments during the Financial Year must also be approved by a meeting of Full Council.
- 6.4 This Statement (including the Appended table) meets the requirement of the Localism Act 2011 and the Department for Communities and Local Government (DCLG) guidance.
- 6.5 Legislation introduced in 2017 means that The Council is required to publish its gender pay gap data annually. The gender pay report for 2022 will be published at the end of March 2023 in line with statutory deadlines.

London Borough of Bromley

PAY POLICY STATEMENT FOR FINANCIAL YEAR 2023/24	
POLICY AREA UNDER THE ACT	POLICY STATEMENT
	<i>For the purposes of this policy statement the term “Chief Officer” includes the Chief Executive, Statutory and non-statutory Chief Officers and Deputy Chief Officers within the meaning of the Local Government and Housing Act 1989.</i>
Level and elements of remuneration of Chief Officers and relationship with the remuneration of employees who are not Chief Officers	<p>The authority implemented a localised pay and conditions of service framework for all staff except teachers, with effect from 1 April 2013. Under the local framework the Council:</p> <ol style="list-style-type: none"> a) Introduced an annual local pay review mechanism aligned with the budget setting process for all staff except teachers to replace the national and regional collective bargaining arrangements and the existing local arrangements for Lecturers in Adult Education; b) Introduced a scheme of discretionary non-consolidated non-pensionable rewards for exceptional performance applicable to all staff except teachers; c) Will reinforce the link between individual performance and pay by making any annual pay increase and increments (where appropriate) subject to satisfactory performance for all staff; not automatic. d) Agreed to make no change to existing terms and conditions of service before April 2015. <p>The move to fully localised terms and conditions is on the back of the Bromley Single Status agreement reached with the relevant recognised trade unions in 2009 affecting the BR grade staff. Under the localised terms and conditions of service framework the Council retains its existing terms and conditions including the grading and job evaluation schemes for BR staff and MG and PT staff, except for the annual pay review and appraisal process. Under the localised terms and conditions framework the Council will not be bound by the national or/and regional pay settlements. Instead, by means of the process of the localised annual pay review the Council aims to:</p> <ul style="list-style-type: none"> • ensure that staff are appropriately rewarded for the job that they do

- enhance the Council's ability to compete by maintaining a simple, fair, transparent and affordable pay and reward structure that attracts and keeps a skilled and flexible workforce;
- improve the links between organisational efficiency, individual performance and reward
- ensure that decisions on reward and recognition are better aligned with the considerations and timetable of the annual budget setting process

The Council has agreed the process of job evaluation as a way of ensuring a fair system of remuneration relative to job weight thereby managing any risk of equal pay claims. MG and PT jobs are graded using the James Job Evaluation Scheme, and BR jobs are graded using the Greater London Provincial Council (GLPC) Job Evaluation Scheme. The BR grades are based around "anchor" salary points and consist of incremental scales. However, with effect from 1st April 2015 new BR staff (including internal promotions) are appointed on spot salaries with no increments. Individual spot salaries will be renewed annually, minimally, subject to satisfactory performance.

Individuals employed on the MG and PT grades are appointed to a spot salary within the relevant salary bands having regard to the Council's ability to recruit and retain suitably qualified, skilled and experienced officers to deliver excellent front line services and achieve Council priorities. Exceptionally staff may be paid outside of the relevant band for their grade because of market forces. The same principles apply to anyone who is engaged on a self-employed basis and paid under a contract for services. Under the [Special Recruitment measures](#) agreed by Chief Officers, every recruitment request including permanent, temporary, casual, agency staff or self-employed is scrutinised and formally approved first by the Director and then the Director of HR, Customer Services & Public Affairs on behalf of the Chief Executive.

The Council offers a lease car arrangement as a recruitment and retention incentive to certain staff occupying key posts including some front-line posts on the BR grades. Employees with a lease car are expected to make a minimum 30% contribution to the cost and for Chief and Deputy Chief Officers the value range of this benefit is between £2,746 to £4,006 per annum subject to this not exceeding 70% of the car's current benchmark value plus insurance.

	<p>The current car mileage payment arrangement is 45p per mile for all users (except lease car users) consistent with the HMRC recommended rate. The rate for lease car users is considerably lower, currently 14p per mile.</p> <p>The Council normally engages a mix of external and internal personnel for election duties. The fees generally reflect the varying degree of roles undertaken by individuals. Fees paid to both the Returning Officer and the Deputy Returning Officer are in accordance with the appropriate Statutory fees and Charges Order and they reflect their personal statutory responsibilities.</p> <p>The Council is required to have measures in place to respond to any major emergency incidents in the Borough or on a pan London basis which includes a small group of Senior Officers on standby for the LA GOLD rota. The Chief Executive and Director of Environment and Public Protection undertake the lead role and do not receive any additional remuneration for this. Other officers who undertake this role receive a payment commensurate with other call out allowances for the relevant period of the standby.</p> <p>All employees including Chief Officers are entitled to apply for an interest free season ticket loan and reimbursement of any expenses necessarily incurred in the performance of their role including but not limited to travelling, and subsistence. Employees also have access to an interest free childcare loan under the childcare deposit loan scheme.</p> <p>Also, the Council operates a Salary Sacrifice scheme for all staff. This covers childcare vouchers, cycle to work, technology and salary sacrifice lease car scheme. Staff are also able to access other optional benefits such as annual leave purchase scheme, Gym Flex and Lifestyle benefits offering discounts at local and national retailers.</p>
Use of PRP for Chief Officers	<p>The annual review of salaries includes an assessment of work performance in the preceding twelve months for all staff. Under the localised terms and conditions of employment framework for all staff, including Chief Officers (with the exception of teachers), pay increases, including pay awards, increments, etc., are linked to satisfactory performance. Pay increases will be withheld from poor performers. The performance of the Chief Executive is appraised by a Member Panel comprising the Leader, Deputy Leader, Portfolio Holder for Resources and other elected Members, including the Leaders of the Minority Parties, or their representatives. The Panel is supported by the Director of HR, Customer Services & Public Affairs in a technical advisory</p>

	<p>capacity. These Members will sit as a panel to undertake the appraisal but will sit as a committee of council to make a final decision. The Panel will assess and determine the Chief Executive's performance and pay within his grade band and will then sit as the Chief Executive Appraisal Committee to make the final determination. The Chief Executive and Directors are subject to a 360-degree appraisal process involving a range of feedback sources. Chief Officers and senior staff do not currently have an element of their basic pay "at risk" to be earned back each year. All staff apart from teachers will be eligible to be considered on merit for the one off non-consolidated non pensionable reward payment for exceptional performances.</p>
Use of bonuses for Chief Officers	Not applicable.
Remuneration of lowest-paid employees	The Council's grading structure for BR graded staff starts at £20,754 per annum (22/23) and the Council therefore defines its lowest paid employee as anyone earning £20,754 (pro rata for part-time staff). Currently the Council's pay multiple – the ratio between the Chief Executive as the highest paid employee and the lowest paid employee is 1:11, and between the Chief Executive and the median salary is 1:6.
Increases and additions to remuneration of Chief Officers	<p>Where it is in the interests of the Council to do so the Chief Executive may review the salaries of Chief Officers and Senior Staff from time to time within the MG, PT and MB Salary scales.</p> <p>Such circumstances include for example but are not limited to the impact of market forces and staff undertaking significant additional responsibilities on a time-limited or permanent basis. This is also the case for any other officer of the Council, including BR staff. Being outside of the nationally/regionally negotiated terms and conditions allows greater flexibility and discretionary payments in support of business priorities and recruitment and retention challenges. The Council has agreed a separate recruitment and retention package for children's and adults' social workers.</p>
Remuneration of Chief Officers on recruitment	Where the post of Chief Executive falls vacant the salary package and the appointment will be agreed by Full Council. Full Council or a Member panel appointed by full Council or the Urgency Sub Committee will also agree any salary package in excess of £100K to be offered for any new appointment in 2023/24 to an existing or new post. All Chief Officer and Senior staff appointments will be made in accordance with the Council's

	<p>agreed Constitution and Scheme of Delegation which can be found at London Borough of Bromley Constitution (bromley.gov.uk)</p>
<p>Any discretionary increase in or enhancement of a Chief Officer's pension entitlement</p>	<p>Chief Officers are eligible to join the Local Government Pension Scheme. The Council will not normally agree to any discretionary increase in or enhancement of a Chief Officer's pension entitlement. However, each case will be considered on its merits and the Council recognises that exceptionally it may be in the Council's interests to consider this to achieve the desired business objective. Members' agreement will be required in all cases taking into account legal, financial and HR advice appropriate to the facts and circumstances.</p> <p>A Chief Officers' Panel is authorised to consider applications from staff aged 55 and over for early retirement and may exercise discretion to waive any actuarial reduction of pension benefits in individual cases based on the demonstrable benefits of the business case including the cost, impact on the service, officer's contribution to the service and any compassionate grounds.</p> <p>The Council has adopted a Flexible Retirement Policy under which a Chief Officers' Panel may agree to release an employee's pension benefits whilst allowing them to continue working for the Council on the basis of a reduced salary resulting from a reduction in their hours and/or grade. The policy requires that the employee is aged 55 or over and that there is a sound business case for any such decision and can be found at Flexible Retirement Policy.doc</p>
<p>Approach to severance payments - any non-statutory payment to Chief Officers who cease to hold office/be employed</p>	<p>Where demonstrable benefit exists it is the Council's policy to calculate redundancy payments on the basis of the statutory number of weeks' entitlement using the employee's actual salary.</p> <p>Under the Council's agreed Scheme of Delegation, the Director of Corporate Services has delegated authority to settle legal proceedings and/or to enter into a Settlement Agreement in relation to potential or actual claims against the Council. Settlement may include compensation of an amount which is appropriate based on an assessment of the risks and all the circumstances of the individual case.</p> <p>In exceptional cases where it is in the interests of the service to do so a payment in lieu of notice, or untaken leave may be made on the termination of an employee's employment. Payment for untaken leave may also be</p>

	<p>due under the terms of the Working Time Regulations. We already see approval for funding for severance packages for chief officers from the Executive. There is also overarching scrutiny from the Audit Sub – Committee. These arrangements give transparency and ensure Member sight of chief officers’ severance packages.</p> <p>The Council will not normally re-engage anyone as an employee or consultant who has received enhanced severance/redundancy pay or benefited from a discretionary increase in their pension benefits. However exceptionally it may be that business objectives will not be achieved by other means in which case a time-limited arrangement may be agreed by the Director of HR, Customer Services & Public Affairs and Director of Finance having regard to the Council’s financial rules and regulations.</p> <p>Any application for employment from ex-employees who have retired at no cost to the Council, or who have retired or been made redundant from elsewhere will be considered in accordance with the Council’s normal recruitment policy. However, where an employee re-joins local government employment, whose pension benefits are already in payment, they may be subject to an abatement policy. This means that their pension benefits in payment could be reduced in line with that policy.</p> <p>Please refer to the below guidance for further information:</p> <p>SPECIAL SEVERANCE GUIDANCE v3 FINAL.pdf (publishing.service.gov.uk)</p>
<p>Publication of and access to information relating to this Policy and to the remuneration of Chief Officers</p>	<p>Once agreed the Council will publish this Pay Policy on its website. Full Council may by resolution amend and re-publish this statement at any time during the year to which it relates.</p> <p>The Council also discloses the remuneration paid to its senior employees in the annual report and statement of accounts as part of its published accounts. The Council has no full-time release Trade Union officers. Reasonable time off will be provided to Trade Union officials, including Stewards, in the course of their normal contractual job with the Council.</p>

Agenda Item 8

Report No.
CSD23003

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Thursday 16 February 2023

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

Title: MEMBERS ALLOWANCES SCHEME 2023/24

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 The regulations governing Members' Allowances require that, before the beginning of each financial year, the Council shall make a scheme of allowances for that year, and this report details the proposed allowances for 2023/24. Until 2019 and 2020, when small increases were agreed, allowances had remained frozen since 2009 due to the economic circumstances and the pressure on the Council's budgets. In 2021 and 2022 the allowances remained unchanged.
- 1.2 If Members are minded to increase the allowances a reasonable guide would be the increase recommended for Council staff, which, subject to Member confirmation, is expected to be 7.75%. Proposals based on a 7.75% increase but with some other changes have been received from the majority group (see paragraph 3.5 below.)
- 1.3 The Mayoral and Deputy Mayoral Allowances are not part of the Members Allowances Scheme, but are usually considered in conjunction with it. The Scheme has to be agreed by full Council – this will be at the meeting on 27th February 2023.

2. RECOMMENDATIONS

(1) The Committee is requested to consider the proposed Members Allowances Scheme 2023/24 and the Mayoral and Deputy Mayoral Allowances and in particular to consider whether to recommend that allowances are retained at the current level or are raised from 1st April 2023.

(2) The Committee is recommended to agree that the Members' Allowances Scheme 2023/24 (appendix 2) and the Mayoral and Deputy Mayoral allowances for 2023/24 (paragraph 3.4) be submitted to Council for approval.

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: £1,116k (2022/23)
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre: Democratic Representation – Members Allowances
Mayoral & Civic Hospitality – Mayoral Allowances
 4. Total current budget for this head: £1,116k for Members Allowance; £26k for Mayoral allowances
 5. Source of funding: Revenue Budget
-

Personnel

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

Legal

1. Legal Requirement: Statutory Requirement: (See section 5 below)
 2. Call-in: Not Applicable: This report does not involve 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 Every local authority is required to have a basic, flat rate allowance payable to all Members, and is required to review its allowance scheme before the beginning of each financial year. The basic allowance recognises the time commitment of Councillors, including meetings with Council officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs and general expenses such as the use of Councillors' homes and equipment. It must be the same for all Councillors in the authority and may be paid either as a lump sum or in instalments throughout the year - Bromley has always paid allowances by monthly instalment. In addition, allowances can be paid to reflect particular posts (Special Responsibility Allowances) or membership of particular committees that meet frequently to determine applications (referred to as Quasi-Judicial Allowances). The quasi-judicial allowances are now paid as a set amount per meeting attended, rather than as a fixed amount per annum.
- 3.2 Following a detailed review in 2008, Members' Allowances were scrutinised by a Member working group which reported through to the Council. As a result certain allowances were upgraded to reflect Member duties at the time. The scheme remained largely unchanged for several years until, in 2016, a Member Working Group suggested some minor changes within the existing budget which were implemented for the 2016/17 Scheme, including rounding the allowances up or down as appropriate to the nearest £5. Between 2009 and 2019 Members consistently refused to increase their allowances, until increases of 2.25% and 2.5% were agreed in 2019 and 2020, in accordance with the increases for officer salaries. In 2020, Members also agreed additional increases for the Leader of the Council and the two Minority Group Leader posts. In 2021 and 2022 no major changes were made.
- 3.3 The regulations provide that before the Council makes or amends a scheme it shall have regard to the recommendations made by an independent remuneration panel report, although this requirement does not apply if the only change is the application of an annual indexation increase. London Councils set up an Independent Panel which meets every four years and last reported early in 2022, and this should be taken into account in determining the level of allowances each year. The Panel recommends an amount for the basic allowance for Councillors in London, and suggests amounts in five bands for positions of additional responsibility. Although Bromley's basic allowance is among the highest in London it is now slightly below the level suggested by the Independent Panel in 2022 (which is £12,014pa). Bromley's special responsibility allowances are in general substantially below the levels recommended by the Panel. A summary of the Panel's 2022 recommendations, with comparisons to equivalent Bromley roles, is set out in **Appendix 1**.
- 3.4 **Appendix 2** shows the proposed scheme for 2023/24 with three options on the final schedule – no increase, a 7.75% increase based on the anticipated increase in staff pay and a proposal from the Conservative Group.
- 3.5 The proposals received from the Conservative Group are based on the proposed 7.75% increase, rounded as appropriate, but with the following major changes –
- An additional allowance for the Deputy Leader of the Council (£28,000 rather than the £23,040 recommended for other Portfolio Holders.)
 - A new allowance of £2,150 for Vice-Chairmen of PDS Committees, Audit and Risk Management Committee and Pensions Committee (bringing these posts into line with the Vice-Chairmen of General Purposes and Licensing Committee and Development Control Committee.)
 - An increased allowance for the Chairmen of Audit and Risk Management Committee and Pensions Committee (bringing these posts into line with PDS Chairmen.)

- An substantial increase in the allowance for the Leader of the Opposition to £15,000, but removing the allowance for the Leader of the second largest minority Group.
- 3.6 These proposals involve additional annual allowance payments above the 7.75% proposal of £39,156, balanced by reductions of £5,179, an overall increase of an additional £33,977.
- 3.7 The Mayoral and Deputy Mayoral allowances are not part of the Member's Allowances scheme, but can also be approved by Council and this will be included in the budget for 2023/24. The Mayoral Allowance is currently £16,452 and the Deputy Mayoral Allowance is £3,746.

4 FINANCIAL IMPLICATIONS

- 4.1 The 2022/23 budget for Members Allowances is £1,116k and £26k for Mayoral Allowances. Increasing these figures by the 7.75% being recommended for members of staff will increase these budgets to £1,202k and £28k. Provision has been made for the allowances in the draft revenue budget for 2023/24 to be approved by Council.

5 LEGAL IMPLICATIONS

- 5.1 The statutory provisions relating to Members' allowances are contained in The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 2003/1021).

Non-Applicable Headings:	Impact on Vulnerable Adults and Children/Policy/Personnel/Procurement
Background Documents: (Access via Contact Officer)	Report from the Independent Panel on Remuneration of Councillors in London (2022) Report to General Purposes and Licensing Committee, February 2022 – Members' Allowances Scheme 2022/23

London Councils Remuneration Panel Report 2022 - Summary

London Councils Band	2022 London Councils Panel Recommendation	Example posts	Current (2022/23) LBB Equivalent Roles
Basic Allowance	£12,014	All Members	£11,393
Band 1	£2,807 - £10,218	Executive Assistant Sub-Cttee Chairman Leader of 2 nd Minority Group Members of Sub-Committees meeting frequently – e.g. Plans/Licensing	£3,746 £2,064 £4,667 £53 per meeting for Plans Sub-Cttee or Licensing Sub-Cttee £210 per meeting for Foster Panel
Band 2	£17,628 - £32,450	Civic Mayor Chairman of Regulatory Cttee Chairman of Scrutiny Panel Leader of principal Opposition Group	£16,452 £9,087 £7,483 £9,333
Band 3	£39,860 - £47,271	Portfolio Holder Chairman of Health & Wellbeing Board Chairman of main Overview and Scrutiny Committee	£21,380 £9,087 £9,087
Band 4	£62,092	Leader	£40,000
Band 5	£92,633	Directly Elected Mayor	N/A

London Borough of Bromley

Members' Allowances Scheme (DRAFT)

From 1st April 2023, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003 (2003 No. 1021) [as amended by SI 2003 No. 1692], the London Borough of Bromley will operate the following Members' Allowances Scheme.

1. This Scheme is known as the London Borough of Bromley Members' Allowances Scheme and will operate from 1st April 2023 until amended.

2. In this Scheme:

“Councillor” means a member of the London Borough of Bromley who is an elected Member;

“Member” for the purposes of this Scheme shall mean elected Councillors;

“year” means the 12 months ending 31st March.

3. The Council in agreeing this Scheme has considered the recommendations of the Independent Panel commissioned by London Councils on the remuneration of Councillors in London entitled “The Remuneration of Councillors in London 2022.”

Basic Allowance

4. A basic annual allowance of £11,393 shall be paid to each Councillor.

Special Responsibility Allowances

5. (1) An annual Special Responsibility Allowance will be paid to those Members who hold special responsibilities. The special responsibilities are specified in Schedule 1 (attached).
- (2) During periods after an election when any position of special responsibility is unfilled, the relevant Special Responsibility Allowance shall be payable to the new holder of the position from the day after the previous holder ceases to be responsible.
- (3) The amount of each Special Responsibility Allowance is specified against that special responsibility in Schedule 1. The conditions set out in paragraphs 5(2), 5(4) and 14 apply.
- (4) Where a Member holds more than one position of special responsibility then only one Special Responsibility Allowance will be paid. Subject to sub-paragraph (5), Members may be paid quasi-judicial allowances in addition to a Special Responsibility Allowance.
- (5) All Members of the Licensing Sub-Committee, Plans Sub-Committees, Appeals Sub-Committee and the Foster Panel shall be paid a quasi-judicial allowance at the rates set out in Schedule 1.

Childcare and Dependent Carers Allowance

6. The Council has agreed that no allowance will be paid for childcare or dependent carers.

Co-optees Allowance

7. The Council has agreed that no allowance will be paid for co-opted members

Travel and Subsistence Allowance

8. The Basic Allowance covers all intra-Borough travel costs and subsistence. All other necessarily incurred travel and subsistence expenses for approved duties as set out in the Regulations (Regulation 8(a) to (h)) will be reimbursed under the same rules and entitlement as applies to staff. Travel by bicycle will also be paid at the same rates as applies to staff. Claims for reimbursement are to be made within one month of when the costs were incurred.

Ability to Decline an Allowance

9. A Member may, by writing to the Director of Corporate Services, decide not to accept any part of his entitlement to an allowance under this Scheme.

Withholding of Allowances

10. The Standards Committee may withhold all or part of any allowances due to a Member who has been suspended or partially suspended from his/her responsibilities or duties as a Member of the Authority. Any travelling or subsistence allowance payable to him/her for responsibilities or duties from which they are suspended or partially suspended may also be withheld.
11. Where the payment of an allowance has already been made in respect of a period in which a Member has been suspended or partially suspended, the Council may require the allowance that relates to that period of suspension to be repaid.

Members of more than one Authority

12. Where a Member is also a member of another authority, that Member may not receive allowances from more than one authority for the same duties.

Part-year Entitlements

13. If during the course of a year:
 - (a) there are any changes in the Basic and/or Special Responsibility Allowances,
 - (b) a new Member is elected,
 - (c) any Member ceases to be a Member,
 - (d) any Member accepts or relinquishes a post in respect of which a Special Responsibility Allowance is payable, or

(e) the Standards Committee resolves to withhold any allowances during the suspension of a Member,

the allowance payable in respect of the relevant periods shall be adjusted pro rata to the number of days.

Payments

14. Payments shall so far as is reasonably practicable normally be made for Basic and Special Responsibility Allowances in instalments of one-twelfth of the amount specified in this Scheme.

Schedule 1 (DRAFT)

Allowances for the year ending 31st March 2024

	Current (2022/23) £	With 7.75% increase £	Conservative Group Proposal £
Basic Allowance	11,393	12,276	£12,280
Special Responsibility Allowances			
Leader of the Council	40,000	43,100	43,100
Deputy Leader of the Council	21,380	23,037	28,000
Portfolio Holders (x6 or x7)	21,380	23,037	23,040
Executive Members without Portfolio	3,746	4,036	4,040
Executive Assistants (x6)	3,746	4,036	4,040
Chairman of Health and Wellbeing Board	9,087	9,791	9,800
Chairman of main PDS Cttee	9,087	9,791	9,800
Chairman of Portfolio PDS Cttees (x5)	7,483	8,063	8,250
Vice-Chairman of PDS Committees (x6)	0	0	2,150
Chairman of Development Control Cttee	9,087	9,791	£9,800
Vice-Chairman of Development Control Cttee	2,064	2,224	2,150
Chairman of Plans Sub-Cttees (x4)	2,903	3,128	3,130
Chairman of General Purposes and Licensing Cttee	9,087	9,791	9,800
Vice-Chairman of General Purposes & Licensing Cttee	2,064	2,224	2150
Chairman of Audit and Risk Management Cttee	2,064	2,224	8,250
Vice-Chairman of Audit and Risk Management Cttee	0	0	2,150
Chairman of Pensions Cttee	2,064	2,224	8,250
Vice Chairman of Pensions Cttee	0	0	2,150
Leader of largest Opposition Party	9,333	10,056	15,000
Leader of second largest Opposition Party	4,667	5,029	0
Quasi-Judicial Allowances			
Members of Plans Sub-Cttee (per meeting)	53	57	57
Members of Licensing Sub-Cttee (per meeting)	53	57	£57
Members of Appeals Sub-Cttee (per meeting)	53	57	57
Members of Foster Panel (per meeting)*	210	226	226

* Payable up to an annual maximum limit of £3,664 per Councillor

Report No.
CSD23004

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Thursday 16 February 2023

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

Title: PROGRAMME OF MEETINGS 2023/24

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 presents the draft programme of meetings for the next Council Year (2023/24) for Members' consideration. The proposed timetable, which has been the subject of consultation, is based broadly on the current timetable, with only minor alterations. Should Members subsequently agree any changes to the current committee titles and responsibilities at the annual Council meeting these changes will be accommodated within the approved timetable.
-

2. **RECOMMENDATIONS**

- (1) That, subject to any changes of meeting arrangements subsequently approved by Members, the programme of meetings for 2023/24 be approved.
- (2) That the Director of Corporate Services and Governance be authorised to adjust the programme in accordance with any changes made to committees by Members, and to make minor corrections and updates to the programme as necessary.

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

Personnel

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

Legal

1. Legal Requirement: None: Although the Council is required to hold an annual meeting and to appoint an Executive and a scrutiny committee the Council can set its own meeting dates.
 2. Call-in: Not Applicable: This report does not involve 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? Yes
2. Summary of Ward Councillors comments: Any comments from members will be reported at the meeting.

3. COMMENTARY

- 3.1 The Council's programme of meetings is agreed each year by this Committee, and the proposed programme for 2023/24 is attached at **Appendix 1**. The proposed programme for 2023/24 has been prepared closely resembling the programme for 2022/23.
- 3.2 As in previous years, every effort has been made to avoid more than one meeting being held on the same evening. The proposed programme has been prepared on the basis that the current Executive and Committee decision-making structures will continue in the same form next year, but if Members do make any alterations to these then the programme can be adapted accordingly. Dates can still be changed or removed by individual Chairmen and Committees, and special meetings can still be arranged when necessary. The draft programme includes various daytime meetings where these dates are available.
- 3.3 The programme has to fit in with key timelines relating to financial management and reporting, including the setting of the Council Tax and annual budget and budget monitoring cycles. The programme also has to take account of public holidays, school holidays and election dates.
- 3.4 The programme has been designed to give high priority to pre-decision scrutiny. At the request of the current chairman, meetings of the Executive, Resources and Contracts PDS Committee are now scheduled for two days before each Executive meeting (previously this would have been the week before each Executive meeting.) Other PDS meetings are also aligned closely with the Executive across five cycles of meetings. This enables reports to be scrutinised at service PDS Committees before final consideration at the Executive. At the request of the Chairman and Vice-Chairman, meetings of the Development Control Committee are also more evenly spaced, about eight weeks apart.
- 3.5 The draft programme has been circulated to all Members and to senior officers, and a number of detailed changes have been made in response to the comments received. Any further comments will be reported at the meeting.

Non-Applicable Headings:	Impact on Vulnerable Adults and Children/Policy/Finance/Personnel/Legal/Procurement
Background Documents: (Access via Contact Officer)	Previous reports to this Committee on the Programme of meetings

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LBB PROGRAMME OF MEETINGS 2023/24 (Page 1)

(Draft)

APRIL 2023			MAY 2023					JUNE 2023				JULY 2023			
MONDAY	17	24 COUNCIL	1 <i>Public Holiday</i>	8 <i>Public Holiday</i>	15 ERC PDS	22	29 <i>Public Holiday</i>	5	12	19	26	3 ERC PDS	10	17 COUNCIL	24
TUESDAY	18 DC BEP	25	2	9	16	23 GP&L	30	6	13 DC	20 CEF PDS	27 ACH PDS	4 Audit & RM	11 GP&L BEP	18 DC	25
WEDNESDAY	19 LJCC	26	3	10 ANNUAL COUNCIL	17 EXECUTIVE	24 Pensions	31	7 SACRE	14 Standards	21 ECS PDS	28 PPE PDS	5 EXECUTIVE	12 LJCC	19 Health Sub	26
THURSDAY	20 Health Sub	27 Plans 2	4	11 Plans 3	18	25 Plans 4	1	8 Plans 1	15 RRH PDS SBP	22 Plans 2 HWB	29	6 Plans 3	13 Schools Forum	20 Plans 4	27
FRIDAY	21	28	5	12	19	26	2	9	16	23	30	7	14	21	28

AUGUST 2023			SEPTEMBER 2023					OCTOBER 2023							
MONDAY	31	7 ERC PDS	14	21	28 <i>Public Holiday</i>	4	11 Pensions	18 ERC PDS	25	2	9	16 COUNCIL	23	30	6
TUESDAY	1	8	15	22	29	5 ACH PDS	12 PPE PDS	19 Health Sub	26	3	10	17 ERC PDS	24	31 LJCC	7 Audit & RM BEP
WEDNESDAY	2	9 EXECUTIVE	16	23	30	6 RRH PDS	13 CEF PDS	20 EXECUTIVE	27	4	11	18 EXECUTIVE	25	1 SACRE	8 GP&L
THURSDAY	3 Plans 1	10	17 Plans 2	24	31 Plans 3	7 ECS PDS	14 Plans 4 Schools Forum	21 GP&L HWB	28 Plans 1 SBP	5 DC	12 Plans 2	19	26 Plans 3	2 Standards	9 Plans 4
FRIDAY	4	11	18	25	1	8	15	22	29	6	13	20	27	3	10

Key/Numbers of meetings

(Evening meetings at the Civic Centre will normally start at 7pm - please check the Council website for latest details.)

Council	7	Executive	9	Executive, Resources & Contracts PDS Cttee (ER&C PDS)	9	Other/Daytime meetings*	
General Purposes & Licensing Cttee (GP&L)	6	Standards	3	Adult Care & Health PDS Cttee (ACH PDS)	5	Health Scrutiny Sub-Committee (4pm)	4
Local Joint Consultative Committee (LJCC)	4	SACRE	3	Children, Education & Families PDS Cttee (CEF PDS)	5	Health & Wellbeing Board (HWB) (1.30pm)	5
Audit & Risk Management Cttee	3			Environment & Community Services PDS Cttee (ECS PDS)	5	Safer Bromley Partnership (SBP) (10am)	4
Pensions Cttee	4			Public Protection & Enforcement PDS Cttee (PPE PDS)	5	Bromley Economic Partnership (BEP) (4pm)	4
Development Control Cttee	7			Renewal, Recreation & Housing PDS Cttee (RR&H PDS)	5	Schools Forum (4.30pm)	4
Plans Sub-Cttees 1-4	24			Children, Education & Families PDS Budget Sub-Cttee	1	Licensing Sub-Committee (Lic) (10am/2pm)	

(Dark shaded days are public holidays; light shaded days are school holidays.)

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LBB PROGRAMME OF MEETINGS 2023/24 (Page 2)

	NOVEMBER 2023			DECEMBER 2023				JANUARY 2024				FEBRUARY 2024			
MONDAY	13	20	27 ERC PDS	4	11 COUNCIL	18	25 <i>Christmas Day</i>	1 <i>New Year's Day</i>	8 ERC PDS	15	22	29	5 ERC PDS	12	19
TUESDAY	14 PPE PDS	21 ACH PDS	28	5	12	19	26 <i>Boxing Day</i>	2	9 LJCC BEP	16 CEF Budget	23 ECS PDS	30 ACH PDS	6 GP&L	13	20 Standards
WEDNESDAY	15 RRH PDS	22 CEF PDS	29 EXECUTIVE	6 Pensions	13	20	27	3	10 EXECUTIVE	17	24 PPE PDS Health Sub	31 RRH PDS	7 EXECUTIVE	14	21 Pensions
THURSDAY	16 ECS PDS HWB	23 Plans 1	30 DC Schools Forum	Plans 2	14	21 Plans 3	28	4	11 Plans 4 SBP	18 DC Schools Forum	25 Plans 1	1 CEF PDS HWB	8 Plans 2	15	22 Plans 3
FRIDAY	17	24	1	8	15	22	29	5	12	19	26	2	9	16	23

	MARCH 2024				APRIL 2024				MAY 2024						
MONDAY	26 COUNCIL	4	11	18	25 ERC PDS	1 <i>Easter Monday</i>	8	15 COUNCIL	22	29	6 <i>Public Holiday</i>	13	20	27 <i>Public Holiday</i>	3
TUESDAY	27	5 DC	12 ACH PDS	19 PPE PDS	26 BEP	2	9 LJCC	16	23	30	7	14	21	28	4
WEDNESDAY	28 SACRE	6	13 ECS PDS	20 CEF PDS Health Sub	27 EXECUTIVE	3	10 GP&L	17	24	1	8 ANNUAL COUNCIL	15	22	29	5
THURSDAY	29 SBP	7 Plans 4	14 RRH PDS	21 Plans 1	28 Audit & RM	4 Plans 2	11 DC	18 Plans 3 HWB	25	2 GLA Election	9 Plans 4	16	23	30	6
FRIDAY	1	8	15	22	29 <i>Good Friday</i>	5	12	19	26	3	10	17	24	31	7

Key/Numbers of meetings (Evening meetings at the Civic Centre will normally start at 7pm - please check the Council website for latest details.)

Council	7	Executive	9	Executive, Resources & Contracts PDS Cttee (ER&C PDS)	9	Other/Daytime Meetings *	
General Purposes & Licensing Cttee (GP&L)	6	Standards	3	Adult Care & Health PDS Cttee (ACH PDS)	5	Health Scrutiny Sub-Committee (4pm)	4
Local Joint Consultative Cttee (LJCC)	4	SACRE	3	Children, Education & Families PDS Cttee (CEF)	5	Health & Wellbeing Board (HWB) (1.30pm)	5
Audit & Risk Management Cttee	3			Environment & Community Services PDS Cttee (ECS PDS)	5	Safer Bromley Partnership (SBP) (10am)	4
Pensions Cttee	4			Public Protection & Enforcement PDS Cttee (PP&E PDS)	5	Bromley Economic Partnership (BEP) (4pm)	4
Development Control Cttee	7			Renewal, Recreation & Housing PDS Cttee (RR&H PDS)	5	Schools Forum (4.30pm)	4
Plans Sub-Cttees 1-4	24			Children, Education & Families Budget Sub-Cttee	1	Licensing Sub-Committee (Lic) (10am/2pm)	

(Dark shaded days are public holidays; light shaded days are school holidays.)

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Report No.
CSD23005

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **GENERAL PURPOSES AND LICENSING COMMITTEE**

Date: **16 February 2023**

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

Title: **APPOINTMENT OF HONORARY ALDERMEN**

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 To agree nominees for appointment as Honorary Aldermen for consideration at a special meeting of the Council before the annual meeting on Wednesday 10th May 2023.

2. **RECOMMENDATIONS**

- (1) That the Committee considers recommendations to Council for the appointment of Honorary Aldermen.
- (2) That a special Council meeting be held on 10th May 2023, before the annual meeting, to appoint Honorary Aldermen.

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: Estimated Cost: There is a small cost for providing badges.
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Mayoral Services
 4. Total current budget for this head: £172k
 5. Source of funding: Revenue Budget
-

Personnel

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

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable: 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: 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 The Council on 17th March 2008 approved a Scheme of Enrolment of Honorary Aldermen and the first appointments of Honorary Aldermen were made and celebrated at a special Council meeting on 23rd June 2008. Since then, further appointments have been made in 2010, 2011, 2014, 2016 and 2018. The Scheme was updated recently by this Committee on 5th April 2022. A copy is attached as Appendix A. A total of 36 former Councillors have been appointed as Honorary Aldermen – see Appendix B. A special meeting of the Council is required to appoint Honorary Aldermen and the resolution needs to be supported by at least two thirds of those voting at that meeting.
- 3.2 There are two criteria for appointment as an Honorary Alderman –
- (i) serving a minimum of three terms (12 years) as a member of the Council.
 - (ii) rendering eminent, or notable, service generally or by service as Mayor, or a Chairman of a major Council Committee or holding one or more senior positions on the council in any political group
- 3.3 In addition, the title would need to be withdrawn should the Honorary Alderman be re-elected to the Council, so the honour is usually only given where the person concerned is not expected to seek re-election or to play a prominent public role.
- 3.4 An informal cross-party meeting has been held to discuss potential candidates for appointment as Honorary Aldermen – seven potential candidates have been identified, and their identities are set out in Appendix C (in part 2). All have indicated that they would be honoured to accept this recognition of their service if supported by this Committee.

4. TRANSFORMATION/POLICY IMPLICATIONS

- 4.1 The Council's policy on appointing Honorary Aldermen is set out in the attached Appendix containing the Honorary Aldermen Scheme of Enrolment. The Council can also appoint Honorary Freemen - persons of distinction (not necessarily former Councillors) who have rendered eminent service to the borough.

5. FINANCIAL IMPLICATIONS

- 5.1 The proposal involves some modest costs for the production of badges and certificates. The special Council meeting can be held on the same night as the Council's annual meeting and so meeting costs will be minimal.

6. LEGAL IMPLICATIONS

- 6.1 The power to appoint honorary aldermen is contained in section 249 of the Local Government Act 1972.

Non-Applicable Headings:	Impact on Vulnerable Adults and Children, Personnel, Property, Procurement, Customer Impact, Carbon Reduction, Ward Councillor Views
Background Documents: (Access via Contact Officer)	Report to GP&L Committee (6 th February 2018)

LONDON BOROUGH OF BROMLEY

**HONORARY ALDERMAN
SCHEME OF ENROLMENT**

1. Qualifications Required for Enrolment

A person shall be deemed to be eligible for consideration to be nominated to the position of Honorary Alderman if he or she:

- i) has rendered a minimum of 12 years' service as a member of the London Borough of Bromley; and
- ii) has rendered eminent, or notable, service generally or by service as Mayor, or a Chairman of a major Council Committee or holding one or more senior positions on the council in any political group.

2. Method of Enrolment

- 2.1 Applications for nomination as an Honorary Alderman shall be made by a Member of the Council and submitted, in writing, to the Director of Corporate Services and Governance for consideration by the General Purposes and Licensing Committee.
- 2.2 Prior to the submission of any application for nomination, the person nominated shall be asked by the Member nominating him or her if he or she is willing to accept nomination for enrolment as an Honorary Alderman.
- 2.3 Election to the position of Honorary Alderman shall be by a resolution of the Council, passed on the recommendation of the General Purposes and Licensing Committee, by not less than two-thirds of the Members voting thereon at a meeting of the Council specially convened for the purpose by the Mayor with notice of the object.
- 2.4 Following the election of a person to the position of Honorary Alderman, the Director of Corporate Services and Governance will arrange for the name of the person to be admitted to the Roll of Honorary Aldermen, which shall be established for such purpose.

3. Rights and Privileges

- 3.1 An Honorary Alderman shall be entitled to the following rights and privileges:
 - (i) to enjoy the courtesy title of "Honorary Alderman" and to be addressed as such;
 - (ii) to attend as an observer at meetings of the Council or any other meetings to which the press and public are admitted and to have a seat reserved for this purpose;
 - (iii) on request, to receive a copy of the Council Summons and Agenda;
 - (iv) to receive invitations to all Civic events to which members of the Council are invited;
 - (v) to walk in Civic Processions in a position immediately senior to serving Members;

- (vi) to wear the Badge of Office of Honorary Alderman on Civic occasions.
 - (vii) on death, to have the Borough flag flown at the Civic Centre at half- mast.
 - (viii) to enjoy such other privileges as the Council may confer upon them from time to time.
- 3.2 In the event of an Honorary Alderman resuming membership of the Council, he or she shall cease to be entitled to be addressed as “Honorary Alderman” or to attend or take part in any Civic ceremonies of the Council as an Honorary Alderman.
- 3.3 It shall be competent for the Council in any particular case to withdraw the title of “Honorary Alderman” and the attached rights and privileges on the recommendation of the General Purposes and Licensing Committee. Such withdrawal of the title shall be by resolution of the Council, passed by not less than two-thirds of the Members voting thereon at a meeting of the Council specially convened for the purpose by the Mayor. On the passing of such resolution, the Chief Executive shall delete the name of the person concerned from the Roll of Honorary Aldermen and advise that person accordingly.

(Reviewed April 2022)

Honorary Aldermen

Reg Adams
Douglas Auld (Deceased)
E Dennis Barkway C.B.E. (Deceased)
Peter Bloomfield (Deceased)
Paul Bonter
Dr Eric Bosshard
Joan Bryant
Ingrid Buckley
Roger Charsley
Frank Cooke (Deceased)
David Crowe
Richard Foister (Deceased)
Peter Fookes
Chris Gaster (Posthumous)
John Getgood
David J Harding
David Haslam
Jenny Hillier
John R Holbrook (Deceased)
Carole Hubbard (Deceased)
Brian Humphrys
Gordon Jenkins
Lt Col Philip G Jones OStJ TD DL (Deceased)
Maurice Kenward
Dorothy Laird JP
John A M Lewis (Deceased)
Mrs Anne Manning
Maurice J Mason (Deceased)
David McBride
Ernest Noad
Mike Norris
Sue Polydorou JP M.B.E.
Simon Randall C.B.E.
Brian R Reading
Catherine Rideout
Charles Rideout
George Taylor
Selwyn Ward
Anthony M Wilkinson (Deceased)
Arthur Wilkinson
Peter C Woods (Deceased)
Joan Wykes O.B.E. (Deceased)

Report No.
CSD23007

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **GENERAL PURPOSES AND LICENSING COMMITTEE**

Date: **Thursday 16 February 2023**

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

Title: **OUTSIDE BODY APPOINTMENTS**

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 two local people to the Beckenham Parochial Charities for a four year term (January 2023 to January 2027).**
- (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:
 4. Total current budget for this head: £
 5. Source of funding:
-

Personnel

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

Legal

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

Procurement

1. Summary of Procurement Implications:
-

Property

1. Summary of Property Implications:
-

Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications:
-

Customer Impact

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

Ward Councillor Views

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

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. The terms of the other three trustees expired in January 2023 – these were former Councillor Russell Mellor, Mr Robin Mitchell and a third trustee who resigned earlier in 2022. At the Committee’s last meeting former Councillor Russell Mellor was re-appointed, leaving two positions to be filled.

3.4 Three nominations for these two roles have been received. The Charity has informed the Council that it recommends that one of the long-serving existing trustees, Mr Robin Mitchell, should be re-appointed for the next four year term. Nominations have also been received for Councillor Michael Tickner and Mr+s Jill Hollamby. Further details of the three candidates are set out in a part 2 appendix.

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 local governing body (the Livability Education Local Advisory Board) for a four year term. Former Councillor Stephen Wells was appointed in early 2019 as the Council’s representative; he has now left the Council and his term of office is expiring. The Committee was advised at the last meeting that consideration needs to be given to appointment of a new local authority governor, possibly from Hayes and Coney Hall ward, where the school is situated, or from the Children, Education and Families PDS Committee.

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)	Reports to previous GP&L meetings on Outside Body appointments, particularly on 3 rd November 2022

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Report No.
CSD23008

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 16 February 2023

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:
(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 The Constitution Working Group has met twice and a range of proposed amendments to the Constitution will be reported to the Committee’s next meeting on 30th March. The Working Group also proposed a review of the overall structure of the Constitution documents which will be reported to Members in the next Council year. There are no other matters outstanding to report on that are not already covered in the reports on the current agenda.

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, 3 rd November 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

16th 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

30th March 2023

Constitution Working Group

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.

Provisional dates for 2023/24:

10th May 2023 (following the annual Council meeting)

11th July 2023

21st September 2023

8th November 2023

6th February 2024

10th April 2024

LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30pm on 12 October 2022

Present:

Employer's Side

Councillor Michael Tickner (Chairman)
Councillor Simon Fawthrop
Councillor Colin Smith (Leader)
Councillor Thomas Turrell
Councillor Nicholas Bennett MA J.P.
Councillor Chris Price

Staff Side and Departmental Representatives

Gill Slater ((Vice-Chairman and Unite Representative)
Thomas Carver, (ECHS-Children's Social Care)
Sara Wright, Children Looked After & Leaving Care (Unison Representative)

15 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor David Cartwright, Peter Turner, Charles Obazuaye and Emma Downie. Antoinette Thorne acted as substitute for Charles and Emma, representing the Human Resources Department.

Apologies were received from Councillor Andrew Lee and Councillor Nicholas Bennett acted as substitute.

Apologies were received from Councillor Jessica Arnold and Councillor Chris Price attended as substitute.

Apologies were received from Councillor Rebecca Wiffen and Councillor Pauline Tunnicliffe.

From the Departmental Representatives, apologies were received from Billy McIver and Louise Sylver.

16 DECLARATIONS OF INTEREST

Councillor Simon Fawthrop declared an interest as his wife was line managed by the Assistant Director of HR.

17 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 24th FEBRUARY 2021

The Chairman was not present at the previous meeting of the LJCC that took place on the 24th of February 2021. He therefore asked the Vice Chairman and Councillor Bennett if they would be able to agree the minutes and they responded in the affirmative.

RESOLVED that the minutes of the LJCC that met on the 24th of February 2021 be agreed and signed as a correct record.

18 THE COUNCIL'S RESPONSE TO THE COST OF LIVING CRISIS

The Vice Chairman asked how and in what time frame did the Council propose to respond to the impact of the cost of living crisis on staff in light of the LBB April pay award of 2.25%, which was (in her view) effectively a very significant pay cut with the RPI now currently climbing to 11.8% and the CPI to 9.4% in July. Other factors which were also impacting on the financial security of staff included October's energy price increases which had yet to take effect on heating bills, with the consequential effect of increasing the price of retail goods and services that staff were dependent upon.

The Vice Chairman stated that whilst capped, the new energy cap was still 27% above the summer 2022 cap. In addition, there was the increased cost of borrowing predicted recently.

When the pay award was considered, the CPI was 5.4%--this was noted in a report to the GP&L Committee in February 2022. She said that in August 2022 the data was worse: RPI – 12.3% : CPI – 9.9%. The Vice Chairman referred to the current economic climate and its impact on staff because of the current market uncertainty and the rise in interest rates.

She outlined the following impact on staff:

All Staff:

- Heating: energy costs were rising despite central government intervention
- Food: prices were rising at their fastest rate for 40 years
- Cost of fuel – (car mileage allowance)
- Mortgages / rental costs
- Debt (Loans & credit cards)
- Possible impact on pensions--although it was recognised that LBB had a good track record.

Impact on lowest paid

The 2.25% pay award this April brought the lowest hourly rate (BR3 spinal point 8) within the London Living Wage (LLW) by a penny (then £11.05 /hr), but...

- The LLW was an independent calculation based on what people needed to live on); the annual review reflecting the cost of living crisis was revised last month to £11.95 per hour.
- Now BR3, BR4 and up to spinal point 14 in BR5 fell below the London Living Wage.

- The lower paid spent a greater proportion of their income on basics (shelter, heating & food). The rate of grocery inflation rose to 13.9% last month--its highest level since records began in 2008 (Financial Times).

The Vice Chairman suggested that there would also be impacts upon the Council in terms of the effect on recruitment, retention and staff morale. It was important that in times when it was difficult to recruit staff, that the Council had a good staff retention rate.

The Assistant Director of HR (Human Resources) responded and said that the Council realised and appreciated the difficulties that existed now and that may also develop in the future. She explained that this was an issue that was being looked at nationally. The Council was monitoring the national discussions that were taking place and was waiting to see what the outcome of these discussions would be. One of the unions had accepted a national increase. The Council was also reassessing the 'Real Benefits' programme in an attempt to get more retailers and supermarkets involved. It was noted that the rates of car allowance were set by HMRC and the Council were in ongoing discussions with HMRC concerning this. If the rate went higher it would have a tax impact for staff.

The Assistant Director for HR informed the Committee that a seminar for staff was planned for the end of November which was designed to help staff with budgeting and financial management. This had been agreed after one of the 'Ask the Chief Executive' sessions. The Vice Chairman highlighted the pay scales for LBB in 2022 and illustrated the spinal points which now fell below the LLW, pointing out that the lowest pay scale in Bromley now fell in the order of £1,700 a year below the LLW.

It had to be borne in mind that in addition to the severe financial impact staff were facing, there was the additional issue of staff's mental health and well-being. The Leader said that the Council did not recognise and would not be committing to the LLW as a basis for pay consideration. The next pay review was a matter that would be discussed with staff representatives in about a week or so. The date of the meeting would need to be clarified. The Vice Chairman advised that there was a formal pay consultation process between HR and the Trades Unions.

A Member commented that inflation also affected Council finances and contracts. He advised that when the Council made decisions on pay, they relied on the advice of experts and that for next year's pay award we would have to see what grant was received from Government. He also wondered if a two year pay award should be negotiated next time. The Chairman was not keen on the idea of a two year pay deal. He felt it would not take into account inflationary spikes and would be too rigid.

Thomas Carver highlighted the current financial difficulties that staff were already facing and suggested that the negotiations with HMRC with respect to the mileage allowance may need to be escalated. He also said that he did not

require debt management advice but rather more money for his rent. The Leader said that he was very happy to offer his support regarding the fuel allowances.

The Assistant Director for HR said that the debt management seminar had been requested by staff and that Emma Downie was escalating matters with HMRC. Mr Carver suggested that the matter may need to be escalated by the Director for HR or the Chief Executive.

The Vice Chairman commented that although Councils would be affected by inflationary pressures, they would still be required to pay the finally agreed pay award. If LBB paid below whatever was agreed nationally, the Council would be saving money at the expense of staff; they should therefore commit to meeting whatever was agreed nationally.

The Chairman commented that until this year the Council's pay award had matched or exceeded the eventual national pay settlement. The next pay settlement would have to take into account inflation that had occurred since April 2022 as well as what would be provided by the Revenue Support Settlement from central government which was due to be reported upon in December.

RESOLVED that the update regarding the Council's response to the cost of living crisis be noted.

19 UPDATE ON THE ACCOMMODATION STRATEGY

The Staff Side asked for the following matter to be discussed:

The Staff Side request an update on the Council's Accommodation Strategy and its implications for staff. Until it is understood what the Accommodation Strategy looks like, it won't be clear what the implications might be for staff and how this will affect staff working conditions whilst in the office or at home. For example, whilst COVID led to a particular way of working there will be costs for staff associated with a more formal hybrid way of working--not least heating costs over the winter.

The Assistant Director for HR explained that not much information could be shared at the meeting as everything was under review and matters were commercially sensitive. It was anticipated that information regarding the Accommodation Strategy would be available around the end of November. The Leader said it was anticipated that a report on the Accommodation Strategy would go to the meeting of the Executive in November.

Sara Wright asked if there would be any consultation on the matter. The Chairman responded and said it would be a matter for the Members to decide. Thomas Carver asked if there would be scope for a different procedure and Councillor Chris Price was keen that the opinion of staff should be sought and he asked for staff to be involved in a consultation process before Members took matters further and made decisions. The Chairman said that it would be

good for the matter to be on the next LJCC agenda which would be a week after the relevant Executive meeting. It was also the case that the matter would be discussed at Full Council.

The Leader said that the Accommodation Strategy did not need to go for consultation and that staff were likely to be very encouraged by what would be proposed. He said that what was likely to be proposed in the Strategy would provide greater choice and flexibility for staff in terms of their working arrangements than was currently the case. Mr Carver responded and said that this was good news but nevertheless he felt that some form of staff engagement was important. The Leader responded and said that staff would be able to comment when the Executive agenda was published.

A Member mentioned that prior to going to the Executive, and Full Council, the Accommodation Strategy report would be scrutinised by the Executive, Resources and Contracts PDS Committee and there was also a possibility that the matter may additionally go to the Renewal, Recreation and Housing Committee. Staff would be very welcome to come along to these scrutiny committees and ask questions. There would also be a meeting with the Departmental Representatives. It was also important to note that Members had to make a decision and this decision would be in the interests not only of staff but of local residents. The Leader was hopeful that by the time the report came to the PDS committees, the details would be in a Part 1 (public) report. A Member briefed the Committee saying that if it was the case that any information was still in a Part 2 (confidential) report, then staff would still be able to access this as they worked for the Council.

The Vice Chairman responded by saying that the mobilisation of staff to attend committee meetings once proposals had been finally drafted was not an ideal way to engage with staff and that staff should be consulted upon as soon as possible.

RESOLVED that the update on the Accommodation Strategy be noted and that a further update on the Accommodation Strategy be added as an item to the next LJCC agenda.

20 PENSION FUND UPDATE

The Chairman had requested an update on the solvency of the pension fund as he was aware that because of the current economic climate (with spikes in inflation and gilts and bonds having issues), it was important to discuss the solvency of the fund. The Senior Accountant (Pension Fund) was in attendance to provide advice as required and assured that the LBB Pension Fund was in a good place and was one of the better performing funds.

Councillor Simon Fawthrop (who sat on the Pension Committee) provided an update regarding the CIV (Collective Investment Vehicle).

Web link: <https://londonciv.org.uk/>

Councillor Fawthrop expressed the view that the London Collective Investment Vehicle was not one of the best. He said that the Council had put £700,000 into the CIV and had got nothing in return. He said that the LCIV had trade union representation on the management board but apparently had not queried why the CIV was not performing well. He therefore asked the trade union representatives attending the LJCC meeting if they could ask their representatives on the London CIV to look at this.

In terms of the Bromley Pension Fund he said that Councillors acted as 'Trustees' and tried to maximise returns for pensioners. Every three years there was a tri annual review of the pension fund and one was due in November. The review was undertaken by an actuary and looked at the investment strategies of the fund and how it could be shaped for the future. The aim of the Pension Committee was to avoid any future financial 'black holes' and to make sure that pensions were protected.

The Chairman asked if the £700,000 was a management fee or if it was an investment that had been wasted in some way. It was noted that the £700,000 was made up of annual membership fees and purchased share capital. It was explained that the Council had not invested money in the schemes themselves because if they had done so, the Council would not be able to determine how the funds should be invested and would probably have lost money.

The Chairman asked if there was anything that the Staff Side could do in view of the fact that there was trade union representation on the CIV Management Board. The Vice Chairman responded by saying that the Staff Side union representatives did not have the relevant knowledge and expertise to comment on the matter. However, Sara Wright offered to raise this issue with the Unison Branch Secretary to escalate it and get more information and feedback for the next LJCC meeting.

Councillor Simon Fawthrop informed the Committee that the London CIV had a shareholders committee and there was union representation on that. He said he would have expected them to feedback to the union branches. He said that there was a union representative on the Pensions Board and it used to be the case that the trade union sent representatives to the Council's Pensions Committee. It was important that they took an interest in these things as pensions was a big part of the remuneration package for Council employees. The Chairman asked the Senior Accountant (Pension Fund) to supply Sara Wright with some information and the make-up of the London CIV which may help with her inquiries. The Chairman also said that the matter should be an item on the agenda of the next meeting of the LJCC.

The Vice Chairman asked if members of the pension fund were protected from stranded assets. The Senior Accountant (Pension Fund) answered and said it was true, as reported in the press, that some funds were struggling and had lost money, largely because they had invested in liability driven investments. He said that the 2019 valuation of the Bromley Pension Fund

indicated that it was 110% funded which meant there were more assets than required to meet the liabilities of the fund.

Councillor Fawthrop stated that the Bromley Pensions Committee had much foresight and a long term vision. In 37 years' time there was a massive asset that they could call on if required. Thomas Carver said that some members of staff had opted to withdraw from contributing to the pension scheme as they needed the money to pay bills.

RESOLVED that the Pension Fund Update be noted and that a further update regarding the LCIV be brought to the next LJCC meeting.

21 THE NEXT MEETING

The date of the next meeting was confirmed as the 7th of December. The Chairman requested that, in view of the poor attendance, the times of the meeting be changed. He suggested that the pre-meetings should commence at 7:00 pm, with the main meeting commencing at 7:30 pm, a timing used successfully by the Development Control Committee.

The matter of AOB was raised and it was noted that this was not normally an item that was on any Council agendas, as officers needed notice of issues to be raised. However the Chairman allowed Councillor Price to ask about the Staff Survey, as this was in the minutes of the previous meeting. Thomas Carver informed the Committee that there was going to be a meeting the following Monday for the findings of this year's Staff Survey to be fed back to staff. This would be reported to committees in due course. The Leader asked if someone could inform him of the date that Councillors were due to meet with the Departmental Representatives

The following items were suggested for the next meeting:

1. An update on the Accommodation Strategy
2. An update on Pensions and the CIV
3. An update on the Staff Survey
4. An update on the block grant from central government.

In conclusion, the Leader informed the Committee that at the recent meeting of Full Council there had been cross party agreement that the Council was not in a position to bear the burden of any more cutbacks from central government and that the Council would not be able to deal with additional responsibilities without sufficient funding. The Staff Side completely agreed that Local Authorities must be appropriately funded by Central Government.

Chairman

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LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 6 October 2022

Present:

Councillor Keith Onslow (Chairman)
Councillors Kira Gabbert and Kathy Bance MBE

13 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Keith Onslow was appointed as Chairman.

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 APPLICATION FOR A NEW PREMISES LICENCE AT 'HIT OR MISS', 6 CHATTERTON ROAD, BROMLEY, BR2 9QN

The Licensing Sub-Committee carefully considered the application for a new premises licence at 'HIT OR MISS, 6 CHATTERTON ROAD, BROMLEY, BR2 9QN.

The Licensing Sub-Committee considered:

- The four licensing objectives
- The Council's current Statement of Licensing Policy
- Guidance issued under the Licensing Act 2003
- The Secretary of State Guidance issued under Section 182 of the Licensing Act 2003
- All written representations - Written and oral representations by the Applicant, Written and oral representations by Local Residents - Written representations by the Responsible Authorities.

The **Decision** of the Licensing Sub-Committee was:

The Licensing Sub-Committee decided to Grant the premises licence, subject to amendments made at the Hearing on the 6th October 2022.

The Licensing Sub-Committee meeting was held in a manner which allowed all present to hear the views of both parties. The Licensing Sub-Committee asked questions to obtain clarity and further information when required. At the

Commencement of the Hearing, the Licensing Manager explained that there was an error in paragraph 3, page 57 of 88 of the application bundle, that it ought to read:

In summary the applicant had suggested that he would agree to the conditions proposed by the police and to amend the hours, on condition that the residents withdraw their objections. • Sunday 23:00 • Monday – Thursday 23:00 • The applicant also suggested that there were no new entries after 23:00 The objections were not withdrawn and as such, the applicant reverted to the original hours which are noted in the application (J) on page 22 of 88 and hours when the premises are open to the public are on page (L) 24 of 88.

The Applicant's Case:

The Applicant's sister presented the Applicant's case. The Applicant's sister introduced her brother and herself and gave a summary of her brother's experience in the licensing establishment trade. She stated that the Applicant had an unblemished record in the licensing business over 35 years. She said that he was an experienced Designated Premises Supervisor (DPS), and was professional and considerate when making decisions. She informed the Panel that the Applicant had spent a significant sum of money (£9,000) to secure sound proofing at the premises (above 50dB). The venue was located nearby residential homes. Its capacity was for approximately fifty people, (37 seated and thirteen standing). The applicant stated that the establishment had a mature and well behaved clientele. The intention was to provide a niche market locally.

The Applicant explained and responded to points raised in the objections. Licensing Sub-Committee members asked a variety of questions relating to the objections and the applicant responded accordingly. The opening hours, sale of alcohol and times for opening and for the sale of alcohol were discussed. The Applicant confirmed that the Metropolitan Police and the Child Protection Team conditions had been agreed beforehand.

The Applicant said that he wished to work with the Licensing Authorities and the Residents. The Licensing Hours were discussed and the suggestions regarding the use of Temporary Events Notices (TENS) were put to the Applicant to ensure he was aware of that option being available to licensing premises. The Applicant acknowledged that he was aware of TENS. There was a discussion regarding the outside seating/garden area immediately in front of the premises. The Licensing Manager asked about how alcohol was to be served in the garden area of the premises.

The Licensing Manager said that patrons who smoked; were to be encouraged to do so in the designated area. Waste bins and how they were disposed of was mentioned. The Applicant informed the Sub-Committee members that there was an allocated area for waste from the premises and reassured residents that the premises did not intend to sell hot food. Most of the rubbish would be empty bottles and cardboard. The premises would have routine litter checks to the front area of the premises. One of the Licensing

Sub-Committee members asked whether the Applicant was aware of a Pub-Watch scheme and the Applicant responded that he was not aware but would welcome it and would join if it was available.

Objections and Support for the Licence:

There were written representations received--twenty-six in support and seven in objection from local residents. At the hearing, some local residents attended and took part in the discussion both for and against the discussion (1 in objection and three in support).

Local Residents' Representations and Discussion:

Local residents were given the opportunity to speak. The following is a summary of the discussion and relevant responses from the applicant: The main concerns were: opening hours, sale of alcohol, preventing public nuisance, crime and disorder, public safety and potential noise nuisance and waste disposal. Concerns which residents raised included the possibility of an increase in noise nuisance, the long opening hours, littering and dispersal issues, anti-social behaviour. Residents who objected to the application expressed a concern regarding the long opening hours and consumption of alcohol, and that these hours were even longer than some licensing establishments in the local area. The Applicant agreed to encourage patrons who smoked, to smoke within the designated area of the premises. That waste from the premises will be properly disposed and that there was no intention to serve hot food. The Applicant's response to the residents' concerns regarding noise nuisance was that he had spent a considerable amount of money to install sound proofing. His intention was to restrict noise emanating from the premises to avoid any noise nuisance.

Ward Councillors' Comments:

There were no representations received from Ward Councillors.

The Licence

The details of the application for the new premises licence were noted in the agenda/application bundle (Pages: 7 of 88 to page 29 of 88). Hours for the supply of alcohol were noted in application bundle (J) on page 22 of 88 and hours when the premises are open to the public are on page (L) 24 of 88. The changes made at the Licensing Hearing are noted below: Opening Hours Sunday to Thursday – 11.00 hours to 23:00 hours Friday to Saturday – 11:00 hours to 00:00 hours (12:00 Midnight) New Year's Eve - 11:00 hours to 01:00 hours Sale of Alcohol Sunday to Thursday – 11:00 hours to 22:30 hours Friday to Saturday – 11:00 hours to 23:30 hours New Year's Eve - 11:00 hours to 01:00 hours Consumption of alcohol - Frontage Garden area Monday to Sunday – 11:00 hours to 21:00 hours No patrons should remain in the garden area after 21:00 hours except for those who are using the area for smoking

Agreed Conditions:

The Applicant agreed to operate in accordance with the requirements of the Licensing Act 2003 (as amended) and the conditions attached to the premises licence..

Agreed Metropolitan Police Conditions:

- A CCTV system will be installed and maintained at the premises covering the entrances of the premises. Recordings shall be stored for a minimum of 28 days and CCTV images shall be retrieved in a digital format and supplied immediately to a Police or Council Officer on request.
- At least one CCTV camera shall be installed by the entrance door that enables face, head and shoulders images of a standard that will enable identification of each person entering and leaving the premises.
- Ensure that signage is displayed by the main exit reminding anyone leaving the premises to 'please respect our neighbourhood and leave the premises quietly or similar wording to this effect.
- Ensure that a Challenge 25 policy is operated at the premises with appropriate signage displayed inside the premises.
- Ensure that all relevant staff within the business are trained in relation to the Licensing Act 2003 and conflict management. Training records shall be available from the premises and made available for inspection by the police upon reasonable request. Refresher training will be undertaken every 12 Months (or earlier as necessary). Maintain an incident register that is accessible on the premises. The DPS, or a member of management shall ensure that the details of incidents shall be added to the register within 24 hrs of any incident. The following details shall be recorded:-
 - Date
 - Time
 - Location
 - Persons concerned (or at least a description)
 - Summary of incident
 - Identification of any Emergency Services Personnel who attended
 - Crime or appropriate reference number provided by the Emergency Services that relates to the incident and any linked incidents.
- Ensure that a refusals record is maintained at the premises and that such a record shall be made immediately available for inspection by the Police or an authorised Officer of the Local Authority.
- Off sales will only be sold in sealed containers The Child Protection Team – Bromley safeguarding Children Partnership conditions which the application has agreed to adopt to are noted as follows: That the premises adopts the 'challenge twenty-five scheme' whereby any person that appears under 25 years of age has to prove they are eighteen or over by providing identification bearing their photograph,

date of birth and a holographic mark and/or Page 66 of 88 ultraviolet feature. Examples of appropriate identification include Passport, Photo card driving licence, military ID, proof of age card bearing the PASS hologram and biometric residence permit. In addition, a refusals log be kept and maintained. This log must be available to Police or Council Officers on request.

The Decision:

The Licensing Sub-Committee decided to Grant the application for a new premises licence subject to the modifications made at the Licensing Sub-Committee hearing. The Licensing Sub-Committee when deliberating took into consideration the following: a) The Licensing Sub-Committee looked at the application as a whole. b) All the licensing objectives, the relevant licensing policies and guidelines, and all the steps which the applicant intended to take to promote the licensing objectives. c) All points raised by all parties in the application bundle and at the Licensing Sub-Committee hearing. d) That the applicant agreed to all the Metropolitan Police conditions and those from the Child Protection Team as stated in the application. e) That the applicant responded to residents' objections and was agreeable to reduce the opening hours and to hours and the sale of alcohol f) The applicant agreed to all the relevant policies and conditions, and has shown good intention to uphold the licensing objectives and to listen to resident's concerns. g) The relevant Licensing Act provides for a review process for any licensing premises which can be used as and when required. The Sub-Committee believed that the above reasons and conditions incorporated into the premises licence are 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 new premises licence application to be granted with the relevant conditions agreed at the Licensing Sub-Committee Hearing and as noted in the full decision.

Chairman

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LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 24 October 2022

Present:

Councillor Nicholas Bennett MA J.P. (Chairman)
Councillors Robert Evans and Kira Gabbert

Also Present:

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Nicholas Bennett was appointed Chairman for the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 **New Premises Licence Application for Dough Artisan Bake House Ltd 210 High Street, Beckenham, BR3 1EN**

1. INTRODUCTION:

The Licensing Sub-Committee having carefully considered the application for **a new premises licence at DOUGH ARTISAN BAKE HOUSE LTD, 210 HIGH STREET BECKENHAM BR3 1EN:**

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; The Secretary of State Guidance issued under Section 182 of the Licensing Act 2003 (As amended),
- All written representations
- Written and oral representations by the Applicant (and supporters)
- Written representations by two Ward Councillors
- Written and oral representations by Local Residents
- Written representations by the Responsible Authorises
- Written and oral representation by the Council's Health and Safety Inspector

The decision of the Licensing Sub-Committee was:

The **Licensing Sub-Committee decided to Grant** the premises licence subject to amendments made at the Hearing on the 24th October 2022.

The Licensing Sub-Committee meeting was conducted in a manner which allowed each party to present their case and to discuss their concerns and positive aspects of the above application. The Licensing Sub-Committee paused to ask questions to the relevant parties with the view to obtain clear responses and where necessary, to get further information, and an overall understanding of various points.

The Licensing Sub-Committee was made aware prior to the commencement of the meeting about the change of hours (by the applicant) for the sale of alcohol at the above premises. The applicant decided to reduce the hours stated in the above application for film, live music and sale of alcohol to end at 10pm (22.00hours) rather than 12:00 midnight (00:00 hours) as proposed, and the use of the outdoor area until 9pm (21:00 hours)

Regarding Planning, there had been class use changes since the premises was owned by the previous tenant. The Licensing Officer briefly explained about the changes in the Planning Class use which were updated on the 1st September 2020 [as noted in the Town and Country Planning (Use Classes) Order 1987 (as amended)]. The former class A3 for Restaurants and Cafes was now the new Class E, which included Restaurants, Snack Bars and Cafes. However, before the change, the premises was a class A1 retail shop and was denied an application to change to A3. The change in class coding meant that the premises could operate as any type of business within the new class E which included both shops and cafes. The premises was therefore now under Category E and could operate as a bakery/café without the need to apply for planning permission.

The application plan showed an outside (outdoor) area in the rear which was subject to planning permission. The applicant previously applied for permission for that area and later withdrew the application to amend the drawings. The applicant mentioned that she has since re-submitted to the Council for consideration the amended application for that part of the premises.

Members of the Licensing Sub-Committee were further informed that the above application concerns the inside use of the premises and the front outdoor area (shown in a pink shade in the application plan). The pavement outdoor area (in the front of the premises) already had a valid pavement

licence. The sitting arrangement for that outdoor area included two tables and two chairs per table.

2. THE APPLICANT'S CASE AND DISCUSSION AT THE HEARING:

The applicant mentioned that her business model for the above premises was aimed at various clients, but included the young families where the children could have fun, children's parties, films. During that time, the children's parents /guardians (the adults) could have some sociable time with a glass of prosecco, mulled wine (at Christmas etc), coupled with a pastry and some sort of bread and 'bubbles' alternative etc. The capacity of the premises was approximately 50 persons (but likely to be less at most times).The applicant said she had taken into consideration the residents' concerns and had re-instated the closing hours to 10pm rather than 12:00 midnight as stated in the original application.

The Licensing Officer mentioned that the applicant should be aware that with the closing hours, the time ought to factor in half an hour drinking time. The Licensing Officer asked what time they would stop serving alcohol and the applicant stated they would stop serving alcohol at 9:30pm and close the premises at 10pm.

The applicant agreed to all Metropolitan Police conditions which were noted in the application bundle.

The applicant said that she had the noted points mentioned by residents; she urged the residents to separate her business (and business plan) to that of the previous tenants at the above address. Her intention was to grow her business in a more sensible way with a different type of clientele to the previous tenant. She recognised that she was somewhat carrying a stigma from the previous owner. She said her business was very different and it was not a nightclub, or a bar or a late-night establishment.

There was a discussion about the outside area and sitting arrangements and questions regarding the consumption of alcohol in the outside area as well as the delivery of alcohol for off the premises food and also where food could be delivered off the premises with alcohol through a third party. The applicant (and her supporters) mentioned that they had not considered serving food and alcohol through the delivery service and that it was not her intention to sell alcohol as part of the delivery service.

The applicant confirmed what the Licensing Officer mentioned, about the area needing planning permission being separate to the above application, and that an application to the Council had been re-submitted.

The applicant responded to the points raised by the Health and Safety Inspector in respect to Noise Nuisance. The applicant acknowledged that an opening party (which included a D.J and music) took place in 2020, at a time when the Covid restriction rules had changed to allow gatherings. The Police were called to the premises, but when they came "they saw that everything

was fine". The Health and Safety Inspector explained that such nuisance interfered with the rights for residents to enjoy their property. She also mentioned that the previous tenant had some issues which infringed those rights. The applicant in a related point responded that noise level checks had been carried out at the premises.

In summing up, the applicant said she was trying to provide (and add) some alternatives for her customers in order to 'stay competitive, and to keep her business going'. She said it was not her intention to cause any noise nuisance and that she would be responsible for monitoring the music and noise at the premises to ensure it did not become a nuisance.

3. OBJECTIONS AND SUPPORT TO THE LICENCE:

There were 2 Cllr objections, 1 Responsible Authority Objection and 28 resident objections making 31 objections in total. At the Hearing there were 2 persons who supported the application and 2 residents who spoke in objection to the application and the Health and Safety Inspector also spoke in objection.

4. LOCAL RESIDENTS' REPRESENTATION & DISCUSSION AT THE HEARING:

Two residents spoke in objection to the application. The following summary is of the discussion and relevant responses from the applicant:

The objections were mainly regarding the following: Opening Hours, Sale of Alcohol, possible Noise and Public Nuisance. Residents raised points regarding the possibility of an increase in noise nuisance, the long opening hours, and anti-social behaviour which was linked to the consumption of alcohol.

Residents also mentioned their concern about private parties. The use of the outside areas was discussed. The applicant acknowledged that when the private parties were held it was the applicant's responsibility to ensure they were run properly. That there will be senior management, and clear rules and guidelines will be given to the person(s) hiring the place.

Objections were expressed relating to the opening hours and consumption of alcohol.

The applicant responded that she had reduced those hours and intended to be diligent to ensure that there was no noise nuisance. One of the residents whose family lived near the premises for a long time, wanted to know how the noise level checks were conducted and whether the decibels noted were correctly noted given the day/time when the survey took place. The applicant mentioned that the results of the noise survey were correctly monitored. The applicant further explained that: part of the rear garden of the above Premises which was located closest to the resident's property would not be used. The applicant had decided to reduce the use of the rear garden in

order to deal with the possible noise issues which were evident when the premises was used by the previous tenant.

Off premises food delivery and the use of a third-party delivery service was also discussed. One of the members of the Sub-Committee asked whether alcohol would be delivered with the food from the premises. The applicant replied that it did not occur in her mind to deliver alcohol and that she did not intend to do so.

One of the Licensing Sub-Committee members raised the point which the objectors mentioned in the application bundle regarding cumulative impact. The Licensing Officer, having explained the meaning of a cumulative impact zone, went on to explain that the premises which opened after 11pm (until early hours of the morning) would be the ones affected by issues relating to cumulative impact zone. Issues regarding the cumulative impact zone did not apply in this case.

Once the Licensing Sub-Committee established that there was no further input from all parties. The Licensing Sub-Committee retired for deliberation.

5. THE WARD COUNCILLORS' COMMENTS:

Two ward Councillors submitted their written representations in objections (see pages 63 of 96 to 64 of 96).

6. THE LICENCE

The Application Form and Premises Plan which provides the details of the application for the above premises licence are noted in the agenda/application bundle on Pages: 7 of 96 to page 30 of 96.

The original Hours for the supply of alcohol are noted in the application on pages 18 of 96 to page 19 of 96 application and for Opening Hours for the premises to the public are on page 20 of 96 to page 21 of 96. Opening hours, and consumption of alcohol were amended prior to the hearing.

The changes made at the Licensing Hearing are noted below:

Opening Hours

Inside the Premises

Mondays to Sundays 10:00am to 10:00pm [22:00 hours]

Outside the Premises

Mondays to Sundays 10:00am to 9pm [21:00hours]

All customers to be Inside the premises after 9pm [21:00 hours]

No alcohol to be brought outside after 9pm [21:00 hours] at the front area of the premises and at the rear garden of the premises.

Sale of Alcohol for the premises

Mondays to Sundays 10:00am to 9:30pm [21:30 hours]
(which allows customers half an hour drinking up time)

Sale of Alcohol off Premises

Mondays to Sundays

No off sales except to customers attending at the premises.

No off sales of alcohol by third party delivery companies.

Agreed Conditions

The applicant agreed to operate in accordance with the requirements of the Licensing Act 2003 (as amended) and the conditions attached to the premises licence.

Additional Conditions Agreed by the Applicant are noted in the application bundle page 88 of 96 to 90 of 96

Agreed Metropolitan Conditions:

1. Install and maintain a CCTV system covering the entrances, internal areas and external areas of the premises and recordings shall be stored for a minimum of 28 days. CCTV images shall be delivered to Police or Council Officer on request. CCTV cameras shall be installed at the entrance door to enable head and shoulders images to identification standard, of each person entering, to be captured as they enter the premises.
2. Ensure a member of staff trained in the use of the CCTV system be available at the premises at all times that the premises are open to the public.
3. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram and appropriate signage will be displayed inside the premise.
4. There shall be no vertical drinking within the premises
5. Ensure that all staff within the business are trained in relation to the Licensing Act 2003 and conflict management. Training records shall be held at the premises and made available for inspection by the police upon reasonable request. Refresher training will be undertaken every 12 Months.
6. Maintain a comprehensive incident register at the premises. The DPS shall ensure that the details of incidents shall be added to the register within 24 hrs of any incident. The following details shall be recorded:-
Date
Time

Location Persons concerned Summary of incident Identification of any Emergency Services Personnel who attended
7. Ensure that a refusals book or electronic system to record all refusals of sales shall be maintained on the premises and made available to the police and local authority upon request.

7. THE DECISION:

The Licensing Sub-Committee decided to **Grant** the licence in relation to the above application for a new premises licence subject to the modifications made at the Licensing Sub-Committee hearing. The decision was made taking into consideration the following:

- a) The above application as a whole.
- b) All the licensing objectives, the relevant licensing policies and guidelines, and all the steps which the applicant intends to take to promote the licensing objectives.
- c) All points raised by all parties in the application bundle and at the Licensing Sub-Committee hearing.
- d) That the applicant agreed to all the Metropolitan Police.
- e) That the applicant took into consideration the objections and concerns raised, reduce the opening hours and to hours and the sale of alcohol to include drinking up time half an hour before closing time.
- f) The applicant has indicated the intention to uphold the licensing objectives, and has agreed to all the relevant policies and conditions.
- g) The relevant Licensing Act provides for a review process for any licensing premises which can be utilised as and when required.

The Sub-Committee believes that the above mentioned reasons and conditions that are incorporated into the premises licence are necessary, in order to uphold all the licensing objectives.

In conclusion the Licensing Sub-Committee in line with the relevant policies and guideline made the decision that; the above new premises licence application to be **granted with the relevant conditions agreed at the Licensing Sub-Committee Hearing and as noted in the above full decision.**

Licensing Sub-Committee
24 October 2022

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

The Meeting ended at 12.00 pm

Chairman

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10am on 7 December 2022

Present:

Councillor Kira Gabbert (Chairman)
Councillors Nicholas Bennett J.P. and Pauline Tunnicliffe

Also Present:

4 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Kiera Gabbert was appointed Chairman.

5 DECLARATIONS OF INTEREST

Both Councillors Bennett and Tunnicliffe said they had on a single occasion dined at the premises. Councillor Gabbert said she had dined there on several occasions

6 APPLICATION FOR A REVIEW OF THE PREMISES LICENCE AT PIERLUIGI 86-90 HIGH STREET BECKENHAM BR3 1ED

Preliminary Matters:

Mr Dadds, (the Premises Licence Holder's representative), stated that while a witness statement from PC Sear dated 21st September 2022 could be considered, a different witness from the police should not be allowed to give evidence on the same statement. Mr Dadds said that the police had not raised a formal representation, but had simply presented a witness statement to be considered along with all the other information presented by Mr Phillips. The Sub-Committee agreed with the request.

Complaint of Bias:

Mr Dadds (on several occasions throughout the meeting) complained that he felt the Licensing Sub-Committee was biased in terms of any questions raised by Members and also in terms of the procedure adopted. He expressed the view that the panel had not shown detachment from the Council officer applicant. On more than one occasion he threatened to leave the meeting room.

In terms of the questions raised by members of the Sub-Committee, the Council is satisfied that the Committee was even handed and was simply seeking to elucidate the case being presented by the parties. In terms of the procedure, the Hearing Regulations provide that a hearing shall take place in the form of a discussion led by the authority and that cross examination shall not be permitted unless the panel thinks it is required. The panel did nevertheless in the interests of fairness allow both Mr Dadds and the applicant for the review, Mr Phillips, to put questions to the other. The Council

is satisfied that the procedure adopted fully complied with the regulations and was fair in all respects.

Finally, Mr Dadds alleged that Mr Phillips had withheld incorrectly, information from the panel in terms of a statutory abatement notice served on 22nd January 2022 on a nearby business at My Place, 59-63 High Street, Beckenham.

(i) The Case for the Applicant:

The applicant, Mr Steve Phillips, presented the information contained in his review application. Mr Phillips introduced his presentation by noting the plan showing the area of the licensed premises and referred to photographs showing that in more recent times, the area of trading had been extended southwards to include a "tented" side extension on the southern elevation outside of this area. The Council had conducted a joint investigation with the police concerning breaches of the Coronavirus regulations and, with the help of the Statutory Nuisance Team, had investigated complaints regarding noise nuisance. These investigations lead to the service of a prohibition notice and a fixed penalty notice under the Coronavirus regulations on 11th May 2021, a further letter from the police on 10th June 2021 and to the service of a noise abatement notice (which is currently the subject of an appeal) following a weekend visit on 14th May 2022.

Mr Dadds questioned whether Mr Phillips had raised this extent of the licensed area as an issue in his application. However, page 12 of the agenda showed that Mr Philips did assert that the business was actively utilising unlicensed areas of the site.

In response to a question from Mr Dadds, Mr Phillips confirmed that while he was the manager of both the Licensing Team and of the Nuisance and Anti-Social Behaviour Team, the review application had been submitted on behalf of the Nuisance and Anti-Social Behaviour Team.

Mr Phillips also confirmed that there were 17 complaints about Pierluigi's from 6 individuals over an 18 month period from 2021 to date. Mr Phillips said that he had not included those complaints in the review application as they had led to investigations and the result of those investigations had been included in the agenda papers. Subject to the initial discussion recorded above, Mr Phillips said that there had been no other representations from the responsible authorities.

(ii) The Case for the Premises Licence Holder:

The premises license holder was represented by Mr Dadds, a solicitor/advocate of Dadds LLP, who in advance of the hearing, submitted additional documents comprising the witness statement of Marco Bianchi, a witness statement of Sofia Martin and a noise abatement report prepared by Enzygo, environmental consultants. The documentation included a sample

menu, photographs and letters from nearby residents saying they were not affected by the restaurant..

Mr Dadds questioned whether a licence was needed for the extension of the premises over the tented area. This was irrespective of whether the music was played before or after 23.00 hours. He referred to his letter of 2nd August 2021 to the Council's Licensing Team. In his submission, although the tented area was outside of the licensed area, the exemption contained in paragraph 7, schedule 1, part 2 to the Licensing Act 2003 applied. This provided that the performance of live music or the playing of recorded music was not to be regarded as the provision of regulated entertainment to the extent that it was incidental to some other activity which was itself not entertainment. Mr Dadds said that the provision of music at Pierluigi's was incidental to the primary purpose of the business as a restaurant.

On this issue, Mr Phillips replied that it was the character of the provision of music that needed to be considered. If the music drowned out the activities of the business as a restaurant or was advertised separately, then that was an indication that the activity was not an incidental one.

Mr Dadds criticised the review application in that the complaints from the residents had not been included. In his submission, there was a difference between the test required for the service of a statutory abatement notice and the test required for a public nuisance to arise. A statutory noise abatement notice could be served on the evidence of a professional local authority officer. However, for a public nuisance, the panel would need to be satisfied that more than one member of the public was affected by the nuisance complained of. In this case the complaints received by the Council had not been included in the application. There was no evidence, in his submission, for the panel to conclude that residents had suffered public nuisance arising from the premises. The licence holder had commissioned a noise impact assessment. The writer of that report had been able to visit one of the flats. The report did not support the existence of a public nuisance [NOTE the report concluded that while noise from the premises was a contributing factor to the general noise climate and on occasion was subjectively audible, it did not dominate the prevailing ambient noise level].

Mr Dadds read the following extract from the Court of Appeal Judgment in the case of Attorney General v PYA Quarries Limited:

"I do not propose to attempt a more precise definition of a public nuisance than those which emerge from the textbooks and authorities to which I have referred. It is, however, clear, in my opinion, that any nuisance is "public" which materially affects the reasonable comfort and convenience of life of a class of Her Majesty's subjects. The sphere of the nuisance may be described generally as "the neighbour", but the question whether the local community within that sphere comprises a sufficient number of persons to constitute a class of the public is a question of fact in every case. It is not necessary, in my judgment, to prove that every member of the class has been injuriously

affected; it is sufficient to show that a representative cross-section of the class has been so affected for an injunction to issue”.

Mr Dadds asked that this be taken into account.

Reasons for Decision:

Members considered the application, the written and oral representations, the Council’s Statement of Licensing Policy and statutory guidance. Members were satisfied that in pursuance of the Licensing Objectives, further conditions should be imposed on the premises licence.

Members considered the representation that no licensable activity was being carried out in the tented extension and whether the music could be said to be incidental to the restaurant business. We considered the statement of Sarah Newman made on 5th April 2022 concerning her visit on 2nd April 2021. She noted:

“At 22.15 I stood in line with the façade of the two blocks of flats to the rear of Pierluigi Restaurant. Away from the roadside, the music noise was very loud in comparison [to] the background noise level and was similar to that which would be experienced in a youth orientated Mediterranean holiday resort. The ‘Bassline style’ dance beat (boink, boink, boink) and amplified music emanating from the premises were prominent over both road traffic and night-time patrons on the pavements in the area calling to each as they moved between licensed premises. At 22.16 hours the saxophone stopped but the amplified dance music continued”.

Ms Newman then walked away from the premises in both directions along the High Street and the beat from the amplified music could be heard over 100 yards away in both directions along the High Street. Ms Newman returned after 23.00 hours but concluded the situation had not improved.

The panel did not accept the suggestion that an activity generating this level of noise, particularly at the times stated by Ms Newman, could be described as incidental or background to the eating of a restaurant meal. There was also reference in the letter of 18th November 2021 to noise complaints being received and that on a visit lasting after 23.00 hours, amplified music could clearly be heard as well as live music, namely the playing of saxophone and drums causing a nuisance to local residents. A further letter of 16th May 2022 records a site visit on 14th May 2022. An on-call officer, after receiving an out of hours complaint about loud amplified music, visited the area between the hours 22.55 and 23.30 hours and said he witnessed music being played at statutory nuisance levels. The music continuing at that level when he left. Again, the opinion of the Panel was that this was not a description of an incidental activity to the taking of a restaurant meal.

The Panel presumed that customers seated in the tented extension would be supplied with alcohol with their meal, if requested. The photographs supplied by the premises licence holder of the tented extension showed wine glasses on the tables.

Mr Dadds referred to the statement of Ms Newman and made a criticism that Mr Phillips had not included the information that a statutory abatement notice had been issued on 22nd January 2022 on the nearby business called My Place, i.e., after the site visit described in her statement, but before the statement was made on 5th April 2022. What Ms Newman said in her statement was that after having established the levels of noise emanating from Pierluigi's, she then took steps to establish that the noise she had identified could not have originated elsewhere. 'My Place' was playing music at volume, but on that night, she was satisfied that the noise from those premises was not unduly loud i.e., My Place was not the source of the noise nuisance she had identified as being unacceptable. At the Hearing the panel was advised that a statutory abatement notice had been subsequently served on My Place on 22nd January 2022, but this did not alter the conclusions in respect of the visit made by Ms Newman and described in her evidence.

The Panel considered the representations that the complaint letters had not been included in the pack and therefore there was no evidence to conclude that a public nuisance had occurred. The statutory Government guidance states that although public nuisance is given a statutory meaning in many pieces of legislation, it is not narrowly defined in the Licensing Act 2003 and retains its broad common law meaning. It would follow that it is a matter for the decision taker to decide on the facts of a particular case as to whether a public nuisance has occurred, after taking full account of the rulings from the judicial authorities.

The panel noted and accepted that the tests for assessing whether a public nuisance and a statutory nuisance have occurred were distinct. Nevertheless, the issue of whether a statutory nuisance has arisen is likely, in our opinion, to be an indicator to be taken into account as to whether a public nuisance has also arisen. The panel considered Mr Dadds' submission as to whether, in the absence of the inclusion in the agenda papers of the residents' complaints, there was evidence of a nuisance which materially affected the reasonable comfort and convenience of life of a class of persons. In the panel's opinion there was ample evidence to reach this conclusion. Firstly, there was Ms Newman's witness statement. The Committee was informed that she stood in line with the façade of the two blocks of flats to the rear of Pierluigi's restaurant and concluded that the noise from Pierluigi's was very loud in comparison to the background noise level to an unacceptable extent. The Committee was not persuaded by the submission from Mr Dadds that these flats had acoustic glazing, as the residents should be entitled to open their windows without being subject to nuisance. There was also evidence in the correspondence that complaints were being received by the Council concerning noise being emitted from the premises (see letters from the Council dated 28th May 2021 and 18th November 2021). At the hearing the Committee was advised that six individuals had made complaints to the Council and that there were 17 complaints in total. The Committee noted the photographs and plans showing the location of the nearby residential properties. Objective evidence from Council officers of the extent of the noise and resulting nuisance had been provided which was clearly giving rise to

complaints and could impact a defined group of individuals. In the Committee's opinion there was a class of persons whose reasonable comfort and convenience of life had been unacceptably affected by noise identified as coming from Pierluigi's.

The Committee concluded that the grounds for the review application had been correct. In considering what appropriate and proportionate steps should be taken the Committee in particular noted the long-standing nature of the business. It was not considered necessary to revoke or suspend the licence or to remove the designated premises supervisor. It was felt that the harms identified could be addressed by the imposition of conditions and by an informal warning/recommendation to the licence holder.

The panel noted that the premises had already installed a noise limiter. Notwithstanding the provisions of the Live Music Act 2012, it was felt that a condition should be added relating to the playing of amplified music to require its level to be set in conjunction with the Council. This would limit the opportunity for possible noise outbreak from amplified music and was required to promote the prevention of the public nuisance objective.

Although the police had indicated that, by letter dated September 2021, they had informed the premises that they were no longer under investigation, it was noted that the police by letter dated 10th June 2021 had previously suggested some conditions. In respect of the crime and disorder objective, there was evidence of a breach of regulations and of the inadequate management of the premises (see for example the Prohibition and Fixed Penalty Notices issued under the Coronavirus Regulations as well as the letter dated 10th June 2021 from the police). It was concluded that conditions numbered in that letter 1 to 10 and 15 should be imposed on the licence to promote the prevention of crime and disorder objective. Conditions concerning signage, training of staff, a challenge 25 policy an incident register and proper record keeping are what would be expected of any well managed licensed premises. The Committee also felt it would be helpful to replace the existing condition 12 in respect of the supply of alcohol with an updated condition that would be easier to follow.

The Committee noted that there was an appeal to the Magistrates Court against the service of the Abatement Notice, but that this was distinct from the Review. The Committee did consider the report presented by Enzygo Consultants based on a survey undertaken between 8th and 9th October 2022 and directed to the abatement notice. However, the Committee was satisfied that the evidence provided by Ms Newman of her visit clearly demonstrated that steps were necessary to further the prevention of public nuisance objective.

Decision

That the following conditions, in addition to those currently on the licence, be imposed on the Premises Licence for the premises:

1. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses and:

- The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Council and access shall only be by persons authorised by the Premises Licence holder.
- The limiter shall not be altered without prior agreement with the Council.
- No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Council.
- No additional electrical sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Section 177A of the Licensing Act 2003 shall not apply to this condition.

2. A CCTV system will be installed and maintained at the premises covering all the customers areas of the premises, all customer and staff entrances and exits, and areas outside of the premises. Recordings shall be stored for a minimum of 28 days and CCTV images shall be retrieved in a digital format and supplied immediately to a police or council officer on request.

3. At least one CCTV camera shall be installed by the entrance door that enables face, head and shoulder images of a standard that will enable identification of each person entering and leaving the premises.

4. Signage shall be displayed on the premises reminding customers that CCTV is in operation, or alternatively display (within the public area of the premises) live images from the premises CCTV, for the purposes of crime prevention

5. The licence holder shall notify the Police within 24 hours when they become aware that the closed-circuit television (CCTV) system provided by the premises is not in operation

6. Signage shall be displayed by the main exit reminding anyone leaving the premises to “please respect our neighbourhood and leave the premises quietly, thank you” or similar wording to this effect.

7 Alcohol shall not be supplied to take away customers in open containers.

8 All staff and management will receive training in their role prior to taking on any role within the business, and in relation to the Licensing Act 2003 and conflict management. The training to be recorded and refresher training carried out every 6 months (or earlier as necessary) and will also be recorded.

9. Ensure that a Challenge 25 policy is operated at the premises with appropriate signage displayed both inside the premises, and on the publicly

accessible internet pages including social media controlled by the premises where that content promotes alcohol.

10. Maintain an incident register that is accessible on the premises. The DPS, or a member of management shall ensure that the details of incidents shall be added to the register within 24 hours of any incident. The following details shall be recorded:

- Date
- Time
- Location
- Persons concerned (or at least a description)
- Summary of incident
- Identification of any Emergency Services Personnel who attended
- Crime or appropriate reference number provided by the Emergency Services that relates to the incident and any linked incidents

11. A refusals record shall be maintained at the premises and that such a record shall be made immediately for inspection by the Police or an authorised Officer of the Council.

12. The records to be maintained pursuant to conditions shall be made available on request to any Relevant Authority for the purpose of investigating or preventing crime or apprehending or prosecuting an offender.

Condition 12 on the Premises Licence shall be replaced with the following condition:

Alcohol for consumption on the premises

Alcohol will only be supplied ancillary to a substantial meal

Off Sales

Alcohol for consumption off the premises

Alcohol will only be supplied to customers who have been provided with a meal for take-away or delivery

Informal warning/recommendation:

The Sub-Committee given its findings that the use of the tented area was not an incidental activity, recommended that the licence holder submits an application to include the tented extension in the licensed area for the consideration of the Council. This informal warning/recommendation could be taken into account in any relevant future decision.

Appeals against a decision of the Licensing Sub Committee

1. The applicant, Responsible Authority or interested party (objector) may appeal against a decision of the licensing sub-committee in certain circumstances. These are laid down with Schedule 5 of the Licensing Act 2003.

2. Any appeal should be made to the Magistrates Court, London Road, Bromley, BR1 1BY. An appeal must be lodged within 21 days beginning the day on which you were informed of the decision of the committee.
3. It should be noted that there is a cost in making an appeal to the Magistrates Court that must be met by the appellant. These costs can be significant as they can include the legal fees of the person you are appealing against (Respondent).

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of the Local Government Act 1972.

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